

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 209

THURSDAY, 17 MAY 2012

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

### 2. Death of Hon Roy Cloughton – Motion of Condolence

The Leader of the House moved, without notice –

That this Council expresses its deep regret at the death of Hon Roy Cloughton, a former Member of the Legislative Council for the North Metropolitan Province, and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by all Members including the President and was carried in silence, Members standing in their places.

### 3. Petitions

Hon Linda Savage presented a petition from 60 petitioners requesting the Legislative Council support legislation to ensure that skilled work for major resource projects is performed in Western Australia. (Tabled Paper 4534).

Hon Philip Gardiner presented a petition from 491 petitioners requesting the Legislative Council support the enactment of a moratorium on hydraulic fracturing. (Tabled Paper 4535).

### 4. Papers

The following Papers were laid on the Table by –

#### Leader of the House

##### *Reports –*

Consultants Engaged by Government (For the six months ended 30 June 2011) ..... 4531

Electoral Commission of Western Australia – Local Government Postal Elections

Election Report 2011 (Date received 16/05/2012) ..... 4532

Ministerial Office Staffing Report (As at 26 April 2012) (Date received 16/05/2012) ..... 4533

### 5. Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 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 *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011* published in the *Gazette* on 9 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Queen Elizabeth II Medical Centre Act 1966*, be and are hereby disallowed. (Tabled Paper 4222).

**6. Fremantle Hospital Amendment By-laws (No. 2) 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 *Fremantle Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled Paper 4221).

**7. Osborne Park Hospital Amendment By-laws (No. 2) 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 *Osborne Park Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled Paper 4221).

**8. Royal Perth Hospital Amendment By-laws (No. 2) 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 *Royal Perth Hospital Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled Paper 4221).

**9. Women’s and Children’s Hospitals Amendment By-laws (No. 2) 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 *Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011* published in the *Gazette* on 23 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled Paper 4221).

**10. Liquor Control Amendment Regulations (No. 10) 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 *Liquor Control Amendment Regulations (No. 10) 2011* published in the *Gazette* on 6 January 2012 and tabled in the Legislative Council on 6 March 2012 under the *Liquor Control Act 1988*, be and are hereby disallowed. (Tabled Paper 4167).

**11. Children’s Court (Fees) Amendment Regulations (No. 2) 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 *Children’s Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Children’s Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled Paper 4247).

**12. Civil Judgements Enforcement Amendment Regulations (No. 2) 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 *Civil Judgements Enforcement Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Civil Judgements Enforcement Act 2004*, be and are hereby disallowed. (Tabled Paper 4248).

**13. Coroners Amendment Regulations (No. 2) 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 *Coroners Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled Paper 4249).

**14. District Court (Fees) Amendment Regulations (No. 2) 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 *District Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled Paper 4250).

**15. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 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 *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled Paper 4251).

**16. Magistrates Court (Fees) Amendment Regulations (No. 2) 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 *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled Paper 4253).

**17. State Administrative Tribunal Amendment Regulations (No. 5) 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 *State Administrative Tribunal Amendment Regulations (No. 5) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled Paper 4256).

**18. Supreme Court (Fees) Amendment Regulations (No. 2) 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 *Supreme Court (Fees) Amendment Regulations (No. 2) 2011* published in the *Gazette* on 20 December 2011 and tabled in the Legislative Council on 6 March 2012 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled Paper 4257).

**19. City of Cockburn Jetties, Waterways and Marina Local Law 2012 – 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 *City of Cockburn Jetties, Waterways and Marina Local Law 2012* published in the *Gazette* on 23 February 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and are hereby disallowed. (Tabled Paper 4209).

**20. Hospitals (Services Charges) Amendment Regulations 2012 – 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 *Hospitals (Services Charges) Amendment Regulations 2012* published in the *Gazette* on 24 February 2012 and tabled in the Legislative Council on 6 March 2012 under the *Hospitals and Health Services Act 1927*, be and are hereby disallowed. (Tabled Paper 4235).

**21. Town of Bassendean Repeal Local Law 2010 – 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 *Town of Bassendean Repeal Local Law 2010* published in the *Gazette* on 20 January 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4212).

**22. Town of Bassendean Dust and Sand Local Law 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 *Town of Bassendean Dust and Sand Local Law 2011* published in the *Gazette* on 6 March 2012 and tabled in the Legislative Council on 21 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4329).

**23. City of Busselton Busselton Regional Airport Local Law 2012 – 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 *City of Busselton Busselton Regional Airport Local Law 2012* published in the *Gazette* on 24 February 2012 and tabled in the Legislative Council on 6 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4209).

**24. Minister for Energy – Ministerial Portfolio Management**

Non-Government Business No. 1 having been called, Hon Kate Doust moved, without notice –

That this Council condemns the Minister for Energy; Training and Workforce Development; Indigenous Affairs for his inability to properly manage his portfolios.

Debate ensued.

*Motion lapsed.*

**25. Agriculture – Future Security**

Private Members' Business No. 1 having been called, Hon Nigel Hallett moved, without notice –

That this Council commends the Barnett Government for the new and innovative initiatives relating to the future security of agriculture in Western Australia.

Debate ensued.

*Motion lapsed.*

**26. 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*, and 3, *Mining Amendment Regulations (No. 5) 2011 – Disallowance* be taken after Order of the Day No. 6, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Leader of the House).

**27. Criminal Organisations Control Bill 2011**

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

The Parliamentary Secretary representing the Attorney General 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.

**28. Estimates of Revenue and Expenditure – Consolidated Fund Estimates 2012–2013 – Tabling of Papers**

The following Papers were laid on the Table by -

**Minister for Finance representing the Treasurer**

*Budget Papers and Related Papers -*

2012-2013 Budget - Budget Overview.....	4536C
2012-2013 Budget - Budget Speech - Budget Paper No. 1 .....	4536B
2012-2013 Budget - Budget Statements - Budget Paper No. 2 (Volume 1).....	4536D
2012-2013 Budget - Budget Statements - Budget Paper No. 2 (Volume 2).....	4536E
2012-2013 Budget - Compact Disk.....	4536A
2012-2013 Budget - Economic and Fiscal Outlook - Budget Paper No. 3.....	4536F

The Minister for Finance representing the Treasurer moved, without notice -

That pursuant to Standing Order 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.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

**29. Criminal Investigation (Covert Powers) Bill 2011**

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

Debate resumed.

**30. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Premier tabled documents in relation to tenders, contracts or consultancies awarded to companies by the Department of State Development to provide engineering services or design information, in response to question on notice No. 5351 asked by Hon Ed Dermer. (Tabled Paper 4537).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the central business district transport plan, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 4538).

The Minister for Mental Health tabled documents in relation to mental health patient deaths reported for 2009-10 and 2010-11, in response to question on notice No. 5187 asked by Hon Ljiljana Ravlich. (Tabled Paper 4539).

**31. Criminal Investigation (Covert Powers) Bill 2011**

Debate resumed on the second reading of this Bill (*see item 29 above*).

On the motion of the Leader of the House the debate was adjourned to the next sitting.

**32. Lotteries Commission Amendment Bill 2011**

The President reported the receipt of Message No. 252 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be read a first time.

Question – put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Racing and Gaming moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4541).

Debate stands adjourned.

**33. Community Protection (Offender Reporting) Amendment Bill 2011**

The President reported the receipt of Message No. 253 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Energy representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4540).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

**34. Members' Statements**

Statements were taken.

Hon Sue Ellery, by leave, tabled documents in relation to the prequalification process used by the Disability Services Commission to assess the suitability of prospective service provider organisations. (Tabled Paper 4542)

**35. Adjournment**

The Council adjourned at 6.05pm until Tuesday, 22 May 2012 at 3.00pm.

**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