

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 133

WEDNESDAY, 16 FEBRUARY 2011

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

2. Statement by President - Schedule of Non-Government Business

The President made the following Statement -

It is been brought to my attention that the *Schedule of Non-Government Business* tabled yesterday contained one incorrect date in relation to an allocated session in June this year. A session was allocated to the Australian Labor Party for 2 June 2011. This date should have been 30 June 2011. I advise the House that the Clerk has discussed this matter with the Leader of the Opposition and Hon Giz Watson, and I direct that the tabled paper be corrected accordingly.

3. Papers

The following Papers were laid on the Table by -

Minister for Finance

Regulations -

Gas Standards Act 1972 (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2010 G.G. 26/11/2010)	2950
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations 2010 G.G. 26/11/2010)	2951

Minister for Energy

Regulations -

Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2010 G.G. 26/11/2010)	2952
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Minister for Mental Health

By-laws -

Hospitals and Health Services Act 1927 (Armadale Kelmscott District Memorial Hospital Amendment By-laws 2010 G.G. 26/11/2010, Bentley Hospital Amendment By-laws 2010 G.G. 26/11/2010, Fremantle Hospital Amendment By-laws 2010 G.G. 26/11/2010, Metropolitan Health Service Amendment By-laws 2010 G.G. 26/11/2010, Osborne Park Hospital Amendment By-laws 2010 G.G. 26/11/2010, Royal Perth Hospital Amendment By-laws 2010 G.G. 26/11/2010, Swan District Hospital (Eveline Road Site) Amendment By-laws 2010 G.G. 26/11/2010 and Women's and Children's Hospitals Amendment By-laws 2010 G.G. 26/11/2010).....	2953
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Regulations -

Country Areas Water Supply Act 1947 (Country Areas Water Supply (Clearing Licence) Amendment Regulations 2010 G.G. 23/11/2010).....	2954
Health Practitioner Regulation National Law (WA) Act 2010 (Health Practitioner Regulation National Law (WA) Regulations 2010 G.G. 26/11/2010).....	2955
Rights in Water and Irrigation Act 1914 (Water (Dixvale Area and Yanmah Area) Licensing Repeal Regulations 2010 G.G. 23/11/2010).....	2956
Water Agencies (Powers) Act 1984 (Water Agencies (Entry Warrant) Amendment Regulations 2010 G.G. 23/11/2010).....	2957
Water Services Licensing Act 1995 (Water Services Licensing (Extension of Enactments) Amendment Regulations 2010 G.G. 23/11/2010).....	2958
Waterways Conservation Act 1976 (Waterways Conservation Amendment Regulations 2010 G.G. 23/11/2010).....	2959

Parliamentary Secretary to the Attorney General

Rules -

Legal Profession Act 2008 (Printers Correction - Legal Profession Conduct Rules 2010 G.G. 26/11/2010).....	2960
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4. Standing Committee on Legislation - Appointment of Member

The Leader of the House moved, without notice -

That Hon Donna Faragher be appointed as a Member of the Standing Committee on Legislation.

Question - put and passed.

5. Government Tourism Policy

Motion No. 1 having been called, debate resumed on the motion of Hon Ljiljanna Ravlich as follows -

- (1) That this House condemns the Minister for Tourism for her failure to produce a tourism policy at a time of economic uncertainty and calls on the Minister to outline what she will do to assist tourism businesses and Western Australian workers who are adversely impacted by the global financial crisis.
- (2) That this House calls on the Minister to explain -
 - (a) her Government's policies to deal with the impact of the global financial crisis on tourism operators in Western Australia and the thousands of workers that are being retrenched in the tourism and hospitality sector;
 - (b) what strategies she has put in place to protect small business and their workers;
 - (c) what practical assistance is available to tourism operators that go bust and the thousands of workers who lose their jobs; and

- (d) why she has been asleep at the wheel whilst tourism operators in Western Australia go under.

Question - put.

The House divided.

Ayes (14)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Question thus negatived.

6. Review of TAFEWA Operations

Motion No. 2 having been called, Hon Ljiljanna Ravlich, pursuant to notice, moved -

That this House calls on the Minister for Training to provide information to the House on the review of TAFEWA operations, which will among other things, be giving consideration to the level of independence required by TAFE Colleges and the manner in which Colleges can improve and streamline the way business is conducted and asks the Minister to explain -

- (a) who is undertaking this review;
- (b) what are the terms of reference for the review and the timeline for completion;
- (c) why he has been secretive about the review by not announcing it but rather letting it slip under the radar;
- (d) why he was selective in which stakeholders he wrote to about the review in December and why he did not inform the whole sector; and
- (e) why he has not allayed the concerns of the training sector that TAFE colleges will have to contest with each other, be privatised or have their functions contracted out.

Debate ensued.

The Minister for Training and Workforce Development moved to amend the motion as follows -

That subparagraphs (c), (d) and (e) be deleted.

Amendment - put.

The House divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ken Baston (*Teller*)

Noes (13)

Hon Matt Benson-Lidholm
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Linda Savage (*Teller*)

Amendment thus passed.

Question, That the motion, as amended, be agreed to.

Debate ensued.

Interruption pursuant to Temporary Orders.

7. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3076 and 3123 asked by Hon Ken Travers will be answered in due course.

The Leader of the House representing the Minister assisting the Treasurer, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3107 and 3154 asked by Hon Ken Travers will be answered in due course.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3074, 3121, 3155 and 3156 asked by Hon Ken Travers will be answered in due course.

The Minister for Finance representing the Treasurer, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3036, 3055, 3075 and 3122 asked by Hon Ken Travers will be answered in due course.

The Minister for Finance representing Minister for Transport, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3029, 3039, 3042, 3044, 3046, 3048, 3050, 3052, 3058, 3059 and 3064 asked by Hon Ken Travers will be answered in due course.

The Minister for Energy representing the Minister for Police, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3086 and 3133 asked by Hon Ken Travers will be answered in due course.

The Minister for Energy representing the Minister for Emergency Services, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3087 and 3134 asked by Hon Ken Travers will be answered in due course.

The Minister for Energy representing the Minister for Road Safety, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3088 and 3135 asked by Hon Ken Travers will be answered in due course.

The Parliamentary Secretary representing the Attorney General, in accordance with Standing Order No. 138(d), advised that an answer to questions on notice Nos 3094 and 3141 asked by Hon Ken Travers will be answered in due course.

8. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Northbridge Project - Ministerial Statement

Debate resumed on the motion of Hon Kate Doust, That the Ministerial Statement be noted.

On the motion of the Leader of the House, the debate was adjourned until the next sitting.

Standing Committee on Estimates and Financial Operations - Report No. 25 - Budget of the Office of the Auditor General - Committee Report

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

Question - put and passed.

WA Training Sector Response to Economic Downturn - Ministerial Statement and Tabled Paper

Hon Ljiljanna Ravlich moved, That the Ministerial Statement and tabled Paper be noted.

Debate ensued.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Northbridge Project - Ministerial Statement, made progress, and asked leave to sit again.
- (2) Standing Committee on Estimates and Financial Operations - Twenty-Fifth Report - Budget of the Office of the Auditor General - Committee Report and had noted same.
- (3) WA Training Sector Response to Economic Downturn - Ministerial Statement and Tabled Paper, made progress, and asked leave to sit again.

Report adopted.

9. Order of Business

Ordered - That Bills for introduction be taken forthwith. (Leader of the House).

10. Personal Property Securities (Commonwealth Laws) Bill 2011

The Minister for Commerce, pursuant to notice, moved -

That a Bill for “An Act to adopt the *Personal Property Securities Act 2009* (Commonwealth) as amended by the *Personal Property Securities (Consequential Amendments) Act 2009* (Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth), to refer certain matters relating to security interests in personal property to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, and to enact consequential provisions.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be now read a second time.

The Minister for Commerce, by leave, tabled an Explanatory Memorandum. (Tabled paper 2961).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

11. Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

The Leader of the House on behalf of the Minister for Commerce, pursuant to notice, moved -

That a Bill for “An Act to repeal or amend various Acts as a result of the reform of the law relating to personal property securities by the *Personal Property Securities Act 2009* (Commonwealth), and for related purposes.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Commerce moved, That the Bill be now read a second time.

The Leader of the House on behalf of the Minister for Commerce, by leave, tabled an Explanatory Memorandum. (Tabled paper 2962).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

12. Dangerous Sexual Offenders Amendment Bill 2011

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for “An Act to amend the *Dangerous Sexual Offenders Act 2006*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

13. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Rockingham Dogs Amendment Local Law 2010 - Disallowance*, 2, *Shire of Plantagenet Cemeteries Amendment Local Law 2010 - Disallowance*, and 3, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 14, *Child Support (Adoption of Laws) Amendment Bill 2009*. (Leader of the House).

14. Police Amendment Bill 2010

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question - put.

The House divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran

Hon Nigel Hallett
Hon Col Holt
Hon Lynn MacLaren
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Giz Watson
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (6)

Hon Kate Doust
Hon Jon Ford
Hon Ljiljanna Ravlich

Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.

The Minister for Energy representing the Minister for Police, by leave, tabled a document in relation to the levy of charges in respect to sporting events and concerts based on 2010-2011 salary rates. (Tabled paper 3037).

The Minister for Energy representing the Minister for Police, by leave, tabled a document entitled *Office of the Metropolitan Region Coordinator - Major Events Coordination Unit - Police Cost Recovery and Fee for Service Policy (February 2011)*. (Tabled paper 3038).

Debate resumed.

Interruption pursuant to Temporary Orders.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

15. Members' Statements

Statements were taken.

16. Adjournment

The House adjourned at 10.21pm until Thursday, 17 February 2011 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council