

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 144

TUESDAY, 5 APRIL 2011

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

2. Petitions

Hon Giz Watson presented a petition from 1 225 petitioners requesting the Legislative Council recommend the Department of Corrective Services resume sole responsibility for all custodial transport and terminate the contract between the Department of Corrective Services and G4S for the transportation of detained persons. (Tabled paper 3200).

Hon Giz Watson presented a petition from 13 436 petitioners requesting the Legislative Council to call on the Minister for Planning to abide by the height limits in State Coastal Planning Policy 2.6 and gazette the proposed Cottesloe Local Planning Scheme 3 without modification and without delay. (Tabled paper 3201).

3. Ministerial Statement - National Youth Week

The Minister for Youth made a Ministerial Statement with respect to the celebration of National Youth Week.

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 -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report 115 - Treaties tabled on 28 October and 24 November 2010 and Treaties referred on 16 November 2010 (Part 2) - An Exchange of Notes amending the Agreement between the Government of Australia and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam relating to Air Services, Agreement between Australia and the Kingdom of Spain relating to Air Services, Agreement between the Government of Australia and the Swiss Federal Council relating to Air Services,

Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services, Agreement between Australia and the European Union on the Security of Classified Information, Universal Postal Union: Eighth Additional Protocol to the Constitution of 10 July 1964, as Amended; Convention and Final Protocol; First Additional Protocol to the General Regulations; Postal Payment Services Agreement, World Wine Trade Group Agreement on Requirements for Wine Labelling, Second Protocol to the Agreement between Australia and the Republic of Austria on Social Security, Convention between the Government of Australia and the Government of the Republic of Turkey for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion, Agreement between the Government of Australia and the Government of Japan concerning Reciprocal Provision of Supplies and Services between the Australian Defence Force and the Self-Defense Forces of Japan, Air Services Agreement between the Government of Australia and the Government of the Federative Republic of Brazil, Agreement between the Government of Australia and the Government of the United Mexican States relating to Air Services, Air Services Agreement between the Government of Australia and the Government of the Republic of Turkey, The Agreement Establishing the Advisory Centre on WTO Law, Amendments to the Convention on the International Mobile Satellite Organization adopted at the Twentieth Session of the Assembly and Convention on Limitation of Liability for Maritime Claims.....	3164
Treaty tabled on 23 March 2011 - Resolution MEPC.189(60), Adopted on 26 March 2010 Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Addition of a new chapter 9 to MARPOL Annex I) (London, 17 July 2009)	3165
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Minister for Energy*Annual Reports -*

Central Institute of Technology (2010) (Date received 30/03/2011)	3173
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Minister for Child Protection*Local Laws -*

Beekeepers Act 1963 (Town of Mosman Park Bee Keeping Local Law 2010 G.G. 21/03/2011)	3189
Local Government Act 1995 (City of Mandurah Animals, Environment and Nuisance Local Law 2010 G.G. 22/03/2011, City of Mandurah Bush Fire Brigades Local Law 2010 G.G. 22/03/2011, City of Mandurah Dogs Local Law 2010 G.G. 22/03/2011, City of Melville Local Government Property Local Law 2010 G.G. 28/03/2011, Shire of Brookton Extractive Industries Local Law 2011 G.G. 28/03/2011, Shire of Busselton Local Government Property Amendment Local Law 2011 G.G. 22/03/2011, and Town of Mosman Park Meeting Procedures Local Law 2010 G.G. 21/03/2011)	3190

Minister for Mental Health*Annual Reports -*

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Leases -

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Regulations -

Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2011 G.G. 01/04/2011, Health (Notifications by Midwives) Amendment Regulations 2011 G.G. 01/04/2011 and Health (Skin Penetration Procedure) Amendment Regulations 2011 G.G. 01/04/2011).....	3195
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Poisons Act 1964 (Poisons Amendment Regulations 2011 G.G. 01/04/2011).....	3198

5. Child Care Services Amendment Bill 2011

The Minister for Community Services: To move on the next day of sitting -

That a Bill for “An Act to amend the *Child Care Services Act 2007* and to consequently amend the *Working with Children (Criminal Record Checking) Act 2004*.” be introduced and read a first time.

6. Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Lynn MacLaren -

That the words -

“for more than 6 weeks of any gestation period unless the pig is —

- (a) under veterinary care; or
- (b) receiving additional care”,

in regulation 13(4) of the *Animal Welfare (Pig Industry) Regulations 2010* published in the *Gazette* on 5 November 2010 and tabled in the Legislative Council on 9 November 2010, under the *Animal Welfare Act 2002*, be and are hereby disallowed.

Debate ensued.

Hon Lynn MacLaren, by leave, tabled a document by Dr Malcolm Caulfield on the current status of animal welfare science relating to housing of pregnant sows. (Tabled paper 3202).

Debate resumed.

Question - put.

The House divided.

Ayes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren

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

Noes (17)

Hon Liz Behjat
Hon Peter Collier
Hon Wendy Duncan
Hon Phil Edman
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
Hon Nick Goiran
Hon Nigel Hallett

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

Question thus negatived.

7. Shire of Esperance Cemeteries Amendment Local Law 2010 - Disallowance - Discharge from Notice Paper

Hon Helen Bullock, moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Shire of Esperance Cemeteries Amendment Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

8. Statutes (Repeals and Minor Amendments) Bill 2010

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

The Parliamentary Secretary representing 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.

9. Juries Legislation Amendment Bill 2010

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

The Parliamentary Secretary representing 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.

10. 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.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment tabled correspondence in relation to proposed quarry extractive industry Lot 5 No. 2711 Old Coast Road, Herron, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 3203).

The Minister for Child Protection tabled an answer in tabular format in relation to details of the total funded full time equivalent employee allocation within the Department of Child Protection, in response to question on notice No. 3762 asked by Hon Sue Ellery. (Tabled paper 3204).

The Minister for Mental Health tabled an answer in tabular format in relation to details of waiting times at community mental health centres, in response to question on notice No. 3472 asked by Hon Ljiljanna Ravlich. (Tabled paper 3205).

The Minister for Mental Health tabled an answer in tabular format in relation to details of non-forensic and forensic secure mental health beds, in response to question on notice No. 3473 asked by Hon Ljiljanna Ravlich. (Tabled paper 3206).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the results of Magellan Metals' monitoring program, in response to question No. 3514 asked by Hon Lynn MacLaren. (Tabled paper 3207).

The Minister for Mental Health, in accordance with Standing Order 138(d), advised that the answer to question on notice Nos 3471 and 3474 asked by Hon Ljiljanna Ravlich will be provided in due course.

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

Debate resumed on the second reading of these bills. [cf item 10 above].

Interruption pursuant to Temporary Orders.

13. Members' Statements

Statements were taken.

14. Adjournment

The House adjourned at 10.21pm until Wednesday, 6 April 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Mia Davies and Hon Alyssa Hayden.

NIGEL LAKE
Acting Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council