

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 194

THURSDAY, 1 DECEMBER 2011

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

2. Petitions

Hon Nigel Hallett presented a petition from 376 petitioners requesting the Legislative Council disregard a petition tabled earlier this year which recommended a total ban on commercial gill net fishing in all ocean waters from Albany to Bunbury and to support the continuation of sustainable demersal gillnet fishing. (Tabled paper 4144).

Hon Giz Watson presented a petition from 5 petitioners requesting the Legislative Council to initiate an inquiry into the lawfulness of the listing and inclusion of extractive industry sites operated by WA Limestone and Lime Industries in Nowergup in State Planning Policy 2.4 - Basic Raw Materials. (Tabled paper 4145).

3. Papers

The following Papers were laid on the Table by -

Parliamentary Secretary to the Premier on behalf of the Parliamentary Secretary representing the Attorney General

Annual Reports -

Mentally Impaired Accused Review Board (2010-2011) (Date received 30/11/2011)..... 4140

Prisoners Review Board (2010-2011) (Date received 30/11/2011) 4141

State Coroner, Office of the (2009-2010) (Date received 30/11/2011)..... 4142

State Coroner, Office of the (2010-2011) (Date received 30/11/2011)..... 4143

4. Town of Kwinana Extractive Industries Local Law 2011 - Disallowance

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Kwinana Extractive Industries Local Law 2011* published in the *Gazette* on 28 September 2011 and tabled in the Legislative Council on 18 October 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

5. Shire of Kalamunda Health Local Law 2011 - Disallowance

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kalamunda Health Local Law 2011* published in the *Gazette* on 7 October 2011 and tabled in the Legislative Council on 18 October 2011 under the *Health Act 1911*, be and is hereby disallowed.

6. Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 - Disallowance

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011* published in the *Gazette* on 14 October 2011 and tabled in the Legislative Council on 18 October 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

7. Mining Amendment Regulations (No. 5) 2011 - Disallowance

Hon Robin Chapple: To move on the next day of sitting -

That the *Mining Amendment Regulations (No. 5) 2011* published in the *Gazette* on 11 October 2011 and tabled in the Legislative Council on 18 October 2011 under the *Mining Act 1978*, be and are hereby disallowed.

8. Coastal Climate Change

Non-Government Business No. 1 having been called, Hon Lynn MacLaren moved, without notice -

That the House -

- (1) Notes the steps that other Australian States have taken to plan for climate change in coastal areas.
- (2) Calls upon the Western Australian Government to urgently update its planning rules for the Western Australian coast to take account of the projected impacts of climate change.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

9. Occupational Safety and Health Amendment Bill 2010

Non-Government Business No. 2 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed on the motion of Hon Jon Ford as follows -

That -

- (1) The *Occupational Safety and Health Amendment Bill 2010* be discharged and referred to the Standing Committee on Legislation for consideration and report.
- (2) The committee is to inquire into and report on the policy of the Bill.

Interruption pursuant to Temporary Orders.

10. Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront - Disallowance

The Leader of the House moved, without notice -

That Motion for Disallowance No. 1 - *Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront*, be made an Order of the Day at a later stage of this day's sitting.

Question - put and passed.

11. Order of Business

Ordered - That Order of the Day No. 3, *Electricity Networks Access Code Amendment 2011 - Disallowance*, be taken after Order of the Day No. 10, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Leader of the House).

12. Shire of Derby/West Kimberley Waste Services Local Law 2011 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Sally Talbot -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Derby/West Kimberley Waste Services Local Law 2011* published in the *Gazette* on 13 September 2011 and tabled in the Legislative Council on 20 September 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question - put and passed.

13. Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 - Disallowance - Discharge from Notice Paper

Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011*, be discharged from the Notice Paper.

Question - put and passed.

14. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

The Order of the Day having been read for the third reading of this Bill.

The Leader of the House on behalf of the Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Debate ensued.

Question - put.

The House divided.

Ayes (26)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Kate Doust
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Jon Ford
Hon Philip Gardiner

Hon Nick Goiran
Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Robyn McSweeney
Hon Norman Moore
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Hon Robin Chapple
Hon Lynn MacLaren

Hon Giz Watson
Hon Alison Xamon (*Teller*)

Question thus passed.

Bill read a third time and passed.

15. Commercial Arbitration Bill 2011

The Order of the Day having been read for the third reading of this Bill.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

16. Cognate Debate - Iron Ore Agreements Legislation Amendment Bill 2011 and Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011

The Leader of the House representing the Minister for State Development sought leave of the House to debate Order of the Day No. 8, *Iron Ore Agreements Legislation Amendment Bill 2011* and Order of the Day No. 9, *Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011* cognately [SO 228].

Leave granted.

17. Iron Ore Agreements Legislation Amendment Bill 2011 and Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Question, That the *Iron Ore Agreements Legislation Amendment Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

Question, That the *Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Leader of the House representing the Minister for State Development moved, That the *Iron Ore Agreements Legislation Amendment Bill 2011* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

The Leader of the House representing the Minister for State Development moved, That the *Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

18. Standing Committee on Estimates and Financial Operations - Report No. 35 - Inquiry into Western Australian Tourism Commission's Involvement in Major Tourism Events

Hon Giz Watson presented Report No. 35 of the Standing Committee on Estimates and Financial Operations in relation to the *Inquiry into Western Australian Tourism Commission's Involvement in Major Tourism Events*. (Tabled paper 4146).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Giz Watson, by leave, made a brief statement in relation to the report.

19. Residential Tenancies Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 233

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Residential Tenancies Amendment Bill 2011*.

Mr A.P. O'Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 1 December 2011

20. Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report

The Order of the Day having been read for the adjourned debate, in Committee, on the amendment of the Leader of the House as follows -

To delete all words after "That" and substitute -

- (1) the Report do lie upon the Table and be printed;
- (2) in relation to the proposed Standing Orders tabled in the House by the *Procedure and Privileges Committee*, the House adopts proposed Standing Orders 1 to 4, 6, 8 to 14, 16, 18 to 20, 22, 24 to 36, 38 to 50, 52, 54 to 76, 78 to 91, 94 to 99, 101 to 106, 108, 109, 111 to 124, 126, 128 to 173, 175 to 178, 181 to 186, 188 to 239, Schedule 1 Items 1 to 4 and 7 and 8, and Schedules 2 to 4;
- (3) in relation to the proposed Standing Orders tabled in the House by the *Procedure and Privileges Committee*, the House adopts -
 - (a) proposed Standing Order 5;
 - (b) proposed Standing Order 7;
 - (c) proposed Standing Order 15;
 - (d) proposed Standing Order 17;
 - (e) proposed Standing Order 21;
 - (f) proposed Standing Order 23;
 - (g) proposed Standing Order 37;
 - (h) proposed Standing Order 51;
 - (i) proposed Standing Order 53;
 - (j) proposed Standing Order 77;
 - (k) proposed Standing Order 92;
 - (l) proposed Standing Order 93;

- (m) proposed Standing Order 100;
- (n) proposed Standing Order 107;
- (o) proposed Standing Order 110;
- (p) proposed Standing Order 125;
- (q) proposed Standing Order 127;
- (r) proposed Standing Order 174;
- (s) proposed Standing Order 179;
- (t) proposed Standing Order 180;
- (u) proposed Standing Order 187;
- (v) proposed Schedule 1, Item 5 - *Uniform Legislation and Statutes Review Committee*; and
- (w) proposed Schedule 1, Item 6 - *Joint Delegated Legislation Committee*;
- (4) the current Standing Orders be repealed and replaced by the proposed Standing Orders adopted by the House, effective from the first sitting day in 2012;
- (5) the Clerk be authorised to make clerical amendments to the proposed Standing Orders adopted by the House; and
- (6) the *Procedure and Privileges Committee* conduct an inquiry into the operation of the new Standing Orders and report to the House during the Spring sittings in 2012.

to the motion of the Leader of the House as follows -

That the Report do lie upon the Table and be printed and adopted and agreed to.

The President left the Chair.

In Committee

(President in the Chair)

Amendment (3)(v).

Debate resumed.

Hon Sue Ellery moved -

In proposed Schedule 1, Item 5 (proposed terms of reference of the *Uniform Legislation and Statutes Review Committee*) — To delete paragraph 5.4.

Debate ensued.

Hon Sue Ellery, by leave, withdrew her amendment.

Hon Sue Ellery moved -

In proposed Schedule 1, Item 5 (proposed terms of reference of the *Uniform Legislation and Statutes Review Committee*), paragraph 5.4 — To delete “confine” and insert —

primary focus

Question - To delete “confine” - put and passed.

Question - To insert “primary focus” - put.

The Committee divided.

Ayes (15)

Hon Liz Behjat
 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 Linda Savage
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (18)

Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 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 - To insert "primary focus" - thus negated.

Debate ensued.

The President left the Chair at 3.54pm

The President resumed the Chair at 4.30pm

21. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Water tabled, and by leave incorporated into Hansard, documents in relation to details of requests for the Hardship Utilities Grants Scheme (HUGS), for the months August, September and October 2011, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 4147).

The Minister for Mental Health representing the Minister for Water tabled, and by leave incorporated into Hansard, documents in relation to details of requests for the Hardship Utilities Grants Scheme (HUGS), for August 2011, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 4148).

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4963 asked by Hon Adele Farina will be provided on 6 March 2012.

The Minister for Child Protection tabled documents in relation to the Department of Community Protection full time equivalent employees by directorate and district as at 31 August 2011, in response to question on notice No. 4928 asked by Hon Sue Ellery. (Tabled paper 4149).

The Minister for Child Protection tabled documents in relation to the Department of Community Protection full time equivalent employees by directorate and district as at 31 October 2011, in response to question on notice No. 4936 asked by Hon Sue Ellery. (Tabled paper 4150).

22. Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report

The Order of the Day having been read for the further consideration, in Committee, on the amendment of the Leader of the House to the motion of the Leader of the House (cf item 20 above).

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Debate resumed on amendment (3)(v).

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Motion, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

23. Suspension of Standing and Temporary Orders

The Leader of the House moved, without notice -

That so much of the Standing and Temporary Orders be suspended as to enable the House to sit beyond 5.20pm in order to complete Order of the Day No. 15, *Standing Committee on Procedure and Privileges - Report No. 22 - Review of Standing Orders - Committee Report*.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

24. Order of Business

Ordered - That Order of the Day No. 15, *Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report*, be taken forthwith. (Leader of the House).

25. Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report

The Order of the Day having been read for the further consideration, in Committee, on the amendment of the Leader of the House to the motion of the Leader of the House (cf item 22 above).

The President left the Chair.

In Committee

(President in the Chair)

Debate resumed on amendment (3)(v).

Amendment (3)(v), as amended - put and passed.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The President reported that the Committee had considered the Motion, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

26. Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report

The Leader of the House moved, without notice -

That Order of the Day No. 15, *Standing Committee on Procedure and Privileges - Report 22 - Review of the Standing Orders - Committee Report*, be recommitted for the reconsideration of amendment (3)(v), proposed Schedule 1, Item 5.4, and then to complete consideration of all remaining parts of the amendment moved by the Leader of the House to the motion of the Leader of the House.

Question - put and passed.

27. Standing Committee on Procedure and Privileges - Report No. 22 - Review of the Standing Orders - Committee Report

The Order of the Day having been read for the further consideration, in Committee, on the amendment of the Leader of the House to the motion of the Leader of the House (cf item 26 above).

The President left the Chair.

In Committee

(President in the Chair)

Debate resumed on amendment (3)(v), as amended.

The Leader of the House moved -

In proposed Schedule 1, Item 5 (proposed terms of reference of the *Uniform Legislation and Statutes Review Committee*), paragraph 5.4 — To insert after “the Committee is to” —

confine

Point of Order

Hon Adele Farina raised the following Point of Order -

Mr President, I draw your attention to Standing Order 170, which reads —

Subject to SO 227, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded.

I also refer to Standing Order 171, which states —

An order, resolution, or other vote of the Council may be rescinded, but not during the same session, unless 7 days' notice be given and an absolute majority of the whole number of Members vote in favour of its rescission.

President's Ruling

The President ruled as follows -

Standing Order 170 refers to proceedings of the Council. We are in Committee of the Whole House, and the relevant Standing Order in terms of committee deliberations is Standing Order 301, which reads —

Resolutions reported from a Committee may be agreed to or disagreed to by the Council, or agreed to with amendments, recommitted to the Committee, or the further consideration thereof postponed.

This matter has been recommitted to the Committee. It is up to the Committee now to do what it will with the proceedings. I heard what the Member said about Standing Order 170, but it is not applicable to this specific situation.

Debate resumed.

Question - To insert “confine” - put.

The Committee divided.

Ayes (17)

Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
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*)

Noes (13)

Hon Liz Behjat
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Question - To insert “confine” - thus passed.

Debate resumed on amendment (3)(v), as amended.

Amendment (3)(v), as amended - put.

The Committee divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
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*)

Noes (12)

Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Lynn MacLaren

Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Amendment (3)(v), as amended, thus passed.

Amendment (3)(w) - put.

Debate ensued.

Hon Sue Ellery moved -

In proposed Schedule 1, Item 6 (proposed terms of reference of the *Joint Delegated Legislation Committee*), after paragraph 6.6 — To insert —

- 6.7 It is also a function of the Committee to inquire into and report on -
- (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in two or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.

Debate ensued.

Hon Alyssa Hayden moved -

In subparagraph (c) of the amendment — To delete “, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.” and insert —

- ; and
- (d) in the case of local laws, to examine any draft local law prior to its publication.

Debate ensued.

Hon Alyssa Hayden, by leave, withdrew her amendment.

Debate resumed.

Amendment to proposed Schedule 1, Item 6 - put and passed.

Amendment (3)(w), as amended - put and passed.

Postponed Amendment (3)(c) - put.

Hon Wendy Duncan moved -

In proposed Standing Order 15 — To insert after paragraph (4) —

(5) **Private Members' Business**

After the conclusion of Non-Government Business each Thursday, Private Members' Business shall be taken for a period of 60 minutes.

Debate ensued.

Amendment to proposed Standing Order 15 - put and passed.

Amendment (3)(c), as amended - put and passed.

Hon Wendy Duncan moved -

To amend the motion of the Leader of the House, as amended, as follows -

After proposed Standing Order 110 — To insert the following new Standing Order —

111. Private Members' Business

- (1) Motions without notice, Bills for introduction and orders of the day that are in the name of Private Members may be listed for consideration by the Council during the period prescribed under Standing Order 15(5).
- (2) For the purposes of this Standing Order, a Private Member is a Member who supports the Government but is not a Minister or a Parliamentary Secretary.
- (3) Business subject to this Standing Order –
 - (a) shall be allocated according to the proportion of representation of political groups of Private Members;
 - and
 - (b) is to be provided, together with the text of any motion without notice, to the Clerk by 4.00pm on the Wednesday prior.
- (4) The weekly rotation schedule under (3)(a) shall be tabled by the President at the commencement of each Parliament, and otherwise as required, and must be adopted by the Council prior to its application.
- (5) A motion without notice moved under this Standing Order –
 - (a) cannot be amended;
 - (b) cannot be adjourned; and
 - (c) lapses at the conclusion of the debate.

Debate ensued.

New proposed Standing Order 111 - put and passed.

Clerical Amendments

The following clerical amendments were authorised -

Proposed Standing Order 21 — To insert before “**Consideration of Committee Reports**” —

Private Members' Business Motion

Mover	15 minutes
Responsible Minister or Parliamentary Secretary	10 minutes
Other Members	10 minutes
Mover in Reply	10 minutes

Proposed Standing Order 23 — To insert after paragraph (1)(c) —

(d) Private Members' Business motion (SO 15(5)) 60 minutes

Proposed Standing Order 64, paragraph (2) — To insert after “SO 110 Non-Government Business” —

SO 111 Private Members' Business

Proposed Schedule 3: Definitions — To insert after the definition “**order of the day**” —

“**Private Member**” is a Member of the Legislative Council who supports the Government but is not a Minister or Parliamentary Secretary.

Postponed Amendment (3)(1).

Debate resumed on the postponed amendment of the Leader of the House to proposed Standing Order 93 as follows -

To delete paragraphs (1) and (2) and insert —

- (1) The Council has power to determine that any particular act constitutes a contempt.
- (2) Criteria for the Council to take into account when determining whether a contempt has been committed and examples of conduct which may be treated as a contempt of the Council are provided in Schedule 4.
- (3) The list of examples in Schedule 4 is not exhaustive nor do they or the criteria derogate from the power of the Council to determine that any particular act constitutes a contempt.

Amendment to proposed Standing Order 93 - put and passed.

Amendment (3)(1), as amended - put and passed.

Amendment (4).

The Leader of the House moved -

To insert after “current Standing Orders” —

, except for the terms of reference for the *Joint Delegated Legislation Committee* under current Schedule 1 Item 3,

Amendment to amendment (4) - put and passed.

Debate ensued.

Amendment (4), as amended, requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the amendment carried with the concurrence of an absolute majority.

The Leader of the House moved -

To insert the following after (4) —

- (5) The Legislative Assembly be acquainted that the Legislative Council has adopted proposed Schedule 1, Item 6, *Joint Delegated Legislation Committee*, and invites the Legislative Assembly to concur.

New amendment (5) - put and passed.

Amendment (5) - put and passed.

Amendment (6).

Debate ensued.

Amendment (6) - put and passed.

Motion, as amended - put and passed.

The Deputy President resumed the Chair.

Question - That the report be adopted.

The Deputy President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

Report adopted.

28. Order of Business

Ordered - That Members' Statements be taken forthwith. (Leader of the House).

29. Members' Statements

Statements were taken.

30. Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011

The President reported the receipt of Message No. 234 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a second time.

Debate stands adjourned.

31. Joint Standing Committee on Audit

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 235

The Legislative Assembly acquaints the Legislative Council that it has agreed to the resolution set out in Legislative Council Message No. 179, regarding the Joint Standing Committee on Audit, subject to the amendments contained in the Schedule annexed, in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.

Subject to the Legislative Council agreeing to the amendments contained in the Schedule annexed, the Legislative Assembly acquaints the Legislative Council that it has agreed that the Legislative Assembly members of the Joint Standing Committee on Audit shall be the Chairman of the Public Accounts Committee, the Member for Jandakot, the Member for Carine and the Member for Gosnells.

Mr M.W. Sutherland
Deputy Speaker
Legislative Assembly Chamber
Perth, 1 December 2011

Schedule indicating the amendments made by the Legislative Assembly to the resolution set out in Legislative Council Message No. 179, regarding the Joint Standing Committee on Audit.

No. 1

In paragraph (a) of the resolution: To insert after the words “Public Accounts Committee” –

“ (including the Chairman) ”.

No. 2

Delete paragraph (b) of the resolution.

No. 3

In paragraph (c) of the resolution: To delete the words “Standing Committee on Estimates and Financial Operations” and insert –

“ Legislative Assembly Public Accounts Committee ”.

No. 4

In paragraph (d) of the resolution: To delete the word “Council” and insert –

“ Assembly ”.

Clerk of the Legislative Assembly
1 December 2011

Ordered - That consideration of the Legislative Assembly Message be made an Order of the Day for the next sitting.

32. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until a date and time to be fixed by the President.

Debate ensued.

Question - put and passed.

33. Adjournment

The House adjourned at 7.19pm until a date and time to be fixed by the President.

Members present during the day's proceedings

Attendance: Present all Members except Hon Helen Bullock.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council