

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 143

THURSDAY, 24 MARCH 2011

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

2. Statement by President - Emergency Evacuation Procedures

The President made the following Statement -

Tuesday's evacuation alarm was the result of automatic fire detectors activating due to increased smoke in the attic area of Parliament House. The origin of this smoke was subsequently traced to the dining room servery.

Please be advised that the emergency fire alarm procedure is as follows. The initial alarm is an on-off tone that rises in volume. This alerts Parliament House occupants to the existence of an emergency situation and that we should stand by for an evacuation tone or further verbal instructions. At this stage the emergency response team will ascertain the nature of the emergency. A broadcast over the public-address system at regular intervals will state, "Please stand by for further instructions." If the emergency is deemed to be a false alarm, the following statement will be made, "Attention all personnel! Attention all personnel! A fault has been identified as the cause of the alarm. Please disregard the alarm." If the emergency is authentic, a constant on-off tone will sound, including a taped message stating, "Emergency! Evacuate now." At this point all occupants are to vacate the building under the direction of the relevant floor wardens to the muster point on either the tennis courts or the Hay Street grassed area. Full details of the procedures are located in the 'If' booklet which is located behind each Member's office door, which I am sure all Members have read.

3. Ministerial Statement - Shark Fisheries - Memorandum of Understanding on the Conservation of Migratory Sharks

The Minister for Fisheries made a Ministerial Statement with respect to the Memorandum of Understanding on the Conservation of Migratory Sharks.

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

4. Papers

The following Papers were laid on the Table by -

Minister for Finance

Documents -

Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010 - Details of Capital Expenditure Excesses and New Items for the 2009-10 Financial Year	3149
Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010 - Details of Recurrent Expenditure Excesses and New Items for the 2009-10 Financial Year	3150

Minister for Energy

Directions -

Electricity Corporations Act 2005 (WA) - Electricity Corporations (Dividend Determination) Direction (No. 1) 2011 to the Electricity Retail Corporation (17 March 2011).....	3151
Electricity Corporations Act 2005 (WA) - Electricity Corporations (Dividend Determination) Direction (No. 2) 2011 to the Electricity Generation Corporation (17 March 2011).....	3152

5. Property Law (Mortgagee's Power of Sale) Amendment Bill 2009

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Hon Ed Dermer, by leave, was granted an extension of his speaking time.

Debate resumed.

Interruption pursuant to Temporary Orders.

6. Order of Business

Ordered - That Order of the Day Nos 1, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, and 2, *Shire of Esperance Cemeteries Amendment Local Law 2010 - Disallowance*, be taken after Order of the Day No. 8, *Hope Valley-Wattleup Redevelopment Amendment Bill 2010*. (Leader of the House).

7. Conservation Legislation Amendment Bill 2010

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

The Minister for Mental Health representing the Minister for Environment moved, That the Bill be now read a third time.

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.

Question - put and passed.

Bill read a third time and passed.

8. Juries Legislation Amendment Bill 2010

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

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 4.

Debate resumed.

Clause agreed to.

Clauses 5 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 30 agreed to.

Clause 31.

Hon Giz Watson moved -

Page 18, after line 19 — To insert —

(d) the consequences for failing to attend.

Debate ensued.

Hon Giz Watson, by leave, withdrew her amendment.

Clause agreed to.

Clauses 32 and 33 agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clause 35 agreed to.

Clause 36.

Debate ensued.

Hon Giz Watson moved -

Page 28, after line 14 — To insert —

(c) the Clerk of the Legislative Council, Clerk of the Legislative Assembly, Deputy Clerk of the Legislative Council, Deputy Clerk of the Legislative Assembly, Clerk Assistant, Usher of the Black Rod or Sergeant-at-Arms of the Parliament of Western Australia.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 28, line 18 — To insert after “Court” —

or an associate to any such officer;

Page 28, line 20 — To insert after “Court” —

or an associate to any such officer;

Debate ensued.

Amendments - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 28, line 22 — To delete “magistrate or registrar” and insert —

magistrate, registrar or judicial support officer

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 28, lines 23 and 24 — To delete the lines and insert —

- (e) a judge, magistrate, registrar or judicial support officer of the Children’s Court or an associate to a judge of the Court;

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 29, lines 3 to 6 — To delete the lines.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 29, lines 9 and 10 — To delete the lines and insert —

3. Australian legal practitioners

A person who is an Australian legal practitioner.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 29, lines 12 to 33 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 37 to 44 agreed to.

Title agreed to.

The Deputy 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.

9. Procedure and Privileges Committee - Report No. 20 - Administering the Oath or Affirmation to Witnesses in Committee Proceedings

The Order of the Day having been read for the adjourned debate on the motion of Hon Matt Benson-Lidholm, as follows -

That the Report do lie upon the Table and be printed and adopted and agreed to.

Debate resumed.

Question - put and passed.

10. Standing Committee on Environment and Public Affairs - Report No. 19 - Prayer for Relief

The Order of the Day having been read for the adjourned debate on the motion of the Leader of the House as follows -

That the recommendations contained in the Nineteenth Report of the Standing Committee on Environment and Public Affairs be adopted and agreed to.

The Leader of the House moved -

To delete all words after “That” and insert -

in relation to the recommendations contained in the Nineteenth Report of the Standing Committee on Environment and Public Affairs -

- (a) recommendation No. 1 be adopted and agreed to; and
- (b) recommendation No. 2 be referred to the Subcommittee of the Procedure and Privileges Committee for consideration as part of the Subcommittee’s review of the Standing Orders of the House.

Debate ensued.

Amendment - put and passed.

Debate resumed on the motion, as amended.

Question - put and passed.

11. Statutes (Repeals and Minor Amendments) Bill 2010

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

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Postponed Clause 18.

Debate ensued.

Clause - put and negatived.

Postponed Clause 26.

Debate ensued.

Clause agreed to.

Title agreed to.

The Deputy 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.

12. Cognate Debate - Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010 and Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010

The Minister for Finance representing the Treasurer sought leave of the House to debate Order of the Day No. 9, *Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010* and Order of the Day No. 10, *Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010* cognately [SO 228].

Leave granted.

13. Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010 and Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate ensued.

14. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, a document in relation to ministerial officers who accepted end of contract payments in December 2010, in response to a question without notice asked by Hon Ed Dermer. (Tabled paper 3153).

The Minister for Finance representing the Minister for Transport tabled documents and maps indicating road works and drainage plans on Great Northern Highway, Herne Hill, in response to question on notice No. 3408 asked by Hon Ken Travers. (Tabled paper 3154).

The Minister for Energy representing the Minister for Education tabled documents in relation to staff levels at the South West Education Regional Office, in response to question on notice No. 3433 asked by Hon Adele Farina. (Tabled paper 3155).

The Minister for Energy representing the Minister for Education tabled documents in relation to staff levels at the Albany Local Education Office, in response to question on notice No. 3434 asked by Hon Adele Farina. (Tabled paper 3156).

The Minister for Energy representing the Minister for Education tabled documents in relation to staff levels at the Manjimup Local Education Office, in response to question on notice No. 3435 asked by Hon Adele Farina. (Tabled paper 3157).

The Minister for Mental Health tabled documents in relation to people with a mental health diagnosis who have returned to hospital within 28 days after discharge for the past three years, in response to question on notice No. 3390 asked by Hon Ljiljanna Ravlich. (Tabled paper 3158).

The Minister for Mental Health tabled documents in relation to people with a mental health diagnosis who have been patients in an Emergency Department or Observation Ward, for a period of one to more than 10 days for the past 12 months, in response to question on notice No. 3391 asked by Hon Ljiljanna Ravlich. (Tabled paper 3159).

The Minister for Mental Health tabled documents in relation to funding provided to non-government organisations for mental health programs and applications that were unsuccessful for the past three years, in response to question on notice No. 3394 asked by Hon Ljiljanna Ravlich. (Tabled paper 3160).

The Minister for Mental Health tabled documents in relation to the number of general hospital beds that have been occupied by a patient with a diagnosis of mental illness for the past three years, in response to question on notice No. 3395 asked by Hon Ljiljanna Ravlich. (Tabled paper 3161).

The Minister for Mental Health tabled documents in relation to counts of mental health attendances with length of episode in days in the emergency department or the observation ward for the period 1 July 2007 to 28 February 2011, in response to question on notice No. 3397 asked by Hon Ljiljanna Ravlich. (Tabled paper 3162).

The Minister for Mental Health tabled documents in relation to patients with a mental health diagnosis who have returned to hospital within 72 hours after discharge for the past three years, in response to question on notice No. 3398 asked by Hon Ljiljanna Ravlich. (Tabled paper 3163).

The Minister for Mental Health, in accordance with Standing Order 138(d), advised that the answer to question on notice No. 3383 asked by Hon Ljiljanna Ravlich will be provided on 6 April 2011.

15. Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010 and Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Debate interrupted pursuant to Temporary Orders

16. Members' Statements

Statements were taken.

17. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 5 April 2011.

Question - put and passed.

18. Adjournment

The House adjourned at 6.00pm until Tuesday, 5 April 2011 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Liz Behjat, Hon Mia Davies, Hon Nigel Hallett and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council