

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 234

TUESDAY, 25 SEPTEMBER 2012

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Petition

Hon Lynn MacLaren presented a petition from 13 petitioners requesting the Legislative Council to investigate the live animal trade with a view to recommending a timeframe within which the trade can be permanently discontinued. (Tabled Paper 5034).

3. Ministerial Statement — Mining Amendment Bill 2012 — Correction to Statement

The Minister for Mines and Petroleum made a Ministerial statement with respect to a correction to his second reading speech on the *Mining Amendment Bill 2012*.

4. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Governor's Establishment (2011–2012) (Date received 25/09/12)..... 5004

Parliamentary Inspector of the Corruption and Crime Commission (2011–2012)
(Date received 25/09/12)..... 5005

Joint Standing Committee on Treaties (Commonwealth of Australia) —

Treaties tabled on 18 September 2012 — Agreement between the Government of Australia and the Kingdom of Spain for the Mutual Protection of Classified Information of Defence Interest (Madrid, 17 November 2011), Agreement Establishing the African Development Fund, as amended (Abidjan, 29 November 1972) and Agreement Establishing the African Development Bank, as amended (Khartoum, 4 August 1963)..... 5006

Leader of the House

Annual Reports —

Coal Industry Superannuation Board (2011–2012) (Date received 25/09/12) 5007

Coal Miners Welfare Board (2011–2012) (Date received 25/09/12) 5008

Electoral Commission (2011–2012) (Date received 25/09/12)..... 5009

Equal Opportunity in Public Employment (2011–2012) (Date received 25/09/12)..... 5010

Fisheries, Department of (2011–2012) (Date received 25/09/12)..... 5011

Gaming and Wagering Commission (2011–2012) (Date received 25/09/12)..... 5012

Gold Corporation (2011–2012) (Date received 25/09/12)..... 5013

Liquor Commission of Western Australia (2011–2012) (Date received 25/09/12)	5014
Lotterywest (2011–2012) (Date received 25/09/12)	5015
Minerals and Energy Research Institute of Western Australia (2011–2012) (Date received 25/09/12).....	5016
Mines and Petroleum, Department of (2011–2012) (Date received 25/09/12).....	5017
Premier and Cabinet, Department of (2011–2012) (Date received 25/09/12)	5018
Racing, Gaming and Liquor, Department of (2011–2012) (Date received 25/09/12).....	5019
Racing Penalties Appeal Tribunal of Western Australia (2011–2012) (Date received 25/09/12).....	5020
State Development, Department of (2011–2012) (Date received 25/09/12)	5021
Venueswest (2011–2012) (Date received 25/09/12)	5022
<i>Orders —</i>	
Fish Resources Management Act 1994 (Houtman Abrolhos Reef Observation Areas Amendment Order 2012 G.G. 21/09/2012 and Prohibition on Taking Rock Lobster (Abrolhos Islands) Revocation Order 2012 G.G. 21/09/201)	5023
<i>Regulations —</i>	
Lotteries Commission Act 1990 (Lotteries Commission (Designated Authorities) Amendment Regulations 2012 G.G. 21/09/2012)	5024
Minister for Finance	
<i>Annual Reports —</i>	
Treasury Corporation Statement of Corporate Intent (2012–2013)	5025
Minister for Energy	
<i>Annual Reports —</i>	
Training Accreditation Council (2011–2012) (Date received 25/09/12).....	5026
<i>By-laws —</i>	
Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws (No. 2) 2012 G.G. 21/09/2012 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2012 G.G. 21/09/2012).....	5027
Minister for Child Protection	
<i>Annual Reports —</i>	
Agricultural Produce Commission (2011–2012) (Date received 20/09/12)	5028
<i>Local Laws —</i>	
Local Government Act 1995 (Shire of Manjimup Repeal Local Law 2011 G.G. 18/09/2012)	5029
<i>Regulations —</i>	
Children and Community Services Act 2004 (Children and Community Services Amendment Regulations (No. 2) 2012 G.G. 21/09/2012)	5030
Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations (No. 2) 2012 G.G. 21/09/2012).....	5031
Attorney General	
<i>Rules —</i>	
Supreme Court Act 1935 (Supreme Court (Corporations) (WA) Amendment Rules 2012 G.G. 21/09/2012).....	5032
Attorney General on behalf of the Parliamentary Secretary representing the Premier (on Public Sector Management)	
<i>Annual Reports —</i>	
Public Sector Commission (2011–2012) (Date received 25/09/12).....	5033

5. School Education Amendment Bill 2012

The Minister for Education: To move on the next day of sitting —

That a Bill for “An Act to amend the *School Education Act 1999* and to make consequential amendments to the *School Curriculum and Standards Authority Act 1997*.” be introduced and read a first time.

6. Aboriginal Affairs Planning Authority Amendment Bill 2012

The Minister for Indigenous Affairs: To move on the next day of sitting —

That a Bill for “An Act to amend the *Aboriginal Affairs Planning Authority Act 1972* and to consequentially amend the *Unclaimed Money Act 1990*.” be introduced and read a first time.

7. Courts Legislation Amendment Bill 2012

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend —

- the *Criminal Procedure Act 2004*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*.”

be introduced and read a first time.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, 2, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, 3, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, 4, *Pawnbrokers and Second-hand Dealers Amendment Regulations 2012 — Disallowance*, 5, *Security and Related Activities (Control) Amendment Regulations 2012 — Disallowance*, 6, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, and 7, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, be taken after Order of the Day No. 15, *Revenue Laws Amendment Bill 2012*. (Leader of the House).

9. Retirement Villages Amendment Bill 2012

The Order of the Day having been read for the consideration of the Committee’s report upon this Bill.

The Minister for Commerce moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

10. Workers’ Compensation and Injury Management Amendment (Jockeys) Bill 2012

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 President left the Chair.

In Committee

(Hon Colin Holt in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Hon Kate Doust moved —

Page 2, line 8 — To insert after “proclamation” —

, which may be a day prior to the day on which the proclamation fixing the day is published in the *Gazette*

Debate ensued.

Amendment — put and negatived.

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

Clauses 3 to 6 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy Chair 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.

11. Criminal Investigation (Covert Powers) Bill 2011

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

The Deputy President left the Chair.

In Committee

(Hon Colin Holt in the Chair)

Postponed Clause 5.

Debate resumed on the amendment of the Attorney General representing the Minister for Police as follows —

Page 6, lines 26 and 27 — To delete the lines and insert —

- (b) an offence not covered by paragraph (a) that is prescribed for the purposes of this definition, being an offence under any of the following Acts —
 - (i) the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
 - (ii) *The Criminal Code*;
 - (iii) the *Firearms Act 1973*;
 - (iv) the *Fish Resources Management Act 1994*;
 - (v) the *Misuse of Drugs Act 1981*;
 - (vi) the *Prostitution Act 2000*;
 - (vii) the *Weapons Act 1999*;

12. Questions Without Notice

Questions without notice were taken.

13. Criminal Investigation (Covert Powers) Bill 2011

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).
The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Postponed Clause 5.

Debate resumed on the amendment of the Attorney General representing the Minister for Police as follows —

Page 6, lines 26 and 27 — To delete the lines and insert —

- (b) an offence not covered by paragraph (a) that is prescribed for the purposes of this definition, being an offence under any of the following Acts —
 - (i) the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
 - (ii) *The Criminal Code*;
 - (iii) the *Firearms Act 1973*;
 - (iv) the *Fish Resources Management Act 1994*;
 - (v) the *Misuse of Drugs Act 1981*;
 - (vi) the *Prostitution Act 2000*;
 - (vii) the *Weapons Act 1999*;

The Attorney General representing the Minister for Police, by leave, tabled a revised consideration of prescribed relevant offences and the definition of ‘relevant offence’ adopted in other jurisdictions. (Tabled Paper 5035).

Debate resumed.

Hon Adele Farina moved, That consideration of Clause 5 be postponed until after postponed Clause 80.

Debate ensued.

Question — put and negatived.

Debate resumed.

Amendment — put and passed.

Hon Adele Farina moved the following Committee Recommendation —

Page 6, lines 31 and 32 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Hon Adele Farina moved the following Committee Recommendation —

Page 6, line 32 — To delete “definition;” and insert —

definition if and only if the prescribing of that offence has been recommended by resolution passed by both Houses of Parliament of this State;

Debate ensued.

Amendment — put and negatived.

Clause, as amended, agreed to.

Postponed clause 80.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and sought to sit again.

Ordered — That the Committee of the Whole House sit again.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 10.11pm until Wednesday, 26 September 2012 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wendy Duncan, Hon Donna Faragher and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council