

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 159

TUESDAY, 28 JUNE 2011

1. Meeting of Council

The Council assembled at 10.00am pursuant to Order of the Council.

The President, Hon Barry House, took the Chair and read prayers.

2. Message from His Excellency the Lieutenant Governor and Administrator - Assent to Bill

The President reported the receipt of a Message from His Excellency the Lieutenant Governor and Administrator assenting to the following Bill -

22 June 2011 - Message No. 26

Act No.

Building Services (Registration) Bill 2010

19 of 2011

3. Statement by President - Business of the House - Meal Breaks

The President made the following Statement -

Members, because today is a somewhat unusual sitting day, I advise Members that lunch will be taken between 1.00 pm and 2.00 pm and afternoon tea at 4.15 pm as normal.

4. Petitions

Hon Sue Ellery presented a petition from 78 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3414).

Hon Ken Travers presented a petition from 423 petitioners requesting the Legislative Council ensure that community involvement is conducted and a consultation plan is submitted to the City of Joondalup for consideration prior to the preparation of the required structure plan for the East Greenwood Primary School Site. (Tabled paper 3415).

Hon Jon Ford presented a petition from 694 petitioners requesting the Legislative Council to call on the Government to take action to expedite the recruitment of residential dentists for Newman. (Tabled paper 3416).

Hon Giz Watson presented a petition from 424 petitioners requesting the Legislative Council ensure that community involvement is conducted and a consultation plan is submitted to the City of Joondalup for consideration prior to the preparation of the required structure plan for the East Greenwood Primary School Site. (Tabled paper 3417).

5. Ministerial Statement - Retail Tenancy Lease Register - Consultation

The Minister for Commerce made a Ministerial Statement with respect to retail lease information consultation and a proposed lease register in relation to the retail tenancy market in Western Australia.

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

6. Ministerial Statement - Franchising Bill 2010 - Report of the Economics and Industry Standing Committee

The Minister for Commerce made a Ministerial Statement with respect to the findings of the Report of the Economics and Industry Standing Committee of the Legislative Assembly into the *Franchising Bill 2010*.

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

7. Ministerial Statement - Fire and Emergency Services Authority - Major Incident Review

The Minister for Energy representing the Minister for Emergency Services made a Ministerial Statement with respect to the Major Incident Review of the Lake Clifton, Red Hill and Roleystone Fires by the Fire and Emergency Services Authority of Western Australia.

The Minister for Energy representing the Minister for Emergency Services, tabled the report entitled *Major Incident Review: Lake Clifton, Red Hill and Roleystone Fires* (June 2011) by the Fires and Emergency Services Authority of Western Australia. (Tabled paper 3418).

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

8. Paper

The following Paper was laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report 117 - Treaties tabled on 9 and 10 February, and 1 March 2011 - (Agreement between Australia and the Slovak Republic on Social Security, Agreement between the Government of Australia and the Government of the Republic of South Africa concerning the Co-Production of Films, Third Protocol Amending the Treaty of Amity and Cooperation in Southeast Asia, Treaty between Australia and the People's Republic of China concerning the Transfer of Sentenced Persons, Amendments to the Singapore-Australia Free Trade Agreement) 3413

9. Road Safety Council Amendment Bill 2011

The President reported the receipt of Message No. 194 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy representing the Minister for Road Safety 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 Road Safety moved, That the Bill be now read a second time.

Debate stands adjourned.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandri Transit Oriented Development Precinct - Disallowance*, 2, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, 3, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, and 4, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, be taken after Order of the Day No. 16, *Appropriation (Consolidated Account) Capital 2011-12 Bill 2011*. (Leader of the House).

11. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2011-2012

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Finance representing the Treasurer, as follows -

That pursuant to Standing Order No. 49(1)(c) the Legislative Council take note of Tabled Paper No. 3310A-F (2011-2012 Budget Statements), laid upon the Table of the House on 19 May 2011.

Debate resumed.

On the motion of Hon Nigel Hallett the debate was adjourned to the next sitting.

12. Electronic Transactions 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 Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

13. Child Care 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.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1 agreed to.

Clauses 2 to 31 agreed to.

Clause 32.

Debate ensued.

Clause agreed to.

Clauses 33 to 41 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

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

Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Corrective Services tabled documents in relation to people currently imprisoned for driving related offences in Western Australia, in response to question on notice No. 3872 asked by Hon Giz Watson. (Tabled paper 3419).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the Bunbury Intensive Care Unit full time equivalent salary levels and titles, in response to question on notice No. 4008 asked by Hon Adele Farina. (Tabled paper 3420).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to groundwater areas within 300 kilometers of the Jack Hills Expansion Project, in response to question on notice No. 3907 asked by Hon Alison Xamon. (Tabled paper 3422).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to groundwater areas within 300 kilometers of the Extension Hill Magnetic Project, in response to question on notice No. 3900 asked by Hon Alison Xamon. (Tabled paper 3421).

The Minister for Mental Health tabled documents in relation to the number of mental health patients presented to emergency departments (2008-2010), in response to question on notice No. 3852 asked by Hon Ljiljanna Ravlich. (Tabled paper 3423).

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

Debate resumed on the second reading of this Bill (cf item 14 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Hon Max Trenorden moved -

Page 4, line 6 to page 5, line 8 — To delete the lines and insert —

retail shop lease means any agreement under which a person grants or agrees to grant to another person for value a right of occupation of premises for the purpose of the use of the premises as a retail shop —

- (a) whether or not the right is a right of exclusive occupation;
- (b) whether the agreement is express or implied; or
- (c) whether the agreement is oral or in writing, or partly oral and partly in writing.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (17)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Mia Davies
Hon Kate Doust
Hon Wendy Duncan
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Philip Gardiner
Hon Col Holt
Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Max Trenorden
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (12)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Alyssa Hayden

Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Nigel Hallett (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

Debate ensued.

Hon Ljiljanna Ravlich moved -

Page 8, line 14 — To delete “comparable”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (17)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Mia Davies
 Hon Kate Doust
 Hon Wendy Duncan
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Philip Gardiner
 Hon Col Holt
 Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Ken Travers
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 Hon Alyssa Hayden

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 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Nigel Hallett (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clause 9.

Hon Max Trenorden moved -

Page 9, line 7 to page 10, line 7 — To delete the lines and insert —

section 11(3B) may disclose that information, with the exception of information relating to financial turnover, to any other person.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (17)

Hon Matt Benson-Lidholm
 Hon Helen Bullock
 Hon Robin Chapple
 Hon Mia Davies
 Hon Kate Doust
 Hon Wendy Duncan
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford

Hon Philip Gardiner
 Hon Col Holt
 Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
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 Hon Alyssa Hayden

Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Nigel Hallett (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 10 to 25 agreed to.

Title 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.

17. Ministerial Statement - Business of the House

The Leader of the House, by leave, made a brief Ministerial Statement with respect to the business of the House for the next sitting.

18. Casino (Burswood Island) Agreement Amendment Bill 2011

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. Adjournment

The House adjourned at 10.18pm until Wednesday, 29 June 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ken Baston.

MALCOLM PEACOCK
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council