

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 188

THURSDAY, 10 NOVEMBER 2011

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. Petitions

Hon Kate Doust presented a petition from 134 petitioners requesting the Legislative Council oppose the intention to join Henley Street in Como to Jackson Road in Karawara as part of a medium density development and rapid transit route, as detailed in the proposed *Public Transport Plan for Perth 2031*. (Tabled paper 4070).

Hon Ken Travers presented a petition from 14 petitioners requesting the Legislative Council to investigate the decision making process for the closure of the Tier 3 Grain Freight Rail Lines in the Wheatbelt with particular consideration to the CBH Group business case. (Tabled paper 4071).

3. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 2 November 2011 - Agreement between the Government of Australia and the Government of the Principality of Liechtenstein on the Exchange of Information on Taxes done at Vaduz on 21 June 2011, Agreement between the Government of Australia and the Government of the Macao Special Administrative Region of the People's Republic of China for the Exchange of Information Relating to Taxes signed in Macao on 12 July 2011, Agreement between the Government of Australia and the Government of Costa Rica on the Exchange of Information with Respect to Taxes, Mexico City 1 July 2011 and Agreement between the Government of Australia and the Government of Liberia on the Exchange of Information with Respect to Taxes (Monrovia on 11 August 2011) 4068

Leader of the House

Reports -

Ministerial Resourcing Report (as at 27/10/2011) (Date received 09/10/2011) 4069

4. Shire of Derby/West Kimberley Waste Services Local Law 2011 - Disallowance

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Derby/West Kimberley Waste Services Local Law 2011* published in the *Gazette* on 13 September 2011 and tabled in the Legislative Council on 20 September 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

5. Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 - Disallowance

Hon Sally Talbot: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011* published in the *Gazette* on 5 September 2011 and tabled in the Legislative Council on 20 September 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

6. Wheatbelt Rail Lines - Impacts of Closure

Non-Government Business No. 1 having been called, Hon Ken Travers moved, without notice -

That this House notes that the Barnett/Grylls Government failed to properly consider the economic, social, environmental, and road safety impacts before deciding to close 700 kilometres of Wheatbelt rail lines. We believe this is a bad decision and it will result in thousands of additional trucks on Perth roads. We call on the Government to reverse this decision and to place a high priority on the appropriate use of rail to our ports.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

7. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Gosnells Waste Local Law 2011 - Disallowance*, 2, *City of South Perth Dog Local Law 2011 - Disallowance*, and 3, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, be taken after Committee Report No. 17, *Joint Standing Committee on the Corruption and Crime Commission - Report No. 19 - Annual Report 2010-2011*. (Leader of the House).

8. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Commerce moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

9. Evidence and Public Interest Disclosure Legislation 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.

Hon Giz Watson moved, without notice -

- (1) That Order of the Day No. 7, the *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011* be discharged and referred to the Standing Committee on Procedure and Privileges for consideration of Clause 5 sections 20G to 20M and report not later than 8 March 2012.
- (2) The Committee has the power to consider the policy of the Bill.

Debate ensued.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

10. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

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

Debate resumed.

Hon Sue Ellery, by leave, tabled a document detailing offences under the *Criminal Code* carrying a maximum penalty of life or 15 or more years imprisonment. (Tabled paper 4072).

Debate resumed.

The Parliamentary Secretary representing the Attorney General sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

11. Order of Business

Ordered - That Order of the Day No. 7, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*, be taken forthwith. (Leader of the House).

12. Evidence and Public Interest Disclosure Legislation Amendment Bill 2011

Debate resumed on the motion of Hon Giz Watson as follows -

- (1) That Order of the Day No. 7, the *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011* be discharged and referred to the Standing Committee on Procedure and Privileges for consideration of Clause 5 sections 20G to 20M and report not later than 8 March 2012.
- (2) The Committee has the power to consider the policy of the Bill.

The Parliamentary Secretary representing the Attorney General moved, without notice -

To amend the motion as follows -

(1) To insert after “20G to 20M” —

and their effect, if any, on Parliamentary Privilege

(2) To delete “8 March 2012” and insert —

29 November 2011

(3) To delete paragraph (2).

Debate ensued.

Amendment - put and passed.

Motion, as amended, agreed to.

Debate stands adjourned and Bill referred to the Standing Committee on Procedure and Privileges.

13. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4794 asked by Hon Robin Chapple will be provided on 22 November 2011.

The Minister for Mental Health tabled documents in relation to various community action plan funding approved for the suicide prevention strategy, in response to question on notice No. 4779 asked by Hon Alison Xamon. (Tabled paper 4073).

The Minister for Disability Services tabled documents in relation to for-profit providers contracted by the Disability Services Commission, in response to question on notice No. 4785 asked by Hon Sue Ellery. (Tabled paper 4074).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to increases in tariffs, fees or charges greater than the consumer price index in agencies under the Environment portfolio since 23 September 2008, in response to question on notice No. 4755 asked by Hon Ken Travers. (Tabled paper 4075).

14. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 22 November 2011.

Question - put and passed.

15. Order of Business

Ordered - That Order of the Day No. 9, *Criminal Appeals Amendment (Double Jeopardy) Bill 2011*, be taken forthwith. (Leader of the House).

16. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

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

Interruption pursuant to Temporary Orders.

17. Members' Statements

Statements were taken.

Want of Quorum

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

18. Adjournment

The House adjourned at 6.01pm until Tuesday, 22 November 2011 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Col Holt.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council