

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 239

THURSDAY, 18 OCTOBER 2012

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### 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. Ministerial Statement — Gindalbie Metals Limited — First Iron Ore Shipment

The Minister for Mines and Petroleum made a Ministerial Statement with respect to the first Gindalbie Metals Limited commercial shipment of iron ore from the new port facilities at Geraldton.

### 3. Joint Standing Committee on Delegated Legislation — Report No. 58 — City of Vincent Dogs Amendment Local Law No. 2, 2012

Hon Sally Talbot presented Report No. 58 of the Joint Standing Committee on Delegated Legislation in relation to the *City of Vincent Dogs Amendment Local Law No. 2, 2012*. (Tabled Paper 5216).

### 4. Biodiversity Legislation (Priority Reforms) Bill 2012

Non-Government Business No. 1 having been called, Hon Giz Watson, pursuant to notice, moved —

That a Bill for “An Act to amend the —

- *Wildlife Conservation Act 1950*; and
- *Environmental Protection Act 1986*.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Giz Watson moved, That the Bill be read a second time.

Hon Giz Watson tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5217).

Debate stands adjourned.

### 5. Electoral Amendment (Access to Ministers) Bill 2012

Non-Government Business No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved —

That a Bill for “An Act to amend the *Electoral Act 1907*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Alison Xamon moved, That the Bill be read a second time.

The Hon Alison Xamon tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5218).

Debate stands adjourned.

## **6. Free Range Eggs Labelling Bill 2012**

Non-Government Business No. 3 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That a Bill for “An Act to define and regulate the labelling and sale of free range eggs.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Lynn MacLaren moved, That the Bill be read a second time.

Hon Lynn MacLaren tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5219).

Debate stands adjourned.

## **7. Greenhouse Emissions**

Non-Government Business No. 4 having been called for the adjourned debate on the motion of Hon Robin Chapple as follows —

That this Council calls on the State Government to —

- (a) detail current annual greenhouse emissions from all sources in Western Australia;
- (b) detail the projected level of annual greenhouse emissions from all sources in Western Australia annually until 2020, including currently approved new proposals; and
- (c) explain the State Government’s strategies, if any, to attempt to constrain or reduce these projected levels of emissions.

Debate resumed.

*Motion lapsed.*

## **8. Mining (Community Protection) Amendment Bill 2012**

Non-Government Business No. 5 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

*Interruption pursuant to order.*

## **9. Building, Management and Works – Sub-contractors**

Private Members’ Business No. 1 having been called, Hon Mia Davies moved, without notice —

That the Council notes with concern the collapse of a number of building companies who were contracted by Building, Management and Works to deliver projects in Western Australia, and urges the Minister for Finance to swiftly put in place measures to investigate those sub-contractors already impacted and improve protections for sub-contractors engaged on projects run by Building, Management and Works.

Debate ensued.

*Motion lapsed.*

## **10. Western Australian Future Fund Bill 2012**

The Deputy President reported the receipt of Message No. 279 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Finance representing the Treasurer moved, That the Bill be read a second time.

The Minister for Finance representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5220).

Debate stands adjourned.

### 11. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, 2, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, 3, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, and 4, *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. 11, *Courts Legislation Amendment Bill 2012*. (Leader of the House).

### 12. Criminal Investigation (Covert Powers) Bill 2011

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

The Attorney General representing the Minister for Police 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.

Debate ensued.

Question — put.

The Council divided.

#### Ayes (28)

Hon Liz Behjat	Hon Nick Goiran
Hon Matt Benson-Lidholm	Hon Nigel Hallett
Hon Jim Chown	Hon Col Holt
Hon Peter Collier	Hon Robyn McSweeney
Hon Mia Davies	Hon Michael Mischin
Hon Ed Dermer	Hon Norman Moore
Hon Kate Doust	Hon Helen Morton
Hon Wendy Duncan	Hon Simon O'Brien
Hon Phil Edman	Hon Ljiljana Ravlich
Hon Sue Ellery	Hon Linda Savage
Hon Brian Ellis	Hon Sally Talbot
Hon Adele Farina	Hon Ken Travers
Hon Jon Ford	Hon Max Trenorden
Hon Philip Gardiner	Hon Ken Baston ( <i>Teller</i> )

#### Noes (3)

Hon Giz Watson	Hon Robin Chapple ( <i>Teller</i> )
Hon Alison Xamon	

Question thus passed.

Bill read a third time and passed.

### 13. Mining Rehabilitation Fund Bill 2012

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

The Minister for Mines and Petroleum moved, That the Bill be read a third time.

The Deputy President having reported that the 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.

**14. Mining Rehabilitation Fund Amendment Bill 2012**

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

The Minister for Mines and Petroleum moved, That the Bill be read a third time.

The Deputy President having reported that the 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.

**15. Community Protection (Offender Reporting) Amendment Bill 2011**

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

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**In Committee**

(Hon Jon Ford in the Chair)

Clause 16.

Debate resumed on the Committee Recommendation moved by Hon Giz Watson as follows —

Page 12, lines 27 and 28 — To delete “form of identification or other document,” and insert —

identification documents,

Amendment — put and passed.

Hon Giz Watson, by leave, moved the following Committee Recommendations —

Page 12, lines 30 and 31 — To delete the lines and insert —

required by subsection (2A);

Page 13, after line 2 — To insert —

(2) Delete section 38(1)(c) and insert:

(c) if not the reportable offender — present for inspection —

(i) any passport that the person holds; or

(ii) if the person does not hold a passport — the identification documents, relating to the identity of the person making the report, required by subsection (2A).

(3) After section 38(1) insert:

(2A) For the purposes of subsection (1)(a)(ii) and (c)(ii), the identification documents required are —

(a) any one of the following —

(i) a current driver’s licence that displays a photograph or digital image of the licence holder;

(ii) an Australian naturalisation or citizenship document;

- (iii) an original birth certificate or a certified copy, or certified extract, of a birth certificate;
- (iv) a form of identification or document prescribed for the purposes of this paragraph;

and

- (b) any one of the following —
  - (i) a current signed credit or debit card, a passbook or a statement of account issued by a bank, building society or credit union;
  - (ii) a current Medicare card;
  - (iii) a gas, water, electricity or telephone account issued within 12 months before the report is made;
  - (iv) a notice of rates from a local government (however described) or a notice of water service charges or land valuation;
  - (v) a pensioner concession card, a Commonwealth seniors health card, an entitlement card issued under the *Veterans' Entitlements Act 1986* (Commonwealth) or another entitlement card issued by the Commonwealth government or a State or Territory government;
  - (vi) a lease or rental agreement;
  - (vii) a motor vehicle registration notice or certificate;
  - (viii) a renewal notice for a home building or contents, or a motor vehicle, policy of insurance;
  - (ix) a student identity card or a certificate or statement of enrolment from an educational institution;
  - (x) an electoral enrolment card or other evidence of electoral enrolment;
  - (xi) a form of identification or document prescribed for the purposes of this paragraph.

(2B) A form of identification or other document is not valid for the purposes of subsection (2A)(b)(iv) to (xi) unless it was issued or entered into, as the case requires, within 2 years before the report is made.

(2C) Except as stated in subsection (2A)(a)(iii), a form of identification or other document is not valid for the purposes of subsection (2A) unless it is an original.

Amendments — put and passed.

Clause, as amended, agreed to.

Clauses 17 to 35 agreed to.

Clause 36.

Debate ensued.

Clause agreed to.

Clauses 37 to 44 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

The Attorney General representing the Minister for Police, by leave, moved, That the report be adopted.

Report adopted.

The Attorney General representing the Minister for Police moved, without notice —

That so much of the Standing Orders be suspended as to enable the bill to proceed to the third reading forthwith.

The motion requiring the concurrence of an absolute majority.

Question — put.

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.

The Attorney General representing the Minister for Police 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.

#### **16. 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.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question — put and passed.

Bill read a third time and passed.

#### **17. Electoral Amendment Bill 2012**

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

Debate resumed.

#### **18. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development tabled, and by leave incorporated into Hansard, documents in relation to official ministerial travel in Government aircraft for the period 7 August 2012 to 18 October 2012, in response to a question without notice asked by Hon Jon Ford. (Tabled Paper 5221).

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that the answers to questions on notice Nos 6019, 6020, 6021, 6022 and 6023 asked by Hon Ljiljana Ravlich will be provided on 25 October 2012.

#### **19. Electoral Amendment Bill 2012**

Debate resumed on the second reading of this Bill (*see item 17 above*).

*Interruption pursuant to order.*

#### **20. Members' Statements**

Statements were taken.

*Point of Order*

Minister for Finance raised the following Point of Order —

Can I first clarify if that was a report of a standing committee, a Member's statement or what form of communication it was.

*President's Ruling*

The President ruled as follows —

On that point of order, as the Member was reading that statement, it was a very unusual way for a Committee to bring something to the attention of the House and usually that is done by report. I will undertake to make some inquiries about that and report back to the House next week.

**21. Joint Standing Committee on Audit**

The following Message from the Legislative Assembly was reported —

Mr President Message No. 280  
 The Legislative Assembly has considered Legislative Council Message No. 202 and has agreed to the resolution contained in Legislative Council Message No. 179.  
 Mr P.B. Watson MLA  
 Acting Speaker  
 Legislative Assembly Chamber  
 Perth, 18 October 2012

*Statement by President*

The President made the following Statement —

Just further to that, that message, on its own, is not very clear, if you do not know what Legislative Council Message No. 179 was. Just for Members' benefit, I will read that into the record as well. This was a message sent on 1 September 2011 from myself to the Speaker. The message reads —

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has passed the following motion —

That pursuant to section 43 of the *Auditor General Act 2006* —

- (a) a Joint Standing Committee on Audit be established, comprised of four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each House support the Government;
- (b) the members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section (1)(a) are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 326. The requirement for leave of the committee under Standing Order 326 does not apply to these appointments;
- (c) the Chairman of the Standing Committee on Estimates and Financial Operations will be the Chairman of the Joint Standing Committee; and
- (d) the Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

and invites the Legislative Assembly to pass a similar resolution.

Just in relation to that, before the students of the new Standing Orders rush off and look for Standing Order 326, it is not actually there, because that is referring to Standing Order 326 in the previous Standing Orders, which refers to participating Members. That will be a clerical change, and I believe it will be new Standing Order 164.

**22. Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012**

The President reported the receipt of Message No. 281 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance on behalf of the Attorney General representing the Minister for Police moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Finance on behalf of the Attorney General representing the Minister for Police moved, That the Bill be read a second time.

*Want of Quorum*

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

The Minister for Finance on behalf of the Attorney General representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 5222).

Debate stands adjourned.

**23. Mining Rehabilitation Fund Bill 2012**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 282

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Mining Rehabilitation Fund Bill 2012*.

Hon G.A. Woodhams MLA

Speaker

Legislative Assembly Chamber

Perth, 18 October 2012

**24. Adjournment**

The Council adjourned at 6.19pm until Tuesday, 23 October 2012 at 3.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Helen Bullock, Hon Donna Faragher and Hon Alyssa Hayden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council