

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 112

THURSDAY, 16 SEPTEMBER 2010

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 Robin Chapple presented a petition, by delivery to the Clerk, [SO 130], from 17 petitioners requesting the Legislative Council conduct a parliamentary inquiry into the appointment of the Independent Expert Panel on Uranium Regulations by the Director General of the Department of Mines and Petroleum. (Tabled paper 2461).

3. Papers

The following Papers were laid on the Table by -

President

Reports -

Corruption and Crime Commission - Report on the Investigation of Alleged Public Sector Misconduct by Employees of the Department for Planning and Infrastructure in Relation to the Inspection, Licensing and Registration of Motor Vehicles (16 September 2010)..... 2454

Leader of the House

Annual Reports -

Construction Industry Long Service Leave Payments Board (2009-2010)
(Date received 15/09/2010)..... 2455

Lotterywest (2009-2010) (Date received 15/09/2010) 2456

Minister for Energy

Annual Reports -

Local Government Advisory Board (2009-2010) (Date received 15/09/2010)..... 2457

Local Government, Department of (2009-2010) (Date received 15/09/2010)..... 2458

Metropolitan Cemeteries Board (2009-2010) (Date received 15/09/2010)..... 2459

Minister for Energy on behalf of the Minister for Child Protection

Ministerial Approvals -

Midland Redevelopment Act 1999 - To lease property of value in excess of \$1 million in accordance with Section 20(2)(a) - Block 1, Lot 9503 Centennial Place Midland 2460

4. Joint Standing Committee on the Commissioner for Children and Young People - Fourth Report - Annual Report (2009-2010)

Hon Helen Bullock presented the Fourth Report of the Joint Standing Committee on the Commissioner for Children and Young People being the *Annual Report 2009-2010*. (Tabled paper 2462).

Hon Helen Bullock moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Joint Standing Committee on Delegated Legislation - Forty-Second Report - Shire of Capel Keeping and Welfare of Cats Amendment Local Law 2009 and Shire of Koorda Standing Orders Local Law 2009

Hon Robin Chapple presented the Forty-Second Report of the Joint Standing Committee on Delegated Legislation in relation to the *Shire of Capel Keeping and Welfare of Cats Amendment Local Law 2009 and Shire of Koorda Standing Orders Local Law 2009*. (Tabled paper 2463).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Water Services Licensing (Water Conservation Target) Amendment Bill 2008

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate ensued.

Interruption pursuant to Temporary Orders.

7. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Capel - Keeping and Welfare of Cats Amendment Local Law 2009 - Disallowance*, 2, *Shire of Ravensthorpe Local Government Property Local Law 2010 - Disallowance*, 3, *Fish Resources Management Amendment Regulations (No. 4) 2010 - Disallowance*, 4, *Road Traffic Code Amendment Regulations (No. 2) 2010 - Disallowance*, 5, *Shire of Koorda Standing Orders Local Law 2009 - Disallowance*, and 6, *Shire of Dowerin Waste Local Law 2010 - Disallowance*, be taken after Order of the Day No. 14, *Environmental Protection Amendment Bill 2010*. (Leader of the House).

8. Public Sector Reform Bill 2009

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

The Leader of the House representing the Premier 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.

9. Cannabis Law Reform Bill 2009

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

Debate resumed.

The Minister for Energy representing the Minister for Police, by leave, tabled a response to issues raised by Hon Kate Doust in relation to the *Cannabis Law Reform Bill 2009*. (Tabled paper 2464).

Debate ensued.

Question - put.

The House divided.

Ayes (25)

Hon Liz Behjat	Hon Nick Goiran
Hon Matt Benson-Lidholm	Hon Nigel Hallett
Hon Helen Bullock	Hon Alyssa Hayden
Hon Jim Chown	Hon Col Holt
Hon Peter Collier	Hon Michael Mischin
Hon Ed Dermer	Hon Norman Moore
Hon Kate Doust	Hon Helen Morton
Hon Wendy Duncan	Hon Simon O'Brien
Hon Phil Edman	Hon Ljiljanna Ravlich
Hon Sue Ellery	Hon Linda Savage
Hon Donna Faragher	Hon Ken Travers
Hon Jon Ford	Hon Ken Baston (<i>Teller</i>)
Hon Philip Gardiner	

Noes (4)

Hon Lynn MacLaren	Hon Alison Xamon
Hon Giz Watson	Hon Robin Chapple (<i>Teller</i>)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

The Minister for Energy representing the Minister for Police moved -

Page 4, lines 7 to 13 — To delete the lines and insert —

child means a person who is under 18 years of age;

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 6.

The Minister for Energy representing the Minister for Police, by leave, moved -

Page 4, after line 21 — To insert —

adult means a person who is not a young person;

Page 5, after line 25 — To insert —

young person means a person who —

- (a) is under 18 years of age; or
- (b) in relation to the commission, or alleged commission, of a minor cannabis related offence, was under 18 years of age when the offence was committed, or allegedly committed.

Amendments - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 7.

Debate ensued.

The Minister for Energy representing the Minister for Police, by leave, moved -

Page 11, lines 17 and 18 — To delete “by the regulations”.

Page 11, after line 19 — To insert —

but does not include anything prescribed, or belonging to a class prescribed, as excluded from this definition.

Debate ensued.

Amendments - put and passed.

The Minister for Energy representing the Minister for Police moved -

Page 11, lines 20 to 29 — To delete the lines and insert —

- (2) A person who sells, or offers to sell, cannabis smoking paraphernalia to a child commits a simple offence.
Penalty: a fine of \$24 000 or imprisonment for 2 years or both.
- (3) A person —
 - (a) who sells, or offers to sell, cannabis smoking paraphernalia to an adult; or
 - (b) who displays cannabis smoking paraphernalia, or authorises or allows cannabis smoking paraphernalia to be displayed, for sale in a shop or other retail outlet,
 commits a simple offence.
Penalty: a fine of \$10 000.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 13 agreed to.

New Part 6.

The Minister for Energy representing the Minister for Police moved -

Page 16, after line 27 — To insert —

Part 6 — *Working with Children (Criminal Record Checking) Act 2004* amended

14. Act amended

This Part amends the *Working with Children (Criminal Record Checking) Act 2004*.

15. Schedule 2 amended

In Schedule 2 after the item relating to the *Children and Community Services Act 2004* section 192 insert:

Misuse of Drugs Act 1981

s. 19A(2)

Selling, or offering to sell, cannabis smoking paraphernalia to a child

New Part - put and passed.

Title.

The Minister for Energy representing the Minister for Police moved -

Page 1, after bullet point 2 — To insert —

- **amend the *Working With Children (Criminal Record Checking) Act 2004*; and**

Amendment - put and passed.

Title, as amended, 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.

10. Cognate Debate - Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010 and Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010

The Leader of the House representing the Minister for Commerce sought leave of the House to debate Order of the Day No. 9, *Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010* and Order of the Day No. 10, *Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010* cognately [SO 228].

Leave granted.

11. Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010 and Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010

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

Debate ensued.

Question - That the *Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010* be read a second time.

The House divided.

Ayes (21)

Hon Liz Behjat
 Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Jim Chown
 Hon Peter Collier
 Hon Ed Dermer
 Hon Phil Edman
 Hon Sue Ellery
 Hon Donna Faragher
 Hon Jon Ford
 Hon Nick Goiran

Hon Alyssa Hayden
 Hon Lynn MacLaren
 Hon Michael Mischin
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Ken Travers
 Hon Alison Xamon
 Hon Nigel Hallett (*Teller*)

Noes (5)

Hon Robin Chapple
 Hon Wendy Duncan
 Hon Philip Gardiner

Hon Max Trenorden
 Hon Col Holt (*Teller*)

Question thus passed.

Bill read a second time.

Question - That the *Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010* be read a second time.

Question - put and passed.

Bill read a second time.

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

The Leader of the House representing the Minister for Commerce moved, That the *Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

The Leader of the House representing the Minister for Commerce moved, That the *Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

12. Retail Trading Hours Amendment Bill 2009

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

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Tourism tabled documents in relation to details of travel undertaken by the Tourism WA Board of Commissioners, and benefits, cash and other payments provided to Board members or their families (2007-2010), in response to question on notice No. 2573 asked by Hon Ljiljanna Ravlich. (Tabled paper 2465).

14. Retail Trading Hours Amendment Bill 2009

Debate resumed on the second reading of this Bill (cf item 12 above).

Interruption pursuant to Temporary Orders.

15. Agriculture and Related Resources Protection Amendment Bill 2010

The President reported the receipt of Message No. 132 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Transport on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Transport on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food moved, That the Bill be now read a second time.

Debate stands adjourned.

16. Adjournment

The House adjourned at 5.25pm until Tuesday, 21 September 2010 at 3.00pm.

Members present during the day's proceedings

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

NIGEL LAKE
Acting Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council