

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 136

WEDNESDAY, 23 FEBRUARY 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. Paper

The following Paper was laid on the Table by -

##### President

*Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Treaties tabled on 9 and 10 February 2011 - (Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia (Hanoi, 23 July 2010), Agreement between Australia and the Slovak Republic on Social Security (New York, 21 September 2010), Amendments to the Convention Establishing the Multilateral Investment Guarantee Agency to Modernise the Mandate of the Multilateral Investment Guarantee Agency, done at Seoul on 11 October 1985, Amendment to the International Finance Corporation Articles of Agreement, done at Washington DC on 20 July 1956, Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement, done at Christchurch on 24 July 2008 (Christchurch 24 July 2008), Agreement between the Government of Australia and the Government of the Republic of South Africa concerning the Co-Production of Films, done at Pretoria on 18 June 2010 (Pretoria, 18 June 2010) and Treaty between Australia and the People's Republic of China concerning Transfer of Sentenced Persons, (Sydney, 6 September 2007) ..... 3061

#### 3. Standing Committee on Estimates and Financial Operations - Special Report - Western Australian Tourism Commission's Involvement in Major Tourism Events

Hon Giz Watson presented a Special Report of the Standing Committee on Estimates and Financial Operations in relation to a resolution of the Committee on 21 February 2011 to commence an inquiry into the *Western Australian Tourism Commission's Involvement in Major Tourism Events*. (Tabled paper 3062).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**4. West Coast Estuarine Fishery (Interim) Management Plan Amendment 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *West Coast Estuarine Fishery (Interim) Management Plan Amendment 2010* published in the *Gazette* on 3 November 2010 and tabled in the Legislative Council on 9 November 2010 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.

**5. Gascoyne Demersal Scalefish Management Plan 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Gascoyne Demersal Scalefish Management Plan 2010* published in the *Gazette* on 22 October 2010 and tabled in the Legislative Council on 9 November 2010 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.

**6. Shire of Esperance Cemeteries Amendment Local Law 2010 - Disallowance**

Hon Robin Chapple: To move on the next day of sitting -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Esperance Cemeteries Amendment Local Law 2010* published in the *Gazette* on 5 November 2010 and tabled in the Legislative Council on 9 November 2010 under the *Cemeteries Act 1986*, be and is hereby disallowed.

**7. Review of TAFEWA Operations**

Motion No. 1 having been read, debate resumed on the motion, as amended, of Hon Ljiljanna Ravlich as follows -

That this House calls on the Minister for Training to provide information to the House on the review of TAFEWA operations, which will among other things, be giving consideration to the level of independence required by TAFE Colleges and the manner in which Colleges can improve and streamline the way business is conducted and asks the Minister to explain -

- (a) who is undertaking this review; and
- (b) what are the terms of reference for the review and the timeline for completion.

Question - put and passed.

**8. Register of Heritage Places - The Cliffe**

Motion No. 2 having been called, Hon Giz Watson, pursuant to notice, moved -

That this House consider as a matter of grave concern the information withheld from this House when considering the removal of *The Cliffe* from the Register of Heritage Places.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

**9. 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)

**Northbridge Project - Ministerial Statement**

Debate resumed on the motion of Hon Kate Doust, That the Ministerial Statement be noted.

## 10. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment tabled, and by leave incorporated into Hansard, documents in relation to the membership of the Air Quality Coordinating Committee, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3063).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the transport of Magellan Metals lead carbonate through Fremantle Port, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 3064).

The Minister for Indigenous Affairs, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 3191 asked by Hon Matt Benson-Lidholm will be provided in due course.

The Minister for Mental Health representing the Minister for Environment tabled, and by leave incorporated into Hansard, corrected documents in relation to the membership of the Air Quality Coordinating Committee, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3065).

## 11. Dangerous Sexual Offenders Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 162

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Dangerous Sexual Offenders Amendment Bill 2011* without amendment.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 23 February 2011

## 12. Consideration of Committee Reports and Ministerial Statements

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

### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### Northbridge Project - Ministerial Statement

Debate resumed on the motion of Hon Kate Doust, That the Ministerial Statement be noted.

Question - put and passed.

#### Standing Committee on Estimates and Financial Operations - Report No. 26 - The Confidential Status of the State Development Agreement Oakajee Port and Rail

Hon Giz Watson moved, That the Report be noted.

Debate ensued.

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 -

- (1) Northbridge Project - Ministerial Statement and had noted same.

- (2) Standing Committee on Estimates and Financial Operations - Twenty-Sixth Report - The Confidential Status of the State Development Agreement Oakajee Port and Rail Committee Report and had noted same.

Report adopted.

### **13. Order of Business**

Ordered - That Bills for Introduction be taken forthwith. (Leader of the House).

### **14. Electronic Transactions Bill 2011**

The Parliamentary Secretary representing the Attorney General, pursuant to notice, moved -

That a Bill for "An Act to facilitate electronic transactions, to repeal the *Electronic Transactions Act 2003* and in consequence amend other Acts and for other purposes." be introduced and 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.

### **15. Order of Business**

Ordered - That Orders of the Day Nos 1, *Shire of Plantagenet Cemeteries Amendment Local Law 2010 - Disallowance*, and 2, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 11, *Child Support (Adoption of Laws) Amendment Bill 2009*. (Leader of the House).

### **16. Police Amendment Bill 2010**

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

The Minister for Energy representing the Minister for Police 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.

### **17. Criminal Code Amendment (Infringement Notices) Bill 2010**

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

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

That the Order of the Day No. 9, *Criminal Code Amendment (Infringement Notices) Bill 2010*, be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 21 June 2011.

Question - put.

The House divided.

**Ayes (12)**

Hon Helen Bullock  
Hon Robin Chapple  
Hon Kate Doust  
Hon Adele Farina  
Hon Jon Ford  
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 Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
Hon Philip Gardiner  
Hon Nick Goiran

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

Question thus negatived.

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

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**In Committee**

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Hon Giz Watson moved -

Page 4, after line 3 — To insert —

**723. Monitoring of Chapter by Ombudsman**

- (1) For the period of 12 months after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the provisions of this Chapter and the regulations made under this Chapter and the *Criminal Investigation (Identifying People) Act 2002* Part 7 and section 67.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.

- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority's participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 12 month period, prepare a report on the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the operation of the provisions referred to in subsection (1).
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

## **18. Criminal Investigation Amendment Bill 2010**

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

Debate resumed.

*Interruption pursuant to Temporary Orders.*

## **19. Members' Statements**

Statements were taken.

## **20. Statement by President - International Women's Day**

The President made the following Statement -

Members, I remind the female Members - that is 47 per cent of the membership of the Legislative Council - that tomorrow morning at 9.45am, a few minutes before we sit, we want all female Members in the Chamber for a photograph for the record, and also to acknowledge International Women's Day, the centenary of which will be celebrated on 8 March. We are doing that because, as Members know, the proportion of female Members in the Legislative Council is the highest of any Parliament in Australasia, and perhaps much wider.

**21. Adjournment**

The House adjourned at 10.22pm until Thursday, 24 February 2011 at 10.00am.

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

Attendance: Present all Members except Hon Colin Holt.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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