

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 153

TUESDAY, 24 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. Paper

The following Paper was laid on the Table by -

Minister for Mental Health

Leases -

CALM Lease No. 2323/100 - Between CALM and Kimberley Wildlife Carers and Associates for a Wildlife and Care Centre within Reserve 47964 3315

3. Universal Child Health Checks

Hon Linda Savage: To move on the next day of sitting -

That this House calls on the Government to implement the recommendations of the Western Australian Auditor General's Report 11 – November 2010 'Universal Child Health Checks'.

4. Child and Adolescent Mental Health Service - Funding

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

That this House notes the findings from the Commissioner for Children and Young People in the inquiry into the mental health and wellbeing of children and young people in Western Australia, and calls on the Minister for Mental Health to immediately implement the recommendations by providing extra funding for the Child and Adolescent Mental Health Service.

5. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandit Transit Oriented Development Precinct - Disallowance*, 2, *Offshore Minerals Regulations 2010 - Disallowance*, and 4, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, be taken after Order of the Day No. 15, *Occupational Licensing National Law (WA) Bill 2010*. (Leader of the House).

6. City of Perth Parking Local Law 2010 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *City of Perth Parking Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

7. Electoral and Constitution Amendment Bill 2011

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

The Minister for Electoral Affairs moved, That the Bill be now read a third time.

Debate ensued.

The 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.

8. Building Services (Registration) Bill 2010

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

The Minister for Commerce moved, That the Bill be now read a third time.

Debate ensued.

The Minister for Commerce tabled a document comparing penalties in the *Building Registration Act 1939* with the *Building Services (Complaint Resolution and Administration) Bill 2010* and the *Building Services (Registration) Bill 2010*. (Tabled paper 3316).

The 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.

9. Road Traffic Legislation Amendment (Information) Bill 2010

The Order of the Day having been read for the consideration, in Committee, of Message No. 184 from the Legislative Assembly.

The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

The Message was as follows -

Mr President,

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.

Ms L.L. 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

The Minister for Finance representing the Minister for Transport moved without notice -

That the Legislative Council agrees to the amendments made by the Legislative Assembly in the *Road Traffic Legislation Amendment (Information) Bill 2010* as contained in Legislative Assembly Message No. 184.

Debate ensued.

Question - put and passed.

The President resumed the Chair.

The Deputy Chairman reported, That the Committee had considered Message No. 184 from the Legislative Assembly, and had agreed to amendments Nos 1 to 4.

Report adopted.

Legislative Assembly acquainted accordingly.

10. Commonwealth Heads of Government Meeting (Special Powers) 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 Matt Benson-Lidholm in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Giz Watson moved, That further consideration of Clause 2 be postponed until after consideration of Clause 93.

Question - put and passed.

Clause 3.

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to details of environmental offsets received by the Department of Environment and Conservation for 2008-09 and 2009-10, and a report entitled *Environmental Offsets Position Statement No. 9*, prepared by the Environmental Protection Authority, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3317).

The Minister for Mental Health representing the Minister for Environment tabled a report entitled *Guidance for the Assessment of Environmental Factors (in accordance with the Environmental Protection Act 1986) Biodiversity No. 19 (September 2008)*, and *Environmental Protection Bulletin No. 1 (September 2008)*, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3318).

The Leader of the House on behalf of the Minister for Finance representing the Treasurer, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3760 asked by Hon Giz Watson will be provided on 21 June 2011.

The Minister for Mental Health representing the Minister for Environment tabled a document and a map showing the route of vessels involved in towing from Barrow Island to Dampier, operated by Boskalis Ltd, in response to question on notice No. 3788 asked by Hon Robin Chapple. (Tabled paper 3319).

12. Commonwealth Heads of Government Meeting (Special Powers) 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 3.

Debate resumed.

The Deputy Chairman left the Chair at 5.22pm

The Deputy Chairman resumed the Chair at 5.30pm.

The Parliamentary Secretary representing the Premier moved -

Page 2, after line 16 — To insert —

attend an event includes —

- (a) be involved in the event; and
- (b) in the case of an event that consists of the provision of accommodation, be accommodated in the accommodation provided;

Debate ensued.

The Deputy Chairman left the Chair at 7.40pm

The Deputy Chairman resumed the Chair at 8.03pm.

Debate resumed.

Amendment - put and passed.

The Parliamentary Secretary representing the Premier moved -

Page 2, lines 20 and 21 — To delete the lines and insert —

CHOGM event means —

- (a) any meeting, event, function or activity that forms part of CHOGM (Perth); or
- (b) any function held for the benefit of people attending CHOGM (Perth); or
- (c) any entertainment event held for the benefit of people attending CHOGM (Perth); or
- (d) the provision of accommodation for people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (e) the arrival at, or departure from, any airport of people attending CHOGM (Perth), CHOGM officials or other officials associated with the organisation of CHOGM (Perth); or
- (f) any other meeting, event, function or activity that is declared to be a CHOGM event by an order made under section 13A;

The Parliamentary Secretary representing the Premier moved to amend the amendment as follows -

To delete in paragraph (d) “provision of” and insert after “accommodation” -

provided

Amendment to the amendment - put and passed.

Amendment, as amended, agreed to.

The Parliamentary Secretary representing the Premier moved -

Page 2, line 26 — To insert after “period” —

and includes associated meetings, events, functions and activities held during that period

Amendment - put and passed.

Question - That the Clause, as amended, be agreed to.

Debate ensued.

Clause, as amended, agreed to.

Clause 4.

Debate ensued.

The Parliamentary Secretary representing the Premier moved -

Page 4, line 31 — To insert after “associated” —

meetings,

Amendment - put and passed.

The Parliamentary Secretary representing the Premier moved -

Page 5, line 3 — To delete “that meeting.” and insert —

CHOGM (Perth).

Amendment - put and passed.

The Parliamentary Secretary representing the Premier moved -

Page 5, lines 7 and 8 — To delete “CHOGM (Perth) and associated events, functions and activities; and” and insert —

CHOGM (Perth); and

Amendment - put and passed.

The Parliamentary Secretary representing the Premier moved -

Page 5, lines 10 and 11 — To delete “that meeting or those events, functions and activities.” and insert —

CHOGM (Perth).

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 and 12 agreed to.

Clause 13.

Debate ensued.

Hon Giz Watson moved -

Page 11, line 5 — To delete “or part”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

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

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
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 Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate resumed.

Interruption pursuant to Temporary Orders.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

13. Members' Statements

Statements were taken.

14. Adjournment

The House adjourned at 10.19pm until Wednesday, 25 May 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