

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 196

WEDNESDAY, 7 MARCH 2012

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

### 2. Petition

Hon Lynn MacLaren presented a petition from 153 petitioners requesting the Legislative Council to call on the Government to consult with residents before a final decision is made to extend the Kwinana Industry Air Buffer Zone. (Tabled Paper 4297).

### 3. Ministerial Statement - International Women's Day 2012

The Minister for Women's Interests made a Ministerial Statement with respect to International Women's Day 2012.

### 4. Papers

The following Papers were laid on the Table by -

#### **Minister for Energy**

##### *Statutes -*

Murdoch University Act 1973 (Murdoch University - Amending Statute No. 1 of 2012  
G.G. 02/03/2012)..... 4293

#### **Minister for Child Protection**

##### *Regulations -*

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management  
Industry Funding Scheme (Grains) Amendment Regulations 2012 G.G. 02/03/2012)..... 4294

#### **Minister for Mental Health**

##### *Regulations -*

Environmental Protection Act 1986 (Environmental Protection (NEPM-NPI) Amendment  
Regulations 2012 G.G. 02/03/2012 and Environmental Protection Amendment Regulations  
2012 G.G. 02/03/2012)..... 4295

#### **Parliamentary Secretary representing the Attorney General**

##### *Reports -*

Commissioner for Children and Young People - Building Blocks: Best Practice  
Programs that Improve the Wellbeing of Children and Young People (Edition  
One, February 2012) (Date received 7/03/2012) ..... 4296

## 5. Water Restrictions - Withdrawn from Notice Paper

Motion No. 1 having been called, Hon Sue Ellery, on behalf of Hon Jon Ford, withdrew Motion No. 1, *Water Restrictions* from the Notice Paper.

## 6. Occupational Safety and Health Regulations 1996

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved -

That, pursuant to section 42(4)(a) of the *Interpretation Act 1984*, the *Occupational Safety and Health Regulations 1996* is amended by inserting the following after regulation 3.62(b)(ii) —

- (iii) if the person holds a certificate of competency in the use of a portable appliance tester - the person's certificate of competency number.

and, if so resolved, the Legislative Assembly be requested to pass a similar resolution.

Debate ensued.

Question - put and negatived.

## 7. Local Government Council Reform

Motion No. 3 having been called, Hon Ljiljanna Ravlich, pursuant to notice, moved -

That this House calls on the Minister for Local Government to explain why he has not been able to achieve local government council reform and to provide details on how much has been spent to date on this failed government policy.

Debate ensued.

*Interruption pursuant to order.*

## 8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### **Standing Committee on Environment and Public Affairs - Report No. 23 - Inquiry into the Transportation of Detained Persons: The Implementation of the Coroner's Recommendations in Relation to the Death of Mr Ward and Related Matters**

Hon Brian Ellis moved, That consideration be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Acting Parliamentary Inspector's Inquiry Concerning Examination Procedures by the Corruption and Crime Commission**

Hon Nick Goiran moved, That the Report be noted.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the Graham Farmer Freeway and the Perth Waterfront Project, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper No. 4298).

## 10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 8 above*).

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### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Acting Parliamentary Inspector's Inquiry Concerning Examination Procedures by the Corruption and Crime Commission**

Hon Nick Goiran continued his introductory remarks in moving, That the Report be noted.

Question - put and passed.

#### **Standing Committee on Public Administration - Report No. 13 - Inquiry into Western Australian Strata Managers**

Hon Max Trenorden moved, That consideration be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 18 - Parliamentary Inspector's Report Concerning the Procedures Adopted by the Corruption and Crime Commission when dealing with Complaints of the Excessive Use of Force by Police**

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 19 - Annual Report 2010-2011**

Hon Nick Goiran moved, That the Report be noted.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 20 - Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the *Corruption and Crime Commission Act 2003***

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on the Commissioner for Children and Young People - Report No. 7 - Annual Report 2010-2011**

Hon Linda Savage moved, That the Report be noted.

Debate ensued.

Question - put and passed.

#### **Standing Committee on Environment and Public Affairs - Report No. 24 - Inquiry into Cockburn Cement Limited, Munster**

Hon Brian Ellis moved, That consideration be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on Delegated Legislation - Report No. 45 - Shire of Kellerberrin Dogs Local Law**

Hon Alyssa Hayden moved, That the Report be noted.

Question - put and passed.

#### **Standing Committee on Uniform Legislation and Statutes Review - Report No. 68 - Information Report in relation to the Scrutiny of Treaties**

Hon Liz Behjat moved, That the Report be noted.

Debate ensued.

Question - put and passed.

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The Deputy President resumed the Chair.

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

- (1) Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Acting Parliamentary Inspector's Inquiry Concerning Examination Procedures by the Corruption and Crime Commission, and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Report No. 19 - Annual Report 2010-2011, and had noted same.
- (3) Joint Standing Committee on the Commissioner for Children and Young People - Report No. 7 - Annual Report 2010-2011, and had noted same.
- (4) Joint Standing Committee on Delegated Legislation - Report No. 45 - Shire of Kellerberrin Dogs Local Law, and had noted same.
- (5) Standing Committee on Uniform Legislation and Statutes Review - Report No. 68 - Information Report in relation to the Scrutiny of Treaties, and had noted same.

Report adopted.

#### **11. Order of Business**

Ordered - That Order of the Day No. 1, *Electricity Networks Access Code Amendment 2011 - Disallowance*, be taken after Order of the Day No. 8, *Adoption Amendment Bill 2011*. (Leader of the House).

#### **12. Gas Services Information Bill 2011**

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 Energy moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

#### **13. Order of Business**

Ordered - That Orders of the Day Nos 6, *Local Government Amendment Bill 2011*, and 8, *Adoption Amendment Bill 2011*, be taken before Order of the Day No. 9, *Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011*. (Leader of the House).

#### **14. Local Government Amendment Bill 2011**

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.

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#### **In Committee**

(Hon Michael Mischin in the Chair)

Clause 1 agreed to.

Clauses 2 to 21 agreed to.

Clause 22.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (17)**

Hon Liz Behjat  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Mia Davies  
 Hon Wendy Duncan  
 Hon Donna Faragher  
 Hon Philip Gardiner  
 Hon Nick Goiran  
 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 Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Lynn MacLaren

Hon Ljiljanna Ravlich  
 Hon Linda Savage  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Alison Xamon  
 Hon Ed Dermer (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 23 to 32 agreed to.

Clause 33.

Hon Max Trenorden moved -

Page 17, lines 16 to 26 — To delete the lines and insert —

**43. Saving provisions for CEOs**

(1) In this clause —

*preserved CEO*, in relation to a local government, means a person who is employed, other than in an acting or temporary capacity, as the CEO of the local government on 19 October 2011.

(2) Section 5.39(7) does not apply in respect of —

(a) a CEO for such time as that person is employed under a contract of employment —

(i) that was entered into or renewed before section 13 of the amending Act came into operation; or

(ii) for a position that was advertised before section 13 of the amending Act came into operation;

or

(b) a preserved CEO of a local government if —

(i) the remuneration paid or provided to the CEO on 19 October 2011 under a contract of employment was more than the amount recommended by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A to be paid or provided to the CEO at that time; and

(ii) the CEO continues to be employed as the CEO of that local government.

- (3) Section 5.39(8) does not apply to a local government that is renewing a contract of employment with its preserved CEO in the circumstances set out in subsection (2)(b).
- (4) Before a local government renews a contract with its preserved CEO in circumstances set out in subsection (2)(b), the local government must take into account any determination by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A as to the remuneration to be paid or provided to a CEO of a local government that is of a comparable size and location.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 34 to 37 agreed to.

Clause 38.

The Minister for Child Protection representing the Minister for Local Government moved -

Page 22, line 10 — To delete “remuneration” and insert —

amount of remuneration, or the minimum and maximum amounts of remuneration,

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 39 to 41 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

#### **15. Order of Business**

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

#### **16. Members’ Statements**

Statements were taken.

#### **17. Adjournment**

The Council adjourned at 10.20pm until Thursday, 8 March 2012 at 10.00am.

#### **Members present during the day’s proceedings**

Attendance: Present all Members except Hon Adele Farina and Hon Jon Ford.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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