

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 203

THURSDAY, 29 MARCH 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. Petition

Hon Kate Doust presented a petition from 1,117 petitioners requesting the Legislative Council inquire into the Perth Waterfront Project before any further work commences on the project. (Tabled Paper 4381).

### 3. Paper

The following Paper was laid on the Table by –

#### **Minister for Energy on behalf of the Minister for Child Protection**

*Reports –*

Forest Products Commission of Western Australia (Half Year Report)  
(31 December 2012) ..... 4380

### 4. Joint Standing Committee on the Corruption and Crime Commission - Report No. 26 - Exceptional Powers Revocation

Hon Nick Goiran presented Report No. 26 of the Joint Standing Committee on the Corruption and Crime Commission in relation to *Exceptional Powers Revocation*. (Tabled Paper 4382).

### 5. Joint Standing Committee on the Commissioner for Children and Young People - Report No. 9 – Amendment of Finding 5 and Finding 6 from Report No. 8

Hon Nick Goiran presented Report No. 9 of the Joint Standing Committee on the Commissioner for Children and Young People in relation to the *Amendment of Finding 5 and Finding 6 from Report No. 8*. (Tabled Paper 4383).

### 6. Climate Change Readiness (Coastal Planning and Protection) Bill 2012

Hon Lynn MacLaren: To move on the next day of sitting -

That a Bill for “An Act to provide for planning and development in the coastal zone, the management of the coastal zone, and for related purposes.” be introduced and read a first time.

### 7. Homophobic Bullying

Non-Government Business No. 1 having been called, Hon Lynn MacLaren moved, without notice -

That this Council calls upon the Minister for Education to -

- (1) Confirm that both she and the Department of Education have a duty of care to protect all students from bullying and discrimination in schools.

- (2) Acknowledge that homophobic bullying is common in Western Australian schools and that the absence of specific anti-homophobia policies is a failure of that duty of care.

- (3) Introduce policies and practises that protect all students against homophobia at school.

Hon Lynn MacLaren, by leave, tabled a document entitled *Adrienne Rich - The Passing of a Lesbian Icon*. (Tabled Paper 4384).

Hon Lynn MacLaren sought leave to incorporate a quote from the tabled document into Hansard.

Leave denied.

Debate ensued.

*Motion lapsed.*

## **8. Ministerial Statement – Varanus Island Incident Prosecution**

The Minister for Mines and Petroleum, by leave, made a Ministerial Statement with respect to the Department of Mines and Petroleum discontinuing its prosecution against Apache North West Pty Ltd and its co-licensees, Kufpec Australia Pty Ltd and Tap (Harriet) Pty Ltd, in relation to the pipeline explosion incident that occurred on Varanus Island on 3 June 2008.

## **9. Retail Trading Hours**

Private Members' Business No. 1 having been called, Hon Max Trenorden moved, without notice -

That this Council does not support the extension of retail trading hours until there is a legislative and regulatory framework in place which supports and encourages a fairer marketplace, enabling small business to be competitive.

Debate ensued.

*Motion lapsed.*

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

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 243

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Gas Services Information Bill 2011* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 29 March 2012

## **11. Business Names (Commonwealth Powers) Bill 2011**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 244

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Business Names (Commonwealth Powers) Bill 2011* without amendment.

Mr M.W. Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 29 March 2012

## **12. Order of Business**

Ordered - That Orders of the Day Nos 1, *Town of Kwinana Extractive Industries Local Law 2011 - Disallowance*, 2, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 - Disallowance* and 3, *Mining Amendment Regulations (No. 5) 2011 – Disallowance*, be taken after Order of the Day No. 9, *Criminal Investigation (Covert Powers) Bill 2011*. (Minister for Finance).

### 13. **Proposal No. 11/2011 – Amendment to Class A Reserve 22429 - Disallowance**

Debate resumed on the motion moved *pro forma* (SO 66(3) 27 March 2012) of Hon Phil Edman as follows -

That *Proposal No. 11/2011 - Amendment to Class A Reserve 22429* tabled in the Legislative Council on 23 November 2011 under section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed.

Pursuant to order the President put the question.

Question – put.

The Council divided.

#### Ayes (4)

Hon Lynn MacLaren  
Hon Giz Watson

Hon Alison Xamon  
Hon Robin Chapple (*Teller*)

#### Noes (27)

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 Donna Faragher  
Hon Adele Farina  
Hon Jon Ford

Hon Philip Gardiner  
Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

Question thus negatived.

### 14. **Ministerial Statement - Gas Supply and Emergency Management Committee Recommendations: *Gas Services Information Bill 2011***

The Minister for Energy, by leave, made a Ministerial Statement with respect to new legislation that will establish a Western Australian Gas Bulletin Board and a Gas Statement of Opportunities.

### 15. **Road Traffic (Vehicles) Bill 2011**

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

The Minister for Finance representing the Minister for Transport moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman 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. **Road Traffic Legislation Amendment Bill 2011**

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

The Minister for Finance representing the Minister for Transport moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman 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.

**17. Adoption Amendment Bill 2011**

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

The Minister for Finance on behalf of the Minister for Child Protection moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy Chairman 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. Reserves (Wanjarri Nature Reserve) Bill 2011**

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

Debate resumed.

The Parliamentary Secretary representing the Minister for Lands, by leave, tabled a document entitled 'Land System Changes (BHP Biliton) in relation to Reserves (Wanjarri Nature Reserve) Bill 2011'. (Tabled Paper 4385).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon Jon Ford in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Hon Robin Chapple moved -

Page 2, line 19 — To delete "The" and insert —

Subject to subsection (5), the

Page 3, after line 8 — To insert —

- (5) The excision of the excision area is not completed until area 42831 as indicated on the deposited plan to the affected reserve has been included within the affected reserve.

**19. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Premier tabled documents in relation to electorate office relocations, in response to question on notice No. 5036 asked by Hon Matt Benson-Lidholm. (Tabled Paper 4386).

**20. Reserves (Wanjarri Nature Reserve) Bill 2011**

(see item 18 above)

The President left the Chair.

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**In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 3.

Debate resumed on the amendments of Hon Robin Chapple as follows -

Page 2, line 19 — To delete “The” and insert —

Subject to subsection (5), the

Page 3, after line 8 — To insert —

- (5) The excision of the excision area is not completed until area 42831 as indicated on the deposited plan to the affected reserve has been included within the affected reserve.

Amendments - put.

The Committee divided.

**Ayes (12)**

Hon Matt Benson-Lidholm  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Jon Ford  
Hon Lynn MacLaren

Hon Ljiljanna Ravlich  
Hon Linda Savage  
Hon Sally Talbot  
Hon Giz Watson  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

**Noes (17)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Donna Faragher  
Hon Philip Gardiner  
Hon Nick Goiran  
Hon Nigel Hallett

Hon Alyssa Hayden  
Hon Col Holt  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

Amendments thus negated.

The Leader of the House moved, That progress be reported and seek to sit again at a later stage of this day's sitting.

Question - put and passed.

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The President resumed the Chair.

The Chairman of Committees reported that the Committee had considered the Bill, made progress, and seek to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this days sitting.

**21. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of Standing Orders be suspended to enable the Council to sit beyond 5.20pm so as to complete all stages of the *Reserves (Wanjarri Nature Reserve) Bill 2011*.

The motion requiring the concurrence of an absolute majority.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

**22. Order of Business**

Ordered – That Order of the Day No. 13, *Reserves (Wanjarri Nature Reserve) Bill 2011*, be taken forthwith. (Leader of the House).

**23. Reserves (Wanjarri Nature Reserve) Bill 2011**

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

The President left the Chair.

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**In Committee**

(Hon Matt Benson-Lidholm in the Chair)

Clause 3.

Debate resumed.

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

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a third time.

The President having reported that the Chairman 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.

**24. Members' Statements**

Statements were taken.

**25. Adjournment**

The Council adjourned at 6.04pm until Tuesday, 1 May 2011 at 3.00pm.

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

Attendance: Present all Members except Hon Brian Ellis and Hon Robyn McSweeney.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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