

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 246

TUESDAY, 13 NOVEMBER 2012

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### 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. Petitions

Hon Wendy Duncan presented a petition from 73 petitioners requesting the Legislative Council to support the residents of Laverton in their campaign for the redevelopment of Laverton Hospital. (Tabled Paper 5354).

Hon Kate Doust presented a petition from 58 petitioners requesting the Legislative Council to inquire into the Perth waterfront project before any further work commences. (Tabled Paper 5355).

Hon Alyssa Hayden presented a petition from 94 petitioners requesting the Legislative Council to give urgent attention to the matter of Western Australia's lack of affordable housing and its impact on families. (Tabled Paper 5356).

Hon Colin Holt presented a petition from 536 petitioners requesting the Legislative Council to recommend to the Government the retention of current funding to the Great Southern Institute of TAFE's music and art programs. (Tabled Paper 5357).

### 3. Ministerial Statement — Parents, Young People and Alcohol Campaign

The Minister for Mental Health made a Ministerial Statement with respect to the launch of the *Parents, Young People and Alcohol* campaign.

### 4. Papers

The following Papers were laid on the Table by —

#### President

*Joint Standing Committee on Treaties (Commonwealth of Australia) —*

Report No. 130 — Treaty tabled on 14 August 2012 (Malaysia — Australia Free Trade Agreement done at Kuala Lumpur on 22 May 2012)..... 5345

#### Leader of the House

*Regulations —*

Mining Act 1978 (Mining Amendment Regulations (No. 4) 2012 G.G. 09/11/2012) ..... 5346

*Reports —*

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business (for the three months ended 31 March 2012) ..... 5347

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Rail Safety, Office of (2011–2012) (Date received 9/11/2012) .....	5349
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**Minister for Mental Health***Orders —*

Planning and Development Act 2005 — Order and Reasons in Accordance with section 76(5) of the Planning and Development Act 2005 relating to section 76(1) Representation in respect of Lot 1 Southern Estuary Road, Herron.....	5352
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**Attorney General***Reports —*

Terrorism (Preventative Detention) Act 2006 — Quarterly Report 30 September 2012 ..	5353
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**5. Standing Committee on Public Administration — Report No. 16 — Public Discussion Paper — Public Sector Reform**

Hon Max Trenorden presented Report No. 16 of the Standing Committee on Public Administration in relation to the *Public Discussion Paper — Public Sector Reform*. (Tabled Paper 5358).

**6. City of Nedlands Parking and Parking Facilities 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 *City of Nedlands Parking and Parking Facilities Local Law 2012* published in the *Gazette* on 11 October 2012 and tabled in the Legislative Council on 17 October 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 5208).

**7. Western Australian Meat Industry Authority Amendment Regulations 2012 — Disallowance — Amendment to Motion**

Hon Sally Talbot, pursuant to SO 61(a), amended Motion for Disallowance No. 1 to the following —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, regulation 4, items 2 (a) and (b), and 4; and regulation 6 of the *Western Australian Meat Industry Authority Amendment Regulations 2012* published in the *Gazette* on 14 September 2012 and tabled in the Legislative Council on 18 September 2012 under the *Western Australian Meat Industry Authority Act 1976*, be and are hereby disallowed (Tabled paper 4947).

## 8. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 — Disallowance*, 2, *Submission No. 13/2012 — Amendment to Class A Reserve 8485 and Cancellation of Class A Reserve 28535 — Disallowance*, 3, *City of Vincent Dogs Amendment Local Law No. 2, 2012 — Disallowance*, 4, *Metropolitan Region Scheme Amendment No. 1218/41 — Keralup Stage 1 — Disallowance*, 5, *City of Subiaco Meeting Procedures Local Law 2012 — Disallowance*, and 6, *Metropolitan Region Scheme Amendment No. 1221/41 — Banjup Urban Precinct — Disallowance*, be taken after Order of the Day No. 9, *Integrity (Lobbyists) Bill 2011*. (Leader of the House).

## 9. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

## 10. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to licences or leases issued by the Department of Mines and Petroleum since 23 September 2008 to Aragon Resources, Empire Oil and Gas and Enterprise Metals, in response to question on notice No. 6352 asked by Hon Adele Farina. (Tabled Paper 5359).

The Minister for Education representing the Minister for Training and Workforce Development tabled documents in relation to delivery and performance agreements between the Minister for Education and Training and various TAFE colleges for the year 2008, in response to question on notice No. 6289 asked by Hon Alison Xamon. (Tabled Paper 5360A).

The Minister for Education representing the Minister for Training and Workforce Development tabled documents in relation to delivery and performance agreements between the Minister for Education and Training and various TAFE colleges for the year 2009, in response to question on notice No. 6289 asked by Hon Alison Xamon. (Tabled Paper 5360B).

The Minister for Education representing the Minister for Training and Workforce Development tabled documents in relation to delivery and performance agreements between the Minister for Education and Training and various TAFE colleges for the year 2010, in response to question on notice No. 6289 asked by Hon Alison Xamon. (Tabled Paper 5360C).

The Minister for Education representing the Minister for Training and Workforce Development tabled documents in relation to delivery and performance agreements between the Minister for Education and Training and various TAFE colleges for the year 2011, in response to question on notice No. 6289 asked by Hon Alison Xamon. (Tabled Paper 5360D).

The Minister for Education representing the Minister for Training and Workforce Development tabled documents in relation to the financial details of TAFE institutes from 2008 to 2012, in response to question on notice No. 6330 asked by Hon Ljiljanna Ravlich. (Tabled Paper 5361).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories of applicants to the Hardship Utility Grant Scheme in April 2012, in response to question on notice No. 6241 asked by Hon Sue Ellery. (Tabled Paper 5362).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories of applicants to the Hardship Utility Grant Scheme in May 2012, in response to question on notice No. 6244 asked by Hon Sue Ellery. (Tabled Paper 5363).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories of applicants to the Hardship Utility Grant Scheme in June 2012, in response to question on notice No. 6247 asked by Hon Sue Ellery. (Tabled Paper 5364).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories of applicants to the Hardship Utility Grant Scheme in July 2012, in response to question on notice No. 6250 asked by Hon Sue Ellery. (Tabled Paper 5365).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories of applicants to the Hardship Utility Grant Scheme in August 2012, in response to question on notice No. 6253 asked by Hon Sue Ellery. (Tabled Paper 5366).

The Minister for Education on behalf of the Minister for Child Protection tabled documents in relation to categories and allocation of full time equivalent employees at the Department for Child Protection, in response to question on notice No. 6261 asked by Hon Sue Ellery. (Tabled Paper 5367).

The Minister for Education on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food tabled documents in relation to the Department of Agriculture and Food report entitled *Benefit – Cost analysis of the State Barrier Fence Final Report (21 November 2007)*, in response to question on notice No. 6335 asked by Hon Sally Talbot. (Tabled Paper 5368).

The Minister for Education on behalf of the Minister for Child Protection representing the Minister for Forestry tabled documents in relation to the Forest Products Commission's complaints handling procedure, in response to question on notice No. 6229 asked by Hon Giz Watson. (Tabled Paper 5369).

The Minister for Education on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food tabled a report entitled *The Economic Importance to Western Australia of Live Animal Exports: Pre-Feasibility Study into a North Western Australian Beef Abattoir (17 September 2010) and Stage Two (October 2011)*, in response to question on notice No. 6183 asked by Hon Lynn MacLaren. (Tabled Paper 5370).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the 2012–2013 funding allocation and fees for each hospital in the South West region of the Western Australia Country Health Service, in response to question on notice No. 6310 asked by Hon Adele Farina. (Tabled Paper 5371).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the 2011–2012 full time equivalent employee details for community health centres in the South West region, in response to question on notice No. 6319 asked by Hon Adele Farina. (Tabled Paper 5372).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to a map and photographs showing improvements at Statham's Quarry, in response to question on notice No. 6331 asked by Hon Sally Talbot. (Tabled Paper 5376).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to the name, location, size and cost of acquisition of *Bush Forever* sites acquired from 2007–08 to 2011–2012, in response to question on notice No. 6333 asked by Hon Sally Talbot. (Tabled Paper 5373).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to the total annual groundwater allocation limit for sub-areas within the East Murchison and Goldfields groundwater areas, in response to question on notice No. 6184 asked by Hon Alison Xamon. (Tabled Paper 5374).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to sub-areas within the East Murchison and Goldfields groundwater areas, in response to question on notice No. 6199 asked by Hon Alison Xamon. (Tabled Paper 5375).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to a map showing the extent of remnant vegetation on the Swan Coastal Plain and Jarrah Forest bioregions area of the Perth and Peel regions, in response to question on notice No. 6276 asked by Hon Alison Xamon. (Tabled Paper 5377).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the prescribed fire plan for the 2011 spring burn in Milyeannup and Sollya Forest Block, in response to question on notice No. 6214 asked by Hon Giz Watson. (Tabled Paper 5378).

# **11. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012**

Debate resumed on the second reading of this Bill (*see item 9 above*).

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon Alyssa Hayden in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Hon Adele Farina moved the following Committee Recommendation —

Page 2, lines 6 to 9 — To delete the lines and insert —

- (a) sections 1 and 2 come into operation on the day on which this Act receives the Royal Assent (*assent day*);
- (b) the rest of the Act —
  - (i) comes into operation on 1 January 2013 if assent day is not later than that day; or
  - (ii) is deemed to have come into operation on 1 January 2013 if assent day is later than that day.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (15)**

Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Philip Gardiner  
 Hon Nick Goiran

Hon Lynn MacLaren  
 Hon Linda Savage  
 Hon Ken Travers  
 Hon Max Trenorden  
 Hon Giz Watson  
 Hon Alison Xamon  
 Hon Ed Dermer (*Teller*)

**Noes (14)**

Hon Liz Behjat  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Mia Davies  
 Hon Wendy Duncan  
 Hon Phil Edman  
 Hon Brian Ellis

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

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 3 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

The Attorney General, by leave, moved, That the report be adopted.

Question — put and passed.

Report adopted.

The Attorney General moved, without notice —

That so much of the Standing Orders be suspended as to enable the Bill to proceed to the third reading forthwith.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Deputy President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Attorney General 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.

## **12. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

## **13. Members' Statements**

Statements were taken.

## **14. Joint Standing Committee on Audit**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 297

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That the Member for Balcatta, the Member for Carine, the Member for Churchlands and the Member for Gosnells be appointed as members of the Joint Standing Committee on Audit, and that the Legislative Council be acquainted accordingly.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 13 November 2012

## **15. Adjournment**

The Council adjourned at 9.50pm until Wednesday, 14 November 2012 at 2.00pm.

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

Attendance: Present all Members except Hon Donna Faragher (leave of absence) and Hon Jon Ford.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council