

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 236

THURSDAY, 27 SEPTEMBER 2012

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Petitions

Hon Colin Holt presented a petition from 237 petitioners requesting the Legislative Council recommend to the Government the retention of current funding to the Great Southern Institute of TAFE's music and art programs. (Tabled Paper 5147).

Hon Kate Doust presented a petition from 395 petitioners requesting the Legislative Council inquire into the Perth waterfront project before any further work commences. (Tabled Paper 5148).

3. Standing Committee on Procedure and Privileges — Report No. 24 — Further Review of the Standing Orders

The President presented Report No. 24 of the Standing Committee on Procedure and Privileges in relation to the *Further Review of the Standing Orders*. (Tabled Paper 5145).

Hon Matt Benson-Lidholm moved, without notice, That the Report be adopted and agreed to.

On the motion of the Minister for Finance the debate was adjourned to the next sitting.

4. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Corruption and Crime Commission (2011–2012) (Date received 27/09/2012).....	5144
Ombudsman (2011–2012) (Date received 27/09/12)	5146
Legislative Council (2011–2012) (Date received 26/09/12).....	5083

Minister for Finance

Annual Reports —

Albany Port Authority (2011–2012) (Date received 26/09/2012)	5084
Anzac Day Trust (2011) (Date received 26/09/2012)	5085
Broome Port Authority (2011–2012) (Date received 26/09/2012)	5086
Bunbury Port Authority (2011–2012) (Date received 26/09/2012)	5087
Commerce, Department of (2011–2012) (Date received 26/09/2012).....	5088
Economic Regulation Authority (2011–2012) (Date received 26/09/2012).....	5089
Esperance Ports (2011–2012) (Date received 26/09/2012)	5090
Fremantle Ports Authority (2011–2012) (Date received 26/09/2012).....	5091

Geraldton Port Authority (2011–2012) (Date received 26/09/2012)	5092
Port Hedland Port Authority (2011–2012) (Date received 26/09/2012)	5093
Small Business Development Corporation (2011–2012) (Date received 26/09/2012)	5094
Transport, Department of (2011–2012) (Date received 26/09/2012).....	5095
Treasury, Department of (2011–2012) (Date received 26/09/12)	5096

Reports —

Government Employees Superannuation Board — Statement of Corporate Intent (2012–2013)	5097
--	------

Minister for Education*Annual Reports —*

Corrective Services, Department of (2011–2012) (Date received 26/09/2012).....	5098
Country High School Hostels Authority (2011–2012) (Date received 26/09/2012).....	5099
Education, Department of, (2011–2012) (Date received 26/09/2012)	5100
Education Services, Department of (2011–2012) (Date received 26/09/2012)	5101
Energy Disputes Arbitrator (2011–2012) (Date received 26/09/2012)	5102
Horizon Power (2011–2012) (Date received 26/09/2012)	5103
Housing Authority (2011–2012) (Date received 26/09/2012).....	5104
Housing, Department of (2011–2012) (Date received 26/09/2012).....	5105
Indigenous Affairs, Department of (2011–2012) (Date received 26/09/12).....	5106
Public Education Endowment Trust (2011–2012) (Date received 26/09/2012)	5107
School Curriculum and Standards Authority (2011–2012) (Date received 26/09/12)	5108
Training and Workforce Development, Department of (2011–2012) (Date received 26/09/12).....	5109
Verve Energy (2011–2012) (Date received 26/09/2012)	5110

Directions —

Electricity Corporations Act 2005 — Ministerial Direction to the Electricity Networks Corporation (Western Power).....	5111
---	------

Minister for Child Protection*Annual Reports —*

Forest Products Commission (2011–2012) (Date received 26/09/2012).....	5112
Rural Business Development Corporation (2011–2012) (Date received 26/09/2012).....	5113
Tourism Western Australia (2011–2012) (Date received 26/09/2012)	5114
Veterinary Surgeons' Board of (2011–2012) (Date received 26/09/2012)	5115

Minister for Mental Health*Annual Reports —*

Aqwest (2011–2012) (Date received 26/09/12)	5116
Botanic Gardens and Parks Authority (2011–2012) (Date received 26/09/2012)	5117
Busselton Water Board (2011–2012) (Date received 26/09/12)	5118
Environment and Conservation, Department of (2011–2012) (Date received 26/09/2012).....	5119
Environmental Protection Authority and the Office of the Environmental Protection Authority (2011–2012) (Date received 26/09/2012)	5120
Keep Australia Beautiful (2011–2012) (Date received 26/09/2012)	5121
Swan River Trust (2011–2012) (Date received 26/09/2012).....	5122
Water, Department of (2011–2012) (Date received 26/09/2012)	5123
Zoological Parks Authority (2011–2012) (Date received 26/09/2012).....	5124

Reports —

Water Corporation Statement of Corporate Intent (2012–2013)..... 5125

Reviews —

Review of the W.A. Tobacco Products Control Act 2006 — Final Report
(August 2011)..... 5126

Attorney General*Annual Reports —*

Attorney General, Department of the (2011–2012) (Date received 26/09/2012) 5127
 Commissioner for Children and Young People (2011–2012) (Date received 26/09/2012) 5128
 Criminal Injuries Compensation, Office of (2011–2012) (Date received 26/09/2012)..... 5129
 Equal Opportunity Commission (2011–2012) (Date received 26/09/2012)..... 5130
 Gender Reassignment Board (2011–2012) (Date received 26/09/2012)..... 5131
 Law Reform Commission (2011–2012) (Date received 26/09/2012) 5132
 Legal Aid (2011–2012) (Date received 26/09/2012) 5133
 Legal Costs Committee (2011–2012) (Date received 26/09/2012)..... 5134
 Public Advocate (2011–2012) (Date received 26/09/2012) 5135
 Public Trustee (2011–2012) (Date received 26/09/2012) 5136
 Professional Standards Council (2011–2012) (Date received 26/09/2012)..... 5137
 State Coroner, Office of the (2011–2012) (Date received 26/09/2012) 5138

Reports —

Legal Contribution Trust — Financial Report (for the 6 months ended 30 June 2011)..... 5139
 Legal Contribution Trust — Financial Report (for the 6 months ended 30 June 2012)..... 5140
 Professional Standards Council of Western Australia Financial Statements for the
 financial year ended 30 June 2012..... 5141

Parliamentary Secretary representing the Minister for Regional Development*Annual Reports —*

Regional Development and Lands, Department of (2011–2012) (Date received 26/09/2012)... 5142

Reviews —

Land Information Authority Act 2006 Review Report..... 5143

**5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 30
— Annual Report 2011–2012**

Hon Nick Goiran presented Report No. 30 of the Joint Standing Committee on the Corruption and Crime Commission being the *Annual Report 2011–2012*. (Tabled Paper 5149).

**6. Joint Standing Committee on Delegated Legislation — Report No. 57 — Shire of
Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local
Law 2012**

Hon Sally Talbot presented Report No. 57 of the Joint Standing Committee on Delegated Legislation in relation to the *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012*. (Tabled Paper 5150).

7. City of Cockburn Fencing Local Law 2012 — 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 *City of Cockburn Fencing Local Law 2012* published in the *Gazette* on 3 July 2012 and tabled in the Legislative Council on 14 August 2012 under the *Dividing Fences Act 1961*, be and is hereby disallowed. (Tabled Paper 4735).

8. Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2012 — 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 *Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2012* published in the *Gazette* on 29 June 2012 and tabled in the Legislative Council on 14 August 2012 under the *Energy Operators (Powers) Act 1979*, be and are hereby disallowed. (Tabled Paper 4747).

9. Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws 2012 — 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 *Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws 2012* published in the *Gazette* on 29 June 2012 and tabled in the Legislative Council on 14 August 2012 under the *Energy Operators (Powers) Act 1979*, be and are hereby disallowed. (Tabled Paper 4752).

10. Town of Cottesloe Standing Orders Local Law 2012 — 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 Cottesloe Standing Orders Local Law 2012* published in the *Gazette* on 12 July 2012 and tabled in the Legislative Council on 14 August 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4766).

11. Education and Care Services National Regulations 2012 — 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 *Education and Care Services National Regulations 2012* published in the *Gazette* on 25 July 2012 and tabled in the Legislative Council on 14 August 2012 under the *Education and Care Services National Law (WA) Act 2012*, be and are hereby disallowed. (Tabled Paper 4769).

12. City of Cockburn Health Amendment Local Law 2012 — 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 *City of Cockburn Health Amendment Local Law 2012* published in the *Gazette* on 6 July 2012 and tabled in the Legislative Council on 14 August 2012 under the *Health Act 1911*, be and is hereby disallowed. (Tabled Paper 4775).

13. Standing Committee on Environment and Public Affairs — Inquiry into the Sandalwood Industry in Western Australia

Hon Kate Doust presented an amended terms of reference to the report presented on 20 September 2012 advising the Council of the Committee's *Inquiry into the Sandalwood Industry in Western Australia*.

14. Public Sector — Core Services

Non-Government Business No. 1 having been called, Hon Sue Ellery moved, without notice —

That this Council condemns the Barnett Government for failing to adequately provide core services, including those identified in the Auditor General's *Second Public Sector Performance Report 2012*, in favour of big projects around the Perth central business district.

Debate ensued.

Motion lapsed.

15. Palliative Care

Private Members' Business No. 1 having been called, Hon Nick Goiran moved, without notice —
That this Council —

- (a) congratulates the State Government for its commitment to expand palliative care services throughout Western Australia, especially through the additional funding of \$14 million provided through the Palliative Care Services Fund from 2009-2012 for projects including establishing —
 - (i) rural palliative care across seven Western Australian Country Health Service regions;
 - (ii) two mobile specialist palliative care consultancy teams in the metropolitan area; and
 - (iii) a Statewide paediatrics palliative care program under the auspices of Princess Margaret Hospital;
- (b) noting that Dignity Therapy is a psychological tool which helps health care providers to affirm the personhood and dignity of the patient and costs about \$500 per patient, calls on the State Government to consider ways of ensuring that the funding of palliative care in Western Australia includes funding for dignity therapy;
- (c) encourages the State Government to continue to expand its support for palliative care to ensure that —
 - (i) palliative care is given higher priority in educational programs, including continuing education programs, for doctors, nurses and other health professionals;
 - (ii) palliative care is better integrated as an essential part of all health services throughout Western Australia; and
 - (iii) appropriate palliative care is available for persons with chronic diseases as well as those with cancer and other terminal conditions.

Debate ensued.

Motion lapsed.

16. Order of Business

Ordered — That Orders of the Day Nos 1, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, 2, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, 3, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, 4, *Pawnbrokers and Second-hand Dealers Amendment Regulations 2012 — Disallowance*, 5, *Security and Related Activities (Control) Amendment Regulations 2012 — Disallowance*, 6, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, and 7, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, be taken after Order of the Day No. 10, *Criminal Investigation (Covert Powers) Bill 2011*. (Leader of the House).

17. Building Amendment Bill 2012

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Alyssa Hayden in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.
Debate ensued.
Clause agreed to.
Clauses 4 to 6 agreed to.
Clause 7.
Debate ensued.
Clause agreed to.
Clauses 8 and 9 agreed to.
Clause 10.
Debate ensued.
Clause agreed to.
Clause 11 agreed to.
Clause 12.
Debate ensued.
Clause agreed to.
Clause 13 agreed to.
Clause 14.
Debate ensued.
Clause agreed to.
Clauses 15 and 16 agreed to.
Clause 17.
Debate ensued.
Clause agreed to.
Clauses 18 to 20 agreed to.
Clause 21.
Debate ensued.
Clause agreed to.
Clause 22.
Debate ensued.
Clause agreed to.
Clauses 23 to 25 agreed to.
Clause 26.
Debate ensued.
Clause agreed to.
Clauses 27 to 32 agreed to.
Clause 33 agreed to.
Clauses 34 to 38 agreed to.
Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

18. Papers

The Leader of the House, by leave, tabled the following Papers —

Annual Reports —

Child Protection, Department of (2011–2012) (Date received 27/09/12)	5151
Communities, Department for (2011–2012) (Date received 27/09/2012).....	5152
Country Health Service (2011–2012) (Date received 27/09/12).....	5153
Dampier Port Authority (2011–2012) (Date received 27/09/2012)	5154
Fire and Emergency Services Superannuation Board (2011–2012) (Date received 27/09/2012)	5155
Health, Department of (2011–2012) (Date received 27/09/12)	5156
Metropolitan Health Service (2011–2012) (Date received 27/09/12)	5157

Annual Reports — Extension of Time —

Agriculture and Food, Department of — Annual Report 2011-2012, extension of time (Date received 27/09/12).....	5158
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19. Disability Services Amendment Bill 2012

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

Debate resumed.

20. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Science and Innovation tabled documents in relation to meeting attendance records for each member of the Technology and Industry Advisory Council for 2011–2012, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 5159).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to cyanobacteria in benthic microbial communities in coastal salt lakes in Western Australia, in response to a question without notice asked by Hon Giz Watson. (Tabled Paper 5160).

21. Disability Services Amendment Bill 2012

Debate resumed on the second reading of this Bill (*see item 19 above*).

Hon Sue Ellery sought leave to continue her remarks a later stage of this day's sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

22. Order of Business

Ordered — That Order of the Day No. 1, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, be taken forthwith. (Leader of the House).

23. Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Mindarie Regional Council Standing Orders Amendment Local Law 2012* published in the *Gazette* on 20 March 2012 and tabled in the Legislative Council on 27 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4368).

Debate ensued.

Question — put and passed.

24. Order of Business

Ordered — That Order of the Day No. 13, *Disability Services Amendment Bill 2012*, be taken forthwith. (Leader of the House).

25. Disability Services Amendment Bill 2012

Debate resumed on the second reading of this Bill (*see item 21 above*).

Interruption pursuant to order.

26. Members' Statements

Statements were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, a list of land owned or leased by the Department of Education, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled Paper 5161).

27. Electoral Amendment Bill 2012

The President reported the receipt of Message No. 277 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Electoral Affairs moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Electoral Affairs moved, That the Bill be read a second time.

The Minister for Electoral Affairs tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5162).

Debate stands adjourned.

28. Adjournment

The Council adjourned at 5.59pm until Tuesday, 16 October 2012 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Liz Behjat, Hon Mia Davies, Hon Brian Ellis, Hon Donna Faragher, Hon Adele Farina and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council