

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 230

THURSDAY, 13 SEPTEMBER 2012

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The Deputy President, Hon Matt Benson-Lidholm, took the Chair and read prayers.

### 2. Ministerial Statement — Review of the Working with Children (Criminal Record Checking) Act 2004

The Minister for Child Protection made a Ministerial Statement with respect to the review of the *Working with Children (Criminal Record Checking) Act 2004*.

The Minister for Child Protection, tabled the report of the *Review of the Working with Children (Criminal Record Checking) Act 2004*. (Tabled Paper 4919).

### 3. Papers

The following Papers were laid on the Table by —

#### Leader of the House

##### *Reports —*

Interstate and Overseas Travel undertaken by Members of Parliament Funded by the  
Imprest System (For the three months ended 31 March 2012) ..... 4914

#### Minister for Finance

##### *Annual Reports —*

Construction Industry Long Service Leave Payments Board (2011–2012) (Date received  
12/09/12) ..... 4915

Industrial Relations Commission, Department of the Registrar (2011–2012) (Date  
received 12/09/12) ..... 4916

#### Minister for Mental Health

##### *Annual Reports —*

Perry Lakes Redevelopment Project (2011–2012) (Date received 12/09/12) ..... 4917

Water Corporation (2011–2012) (Date received 12/09/12) ..... 4918

### 4. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 10 — Annual Report 2011–2012

Hon Nick Goiran presented Report No. 10 of the Joint Standing Committee on the Commissioner for Children and Young People being the *Annual Report 2011–12*. (Tabled Paper 4920).

**5. Joint Standing Committee on Delegated Legislation — Report No. 53 — Mindarie Regional Council Standing Orders Amendment Local Law 2012**

Hon Sally Talbot presented Report No. 53 of the Joint Standing Committee on Delegated Legislation in relation to the *Mindarie Regional Council Standing Orders Amendment Local Law 2012*. (Tabled Paper 4921).

**6. Joint Standing Committee on Delegated Legislation — Report No. 54 — City of Bayswater Standing Orders Local Law 2012**

Hon Sally Talbot presented Report No. 54 of the Joint Standing Committee on Delegated Legislation in relation to the *City of Bayswater Standing Orders Local Law 2012*. (Tabled Paper 4922).

**7. Joint Standing Committee on Delegated Legislation — Report No. 55 — City of Perth Standing Orders Amendment Local Law 2012**

Hon Sally Talbot presented Report No. 55 of the Joint Standing Committee on Delegated Legislation in relation to the *City of Perth Standing Orders Amendment Local Law 2012*. (Tabled Paper 4923).

**8. Joint Standing Committee on Delegated Legislation — Report No. 56 — Ability to Conduct Electronic Meetings and the Trial of iPads by Committee Members**

Hon Sally Talbot presented Report No. 56 of the Joint Standing Committee on Delegated Legislation in relation to the *Ability to Conduct Electronic Meetings and the Trial of iPads by Committee Members*. (Tabled Paper 4924).

**9. Standing Committee on Environment and Public Affairs — Report No. 27 — Petition No. 161 — Review of the Laws Pertaining to Domestic Violence**

Hon Kate Doust presented Report No. 27 of the Standing Committee on Environment and Public Affairs in relation to *Petition No. 161 — Review of the Laws Pertaining to Domestic Violence*. (Tabled Paper 4925).

**10. Standing Committee on Estimates and Financial Operations — Special Report — 2011–12 Annual Report Hearings**

Hon Giz Watson presented a Special Report of the Standing Committee on Estimates and Financial Operations giving notice to the Council pursuant to Standing Order No. 179(2) of a resolution of the Committee to commence its *2011–2012 Annual Report Hearings*. (Tabled Paper 4926).

**11. Marriage Equality Bill 2012**

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

That a Bill for “An Act to provide for marriage equality, including the authorisation of celebrants, the registration of same-sex marriages via an amendment to the *Births, Deaths and Marriages Registration Act 1998*, and to provide for the dissolution and annulment of same-sex marriages and for related financial matters via amendments to the *Family Court Act 1997*.” be introduced and read a first time.

**12. Kimberley Gas Hub**

Non-Government Business No. 1 having been called, Hon Jon Ford moved, without notice —

That this Council condemns the Barnett Government for its failure to ensure that environmental, indigenous and cultural interests are protected and proper processes are followed in the development and construction of the Kimberley gas hub.

Debate ensued.

Hon Robin Chapple tabled a document in relation to the Kimberley Gas Hub at James Price Point. (Tabled Paper 4927).

Debate resumed.

*Point of Order*

Hon Sally Talbot raised the following Point of Order —

Can I ask the honourable Member to identify and table the documents from which she is reading?

*Deputy President's Ruling*

The Deputy President ruled as follows —

The Minister does need to identify the documents, but the Member can request that they be tabled only at the end of the Minister's speech.

Debate resumed.

*Motion lapsed.*

**13. Trade Commissioner — Establishment**

Private Members' Business No. 1 having been called, Hon Colin Holt moved, without notice —

That this Council supports the establishment of a Trade Commissioner to better attract, coordinate and drive investment into regional Western Australia.

Debate ensued.

*Motion lapsed.*

**14. Order of Business**

Ordered — That Orders of the Day Nos 1, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 2, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 3, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 4, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, 5, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, and 6, *City of Perth Standing Orders Amendment Local Law 2012 — Disallowance*, be taken after Order of the Day No. 15, *Revenue Laws Amendment Bill 2012*. (Leader of the House).

**15. 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.

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**In Committee**

(Hon Alyssa Hayden in the Chair)

Clause 80.

Debate resumed.

The Attorney General representing the Minister for Police moved — That consideration of Clause 80 be postponed until after Clause 126.

Question — put and passed.

Clauses 81 to 87 agreed to.

Clause 88.

Hon Adele Farina moved the following Committee Recommendation —

Page 72, lines 17 to 19 — To delete the lines and insert —

- (a) must hear the proceeding (including any application made under section 86 or 90 or order made under section 88(1)(b) relating to the proceeding), in a closed court; and

Debate ensued.

Amendment — put and negatived.

The Attorney General representing the Minister for Police moved —

Page 72, lines 17 to 19 — To delete “(including any applications relating to the proceeding, such as those referred to in sections 86, 88 and 90)” and insert —

(including any application relating to the proceeding, such as an application for an order under paragraph (b) or an application under section 86 or 90)

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 89 to 99 agreed to.

Clause 100.

The Attorney General representing the Minister for Police moved —

Page 81, line 8 — To delete the line and insert —

- (i) an SES employee as defined in the *Australian Crime Commission Act 2002* (Commonwealth) section 4(1); or

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 101 to 111 agreed to.

Clause 112.

Debate ensued.

Clause agreed to.

Clauses 113 to 126 agreed to.

New Clause 101A.

Debate ensued.

Hon Adele Farina moved the following Committee Recommendation —

Page 82, after line 6 — To insert —

#### **101A. Parts 2 and 3 to be reviewed**

- (1) The Minister must carry out a review of the operation of Parts 2 and 3 of this Act as soon as practicable after the expiration of 5 years after the date on which the Act commences.
- (2) The Minister must prepare a report based on the review and, as soon as practicable after the report is prepared and in any event not more than 18 months after the expiry of the period referred to in subsection (1), cause it to be laid before each House of Parliament.

Hon Adele Farina, by leave, amended the Committee amendment as follows —

Page 82, after line 6 — To insert —

#### **101A. Review of Parts 2 and 3**

- (1) The Minister must carry out a review of the operation and effectiveness of Parts 2 and 3 of this Act as soon as practicable after the expiration of 5 years after the date on which the Act received Royal Assent.

- (2) The Minister must prepare a report based on the review and must cause the report to be laid before each House of Parliament as soon as practicable after the report is prepared and in any event not more than 18 months after the expiry of the period referred to in subsection (1).

Debate ensued.

Hon Adele Farina, by leave, withdrew her amendment.

The Attorney General representing the Minister for Police moved —

Page 82, after line 6 — To insert —

#### **101A. Review of Parts 2 and 3**

- (1) The Minister must carry out a review of the operation and effectiveness of Parts 2 and 3 as soon as is practicable after the end of the period of 5 years beginning on the day on which this Act receives the Royal Assent.
- (2) The Minister must prepare a report based on the review and must cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared and, in any event, not later than 18 months after the end of the period referred to in subsection (1).

Amendment — put and passed.

New clause agreed to.

New Part 7A.

Hon Adele Farina moved the following Committee Recommendation —

Page 84, after line 10 — To insert —

#### **Part 7A — *Criminal Injuries Compensation Act 2003* amended**

##### **106A. Act amended**

This Part amends the *Criminal Injuries Compensation Act 2003*.

##### **106B. Section 13 amended**

In section 13(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

##### **106C. Section 16 amended**

In section 16(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

**106D. Section 17 amended**

In section 17(5) delete “section 27.” and insert:

section 27 or the *Criminal Investigation (Covert Powers) Act 2012* section 27, 31 or 34.

Debate ensued.

Amendment — put and passed.

New Part agreed to.

The Attorney General representing the Minister for Police moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day’s sitting.

Question — put and passed.

The Deputy 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 at a later stage of this day’s sitting.

Report adopted.

Ordered — That the Committee of the whole House sit again at a later stage of this day’s sitting.

**16. Order of Business**

Ordered — That Orders of the Day Nos 1, *Liquor Control Amendment Regulations (No. 10) 2011 – Disallowance*, 2, *Town of Bassendean Repeal Local Law 2010 – Disallowance*, and 3, *Town of Bassendean Dust and Sand Local Law 2011 – Disallowance*, be taken forthwith. (Leader of the House).

**17. Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance**

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Liquor Control Amendment Regulations (No. 10) 2011* published in the *Gazette* on 6 January 2012 and tabled in the Council on 6 March 2012 under the *Liquor Control Act 1988*, be and are hereby disallowed. (Tabled paper 4167).

Debate ensued.

Question — put and passed.

**18. Town of Bassendean Repeal Local Law 2010 — Disallowance**

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Bassendean Repeal Local Law 2010* published in the *Gazette* on 20 January 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4212).

Debate ensued.

Question — put and passed.

**19. Town of Bassendean Dust and Sand Local Law 2011 — Disallowance**

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Bassendean Dust and Sand Local Law 2011* published in the *Gazette* on 6 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 4329).

Debate ensued.

Question — put and passed.

## 20. Order of Business

Ordered — That Order of the Day No. 9, *Criminal Investigation (Covert Powers) Bill 2011*, be taken forthwith. (Leader of the House).

## 21. Criminal Investigation (Covert Powers) Bill 2011

Resumption of consideration of this Bill in Committee of the Whole House (*see item 15 above*).  
The Deputy President left the Chair.

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### In Committee

(Hon Jon Ford in the Chair)

Postponed Clause 3.

Hon Giz Watson moved —

Page 3, line 26 — To delete “or other government agency”.

Debate ensued.

Amendment — put and negatived.

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

Postponed Clause 4.

Debate ensued.

## 22. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development tabled, and by leave incorporated into Hansard, documents in relation to the budget details of Regional Strategic Projects, in response to a question without notice asked by Hon Helen Bullock. (Tabled Paper 4928).

The Minister for Education, by leave, incorporated into Hansard, a response to a question without notice asked by Hon Ed Dermer.

## 23. Criminal Investigation (Covert Powers) Bill 2011

Resumption of consideration of this Bill in Committee of the Whole House (*see item 21 above*).  
The Deputy President left the Chair.

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### In Committee

(Hon Jon Ford in the Chair)

Postponed Clause 4.

Debate resumed.

Clause agreed to.

Postponed Clause 5.

The Attorney General representing the Minister for Police moved —

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*;

Debate ensued.

*Interruption pursuant to order.*

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The Deputy 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.

Report adopted.

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

#### **24. Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2012**

The Deputy President reported the receipt of Message No. 272 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Finance moved, That the Bill be read a second time.

The Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4929).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

#### **25. Members' Statements**

Statements were taken.

#### **26. Adjournment**

The Council adjourned at 5.44pm until Tuesday, 18 September 2012 at 3.00pm.

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

Attendance: Present all Members except Hon Liz Behjat, Hon Brian Ellis, Hon Barry House and Hon Max Trenorden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON MATT BENSON-LIDHOLM**  
Deputy President of the Legislative Council