

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 148

WEDNESDAY, 13 APRIL 2011

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

### 2. Regulation 80(2) of the Health Pesticides Regulations 2011 - Disallowance

Hon Jim Chown: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, *Regulation 80(2) of the Health Pesticides Regulations 2011* published in the *Gazette* on 1 February 2011 and tabled in the Legislative Council on 17 February 2011 under the *Health Act 1911*, be and is hereby disallowed.

### 3. Shire of Ravensthorpe Dogs Local Law 2010 - Disallowance

Hon Jim Chown: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Ravensthorpe Dogs Local Law 2010* published in the *Gazette* on 8 February 2011 and tabled in the Legislative Council on 17 February 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

### 4. Dampier Archipelago

Motion No. 1 having been called, debate resumed on the motion of Hon Robin Chapple as follows -

That this House calls on the Premier to protect the most unique and largest collection of rock art in the world by nominating the Dampier Archipelago to the Federal Government for inclusion in the World Heritage List.

Question - put.

The House divided.

**Ayes (12)**

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

Hon Ljiljanna Ravlich  
Hon Linda Savage  
Hon Sally Talbot  
Hon Ken Travers  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

**Noes (17)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
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 Ken Baston (*Teller*)

Question thus negatived.

**5. Criminal Injuries Compensation Law Reform**

Motion No. 2 having been called, Hon Nick Goiran, by leave, withdrew his motion.

**6. Limitation Act 1935 - Reforms**

Motion No. 3 having been called, Hon Nick Goiran, by leave, withdrew his motion.

**7. Adoption of Recommendation Nos 1 and 2 of Reports Nos 49, 50 and 51 of the Standing Committee on Uniform Legislation and Statutes Review**

Motion No. 4 having been called, Hon Adele Farina, pursuant to notice, moved -

That recommendation Nos 1 and 2 contained in Reports Nos 49, 50 and 51 of the Standing Committee on Uniform Legislation and Statutes Review be adopted and agreed to.

Debate ensued.

The Leader of the House moved, without notice -

Line 3 — To insert after “agreed to” —

, subject to the following amendment to recommendation 2 in each report —

To delete “60 days” and insert —

45 days

Debate ensued.

*Interruption pursuant to Temporary Orders.*

## **8. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

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### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Metropolitan Railway - Ellenbrook Extension - Ministerial Statement**

Hon Linda Savage moved, That the Ministerial Statement be noted.

Debate ensued.

## **9. Questions Without Notice**

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the discharge policy in WA hospitals, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled paper 3234).

The Minister for Mines and Petroleum tabled documents in relation to details of successful companies who have received funding for the Royalties for Regions Exploration Drilling Program, in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 3235).

The Leader of the House representing the Premier tabled documents in relation to details of gifts, hospitality and other benefits received by officers of the Department of the Premier and Cabinet or ministerial offices for the period 19 October 2010 to 15 March 2011, in response to question on notice No. 3636 asked by Hon Ken Travers. (Tabled paper 3236).

The Leader of the House representing the Premier tabled documents in relation to details of Senior Executive Service officers who have left the State Government since 23 September 2008 and their payouts, in response to question on notice No. 3706 asked by Hon Ken Travers. (Tabled paper 3237).

The Minister for Finance representing the Minister for Housing, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 3698 and 3700 asked by Hon Adele Farina will be provided on 17 May 2011.

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. 3562 asked by Hon Ken Travers will be provided on 14 April 2011.

The Minister for Mental Health representing the Minister for Water tabled documents in relation to the over allocation of water in nine groundwater areas, in response to question on notice No. 3687 asked by Hon Alison Xamon. (Tabled paper 3238).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to the number and details of water extraction licences issued for the Yarragadee aquifer in the past three years, in response to question on notice No. 3707 asked by Hon Ken Travers. (Tabled paper 3239).

## **10. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

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### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Metropolitan Railway - Ellenbrook Extension - Ministerial Statement**

Debate resumed on the motion of Hon Linda Savage, That the Ministerial Statement be noted.

Question - put and passed.

*Interruption pursuant to Temporary Orders.*

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -  
Metropolitan Railway - Ellenbrook Extension - Ministerial Statement and had noted same.  
Report adopted.

#### **11. Small Business and Retail Shop Legislation Amendment Bill 2011**

The Deputy President reported the receipt of Message No. 172 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Small Business moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Small Business moved, That the Bill be now read a second time.

The Minister for Small Business tabled an Explanatory Memorandum relating to the Bill.  
(Tabled paper 3240).

Debate stands adjourned.

#### **12. Young Offenders Legislation Amendment (Research Information) Bill 2010**

The Deputy President reported the receipt of Message No. 174 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Premier on behalf of the Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

#### **13. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010**

The Deputy President reported the receipt of Message No. 173 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

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

The Orders of the Day for the consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

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**In Committee**

(Hon Brian Ellis in the Chair)

***Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010***

Schedule 1.

Debate resumed.

The Minister for Finance, by leave, tabled a document listing procurement savings of agencies from 2009-10 to 2012-13. (Tabled paper 3241).

Schedule agreed to.

Title agreed to.

***Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010***

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Schedule 1.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

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The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had agreed to the *Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010* without amendment and considered the *Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010*, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

**15. Members' Statements**

Statements were taken.

**16. Adjournment**

The House adjourned at 10.07pm until Thursday, 14 April 2011 at 10.00am.

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

Attendance: Present all Members except Hon Kate Doust and Hon Jon Ford.

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

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