

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 150

TUESDAY, 17 MAY 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. Death of Ian George Medcalf - Motion of Condolence

The Leader of the House moved, without notice -

That this House expresses its deep regret at the death of Hon Ian George Medcalf, a former Member of the Legislative Council for the Metropolitan Province, and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by several Members including the President and was carried in silence, Members standing in their places.

3. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

2 May 2011 - Message No. 10	Act No.
Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010	6 of 2011
Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010	7 of 2011
Hope Valley-Wattleup Redevelopment Amendment Bill 2010	8 of 2011
Charitable Trusts Amendment Bill 2010	9 of 2011
Criminal Code Amendment (Infringement Notices) Bill 2010	10 of 2011
Criminal Investigation Amendment Bill 2010	11 of 2011
Police Amendment Bill 2010	12 of 2011
2 May 2011 - Message No. 11	Act No.
Juries Legislation Amendment Bill 2010	13 of 2011

4. Petitions

Hon Michael Mischin presented a petition from 625 petitioners requesting the Legislative Council oppose the redevelopment plans for the former Carine TAFE site and recommend the Minister for Lands direct Landcorp to re-submit the plans for this site based on low level buildings and to include greater retention of the natural bushland. (Tabled paper 3261).

Hon Sally Talbot presented a petition from 373 petitioners requesting the Legislative Council support the establishment of a permanent and continuously manned police station in the Town of Capel. (Tabled paper 3262).

5. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaty tabled on 11 May 2011 - Protocol on Investment to the Australia - New Zealand Closer
Economic Relations Trade Agreement (Wellington, 16 February 2011) 3252

Reports -

Inspector of Custodial Services, Office of the - Report of an Announced Inspection of
Acacia Prison (Report No. 71) (March 2011) 3253

Minister for Finance

Annual Reports -

Hairdressers Registration Board - Annual Report and Financial Statements
(Year ended 31 December 2010) (Date received 16/05/2011) 3254

Anzac Day Trust (2010) (Date received 6/05/2011) 3255

Reports -

Western Australian Treasury Corporation Quarterly Report (for the quarter ended
31 March 2011) (Date received 06/05/2011) 3256

Minister for Mental Health

Leases -

CALM Lease No. 2174/100 - Between CALM and Telstra Corporation Ltd for a
Telecommunications equipment hut at Moir Hill in the Stirling Range
National Park 3257

CALM Lease No. 2313/100 - Between CALM and Mr and Mrs Nott to operate the
Moondyne Convention Centre - Reserve No. 50852 - Adjacent to Avon
Valley National Park 3258

Reports -

Radiological Council (Year ended 31 December 2010) (Date received 6/05/2011) 3259

Parliamentary Secretary representing the Attorney General

Reports -

Commissioner for Children and Young People - Report of the Inquiry into the Mental
Health and Wellbeing of Children and Young People in Western Australia
(April 2011) (Deemed tabled 5/05/2011) 3260

6. Redress WA - Payments

Hon Sue Ellery: To move on the next day of sitting -

That this House agrees with the comments by Premier Barnett that the Government's decision to cut the maximum payment available to Redress WA applicants from \$80,000 to \$45,000 was "a bit too tough", notes the devastating effect this second betrayal has had on many of the applicants and calls on the Government to re-visit this decision.

7. Pilbara Cities - Development Strategy and Plan

Hon Jon Ford: To move on the next day of sitting -

That the Legislative Council calls on the Minister for Regional Development and the Premier to explain to the people of Western Australia the strategy and plan to develop the Pilbara Cities policy including -

- (a) how water will be supplied and how much it will cost;
- (b) how power will be supplied and how much it will cost;
- (c) how many new schools will be built and how the staff will be housed;
- (d) how many new ancillary health providers are required and how they will be housed; and
- (e) what the Government will do to ensure there is adequate affordable housing.

8. State Suicide Prevention Strategy

Hon Ljiljanna Ravlich: To move on the next day of sitting -

That this House condemns the Barnett Government for its failure to honour its election commitment to spend \$13 million in the first two years of government to develop a comprehensive WA State Suicide Prevention Strategy with a particular emphasis on young people, young men, Aboriginal people and people who live in rural and regional Western Australia, and calls on the Government to support a coronial investigation into the rate of suicide.

9. Regulation 80(2) of the Health (Pesticides) Regulations 2011 - Disallowance - Withdrawn from Notice Paper

Hon Jim Chown, by leave, moved, without notice -

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Motion for Disallowance No. 1, *Regulation 80(2) of the Health (Pesticides) Regulations 2011*, be withdrawn from the Notice Paper.

Debate ensued.

Question - put and passed.

10. Shire of Ravensthorpe Dogs Local Law 2010 - Disallowance - Withdrawn from Notice Paper

Hon Jim Chown, by leave, moved, without notice -

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Motion for Disallowance No. 2, *Shire of Ravensthorpe Dogs Local Law 2010*, be withdrawn from the Notice Paper.

Question - put and passed.

11. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1161/41 - Parks and Recreation Reservations for Public Lands - Disallowance*, 2, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandu Transit Oriented Development Precinct - Disallowance*, and 3, *Offshore Minerals Regulations 2010 - Disallowance*, be taken after Order of the Day No. 18, *Building Bill 2010*. (Leader of the House).

12. Electoral and Constitution Amendment Bill 2011

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

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

The Minister for Electoral Affairs moved -

Page 4, line 12 — To delete “second” and insert —

first

Debate ensued.

Amendment - put and passed.

Hon Ken Travers moved -

Page 4, line 12 — To delete “second Wednesday of February” and insert —

third Wednesday of January

Debate ensued.

Chairman's Ruling

The Chairman ruled as follows -

I want to give the call to the Minister in a minute or two, but I am mindful of Standing Order 237(b), which states —

In the same Committee, no new clause or other amendment shall be proposed that is substantially the same as one already negatived or that is inconsistent with a previous decision of the same Committee.

I am mindful of the decision made by the amendment to delete on page 4, line 12 “second” and insert “first”. Hon Ken Travers’ amendment proposes to delete the “second” Wednesday of February and insert the “third” Wednesday of the January.

With Standing Order 237(b) in mind, unless Hon Ken Travers is prepared to move to delete “February” and insert “January”, we will move on to the next amendment standing in the name of the Minister.

The Minister for Electoral Affairs moved -

Page 4, line 16 — To delete “second” and insert —

first

Amendment - put and passed.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to details of incentives in cost in relation to uranium exploration for 2009 - 2010 and 2010 - 2011 and list of all forms exemptions granted by tenement and holder, in response to question on notice No. 3749 asked by Hon Robin Chapple. (Tabled paper 3263).

The Minister for Energy tabled a list of energy outages in Sorrento, Hillarys, Geraldton, Wubin, Burntine and Dalwallinu in relation to the number of electricity outages for various locations from 1 January 2010 to 28 February 2011, in response to question on notice No. 3754 asked by Hon Kate Doust. (Tabled paper 3264).

The Minister for Energy on behalf of the Minister for Child Protection tabled a document in relation to details of vacancies in fulltime equivalent terms by directorate and district within the Department of Child Protection, in response to question on notice No. 3792 asked by Hon Sue Ellery. (Tabled paper 3265).

The Minister for Energy on behalf of the Minister for Community Services tabled the five year strategic family day care plan, entitled *Working for a Stronger Future*, in response to question on notice No. 3791 asked by Hon Sue Ellery. (Tabled paper 3266).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the prescribed burn at Layman Ballan BS120 in Wiltshire-Butler National Parks, conducted by the Department of Environment and Conservation in October 2010, in response to question on notice No. 3759 asked by Hon Giz Watson. (Tabled paper 3267).

The Parliamentary Secretary representing the Attorney General tabled documents in relation to details of youth suicides in rural and regional Western Australia, in response to question on notice No. 3774 asked by Hon Ljiljanna Ravlich. (Tabled paper 3268).

Point of Order

Hon Adele Farina raised the following Point of Order -

Mr President, I have two questions on notice that are outstanding, which were due to be answered by mid-April. I seek your advice on how I go about securing answers to those questions on notice, given that they are now long overdue.

President's Ruling

The President ruled as follows -

Perhaps if the member records the question numbers, the Minister to whom they are relevant will take them on notice and report to the House as soon as possible. What are the question numbers?

Hon Adele Farina remarked -

The question numbers are 3698, 3700 and 3721.

14. Electoral and Constitution Amendment Bill 2011

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 Brian Ellis in the Chair)

Clause 5.

Debate resumed.

Clause, as amended, agreed to.

Clauses 6 to 12 agreed to.

Title agreed to.

The Deputy 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.

15. Road Traffic Amendment (Alcohol and Drug Related Offences) 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.

Hon Giz Watson moved -

Page 2, line 3 — To insert after "Alcohol and" —

other

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

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 Sally Talbot
 Hon Giz Watson
 Hon Alison Xamon
 Hon Ed Dermer (*Teller*)

Noes (17)

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

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

Amendment thus negatived.

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

Clauses 2 to 18 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.

Question - put and passed.

Bill read a third time and passed.

16. Criminal Investigation (Identifying People) Amendment Bill 2011

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

Question - put and passed.

Bill read a third time and passed.

17. Cognate Debate - Building Services Levy Bill 2010, Building Services (Complaint Resolution and Administration) Bill 2010 and Building Services (Registration) Bill 2010

The Minister for Commerce sought leave of the House to debate Order of the Day No. 11, *Building Services Levy Bill 2010*, Order of the Day No. 12, *Building Services (Complaint Resolution and Administration) Bill 2010* and Order of the Day No. 13, *Building Services (Registration) Bill 2010* cognately [SO 228].

Leave granted.

18. Building Services Levy Bill 2010, Building Services (Complaint Resolution and Administration) Bill 2010 and Building Services (Registration) Bill 2010

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

Interruption pursuant to Temporary Orders.

19. Members' Statements

Statements were taken.

20. Fish Resources Management Amendment (Fees) Bill 2010

The President reported the receipt of Message No. 182 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

21. Fish Resources Management Amendment (Fees) Bill (No. 2) 2010

The President reported the receipt of Message No. 183 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

22. Road Traffic Legislation Amendment (Information) Bill 2010

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 184

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Road Traffic Legislation Amendment (Information) Bill 2010* subject to the amendments contained in the Schedule annexed, in which amendments the Legislative Assembly desires the concurrence of the Legislative Council.

Lisa Baker

Acting Speaker

Legislative Assembly Chamber

Perth, 17 May 2011

Schedule indicating the amendments made by the Legislative Assembly in the Road Traffic Legislation Amendment (Information) Bill 2010.

No. 1

Page 10, after line 29 — To insert:

“

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”

No. 2

Page 11, after line 16 — To insert:

“

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”

No. 3

Page 26, after line 1 — To insert:

“

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”

No. 4

Page 26, after line 16 — To insert:

“

- (3) A person —
- (a) to whom information is disclosed under subsection (2); or
 - (b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty: a fine of 100 PU or imprisonment for 12 months.

”.

Peter McHugh

Clerk of the Legislative Assembly

Ordered - That consideration of Message No. 184 be made an Order of the Day for the next sitting.

23. Adjournment

The House adjourned at 10.31pm until Wednesday, 18 May 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Mia Davies and Hon Robyn McSweeney.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council