

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 151

WEDNESDAY, 18 MAY 2011

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

2. Petition

Hon Sue Ellery presented a petition from 367 petitioners requesting the Legislative Council to seek the business case analysis that supports the decision of the State Government to privatise essential services at the Fiona Stanley Hospital. (Tabled paper 3305).

3. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report 116 - Treaties tabled on 24 and 25 November 2010, 9 February and 1 March 2011 and Treaties referred on 16 November 2010 (Part 3) - 2010 Amendments to Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, Amendments to the Implementation Procedures for Airworthiness Covering Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities under the Agreement on the Promotion of Aviation Safety Between the Government of Australia and the Government of the United States of America, United Nations Convention on the Use of Electronic Communications in International Contracts, Exchange of Letters Constituting an Agreement to Amend Annex 4-A (Textile or Apparel Specific Rules of Origin) of the Australia-United States Free Trade Agreement, Exchange of Letters Constituting an Agreement between the Government of Australia and the Government of New Zealand to amend Article 3 of the Australia New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) and Exchange of Letters Constituting an Agreement between the Government of Australia and the Government of New Zealand to amend Annex G of the ANZCERTA, International Labour Organization Protocol of 2002 to Convention No. 155: concerning Occupational Safety and Health and the Working Environment, 1981, International Labour Organization Convention No. 162: Convention Concerning Safety in the Use of Asbestos, International Labour Organization Convention No. 175: Part-Time Work, International Labour Organisation Convention No. 186: Maritime Convention, Resolution MEPC.196 (59), adopted 17 July 2009, Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships,

Amendments to the Convention Establishing the Multilateral Investment Guarantee Agency to Modernise the Mandate of the Multilateral Investment Guarantee Agency and Amendment to the International Finance Corporation Articles of Agreement, Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement and Australia's Accession to the Council of Europe Convention on Cybercrime	3269
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Minister of Finance on behalf of the Leader of the House

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State Superannuation Act 2000 (State Superannuation Amendment Regulations 2011 G.G. 10/05/2011).....	3279

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Local Government Act 1995 (City of Gosnells Local Government Property Amendment Local Law 2011 G.G. 06/05/2011, City of Kalgoorlie-Boulder Fencing Local Law 2010 G.G. 15/04/2011, City of Rockingham Dogs Amendment Local Law 2011 G.G. 06/05/2011, City of Rockingham Fencing Amendment Local Law 2011 G.G. 06/05/2011, City of Stirling Repeal and Amendment Local Law 2011 G.G. 15/04/2011, Shire of Busselton Standing Orders Local Law 2010 G.G. 09/05/2011, Shire of Coorow Cemeteries Local Law 2011 G.G. 18/04/2011, Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2011 G.G. 12/04/2011, Shire of Derby/West Kimberley Local Government Property Amendment Local Law 2011 G.G. 12/04/2011, Shire of Derby/West Kimberley Standing Orders Amendment Local Law 2011 G.G. 12/04/2011, Shire of Roebourne Parking and Parking Facilities Amendment Local Law 2011 G.G. 15/04/2011 and Town of Bassendean Standing Orders Local Law 2011 G.G. 21/04/2011).....	3287
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Parliamentary Secretary representing the Minister for Regional Development*Annual Reports -*

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Proposals -

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4. Fish Resources Management Amendment Bill 2011

The Minister for Finance on behalf of the Minister for Fisheries: To move on the next day of sitting -
That a Bill for “An Act to amend the *Fish Resources Management Act 1994*.” be introduced and read a first time.

5. Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance

Hon Lynn MacLaren: To move on the next day of sitting -

That the *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan* published in the *Gazette* on 22 February 2011 and tabled in the Legislative Council on 16 March 2011 under the *Planning and Development Act 2005*, be and is hereby disallowed.

6. Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance

Hon Giz Watson: To move on the next day of sitting -

That the following words in *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011* published in the *Gazette* on 23 February 2011 and tabled in the Legislative Council on 15 March 2011 under the *Prohibited Behaviour Orders Act 2010*, -

- s. 70A Trespass;
- s. 74A Disorderly behaviour in public;
- s. 172 Obstructing public officers;

- s. 153 Failure to comply with an officer's order under the *Criminal Investigation Act 2006*;
- s. 115(6) Remaining in an area adjacent to licensed premises after having been refused entry to, or required to leave, the premises;
- s. 115(7) Re-entering licensed premises within 24 hours of being refused entry to, or required to leave, the premises;
- s. 119(1) Consuming liquor in a place or premises without the consent of the occupier or person having control of the place or premises;
- s. 119(2) Bringing liquor into, or possessing or consuming liquor in, a sports ground or stadium;
- s. 119(4) Consuming liquor in a public place except under an exemption, licence or permit;
- s. 123(1) Juvenile purchasing, obtaining or consuming liquor on, or bringing liquor onto, licensed or regulated premises;
- s. 123(2) Juvenile possessing liquor in a public place;
- s. 126(4) Re-entering licensed or regulated premises within 24 hours of being required to leave, or removed from, the premises under section 126;
- s. 126(5) Remaining in an area adjacent to licensed premises after having been required to leave, or being removed from, the premises;
- s. 5 Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils;
- s. 6 Offences concerned with prohibited drugs generally;
- s. 7 Offences concerned with prohibited plants generally;
- s. 5 Seeking prostitute in or in view or within hearing of public place;
- s. 6 Seeking client in or in view or within hearing of public place
- s. 64B Contravention of a prohibition order; and
- r. 40 Obstructing an authorised person

be and are hereby disallowed.

7. Adoption of Recommendation Nos 1 and 2 of Report Nos 49, 50 and 51 of the Standing Committee on Uniform Legislation and Statutes Review

Motion No. 1 having been called, debate resumed on the amendment of the Leader of the House as follows -

Line 3 — To insert after “agreed to” —

, subject to the following amendment to recommendation 2 in each report —

To delete “60 days” and insert —

45 days

to the motion of Hon Adele Farina as follows -

That recommendation Nos 1 and 2 contained in Report Nos 49, 50 and 51 of the Standing Committee on Uniform Legislation and Statutes Review be adopted and agreed to.

Amendment - put.

The House divided.

Ayes (17)

Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Phil Edman
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 Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (12)

Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren
Hon Ljiljanna Ravlich

Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Amendment thus passed.

Debate resumed on the motion, as amended.

Question - put and passed.

8. Mental Impairment Court Intervention Program

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved -

That this House call upon the Attorney General to urgently adopt Recommendation 23 of the Law Reform Commission Final Report *Court Intervention Programs: Project No. 96* (June 2009), and establish a mental impairment court intervention program in Western Australia.

Debate ensued.

Interruption pursuant to Temporary Orders.

9. Paper

The Minister for Finance, by leave, tabled a document entitled *Local Content Report* (May 2011), by the Department of State Development and the Department of Commerce. (Tabled paper 3306).

10. Questions Without Notice

Questions without notice were taken.

The Minister for Energy representing the Minister for Police tabled, and by leave incorporated into Hansard, a document in relation to locations in regional Western Australia where police officers receive rent incentives, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 3307).

The Leader of the House representing the Minister for State Development tabled documents in relation to details of state agreements that contain local content and local labour reporting requirements for the past three years, in response to question on notice No. 3703 asked by Hon Jon Ford. (Tabled paper 3308).

The Minister for Child Protection tabled, and by leave incorporated into Hansard, documents in relation to details of HUGS grants provided to Synergy customers for the period 1 April 2010 to 31 March 2011, and for April 2009 and April 2010, in response to a question without notice asked by Hon Kate Doust. (Tabled paper 3309).

11. Joint Standing Committee on Delegated Legislation - Appointment of Member

Leader of the House moved, without notice -

That Hon Sally Talbot be appointed to the Joint Standing Committee on Delegated Legislation.

Question - put and passed.

12. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Report No. 9 - Hearing with the Acting Commissioners of the Corruption and Crime Commission - Committee Report

Hon Nick Goiran moved, That the Report be noted.

Question - put and passed.

Volunteering in Western Australia - Economic Value - Ministerial Statement and Tabled Paper

Debate resumed on the motion of the Minister for Seniors and Volunteering, That the Ministerial Statement and Tabled paper be noted.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 27 - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools - Committee Report

Hon Giz Watson moved, That the Report be noted.

Interruption pursuant to Temporary Orders.

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Joint Standing Committee on the Corruption and Crime Commission - Report No. 9 - Hearing with the Acting Commissioners of the Corruption and Crime Commission - Committee Report and had noted same.
- (2) Volunteering in Western Australia - Economic Value - Ministerial Statement and Tabled Paper and had noted same.
- (3) Standing Committee on Estimates and Financial Operations - Report No. 27 - Removal of Senior School Allocation Funding for Year 11 and 12 Courses at District High Schools - Committee Report, made progress, and asked leave to sit again

Report adopted.

13. Metropolitan Region Scheme Amendment No. 1161/41 - Parks and Recreation Reservations for Public Lands - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Lynn MacLaren moved, without notice -

That Order of the Day No. 1, *Metropolitan Region Scheme Amendment No. 1161/41 - Parks and Recreation Reservations for Public Lands - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. Order of Business

Ordered - That Order of the Day Nos 2, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandit Transit Oriented Development Precinct - Disallowance*, and 3, *Offshore Minerals Regulations 2010 - Disallowance*, be taken after Order of the Day No. 9, *Child Care Services Amendment Bill 2011*. (Minister for Finance).

15. Electoral and Constitution Amendment Bill 2011

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

The Minister for Finance on behalf of the Minister for Electoral Affairs, 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.

16. Building Services Levy Bill 2010, Building Services (Complaint Resolution and Administration) Bill 2010 and Building Services (Registration) Bill 2010

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

The Minister for Commerce moved, That the *Building Services Levy Bill 2010* be read a second time.

Question - put and passed.

Bill read a second time.

The Minister for Commerce moved, That the *Building Services (Complaint Resolution and Administration) Bill 2010* be read a second time.

Question - put and passed.

Bill read a second time.

The Minister for Commerce moved, That the *Building Services (Registration) Bill 2010* be read a second time.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Building Services (Registration) Bill 2010

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 25 agreed to.

Clause 26.

Debate ensued.

Clause agreed to.

Clauses 27 to 31 agreed to.

Clause 32.

Debate ensued.

Clause agreed to.

Clauses 33 to 39 agreed to.

Clause 40.

The Minister for Commerce moved -

Page 25, lines 22 to 27 — To delete the lines and insert —

40. When owner-builder approval may be applied for

- (1) An owner may apply for approval under this Part (*owner-builder approval*) before obtaining a building permit to carry out owner-builder work on the owner's land if the owner proposes to be named as the builder on the building permit.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 41 to 44 agreed to.

Clause 45.

The Minister for Commerce moved -

Page 28, lines 13 to 16 — To delete the lines and insert —

- (e) the applicant has complied with each other requirement prescribed by the regulations for the grant of an owner-builder approval.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 46 to 155 agreed to.

Clause 156.

The Minister for Commerce moved -

Page 84, lines 5 and 6 — To delete “with a value of \$20 000 or more”.

Page 84, after line 16 — To insert —

(2A) Subsection (1) does not apply in respect of a building licence for building work —

- (a) with a value of less than \$20 000; or
- (b) that is to be carried out in an area of the State prescribed by the regulations for the purposes of this section.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 157 to 159 agreed to.

Title agreed to.

Building Services (Complaint Resolution and Administration) Bill 2010

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 138 agreed to.

Title agreed to.

Building Services Levy Bill 2010

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Title agreed to.

The President resumed the Chair.

Building Services (Registration) Bill 2010 reported with amendments.

Building Services (Complaint Resolution and Administration) Bill 2010 reported without amendment.

Building Services Levy Bill 2010 reported without amendment.

Ordered - That consideration of the Committee's Report on the *Building Services (Registration) Bill 2010* be made an Order of the Day for the next sitting.

The Minister for Commerce moved, That the reports on the *Building Services (Complaint Resolution and Administration) Bill 2010* and *Building Services Levy Bill 2010* be adopted.

Question - put and passed.

The Minister for Commerce moved, That the *Building Services (Complaint Resolution and Administration) Bill 2010* 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.

The Minister for Commerce moved, That the *Building Services Levy Bill 2010* 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.

17. Commonwealth Heads of Government Meeting (Special Powers) 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.

18. Members' Statements

Statements were taken.

19. Adjournment

The House adjourned at 10.23pm until Thursday, 19 May 2011 at 10.00am.

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