

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 213

TUESDAY, 12 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. Statement by President — Joint Standing Committee on the Commissioner for Children and Young People — Resignation of Member

The President made the following Statement —

Members, I have a letter addressed to me as the President of the Legislative Council. It states —

Dear Mr President,

In accordance with Legislative Council Standing Order 159(4) I hereby tender my resignation as a member of the Joint Standing Committee on the Commissioner for Children and Young People effective immediately.

Yours sincerely

Hon Helen Bullock

3. Ministerial Statement — Changes to the Ministry

The Leader of the House made a Ministerial Statement with respect to changes to the Ministry.

The Leader of the House tabled a document in relation to the allocation of portfolios and parliamentary secretaries. (Tabled Paper 4582).

4. Ministerial Statement — Grasmere Wind Farm, Albany

The Minister for Energy made a Ministerial Statement with respect to the Grasmere Wind Farm in Albany.

5. Papers

The following Papers were laid on the Table by —

President

Reports —

Inspector of Custodial Services, Office of the — Report of an Announced Inspection
of Broome Regional Prison (Report No. 77) (March 2012)
(Date received 1/05/2012) 4560

Leader of the House*Management Plans —*

Fish Resources Management Act 1994 (CORRECTION — West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2012 [1093] G.G. 22/05/2012).....	4561
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Minister for Finance*Regulations —*

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Rail Safety Act 2010 (Rail Safety Amendment Regulations 2012 G.G. 25/05/2012).....	4564
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2012 G.G. 30/05/2012 and Road Traffic (Charges and Fees) Amendment Regulations (No. 4) 2012 G.G. 30/05/2012).....	4565

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Government of Western Australia, Quarterly Financial Results Report 2011–2012 (March 2012) (Date received 30/05/2012).....	4566
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Curriculum Council — Final Report (1 July 2011 – 29 February 2012) (Date received 12/06/2012).....	4568
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Response to Reports —

Joint Standing Committee on the Corruption and Crime Commission — The post-CHOGM technological capability of the WA Police (Report No. 23) (Minister for Police)	4569
Standing Committee on Public Administration — Unassisted Failure (Report No. 14) (Minister for Energy)	4570

Statutes —

Curtin University of Technology Act 1966 (Statute No. 4 Amendment — Student Guild G.G. 22/05/2012, Statute No. 26 — Fees and Charges G.G. 22/05/2012 and Statute No. 27 — Student Services and Amenities Fee G.G. 22/05/2012)	4571
Edith Cowan University Act 1984 (Amending Statute No. 1 of 2012 G.G. 22/05/2012).....	4572

Minister for Child Protection*Local Laws —*

Local Government Act 1995 (City of Bayswater Standing Orders Local Law 2012 G.G. 22/05/2012).....	4573
Local Government Act 1995 (City of Perth Standing Orders Amendment Local Law 2012 G.G. 29/05/2012, Shire of Brookton Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2012 G.G. 31/05/2012, Shire of Brookton Repeal Local Law 2012 G.G. 01/06/2012 and Shire of Cue Standing Orders Local Law 2012 G.G. 01/06/2012).....	4574

Regulations —

Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations 2012 G.G. 29/05/2012).....	4575
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Response to Reports —

Joint Standing Committee on the Commissioner for Children and Young People —

Report on the functions of the Commissioner for Children and Young People:

Working with children checks (Report No. 8) (Minister for Child Protection) 4576

Minister for Mental Health*Regulations —*

Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2012

G.G. 22/05/2012)..... 4577

Pharmacy Act 2010 (Pharmacy Amendment Regulations 2012 G.G. 01/06/2012)..... 4578

Poisons Act 1964 (Poisons Amendment Regulations (No. 2) 2012 G.G. 25/05/2012) 4579

Poisons Act 1964 (Poisons Amendment Regulations 2012 G.G. 01/06/2012) 4580

Parliamentary Secretary to the Attorney General*Regulations —*

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings)

Amendment Rules (No. 2) 2012 G.G. 01/06/2012)..... 4581

6. Building Regulations 2012 — Disallowance

Hon Alyssa Hayden: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Building Regulations 2012* published in the *Gazette* on 13 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Building Act 2011*, be and are hereby disallowed.

7. City of Swan Standing Orders Local Law 2010 — Disallowance

Hon Alyssa Hayden: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Swan Standing Orders Local Law 2010* published in the *Gazette* on 16 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Local Government Act 1995*, be and are hereby disallowed.

8. Royal Commission into Alleged Abuse in State Institutions

Hon Alison Xamon: To move on the next day of sitting —

(1) That this House calls upon the Premier to initiate a Royal Commission into alleged abuses committed in Institutions that housed Wards of the State during the period 1945 to 1975 inclusive, including (but not limited to) the following Institutions —

- (a) Bindoon Boys Town;
- (b) Bridgewater Care and Assessment Centre;
- (c) Castledare;
- (d) Clontarf;
- (e) Fairbridge Farm School;
- (f) Hillston;
- (g) Home of the Good Shepherd;
- (h) Longmore Remand and Assessment Centre;
- (i) Mofflyn;
- (j) Mt Lawley Receiving Home;
- (k) Mogumber;
- (l) Nazareth House;
- (m) New Norcia;
- (n) Ngala;

- (o) Nyandi;
 - (p) Parkerville Children and Youth Care;
 - (q) Riverbank;
 - (r) Roelands Mission;
 - (s) Salvation Army Home at Seaforth;
 - (t) Sister Kate's;
 - (u) St Josephs Orphanage;
 - (v) Swan Girls Home;
 - (w) Swan Boys Orphanage;
 - (x) Swanleigh;
 - (y) Tardun Farm School; and
 - (z) Wanslea.
- (2) That the terms of reference for the Royal Commission include (but not be limited to) the following —
- (a) to determine the long term impact any identified abuses have had upon the cohort of children subject to these abuses including mental, physical and financial costs;
 - (b) to address what services and compensation needs to be made available to address these impacts;
 - (c) to identify what circumstances and conditions enabled these abuses to occur and to identify where these circumstances and conditions still exist and how they can be addressed; and
 - (d) to identify any perpetrators who may still be working with children and as such may still pose a risk to children.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Town of Kwinana Extractive Industries Local Law 2011 — Disallowance*, 2, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 — Disallowance*, 3, *Mining Amendment Regulations (No. 5) 2011 — Disallowance*, 4, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 8, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 11, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 14, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 15, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 16, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 17, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 21, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 23, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 24, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 25, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 26, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, and 27, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, be taken after Order of the Day No. 39, *Lotteries Commission Amendment Bill 2011*. (Leader of the House).

10. 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.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled a summary of progress of reforming the environmental regulations pertaining to mining activities by the Department of Mines and Petroleum as a result of a report by the Auditor General, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4583)

The Minister for Small Business tabled, and by leave incorporated into Hansard, documents in relation to funding allocations through the 2012–13 Budget estimates and the forward estimates for the alternative dispute resolution service, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 4584).

The Minister for Mines and Petroleum tabled the minutes of a meeting of the Department of Mines and Petroleum Interagency Workshop, in response to question on notice No. 5573 asked by Hon Alison Xamon. (Tabled Paper 4585).

The Minister for Mines and Petroleum tabled a document in relation to the Exploration Incentive Scheme funded by Royalties for Regions, in response to question on notice No. 5597 asked by Hon Robin Chapple. (Tabled Paper 4586).

The Minister for Energy tabled, and by leave incorporated into Hansard, a document in relation to fringe benefits tax paid by Western Power in 2010–2011, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 4587).

The Minister for Child Protection representing the Minister for Forestry tabled a document with respect to sawmills with investment security guarantees, in response to question on notice No. 5489 asked by Hon Giz Watson. (Tabled Paper 4588).

The Minister for Child Protection tabled a document with respect to full time equivalent (FTE) allocations, case worker details and FTE by directorate and district, in response to question on notice No. 5462 asked by Hon Sue Ellery. (Tabled Paper 4589).

The Minister for Child Protection tabled a document with respect to the Hardship Utility Grant Scheme applicant details for March and April 2012, in response to question on notice No. 5465 asked by Hon Sue Ellery. (Tabled Paper 4590).

The Minister for Mental Health representing the Minister for Environment tabled a document with respect to the Department of Environment and Conservation’s clearing permits in the Swan, South West and Warren forest regions, in response to question on notice No. 5467 asked by Hon Giz Watson. (Tabled Paper 4591).

The Minister for Mental Health representing the Minister for Environment tabled a map of proposed silviculture in the Wungong Catchment, in response to question on notice No. 5507 asked by Hon Alison Xamon. (Tabled Paper 4592).

The Minister for Mental Health representing the Minister for Water tabled a document with respect to the water supply planning senior officers group, in response question on notice No. 5510 asked by Hon Alison Xamon. (Tabled Paper 4593).

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

Debate resumed on the motion of the Minister for Finance representing the Treasurer (*see item 10 above*).

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

13. Paper

The Leader of the House, by leave, tabled a document regarding State Government Ministerial offices. (Tabled Paper 4594).

14. Education and Care Services National Law (WA) Bill 2011

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 Adele Farina the debate was adjourned to the next sitting.

15. Order of Business

Ordered — that Members' Statements be taken forthwith. (Leader of the House).

16. Adjournment

The Council adjourned at 7.49pm until 13 June 2012 at 2.00p.m.

Members present during the day's proceedings

Attendance: Present all Members.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council