

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 189

TUESDAY, 22 NOVEMBER 2011

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

2. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

11 November 2011 - Message No. 40	Act No.
Electoral and Constitution Amendment Bill 2011	49 of 2011
Petroleum and Geothermal Energy Safety Levies Bill 2011	50 of 2011
Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011	51 of 2011
Inspector of Custodial Services Amendment Bill 2011	52 of 2011
Industrial Legislation Amendment Bill 2011	53 of 2011
9 November 2011 - Message No. 41	Act No.
Agricultural Practices (Disputes) Repeal Bill 2011	54 of 2011
Cat Bill 2011	55 of 2011

3. Petitions

Hon Ed Dermer presented a petition from 76 petitioners requesting the Legislative Council investigate safety concerns for pedestrians crossing Wanneroo Road near the Kingsway Shopping Centre and encourage the Minister for Transport to take steps to alleviate these concerns. (Tabled paper 4090).

Hon Kate Doust presented a petition from 571 petitioners requesting the Legislative Council enact the *National Model Workplace Health and Safety Bill* as endorsed by the Workplace Relations Ministerial Council in 2009. (Tabled paper 4091).

Hon Philip Gardiner presented a petition from 1637 petitioners requesting the Legislative Council to investigate the decision making process for the closure of the Tier 3 Grain Freight Rail Lines in the Wheatbelt with particular consideration to the CBH Group business case. (Tabled paper 4092).

Hon Ken Travers presented a petition from 2578 petitioners requesting the Legislative Council to investigate the decision making process for the closure of the Tier 3 Grain Freight Rail Lines in the Wheatbelt with particular consideration to the CBH Group business case. (Tabled paper 4093).

4. Ministerial Statement - International Year of Co-operatives 2012

The Minister for Commerce made a Ministerial Statement with respect to the Australian Launch of the International Year of Co-operatives 2012.

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 -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report No.121 - Treaties tabled on 16 July 2011 - Agreement between the Government of Australia and the Government of the United States of America Relating to the Operation of and Access to an Australian Naval Communication Station at North West Cape in Western Australia, done at Washington on 16 July 2008 4076

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan Amendment (No. 5) 2011 [1052] G.G. 11/11/2011)..... 4077

Orders -

Fish Resources Management Act 1994 (Prohibition on Fishing (Trout) Revocation Order 2011 [1055] G.G. 18/11/2011) 4078

Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 12) 2011 G.G. 18/11/2011) 4079

Liquor Control Act 1988 (Liquor Control (Noonkanbah Restricted Area) Amendment Regulations (No. 2) 2011 G.G. 08/11/2011) 4080

Minister for Finance

Regulations -

Duties Act 2008 (Duties Amendment Regulations (No. 2) 2011 G.G. 15/11/2011) 4081

State Trading Concerns Act 1916 (State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2011 G.G. 08/11/2011)..... 4082

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations 2011 G.G. 18/11/2011) 4083

Rules -

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Arbitration Rules 2011 G.G. 09/11/2011 and Workers' Compensation and Injury Management Conciliation Rules 2011 G.G. 09/11/2011)..... 4084

Minister for Mental Health

By-laws -

Water Agencies (Powers) Act 1984 (Water Agencies (Water Use) Amendment By-laws (No. 2)
2011 G.G. 18/11/2011) 4085

Ministerial Approvals -

Armadale Redevelopment Act 2001 - To enter into an agreement of value over
\$1 million - Ranford Road, Forrestdale..... 4086

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

Rules -

Criminal Procedure Act 2004 (Criminal Procedure Amendment Rules (No. 3) 2011
G.G. 08/11/2011)..... 4087

District Court of Western Australia Act 1969 (District Court Amendment Rules (No. 3) 2011
G.G. 18/11/2011)..... 4088

Legal Profession Act 2008 (Legal Profession (Admission) Amendment Rules 2011
G.G. 15/11/2011)..... 4089

6. Standing Committee on Uniform Legislation and Statutes Review - Report No. 68 - Scrutiny of Treaties

Hon Adele Farina presented Report No. 68 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Scrutiny of Treaties*. (Tabled paper 4094).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Uranium Mining Ban

Hon Jon Ford: To move on the next day of sitting -

That this House condemns the Barnett Government's lifting of Western Australia's long standing ban on uranium mining, and asks the Government how it can ensure that Western Australians -

- (a) will not be encumbered with long term financial commitments to manage radioactive and heavy metal contaminated sites for over a thousand years of future generations;
- (b) interests can be protected with public sector advice that current approvals can be granted by accepting industry assertions that the environment will not be contaminated by mining waste over the next thousand years or more; and
- (c) that Occupational Safety and Health regulators and laws are now, and will in the future be, competent and adequate to ensure workers and their families are not endangered by this uranium industry?

8. Social Work Profession - Inclusion in National Registration and Accreditation Scheme

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

That this House calls on the Minister for Health to immediately take action to protect the health and wellbeing of the Australian public by working with other Australian Government, State and Territory Health Ministers to include the social work profession in the National Registration and Accreditation Scheme.

9. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Gosnells Waste Local Law 2011 - Disallowance*, 2, *City of South Perth Dog Local Law 2011 - Disallowance*, and 3, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, be taken after Committee Report No. 17, *Joint Standing Committee on the Corruption and Crime Commission - Report No. 19 - Annual Report 2010-2011*. (Leader of the House).

10. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

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

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

The 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.

11. Residential Tenancies Amendment Bill 2011

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

Debate resumed.

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier sought leave of the House to have a tabular answer to a question without notice incorporated into Hansard.

Leave granted.

The Minister for Disability Services tabled documents in relation to the type of accommodation support and services provided by the Disability Services Commission in 2008-09, 2009-10 and 2010-11, in response to question on notice No. 4641 asked by Hon Alison Xamon. (Tabled paper 4095).

The Parliamentary Secretary to the Premier on behalf of the Parliamentary Secretary representing the Attorney General tabled documents in relation to hospital orders made by the Magistrates Court for 2009, 2010 and 2011 to date, in response to question on notice No. 4849 asked by Hon Alison Xamon. (Tabled paper 4096).

13. Residential Tenancies Amendment Bill 2011

Debate resumed on the second reading of this Bill (cf item 11 above).

Want of Quorum

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

A quorum being formed, the debate continued.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Col Holt in the Chair)

Clause 1 agreed.

Clauses 2 to 21 agreed to.

Clause 22.

Debate ensued.

Hon Lynn MacLaren moved -

Page 17, line 26 — To delete “as soon as practicable” and insert —

within 7 days

Debate ensued.

Interruption pursuant to Temporary Orders.

14. Members’ Statements

Statements were taken.

15. Adjournment

The House adjourned at 10.02pm until Wednesday, 23 November 2011 at 2.00pm.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Michael Mischin.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council