

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 183

TUESDAY, 1 NOVEMBER 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. Message from His Excellency the Governor - Assent to Bills

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

25 October 2011 - Message No. 36	Act No.
Electronic Transactions Bill 2011	46 of 2011
Statutes (Repeals and Minor Amendments) Bill 2010	47 of 2011
Inheritance (Family and Dependants Provision) Amendment Bill 2011	48 of 2011

3. Petition

Hon Linda Savage presented a petition from 98 petitioners requesting the Legislative Council support an inquiry into whether there are sufficient buses to service Ellenbrook to Midland and determine how many additional buses will be needed to meet growing demand. (Tabled paper 4001).

4. Ministerial Statement - Skilling WA Workforce Development Plan - Achievements in Workforce Development

The Minister for Training and Workforce Development made a Ministerial Statement with respect to the progress of the State Government's *Skilling WA* workforce development plan.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

5. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Inspector of Custodial Services, Office of the (2010-2011) (Date received 20/09/2011) 3986

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 13 October 2011 - Resolution MEPC.200(62) Adopted on 15 July 2011 Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Special Area Provisions and the Designation of the Baltic Sea as a Special Area Under MARPOL Annex IV)	3987
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Report No. 120 - Treaties tabled on 5 July and 16 August 2011 - Measure 1 (2005) Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty: Liability arising from environmental emergencies (Stockholm, 17 June 2005), Measure 4 (2004) Insurance and contingency planning for tourism and non-governmental activities in the Antarctic Treaty area (Cape Town, 4 June 2004), Measure 15 (2009) Landing of persons from passenger vessels in the Antarctic Treaty area (Baltimore, 17 April 2009), The Government of Australia and the Government of the Republic of the Marshall Islands on the Exchange of Information with Respect to Taxes done at Majuro on 12 May 2010, The Government of Australia and the Government of the Republic of Mauritius on the Exchange of Information with Respect to Taxes (Port Louis on 8 December 2010), The Government of Australia and the Government of Montserrat (as authorised by the Government of the United Kingdom of Great Britain and Northern Ireland) on the Exchange of Information with Respect to Taxes (London on 23 November 2010), Agreement between the Government of Australia and the Government of the Republic of the Marshall Islands for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments, done at Majuro on 12 May 2010, Agreement between the Government of Australia and the Government of the Republic of Mauritius for the Allocation of Taxing Rights with Respect to Certain Income of Individuals and to Establish a Mutual Agreement Procedure in Respect of Transfer Pricing Adjustments (Port Louis, 8 December 2010) and Australia and the Republic of Hungary on Social Security done at Gödöllő – 7 June 2011	3988
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Leader of the House*Annual Reports -*

Racing and Wagering (2010-2011) (Date received 31/10/2011).....	3989
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Minister for Finance*Annual Reports -*

Architects Board (2010-2011) (Date received 25/10/2011)	3990
Motor Vehicle Industry Board (2010-2011) (Date received 25/10/2011)	3991
Occupational Safety and Health, Commission for (2010-2011) (Date received 01/11/2011)....	3992
Real Estate and Business Agents Supervisory Board (2010-2011) (Date received 25/10/2011).....	3993
Rail Safety, Office of the (2010-2011) (Date received 01/11/2011).....	3994
Settlement Agents Supervisory Board (2010-2011) (Date received 25/10/2011)	3995

Minister for Child Protection*Addendums -*

Heritage Council - Annual Report (2010-2011) (Date received 01/11/2011).....	3996
Rottneest Island Authority - Annual Report (2010-2011) (Date received 20/10/2011).....	3997

Annual Reports -

Agriculture and Food, Department of (2010-2011) (Date received 31/10/2011).....	3998
Agriculture Practices Board (2010-2011) (Date received 31/10/2011).....	3999

Minister for Mental Health*Annual Reports -*

Australian Health Practitioner Regulation Agency (2010-2011) (Date received 31/10/2011)...	4000
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6. Standing Committee on Uniform Legislation and Statutes Review - Report No. 65 - Residential Tenancies Amendment Bill 2011

Hon Adele Farina presented Report No. 65 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Residential Tenancies Amendment Bill 2011*. (Tabled paper 4002).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Standing Committee on Uniform Legislation and Statutes Review - Report No. 66 - Criminal Appeals Amendment (Double Jeopardy) Bill 2011

Hon Adele Farina presented Report No. 66 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Criminal Appeals Amendment (Double Jeopardy) Bill 2011*. (Tabled paper 4003).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. Building Services (Complaint Resolution and Administration) Regulations 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 *Building Services (Complaint Resolution and Administration) Regulations 2011* published in the *Gazette* on 26 August 2011 and tabled in the Legislative Council on 31 August 2011 under the *Building Services (Complaint Resolution and Administration) Act 2011*, be and are hereby disallowed.

9. Building Services (Registration) Regulations 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 *Building Services (Registration) Regulations 2011* published in the *Gazette* on 26 August 2011 and tabled in the Legislative Council on 31 August 2011 under the *Building Services (Registration) Act 2011*, be and are hereby disallowed.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Gosnells Waste Local Law 2011 - Disallowance*, 2, *Town of Cottesloe Dogs Local Law 2011 - Disallowance*, 5, *City of South Perth Dog Local Law 2011 - Disallowance*, and 6, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, be taken after Committee Report No. 8, *Standing Committee on Environment and Public Affairs - Report No. 22 - Overview of Petitions*. (Leader of the House).

11. Shire of Augusta - Margaret River Standing Orders Local Law 2011 - Disallowance - Discharge from Notice Paper

Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Shire of Augusta - Margaret River Standing Orders Local Law 2011 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

12. Mindarie Regional Council Standing Orders Local Law 2010 - Disallowance - Discharge from Notice Paper

Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *Mindarie Regional Council Standing Orders Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

13. Cat Bill 2011

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

The Minister for Child Protection representing the Minister for Local Government moved, That the Bill be now read a third time.

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.

14. Misuse of Drugs 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 Matt Benson-Lidholm in the Chair)

Clause 9.

Debate resumed on the amendments of Hon Kate Doust as follows -

Page 6, line 22 — To delete “a first” and insert —

an

Page 7, lines 4 to 9 — To delete the lines.

The Minister for Energy representing the Minister for Police tabled a document in relation to Australian laws relating to the selling or supply of drugs to children. (Tabled paper 4004).

Debate resumed.

Amendments - put.

The Committee divided.

Ayes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
 Hon Peter Collier
 Hon Mia Davies
 Hon Wendy Duncan
 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 Simon O'Brien
 Hon Ken Baston (*Teller*)

Amendments thus negatived.

Hon Kate Doust moved -

Page 7, lines 12 and 13 — To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Kate Doust
 Hon Adele Farina
 Hon Lynn MacLaren

Hon Ljiljanna Ravlich
 Hon Linda Savage
 Hon Sally Talbot
 Hon Giz Watson
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 Hon Nigel Hallett

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

Amendment thus negatived.

Hon Kate Doust moved -

Page 7, line 20 — To delete “a first” and insert —

an

Page 7, line 30 to page 8, line 20 — To delete the lines.

Debate ensued.

Amendments - 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 Peter Collier
Hon Mia Davies
Hon Wendy Duncan
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 Simon O'Brien
Hon Ken Baston (*Teller*)

Amendments thus negatived.

Hon Giz Watson moved -

Page 8, after line 25 — To insert —

- (7) The Minister is to lay (or cause to be laid) a report of the review under this section before both Houses of Parliament as soon as practicable after the review is completed.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 10 to 15 agreed to.

Title agreed to.

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.

15. Cognate Debate - Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011 and Petroleum and Geothermal Energy Safety Levies Bill 2011

The Minister for Mines and Petroleum sought leave of the House to debate Order of the Day No. 13, *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011* and Order of the Day No. 14, *Petroleum and Geothermal Energy Safety Levies Bill 2011* cognately [SO 228].

Leave granted.

16. Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011 and Petroleum and Geothermal Energy Safety Levies Bill 2011

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

17. Questions Without Notice

Questions without notice were taken.

The Minister for Energy representing the Minister for Education tabled documents in relation to non-approval of membership applications for the Western Australian College of Teaching, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 4005).

The Minister for Finance representing the Treasurer tabled documents in relation to the impact of net worth of revaluation of infrastructure as at 30 June 2009, in response to question on notice No. 4708 asked by Hon Ken Travers. (Tabled paper 4006).

The Minister for Finance representing the Minister for Corrective Services tabled documents in relation to details of prisoner on prisoner assault in Western Australian prisons and juvenile detention centres from 2007-08 to 2010-11 inclusive, in response to question on notice No. 4781 asked by Hon Giz Watson. (Tabled paper 4007).

The Minister for Energy tabled documents in relation to the number of power supply interruptions by cause for Mundaring and Parkerville, in response to question on notice No. 4636 asked by Hon Alison Xamon. (Tabled paper 4008).

The Minister for Child Protection representing the Minister for Forestry tabled documents in relation to the payments received by the Forest Products Commission for stumpage per tonne and total stumpage, in response to question on notice No. 4696 asked by Hon Giz Watson. (Tabled paper 4009).

The Minister for Mental Health representing the Minister for Culture and the Arts tabled documents in relation to fees and charges that exceeded the consumer price index at the State Records Office from 1 July 2009 to 1 July 2011, in response to question on notice No. 4743 asked by Hon Ken Travers. (Tabled paper 4010).

The Minister for Mental Health representing the Minister for Culture and the Arts tabled documents in relation to ticket prices and booking fees at the Perth Theatre Trust, in response to question on notice No. 4744 asked by Hon Ken Travers. (Tabled paper 4011).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to prescribed area burns, in response to question on notice No. 4646 asked by Hon Giz Watson. (Tabled paper 4012).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to dates of movements to a higher threat category of various species of flora and fauna, in response to question on notice No. 4649 asked by Hon Giz Watson. (Tabled paper 4013).

18. Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011 and Petroleum and Geothermal Energy Safety Levies Bill 2011

Cognate debate resumed on the second reading of these Bills (cf item 16 above).

Question, That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

Question, That the *Petroleum and Geothermal Energy Safety Levies Bill 2011* 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 these Bills.

The Minister for Mines and Petroleum moved, That the *Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

The Minister for Mines and Petroleum moved, That the *Petroleum and Geothermal Energy Safety Levies Bill 2011* be now read a third time.

Question - put and passed.

Bill read a third time and passed.

19. Inspector of Custodial Services 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 Finance representing the Minister for Corrective Services moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

20. Criminal Investigation (Covert Powers) Bill 2011

The Deputy President reported the receipt of Message No. 220 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

The Minister for Energy representing the Minister for Police 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.

21. Electoral and Constitution Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 221

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Electoral and Constitution Amendment Bill 2011* without amendment.

Ms A.R. Mitchell

Acting Speaker

Legislative Assembly Chamber

Perth, 1 November 2011

22. Order of Business

Ordered - That Members' Statements be taken forthwith. (Leader of the House).

23. Members' Statements

Statements were taken.

24. Industrial Legislation Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 222

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Industrial Legislation Amendment Bill 2011* without amendment.

Mr P.B. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 1 November 2011

25. Adjournment

The House adjourned at 9.22pm until Wednesday, 2 November 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Phil Edman and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council