

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 219

TUESDAY, 26 JUNE 2012

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

20 June 2012 — Message No. 10	Act No.
Education and Care Services National Law (WA) Bill 2012	11 of 2012

3. Ministerial Statement — Low Emissions Energy Development Fund

The Minister for Energy made a Ministerial Statement with respect to the successful applicants to round four of the Low Emissions Energy Development Fund.

4. Papers

The following Papers were laid on the Table by —

Minister for Finance

Notices —

Taxation Administration Act 2003 (Taxation Administration (Pre-enactment Provisions Determination) Notice 2012 G.G. 19/06/2012)..... 4678

Regulations —

Co-operatives Act 2009 (Co-operatives Amendment Regulations (No. 2) 2012 G.G. 22/06/2012) 4679

Transport Co-ordination Act 1966 (Country Taxi-cars (Fares and Charges) Amendment Regulations 2012 G.G. 22/06/2012) 4680

Rules —

Road Traffic Act 1974 (Road Traffic (Vehicle Standards) Amendment Rules 2012 G.G. 22/06/2012) .. 4681

Minister for Child Protection

Local Laws —

Local Government Act 1995 (City of Cockburn (Local Government Act) Amendment No. 2 Local Law 2012 G.G. 22/06/2012) 4682

Regulations —

Aerial Spraying Control Act 1966 (Aerial Spraying Control Amendment Regulations 2012 G.G. 19/06/2012)..... 4683

Agriculture and Related Resources Protection Act 1976 (Agriculture and Related Resources Protection (Declared Animals) Amendment Regulations 2012 G.G. 19/06/2012)..... 4684

Beekeepers Act 1963 (Beekeepers Amendment Regulations 2012 G.G. 19/06/2012).....	4685
Industrial Hemp Act 2004 (Industrial Hemp Amendment Regulations 2012 G.G. 19/06/2012)	4686
Plant Diseases Act 1914 (Plant Diseases Amendment Regulations (No. 2) 2012 G.G. 19/06/2012).....	4687
Seeds Act 1981 (Seeds Amendment Regulations 2012 G.G. 19/06/2012)	4688
Stock Diseases (Regulations) Act 1968 (Enzootic Diseases Amendment Regulations 2012 G.G. 19/06/2012).....	4689
Stock (Identification and Movement) Act 1970 (Stock (Identification and Movement) Amendment Regulations 2012 G.G. 19/06/2012).....	4690
<i>Response to Reports —</i>	
Joint Standing Committee on Delegated Legislation — Town of Kwinana Extractive Industries Local Law 2011 (Report No. 48) (Minister for Local Government)	4691
Minister for Mental Health	
<i>By-laws —</i>	
Water Agencies (Powers) Act 1984 (Water Agencies Amendment By-laws 2012 G.G. 20/06/2012 and Water Agencies (Charges) Amendment By-laws 2012 G.G. 20/06/2012)	4692
<i>Orders —</i>	
Conservation and Land Management Act 1984 (Camden Sound Marine Park Order 2012 G.G. 19/06/2012).....	4693
Planning and Development Act 2005 — Order relating Section 76(1) Representation in respect of Lot 201 Gribble Road, Gwelup	4694
Parliamentary Secretary representing the Minister for Justice on behalf of the Leader of the House	
<i>Orders —</i>	
Fish Resources Management Act 1994 (Prohibition on Fishing (Diving) Amendment Order 2012 [1091] G.G. 22/06/2012 and Netting Restrictions (Pilbara and Kimberley) Revocation and Amendment Order 2012 G.G. 22/06/2012).....	4672
<i>Regulations —</i>	
Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2012 G.G. 22/06/2012).....	4673
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 3) 2012 G.G. 22/06/2012).....	4674
Mining Act 1978 (Mining Amendment Regulations (No. 2) 2012 G.G. 19/06/2012 and Mining Amendment Regulations (No. 3) 2012 G.G. 22/06/2012)	4675
Offshore Minerals Act 2003 (Offshore Minerals Amendment Regulations 2012 G.G. 22/06/2012).....	4676
<i>Rules —</i>	
Criminal Procedure Act 2004 (Criminal Procedure Amendment Rules 2012 G.G. 19/06/2012)	4677
Parliamentary Secretary to the Minister for Regional Development	
<i>Regulations —</i>	
Registration of Deeds Act 1856 (Registration of Deeds Amendment Regulations 2012 G.G. 22/06/2012).....	4695
Strata Titles Act 1985 (Strata Titles General Amendment Regulations (No. 2) 2012 G.G. 22/06/2012).....	4696
Transfer of Land Act 1893 (Transfer of Land Amendment Regulations (No. 2) 2012 G.G. 22/06/2012).....	4697
Valuation of Land Act 1978 (Valuation of Land Amendment Regulations (No. 2) 2012 G.G. 22/06/2012).....	4698

5. Environmental Protection (Controlled Waste) Amendment Regulations 2012 — Withdrawn from Notice Paper

Hon Sally Talbot, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 1, *Environmental Protection (Controlled Waste) Amendment Regulations 2012*, from the Notice Paper.

6. Leave of Absence — Hon Norman Moore

The Minister for Finance moved, without notice —

That leave of absence be granted to Hon Norman Moore for six sitting days due to ill health.

Question — put and passed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 15, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 16, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 17, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 21, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 23, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 24, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, 25, *City of Swan Standing Orders Local Law 2010 — Disallowance*, and 26, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, be taken after Order of the Day No. 35, *Lotteries Commission Amendment Bill 2011*. (Minister for Finance).

8. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013

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. 68(1) the Legislative Council take note of Tabled Paper No. 4536A–F (2012–2013 Budget Statements), laid upon the Table of the House on Thursday, 17 May 2012.

Debate resumed.

Question — put and passed.

9. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 and Appropriation (Consolidated Account) Capital 2012–13 Bill 2012

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Finance on behalf of the Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5605 asked by Hon Robin Chapple will be provided by 14 August 2012.

The Minister for Finance representing the Treasurer, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5608 asked by Hon Matt Benson-Lidholm will be provided by 14 August 2012.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to prescribed fire BB125 and the unplanned fire in the D'Entrecasteaux National Park, Gingilup Swamps Nature Reserve and private properties in November and December 2011, in response to question on notice No. 5615 asked by Hon Giz Watson. (Tabled Paper 4699).

11. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 and Appropriation (Consolidated Account) Capital 2012–13 Bill 2012

Cognate debate resumed on the second reading of these Bills (*see item 9 above*).

Hon Sue Ellery sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

Debate resumed.

Hon Sue Ellery, by leave, tabled a document in relation to an agreement between the Department of Child Protection, a private citizen and Kira House (Tabled Paper 4700).

Debate resumed.

Question — That the *Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012* be read a second time — put and passed.

Bill read a second time.

Question — That the *Appropriation (Consolidated Account) Capital 2012–13 Bill 2012* be read a second time — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Minister for Finance representing the Treasurer moved, That the *Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012* be read a third time.

Question — put and passed.

Bill read a third time and passed.

The Minister for Finance representing the Treasurer moved, That the *Appropriation (Consolidated Account) Capital 2012–13 Bill 2012* be read a third time.

Question — put and passed.

Bill read a third time and passed.

12. Cognate Debate — Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012 and Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012

The Minister for Finance sought leave of the Council to debate Order of the Day No. 32, *Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012* and Order of the Day No. 33, *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012* cognately [SO 127].

Leave granted.

**13. Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012
and Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**

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

Interruption pursuant to order.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 10.18 pm until Wednesday 27 June 2012 at 2.00 pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Lynn MacLaren and Hon Norman Moore.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council