

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 121

THURSDAY, 21 OCTOBER 2010

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

### 2. Petition

Hon Alison Xamon presented a petition from 39 petitioners requesting the Legislative Council urge the Attorney General to adopt recommendations 22 to 25 of the Law Reform Commission of Western Australia Final Report *Court Intervention Programs: Project No. 96 (June 2009)* in relation to the establishment of Mental Impairment Court Intervention Programs. (Tabled paper 2750).

### 3. Ministerial Statement - Mines Safety and Bullying - Investigation Report

The Minister for Mines and Petroleum made a Ministerial Statement with respect to the independent investigation conducted by PricewaterhouseCoopers into allegations regarding mine safety and bullying at Goldfields mine sites and the conduct of the Department of Mines and Petroleum's mine safety inspectorate in relation to those matters.

The Minister for Mines and Petroleum tabled a report prepared by PricewaterhouseCoopers entitled *Investigation in relation to complaints about Resource Safety Division (September 2010)*. (Tabled paper 2751).

Ordered - That consideration of the Ministerial Statement and Tabled paper be made an Order of the Day for the next sitting.

### 4. Paper

The following Paper was laid on the Table by -

#### President

#### Reports -

Corruption and Crime Commission - Special Report by the Corruption and Crime Commission on its Reporting Function with Respect to Misconduct Under Part 5 of the *Corruption and Crime Commission Act 2003* (WA) (21 October 2010) (Date published 21/10/10) ..... 2749

**5. Standing Committee on Legislation - Sixteenth Report - Criminal Investigation Amendment Bill 2009**

Hon Michael Mischin presented the Sixteenth Report of the Standing Committee on Legislation in relation to the *Criminal Investigation Amendment Bill 2009*. (Tabled paper 2752).

Hon Michael Mischin moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Michael Mischin, by leave, made a brief statement in relation to the report.

**6. Fish Resources Management Amendment Regulations (No. 6) 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Fish Resources Management Amendment Regulations (No. 6) 2010* published in the *Gazette* on 27 August 2010 and tabled in the Legislative Council on 7 September 2010 under the *Fish Resources Management Act 1994*, be and are hereby disallowed.

**7. Conservation and Land Management Amendment Regulations (No. 2) 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Conservation and Land Management Amendment Regulations (No. 2) 2010* published in the *Gazette* on 3 September 2010 and tabled in the Legislative Council on 7 September 2010 under the *Conservation and Land Management Act 1984*, be and are hereby disallowed.

**8. Forest Management Amendment Regulations (No. 2) 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Forest Management Amendment Regulations (No. 2) 2010* published in the *Gazette* on 3 September 2010 and tabled in the Legislative Council on 7 September 2010 under the *Conservation and Land Management Act 1984*, be and are hereby disallowed.

**9. Establishment of Select Committee to Review Mining in Western Australia**

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

That this House calls on the Government to establish an all party Select Committee to review existing and proposed statutes and regulatory framework as it pertains to mining approvals and occupational health and safety for mining in Western Australia as a matter of urgency.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

**10. Order of Business**

Ordered - That Order of the Day No. 20, *Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts*, be taken forthwith. (Leader of the House).

**11. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts**

The Leader of the House moved, without notice -

That the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts be disestablished as it has completed its review of those Acts and reported on 14 October 2010.

Question - put and passed.

## 12. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Roebourne Parking and Parking Facilities Local Law 2010 - Disallowance*, 2, *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2010 - Disallowance*, 3, *Occupational Safety and Health Amendment Regulations (No. 5) 2010 - Disallowance*, 4, *Co-operatives Regulations 2010 - Disallowance*, and 5, *Shire of Koorda Cemeteries Amendment Local Law 2010 - Disallowance*, be taken after Order of the Day No. 9, *Police Amendment Bill 2010*. (Leader of the House).

## 13. Environmental Protection Amendment Bill 2010

The Order of the Day having been read for the third reading of this Bill.

The Leader of the House on behalf of the Minister for Environment moved, That the Bill be now read a third time.

The Deputy President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

## 14. Prohibited Behaviour Orders Bill 2010

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

Debate resumed.

*Point of Order*

Hon Kate Doust raised the following Point of Order -

I think that the Parliamentary Secretary is inciting the speaker and, in fact, I would view telling someone that they will have to "pay for it" as a threat. I ask Madam Deputy President to pull the Parliamentary Secretary in and tell him that he should be listening and to let the speaker get on with it.

*Deputy President's Ruling*

The Deputy President ruled as follows -

A moment please, Parliamentary Secretary. I have some sympathy with the concerns that have been expressed and I think that it is probably appropriate that the speaker be able to continue her comments without the imputation of some form of threat.

Hon Michael Mischin withdrew his remark.

Debate resumed.

Hon Giz Watson, by leave, tabled a submission, dated August 2010, from the Aboriginal Legal Service of Western Australia (Inc.) to the Western Australia Parliament in relation to the *Prohibited Behaviour Orders Bill 2010*. (Tabled paper 2753).

Debate resumed.

## 15. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Water tabled, and by leave incorporated into Hansard, documents in relation to the annual water consumption of Rio Tinto, BHP and Fortescue Metals, in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 2754).

## 16. Prohibited Behaviour Orders Bill 2010

Debate resumed on the second reading of this Bill (cf item 14 above).

*Interruption pursuant to Temporary Orders.*

**17. Members' Statements**

Statements were taken.

**18. Perry Lakes Redevelopment Amendment Bill 2010**

The Deputy President reported the receipt of Message No. 143 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection representing the Minister for Planning moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection representing the Minister for Planning moved, That the Bill be now read a second time.

Debate stands adjourned.

**19. Liquor Control Amendment Bill 2010**

The Deputy President reported the receipt of Message No. 144 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

**20. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 9 November 2010.

Question - put and passed.

**21. Adjournment**

The House adjourned at 5.48pm until Tuesday, 9 November 2010 at 3.00pm.

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

Attendance: Present all Members except Hon Ken Baston, Hon Sue Ellery, Hon Donna Faragher and Hon Max Trenorden.

**NIGEL LAKE**  
Acting Clerk of the Legislative Council

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