

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 135

TUESDAY, 22 FEBRUARY 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. Ministerial Statement - Kimberley - Suicide Prevention

The Minister for Mental Health made a Ministerial Statement with respect to suicides in the East and West Kimberley regions and the provision of ongoing concentrated support services.

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

3. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report No. 114 - Treaties tabled on 3 December 2010 3043

Leader of the House

Reports -

Public Sector Standards Commissioner, Office of the [OPSSC] - Final Report
(1 July 2010 to 30 November 2010)..... 3044

Minister for Energy

Annual Reports -

State Emergency Management Committee (2009-2010) (Date received 21/02/2011)..... 3045

Minister for Child Protection

Local Laws -

Dog Act 1976 (City of Joondalup Animals Amendment Local Law 2010 G.G. 18/02/2011) 3046

Local Government Act 1995 (City of Perth Parking Local Law 2010 G.G. 15/02/2011) 3047

Response to Reports -

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| Joint Standing Committee on Delegated Legislation - Shire of Koorda Cemeteries Amendment Local Law 2010 (Report No. 43) (Minister for Local Government)..... | 3048 |
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Minister for Mental Health*By-laws -*

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| Hospitals and Health Services Act 1927 (Metropolitan Health Service Amendment By-laws 2011 G.G. 18/02/2011) | 3049 |
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Leases -

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| CALM Lease No. 1576/100 - Between CALM and Broadcast Australia Pty Ltd, for a Telecommunication Facility at Mount Leonard in the Wellington National Park | 3050 |
| CALM Lease No. 2206/100 - Between CALM and The West Australian Rifle Association Inc, for the operation and maintenance of a Rifle Range on a portion of Korung National Park - Part Reserve 47881 | 3051 |
| CALM Lease No. 2298/100 - Between CALM and EKT Pty Ltd, for a Commercial Camping facility at Purnululu National Park | 3052 |
| CALM Lease No. 2299/100 - Between CALM and Kimberley Wilderness Adventures Pty Ltd, for a Commercial Camping facility at Purnululu National Park, Bellburn Camp - Part Reserve 39897..... | 3053 |
| CALM Lease No. 2300/100 - Between CALM and Kimberley Wilderness Adventures Pty Ltd, for a Commercial Camping facility at Purnululu National Park, Walardi Camp | 3054 |

Local Laws -

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| Waste Avoidance and Resource Recovery Act 2007 (City of Mandurah Waste Management Local Law 2010 G.G. 18/02/2011) | 3055 |
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Response to Reports -

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| Standing Committee on Public Administration - Recreation Activities within Public Drinking Water Source Areas (Report No. 11) (Minister for Water)..... | 3056 |
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Parliamentary Secretary to the Attorney General*Rules -*

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| Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules 2011 G.G. 15/02/2011)..... | 3057 |
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4. Electronic Transactions Bill 2011

The Parliamentary Secretary representing the Attorney General: To move on the next day of sitting -

That a Bill for “An Act to facilitate electronic transactions, to repeal the *Electronic Transactions Act 2003* and in consequence amend other Acts and for other purposes.” be introduced and read a first time.

Question - put and passed.

5. Deputy Chair of Committees - Appointment

The Leader of the House moved, without notice -

That Hon Brian Ellis be appointed as Deputy Chair of Committees.

Question - put and passed.

6. Order of Business

Ordered - That Orders of the Day Nos 2, *Shire of Plantagenet Cemeteries Amendment Local Law 2010 - Disallowance*, and 3, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 14, *Child Support (Adoption of Laws) Amendment Bill 2009*. (Leader of the House).

7. City of Rockingham Dogs Amendment Local Law 2010 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the day No. 1, *City of Rockingham Dogs Amendment Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

8. Police Amendment Bill 2010

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 4.

Debate resumed on the amendment moved by Hon Giz Watson as follows -

Page 4, lines 13 and 14 — To delete the lines and insert —

- (iv) a special interest or other community event (for example, a fair or festival or parade);

Amendment - put and negatived.

Hon Kate Doust, on behalf of Hon Ken Travers, moved -

Page 4, after line 15 — To insert —

- (v) the Perth Royal Show; or

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (18)

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

Hon Alyssa Hayden
 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*)

Amendment thus negatived.

The Minister for Energy representing the Minister for Police moved -

Page 6, after line 10 — To insert —

- (4) If the Commissioner decides to charge a person for providing police services for an event, that person may apply to the State Administrative Tribunal for a review of the decision on the ground that what the person is promoting or organising is not an event as defined in section 39E.

Debate ensued.

Amendment - put and passed.

Hon Kate Doust, on behalf of Hon Ken Travers, moved -

Page 7, lines 11 and 12 — To delete the lines.

Debate ensued.

Amendment - put and negatived.

Hon Kate Doust, on behalf of Hon Ken Travers, moved -

Page 7, after line 12 — To insert —

- (4) In determining any amount to be charged under either (1) or (2) the overhead expenses associated with the provision of police services for an event shall not be included.

Debate ensued.

Amendment - put and negatived.

Hon Kate Doust moved -

Page 9, after line 26 — To insert —

39N. Review of Part IVB

- (1) In this section —

commencement day means the day on which the *Police Amendment Act 2011* section 4 comes into operation.

- (2) The Minister is to carry out a review of the operation and effectiveness of this Part as soon as is practicable after the expiration of 36 months after the commencement day, and in the course of that review the Minister is to consider and have regard to —
 - (a) the effectiveness of this Part; and
 - (b) the need for the retention of this Part; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Part.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

9. Order of Business

Ordered - That Order of the Day No. 15, *Dangerous Sexual Offenders Amendment Bill 2011*, be taken forthwith. (Leader of the House).

10. Dangerous Sexual Offenders Amendment Bill 2011

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

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3175 asked by Hon Ken Travers will be provided on Wednesday, 23 February 2011.

The Minister for Finance representing the Treasurer tabled documents in relation to State Fleet Items and Operating Lease Numbers - Passenger and Light Commercial Vehicles 2008-2010, in response to question on notice No. 3075 asked by Hon Ken Travers. (Tabled paper 3058).

The Minister for Finance representing the Treasurer tabled documents in relation to State Fleet Estimated Operating Lease Numbers - Passenger and Light Commercial Vehicles and State Fleet Items 2010-2015, in response to question on notice No. 3122 asked by Hon Ken Travers. (Tabled paper 3059).

The Minister for Energy representing the Minister for Education tabled, and by leave incorporated into Hansard, an answer in relation to allegations of inappropriate behaviour by some Kalbarri District High School staff at an end of 2010 staff function, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 3060).

12. Dangerous Sexual Offenders Amendment Bill 2011

Debate resumed on the second reading of this Bill (cf item 10 above).

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

13. Charitable Trusts Amendment Bill 2010

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

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

14. Telecommunications (Interception) Western Australia Amendment Bill 2010

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Max Trenorden in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Hon Kate Doust moved -

Page 4, after line 5 — To insert —

(4) In section 3(1) in the definition of *responsible Minister* delete:

(b) in relation to the Police Force, the Minister;

Amendment - put and negatived.

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

Clauses 7 to 13 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Energy representing the Minister for Police moved, That the Bill be now read a third time.

The Deputy President having reported that the Deputy 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.

Bill read a third time and passed.

15. Criminal Code Amendment (Infringement Notices) Bill 2010

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

Debate resumed.

Hon Giz Watson moved, without notice -

That the Order of the Day No. 9, *Criminal Code Amendment (Infringement Notices) Bill 2010*, be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 21 June 2011.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

16. Order of Business

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

17. Members' Statements

Statements were taken.

18. Adjournment

The House adjourned at 10.06pm until Wednesday, 23 February 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council