

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 69

THURSDAY, 26 NOVEMBER 2009

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. Statement by President - Criminal Code Amendment (Identity Crime) Bill 2009

The President made the following Statement -

Members, I advise the House that the *Criminal Code Amendment (Identity Crime) Bill 2009* read in on Thursday, 19 November 2009 stands referred pursuant to Standing Order 230A to the Standing Committee on Uniform Legislation and Statutes Review.

3. Petition

Hon Ken Travers presented a petition from 321 petitioners requesting the Legislative Council support the preservation of leased shack site communities in Western Australia. (Tabled paper 1585).

4. Ministerial Statement - Truck Turnaround Facilities - Great Eastern Highway

The Minister for Transport made a Ministerial Statement with respect to further information provided by the Minister in relation to an answer given to a question without notice concerning the Boorabbin bushfire incident asked by Hon Matt Benson-Lidholm on 25 November 2009.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

5. Papers

The following Papers were laid on the Table by -

Leader of the House

Reports -

Fisheries, Department of - State of the Fisheries Report (2008 - 2009).....	1580
Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series Report Seven - Managing Interests in the Western Australian Public Sector	1581
Public Sector Standards Commissioner, Office of the [OPSSC] - State of the Service Report (2009)	1582

Minister for Environment

Annual Reports -

Conservation Commission (2008 - 2009) (Date received 26/11/2009)..... 1584

Waste Authority (2008 - 2009) (Date received 25/11/2009)..... 1583

6. **Joint Standing Committee on Delegated Legislation - Thirty-seventh Report - Unauthorised Disclosure of Confidential Committee Correspondence by the City of Joondalup**

Hon Robin Chapple presented the Thirty-seventh Report of the Joint Standing Committee on Delegated Legislation in relation to the *Unauthorised Disclosure of Confidential Committee Correspondence by the City of Joondalup*. (Tabled paper 1586).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. **Joint Standing Committee on the Corruption and Crime Commission - Seventh Report - Hearing with Robert Cock QC**

Hon Nick Goiran presented the Seventh Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the *Hearing with Robert Cock QC*. (Tabled paper 1587).

Hon Nick Goiran moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. **Standing Committee on Environment and Public Affairs - Seventeenth Report - Overview of Petitions**

Hon Brian Ellis presented the Seventeenth Report of the Standing Committee on Environment and Public Affairs being the *Overview of Petitions*. (Tabled paper 1588).

Hon Brian Ellis moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

9. **Taxi Amendment Regulations (No. 2) 2009 - Disallowance**

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

That the *Taxi Amendment Regulations (No. 2) 2009* published in the *Gazette* on 29 September 2009 and tabled in the Legislative Council on 13 October 2009 under the *Taxi Act 1994*, be and are hereby disallowed.

10. **Perth Hills Planning Bill 2009**

Hon Alison Xamon: To move on the next day of sitting -

That a Bill for "An Act to promote sustainable, appropriate and integrated land use planning and development in the Perth Hills area, by establishing a committee to first facilitate the creation of a Perth Hills Plan, and subsequently to advise on land use planning and development in the Perth Hills area." be introduced and read a first time.

11. **Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as would enable the House to proceed to Orders of the Day forthwith.

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.

12. Order of Business

Ordered - That Orders of the Day No. 1, *Perth Parking Management Amendment Regulations (No. 2) 2009 - Disallowance*, No. 2, *Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2009 - Disallowance*, and No. 3, *Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance*, be taken after Order of the Day No. 10, *Criminal Investigation Amendment Bill 2009*. (Leader of the House).

13. Workers' Compensation (DRD) Amendment Rules 2009 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That Order of the Day No. 4, *Workers' Compensation (DRD) Amendment Rules 2009 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. Police Amendment Bill 2009

The Order of the Day having been read for the third reading of this Bill, the Minister for Energy moved, That the Bill be now read a third time.

Debate ensued.

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 (19)

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

Noes (14)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Jock Ferguson
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*)

Question thus passed.

Bill read a third time and passed.

15. Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009

The Order of the Day having been read for the second reading of this Bill, the Parliamentary Secretary representing the Minister for Commerce moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Arson Legislation Amendment Bill 2009

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

The President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 9 agreed to.

Clause 10.

Debate ensued.

Hon Sue Ellery moved -

Page 5, line 11 — To delete “It is the duty of a” and insert —

Any

Page 5, lines 12 and 13 — To delete “to use reasonable care and” and insert —

recklessly fails to

Page 5, line 19 — To delete “It is the duty of a” and insert —

Any

Page 5, line 20 — To delete “to use reasonable care and” and insert —

recklessly fails to

Debate ensued.

Amendments - put and negatived.

Question - That the clause stand as printed - put and passed.

Clause 11.

Debate ensued.

Hon Sue Ellery moved -

Page 6, line 12 — To delete “life imprisonment” and insert —

25 years

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Jock Ferguson
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 Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
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*)

Amendment thus negatived.

Question - That the clause stand as printed - put and passed.

Clause 12 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy 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.

The House divided.

Ayes (29)

Hon Liz Behjat
 Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Ed Dermer
 Hon Kate Doust
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Jock Ferguson
 Hon Jon Ford

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 Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Max Trenorden
 Hon Ken Baston (*Teller*)

Noes (4)

Hon Lynn MacLaren
 Hon Giz Watson

Hon Alison Xamon
 Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a third time and passed.

17. Order of Business

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

18. Petroleum and Energy Legislation Amendment Bill 2009

The Minister for Mines and Petroleum, pursuant to notice, moved -

That a Bill for "An Act to amend -

- the *Petroleum and Geothermal Energy Resources Act 1967*; and
- the *Petroleum (Submerged Lands) Act 1982*; and
- the *Petroleum Pipelines Act 1969*,

and other Acts to reflect relevant legislation of the Parliament of the Commonwealth and for related purposes." be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

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

19. Mines Safety and Inspection Amendment Bill 2009

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

Debate ensued.

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 Mines and Petroleum moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

20. Criminal Code Amendment Bill (No. 2) 2009

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

Debate ensued.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 1 agreed to.

Clauses 2 to 14 inclusive agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy 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.

21. Public Sector Commissioner

The Order of the Day having been read, consideration of Legislative Assembly Message No. 70 as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That in accordance with sections 18(6) and 28 of the *Public Sector Management Act 2004*, this House authorises Malcolm Charles Wauchope to continue to hold the office of Public Sector Commissioner, being an office referred to in Part 1 of Schedule V of the *Constitution Acts Amendment Act 1899*, upon an appointment by the Governor of him as Acting Commissioner for Public Sector Standards,

and requests the Legislative Council to agree to a similar resolution.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 18 November 2009.

The Leader of the House moved -

That in accordance with sections 18(6) and 28 of the *Public Sector Management Act 2004*, this House authorises Malcolm Charles Wauchope to continue to hold the office of Public Sector Commissioner, being an office referred to in Part 1 of Schedule V of the *Constitution Acts Amendment Act 1899*, upon an appointment by the Governor of him as Acting Commissioner for Public Sector Standards.

Debate ensued.

Question - put.

The House divided.

Ayes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
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 Max Trenorden
Hon Ken Baston (*Teller*)

Noes (13)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Jock Ferguson
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*)

Question thus passed.

Legislative Assembly acquainted accordingly.

22. Questions Without Notice

Questions without notice were taken.

The Minister for Fisheries tabled, and by leave incorporated into Hansard, a table in relation to puerulus settlement indices at five main sampling locations in the Western Rock Lobster Fishery, in response to a question without notice asked by Hon Jon Ford. (Tabled paper 1589).

The Minister for Child Protection representing the Minister for Culture and the Arts in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 1310 asked by Hon Ljiljanna Ravlich will be provided on 3 March 2010.

The Minister for Energy on behalf of the Minister for Transport tabled documents, pursuant to the *Financial Management Act 2006*, in relation to a response to question on notice No. 1200 asked by Hon Ken Travers. (Tabled paper 1591).

23. Paper

The following Paper was, by leave, laid on the Table by -

Minister for Child Protection representing the Minister for Agriculture and Food

Reports -

Genetically Modified Crops Free Areas Act 2003 - Report on the Review of the Act
under section 19 (November 2009)..... 1590

24. Extension of Sitting Time

The Leader of the House moved, That the House continue to sit until 6.00pm.

Debate ensued.

Question - put and passed.

25. Order of Business

Ordered - That Order of the Day No. 10, *Criminal Investigation Amendment Bill 2009*, be taken forthwith. (Leader of the House).

26. Criminal Investigation Amendment Bill 2009

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

The Leader of the House moved, without notice -

That the Order of the Day No. 10, *Criminal Investigation Amendment Bill 2009*, be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 25 March 2010.

Debate ensued.

Hon Giz Watson moved -

After line 3 — To insert —

and have the power to consider the policy of the Bill.

Debate ensued.

Amendment - put and passed.

Motion, as amended, agreed to.

27. Order of Business

Ordered - That Order of the Day No. 3, *Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance*, be taken forthwith. (Leader of the House).

28. Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Lynn MacLaren moved, without notice -

That Order of the Day No. 3, *Metropolitan Region Scheme Amendment No. 1114/33 - Jandakot Structure Plan, Cell 1 - Mandogalup - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

29. National Environment Protection Council (Western Australia) Amendment Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 79

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *National Environment Protection Council (Western Australia) Amendment Bill 2009* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 26 November 2009

30. Statutes (Repeals and Minor Amendments) Bill 2009

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 80

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Statutes (Repeals and Minor Amendments) Bill 2009* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 26 November 2009

31. Order of Business

Ordered - That Order of the Day No. 1, *Perth Parking Management Amendment Regulations (No. 2) - Disallowance*, be taken forthwith. (Leader of the House).

32. Perth Parking Management Amendment Regulations (No. 2) - Disallowance

Hon Ken Travers, pursuant to notice, moved -

That the *Perth Parking Management Amendment Regulations (No. 2) 2009* published in the *Gazette* on 30 June 2009 and tabled in the Legislative Council on 11 August 2009 under the *Perth Parking Management Act 1999*, be and are hereby disallowed.

Debate ensued.

Question - put.

The House divided.

Ayes (12)

Hon Matt Benson-Lidholm

Hon Helen Bullock

Hon Robin Chapple

Hon Kate Doust

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 (17)

Hon Liz Behjat
 Hon Jim Chown
 Hon Peter Collier
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Nigel Hallett

Hon Alyssa Hayden
 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.

33. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Friday, 27 November 2009 at 10.00am.

Question - put and passed.

34. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 6.33pm until Friday, 27 November 2009 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina.

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council