

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 228

TUESDAY, 11 SEPTEMBER 2012

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

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

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

29 August 2012 — Message No. 14	Act No.
Lotteries Commission Amendment Bill 2012	21 of 2012
Fire and Emergency Services Legislation Amendment Bill 2012	22 of 2012
Commercial Arbitration Bill 2012	23 of 2012
3 September 2012 — Message No. 15	Act No.
Water Services Bill 2012	24 of 2012
Water Services Legislation Amendment and Repeal Bill 2012	25 of 2012
Pay-roll Tax Rebate Bill 2012	26 of 2012
Pay-roll Tax (Indigenous Wages) Rebate Bill 2012	27 of 2012
Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012	28 of 2012
Revenue Laws Amendment Bill 2012	29 of 2012
Litter Amendment Bill 2012	30 of 2012

3. Ministerial Statement — Business of the Council

The Leader of the House made a Ministerial Statement with respect to the business of the Council for this day's sitting.

4. Ministerial Statement — Strategic Energy Initiative

The Minister for Energy made a Ministerial Statement with respect to the public release of the Strategic Energy Initiative, *Energy2031*.

The Minister for Energy tabled the Strategic Energy Initiative, *Energy2031*. (Tabled Paper 4884).

5. Ministerial Statement — State-wide Specialist Aboriginal Mental Health Service

The Minister for Mental Health made a Ministerial Statement with respect to the State-wide Specialist Aboriginal Mental Health Service.

6. Ministerial Statement — Metropolitan Region Scheme Amendment No. 1219/41 — South Bullsbrook Industrial Precinct

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1219/41 — South Bullsbrook Industrial Precinct.

The Minister for Mental Health representing the Minister for Planning tabled plans relating to Metropolitan Region Scheme Amendment No. 1219/41 — South Bullsbrook Industrial Precinct. (Tabled Paper 4885).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions and transcripts of hearings relating to Metropolitan Region Scheme Amendment No. 1219/41 — South Bullsbrook Industrial Precinct. (Tabled Paper 4886).

7. Ministerial Statement — Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1.

The Minister for Mental Health representing the Minister for Planning tabled plans relating to Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1. (Tabled Paper 4887).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions and transcripts of hearings relating to Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1. (Tabled Paper 4888).

8. Papers

The following Papers were laid on the Table by —

Deputy President on behalf of the President

Joint Standing Committee on Treaties (Commonwealth of Australia) —

Report No. 127 — Treaties tabled on 20 March and 8 May 2012 — (Fifth Agreement to Extend the 1987 Regional Cooperative Agreement for Research, Development and Training related to Nuclear Science and Technology done at Bali on 15 April 2011, Exchange of Notes, done at Canberra on 9 December 2011, constituting an Agreement between Australia and the United States of America to Amend and Extend the Agreement on Cooperation in Defense Logistics Support, done at Sydney on 4 November 1989 and Convention on Mutual Administrative Assistance in Tax Matters, done at Strasbourg on 25 January 1988 (Text amended by the provisions of the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters, which entered into force on 1 June 2011).....	4850
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Treaty tabled on 21 August 2012 (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (Tokyo, 11 November 2004)	4853

Reports —

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Leader of the House

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Reports —

Landgate — Statement of Corporate Intent (2012–2013) (Deemed tabled 29/08/2012)..... 4883

9. Building Amendment Bill 2012

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

That a Bill for “An Act to amend the *Building Act 2011* and validate certain actions and for related matters.” be introduced and read a first time.

10. Disability Services Amendment Bill 2012

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

That a Bill for “An Act to amend the *Disability Services Act 1993*.” be introduced and read a first time.

11. Child Support (Adoption of Laws) Amendment Bill 2012

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

That a Bill for “An Act to amend the *Child Support (Adoption of Laws) Act 1990*.” be introduced and read a first time.

12. Pawnbrokers and Second-hand Dealers Amendment Regulations 2012 — Disallowance

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Pawnbrokers and Second-hand Dealers Amendment Regulations 2012* published in the *Gazette* on 15 June 2012 and tabled in the Legislative Council on 19 June 2012 under the *Pawnbrokers and Second-hand Dealers Act 1994*, be and are hereby disallowed. (Tabled Paper 4647).

13. Police (Fees) Amendment Regulations 2012 — Disallowance

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Police (Fees) Amendment Regulations 2012* published in the *Gazette* on 15 June 2012 and tabled in the Legislative Council on 19 June 2012 under the *Police Act 1892*, be and are hereby disallowed. (Tabled Paper 4648).

14. Security and Related Activities (Control) Amendment Regulations 2012 — Disallowance

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Security and Related Activities (Control) Amendment Regulations 2012* published in the *Gazette* on 15 June 2012 and tabled in the Legislative Council on 19 June 2012 under the *Security and Related Activities (Control) Act 1996*, be and are hereby disallowed. (Tabled Paper 4649).

15. Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012* published in the *Gazette* on 6 July 2012 and tabled in the Legislative Council on 14 August 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4766)

16. Leave of Absence — Hon Liz Behjat

Hon Ken Baston moved, without notice —

That leave of absence be granted to Hon Liz Behjat for nine sitting days due to ill health.

Question — put and passed.

17. Order of Business

Ordered — That Order of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 15, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 16, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, and 17, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, be taken

after Order of the Day No. 26, *Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012*. (Leader of the House).

18. Evidence and Public Interest Disclosure Legislation Amendment Bill 2011

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

The Attorney General 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.

19. Criminal Investigation (Covert Powers) Bill 2011

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

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 5.

Debate resumed.

Hon Adele Farina moved, That consideration of Clause 5 be postponed until after Clause 126.

Question — put and passed.

Clauses 6 to 8 agreed to.

Clause 9.

Hon Adele Farina moved the following Committee Recommendation —

Page 8, line 12 — To insert after “Part” —

for 30 years after the commencement of this section

Debate ensued.

Amendment — put and negatived.

Debate resumed.

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

Clause 10.

The Attorney General representing the Minister for Police sought leave to put a number of amendments as one question [SO 132(b)].

Debate ensued.

Leave granted.

The Attorney General, by leave, moved the following amendments —

Clause 10.

Page 8, line 19 — To delete “chief officer of” and insert —

authorising officer for

Page 9, line 2 — To delete “chief” and insert —

authorising

Page 9, line 14 — To delete “chief” and insert —
authorising

Page 9, line 21 — To delete “chief” and insert —
authorising

Page 9, line 23 — To delete “chief” and insert —
authorising

Page 9, line 27 — To delete “chief” and insert —
authorising

Clause 11.

Page 10, line 4 — To delete “chief” and insert —
authorising

Clause 12.

Page 10, line 10 — To delete “chief” and insert —
authorising

Page 11, line 11 — To delete “chief” and insert —
authorising

Page 11, line 15 — To delete “chief” and insert —
authorising

Page 11, line 20 — To delete “chief” and insert —
authorising

Clause 13.

Page 11, line 27 — To delete “chief” and insert —
authorising

Clause 14.

Page 12, line 12 — To delete “chief” and insert —
authorising

Clause 15.

Page 12, line 23 — To delete “chief” and insert —
authorising

Page 12, line 27 — To delete “chief” and insert —
authorising

Clause 17.

Page 15, line 6 — To delete “chief” and insert —
authorising

Page 15, line 7 — To delete “chief” and insert —
authorising

Page 15, line 11 — To delete “chief” and insert —
authorising

Clause 18.

Page 15, line 16 — To delete “chief” and insert —
authorising

Clause 19.

Page 16, line 4 — To delete “chief” and insert —
authorising

Page 16, line 30 — To delete “chief” and insert —
authorising

Page 17, line 5 — To delete “chief” and insert —
authorising

Page 17, line 7 — To delete “chief” and insert —
authorising

Page 17, line 11 — To delete “chief” and insert —
authorising

Clause 20.

Page 17, line 15 — To delete “chief” and insert —
authorising

Page 17, line 24 — To delete “chief” and insert —
authorising

Clause 21.

Page 18, line 11 — To delete “chief” and insert —
authorising

Clause 22.

Page 19, line 20 — To delete “chief” and insert —
authorising

Page 19, line 23 — To delete “chief” and insert —
authorising

Clause 25.

Page 21, line 8 — To delete “chief” and insert —
authorising

Page 21, line 11 — To delete “chief” and insert —
authorising

Page 21, line 12 — To delete “chief” and insert —
authorising

Page 21, line 14 — To delete “chief” and insert —
authorising

Page 21, line 17 — To delete “chief” and insert —
authorising

Page 21, line 22 — To delete “chief” and insert —
authorising

Page 22, line 30 — To delete “chief” and insert —
authorising

Clause 26.

Page 23, line 3 — To delete “A chief” and insert —
An authorising

Page 23, line 10 — To delete “chief” and insert —
authorising

Clause 30.

Page 26, line 1 — To delete “chief officer of ” and insert —
authorising officer for

Page 26, line 8 — To delete “chief ” and insert —
authorising

Clause 37.

Page 30, line 18 — To delete “chief officer,” and insert —
authorising officer for the agency,

Page 30, line 20 — To delete “chief officer,” and insert —
authorising officer for the agency,

Page 30, line 24 — To delete “chief officer; and” and insert —
authorising officer for the agency; and

Page 30, lines 25 and 26 — To delete “chief officer; and” and insert —
authorising officer for the agency; and

Page 30, line 29 — To delete “chief officer,” and insert —
authorising officer for the agency,

Page 31, line 11 — To delete “chief officer” and insert —
authorising officer for the agency

Clause 39.

Page 33, lines 10 and 11 — To delete “chief officer;” and insert —
authorising officer for the agency;

Clause 47.

Page 40, line 14 — To delete “chief officer of ” and insert —
authorising officer for

Page 41, line 2 — To delete “chief ” and insert —
authorising

Page 41, line 30 — To delete “chief ” and insert —
authorising

Page 42, line 1 — To delete “chief ” and insert —
authorising

Page 42, line 5 — To delete “chief ” and insert —
authorising

Clause 48.

Page 42, line 9 — To delete “chief ” and insert —
authorising

Page 42, line 15 — To delete “chief ” and insert —
authorising

Clause 49.

Page 43, line 27 — To delete “chief ” and insert —
authorising

Page 44, line 2 — To delete “chief ” and insert —
authorising

Clause 51.

Page 45, line 30 — To delete “chief ” and insert —
authorising

Page 46, line 5 — To delete “chief” and insert —
authorising

Page 46, line 11 — To delete “chief” and insert —
authorising

Page 46, line 17 — To delete “chief” and insert —
authorising

Clause 52.

Page 47, line 16 — To delete “chief” and insert —
authorising

Page 47, line 17 — To delete “chief” and insert —
authorising

Page 47, line 20 — To delete “chief” and insert —
authorising

Page 47, line 26 — To delete “chief” and insert —
authorising

Page 48, line 2 — To delete “chief” and insert —
authorising

Clause 53.

Page, 48, line 29 — To delete “chief” and insert —
authorising

Page 48, line 30 — To delete “chief officer or a delegate of the chief” and insert —
authorising officer or a delegate of the authorising

Page 49, line 5 — To delete “chief” and insert —
authorising

Page 49, line 8 — To delete “chief” and insert —
authorising

Clause 55.

Page 50, line 18 — To delete “chief officer” and insert —
authorising officer for a law enforcement agency

Clause 66.

Page 55, line 8 — To delete “chief officer of” and insert —
authorising officer for

Clause 79.

Page 64, line 1 — To delete “A chief officer of” and insert —
An authorising officer for, or chief officer of,

Debate ensued.

*The Chairman of Committees left the Chair at 4.03pm.
The Chairman of Committees resumed the Chair at 4.13pm.*

Debate resumed.

Amendments — put and passed.

Clause 10, as amended, agreed to.

Clause 11, as amended, agreed to.

Clause 12.

Hon Adele Farina moved the following Committee Recommendation —

Page 10, line 33 — To insert after “have” —

been

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 13, as amended, agreed to.

Clause 14.

Hon Giz Watson moved —

Page 12, after line 18 — To insert —

- (c) that the relevant offence is an offence against the law of this jurisdiction punishable by imprisonment for 7 years or more; and
- (d) that intelligence gathering is not the sole purpose of the operation.

Debate ensued.

Amendment — put and negatived.

Clause, as amended, agreed to.

20. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health tabled, and by leave incorporated into Hansard, documents in relation to support and funding packages as part of the State Government's Mental Health Reform, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled Paper 4889).

The Minister for Education tabled documents in relation to School Support Programs Resource Allocation, in response to a question without notice asked by Hon Ed Dermer. (Tabled Paper 4890).

The Leader of the House representing the Minister for State Development tabled documents in relation to mining tenements held by Alcoa World Alumina and Worsley Alumina Pty Ltd, in response to question on notice No. 5928 asked by Hon Giz Watson. (Tabled Paper 4891).

The Leader of the House representing the Minister for Science and Innovation tabled documents in relation to elements of the Protecting Our Old Growth Forests Policy Funding Package, in response to question on notice No. 5808 asked by Hon Giz Watson. (Tabled Paper 4892).

The Minister for Mines and Petroleum tabled the Department of Mines and Petroleum Conflict of Interest Policy, in response to question on notice No. 5831 asked by Hon Alison Xamon. (Tabled Paper 4893).

The Minister for Indigenous Affairs tabled a document in relation to the names, position and employment date of staff of the Heritage Section of the Department of Indigenous Affairs, in response to question on notice No. 5800 asked by Hon Robin Chapple. (Tabled Paper 4894).

The Minister for Education tabled the Memorandum of Understanding between the Fire and Emergency Services Authority and the Department of Education for the provision of bushfire risk management services, in response to question on notice No. 5922 asked by Hon Alison Xamon. (Tabled Paper 4895).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to consultants and contractors paid by the Environmental Protection Authority in 2010–11, in response to question on notice No. 5780 asked by Hon Robin Chapple. (Tabled Paper 4896).

The Minister for Mental Health representing the Minister for Environment tabled a list of known Graceful Sun-Moth locations that may be impacted by development within the next 10–20 years, in response to question on notice No. 5763 asked by Hon Lynn MacLaren. (Tabled Paper 4897).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to areas of unmet need in terms of medical practitioner workforce shortages in the metropolitan area, in response to question on notice No. 5841 asked by Hon Alison Xamon. (Tabled Paper 4898).

The Attorney General representing the Minister for Police tabled documents in relation to alcohol related offences in Kalgoorlie-Boulder in 2008–09, 2009–10 and 2010–11, in response to question on notice No. 5776 asked by Hon Ken Baston. (Tabled Paper 4899).

The Attorney General representing the Minister for Police tabled documents in relation to monthly crime statistics from 1 July 2011 to 30 June 2012 for the suburbs of Parkwood, Riverton, Shelley and Willetton, in response to question on notice No. 5902 asked by Hon Sue Ellery. (Tabled Paper 4900).

The Attorney General representing the Minister for Police tabled documents in relation to monthly crime statistics from 1 July 2010 to 30 June 2011 for the suburbs of Parkwood, Riverton, Shelley and Willetton, in response to question on notice No. 5903 asked by Hon Sue Ellery. (Tabled Paper 4901).

The Attorney General representing the Minister for Police tabled documents in relation to monthly crime statistics from 1 July 2009 to 30 June 2010 for the suburbs of Parkwood, Riverton, Shelley and Willetton, in response to question on notice No. 5904 asked by Hon Sue Ellery. (Tabled Paper 4902).

21. Criminal Investigation (Covert Powers) Bill 2011

Resumption of consideration of this Bill in Committee of the Whole House (*see item 19 above*).

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 15.

The Attorney General representing the Minister for Police moved —

Page 13, line 18 — To delete “be” and insert —

be, or is likely to be,

Debate ensued.

Hon Adele Farina moved — To report progress and seek to sit again.

Debate ensued.

Question — put.

The Committee divided.

Ayes (12)

Hon Matt Benson-Lidholm
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Lynn MacLaren

Hon Linda Savage
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (17)

Hon Jim Chown
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran

Hon Alyssa Hayden
 Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O’Brien
 Hon Ken Baston (*Teller*)

Question thus negatived.

Debate resumed.

Amendment — put and passed.

The Attorney General representing the Minister for Police moved —

Page 14, lines 28 to 30 — To delete the lines and insert —

- (8) The authorising officer must, as soon as practicable after granting an urgent authority, make a record in writing of the particulars referred to in subsection (6) relating to the authority.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 16 agreed to.

Clause 17, as amended, agreed to.

Clause 18, as amended, agreed to.

Clause 19, as amended, agreed to.

Clause 20, as amended, agreed to.

Clause 21.

The Attorney General representing the Minister for Police moved —

Page 19, lines 16 to 18 — To delete the lines and insert —

- (6) The authorising officer must, as soon as practicable after making an urgent variation of authority, make a record in writing of the particulars referred to in subsection (5) relating to the variation of authority.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 22, as amended, agreed to.

Clause 23.

The Attorney General representing the Minister for Police, by leave, moved —

Page 20, line 17 — To delete “jurisdictions specified in the authority; or” and insert —

jurisdictions; or

Page 20, lines 18 and 19 — To delete “jurisdictions specified in the authority,” and insert —

jurisdictions,

Debate ensued.

Amendments — put and passed.

Clause, as amended, agreed to.

Clause 24 agreed to.

Clause 25.

Debate ensued.

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.

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

22. Order of Business

Ordered — That Orders of the Day Nos 1, *Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital*

Amendment By-laws (No. 2) 2011 — Disallowance, and 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, be taken forthwith. (Leader of the House).

23. Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance and Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance — Withdrawal of Disallowance Motions

Hon Ken Travers, by leave, withdrew Orders of the Day Nos 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, and 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*.

24. Cognate Debate — Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011 — Disallowance, Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance, Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance, Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance and Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance

The Minister for Mental Health representing the Minister for Health moved, without notice — That Orders of the Day Nos 1, *Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, and 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, be debated cognately.

Question — put and passed.

25. Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011 — Disallowance, Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance, Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance, Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance and Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance

Pursuant to SO 66(3) the following motions were moved *pro forma* by Hon Ken Travers —

- (1) That the *Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221);
- (2) That the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* published in the *Gazette* on 9 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Queen Elizabeth II Medical Centre Act 1966*, be and are hereby disallowed. (Tabled paper 4222);
- (3) That the *Royal Perth Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221);
- (4) That the *Fremantle Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221); and
- (5) That the *Osborne Park Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled paper 4221).

Debate ensued.

Question — That the *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance* be agreed to — put.

The Council divided.

Ayes (11)

Hon Matt Benson-Lidholm
 Hon Robin Chapple
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren
 Hon Ljiljana Ravlich

Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (15)

Hon Jim Chown
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ken Baston (*Teller*)

Question thus negatived.

Question — That the *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance* be agreed to — put.

The Council divided.

Ayes (11)

Hon Matt Benson-Lidholm
 Hon Robin Chapple
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren
 Hon Ljiljana Ravlich

Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (15)

Hon Jim Chown
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ken Baston (*Teller*)

Question thus negatived.

Question — That the *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance* be agreed to — put.

The Council divided.

Ayes (11)

Hon Matt Benson-Lidholm
 Hon Robin Chapple
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren
 Hon Ljiljana Ravlich

Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (15)

Hon Jim Chown
 Hon Wendy Duncan
 Hon Phil Edman
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Philip Gardiner
 Hon Nick Goiran
 Hon Alyssa Hayden

Hon Col Holt
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ken Baston (*Teller*)

Question thus negated.

Question — That the *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance* be agreed to — put and passed.

Question — That the *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance* be agreed to — put and passed.

26. Members' Statements

Statements were taken.

27. Adjournment

The Council adjourned at 10.16pm until Wednesday, 12 September 2012 at 2.00 pm.

Members present during the day's proceedings

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

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON MATT BENSON-LIDHOLM
 Deputy President of the Legislative Council