

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 162

TUESDAY, 9 AUGUST 2011

1. Meeting of Council

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

2. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

11 July 2011 - Message No. 27	Act No.
Small Business and Retail Shop Legislation Amendment Bill 2011	20 of 2011
Fish Resources Management Amendment (Fees) Bill 2010	21 of 2011
Fish Resources Management Amendment (Fees) Bill (No. 2) 2010	22 of 2011
Commonwealth Heads of Government Meeting (Special Powers) Bill 2011	23 of 2011
Building Bill 2010	24 of 2011
Casino (Burswood Island) Agreement Amendment Bill 2011	25 of 2011
Young Offenders Legislation Amendment (Research Information) Bill 2010	26 of 2011
Duties Amendment Bill (No. 2) 2011	27 of 2011
Appropriation (Consolidated Account) Recurrent 2011-12 Bill 2011	28 of 2011
Appropriation (Consolidated Account) Capital 2011-12 Bill 2011	29 of 2011

3. Statement by President - Uncorrected Hansard Online Publication

The President made the following Statement -

I just reiterate what I announced on the last date of the previous sitting that, commencing today, 9 August, the uncorrected *Hansard* proof will be posted to Parliament's internet site each sitting night.

4. Petitions

Hon Matt Benson-Lidholm presented a petition from 110 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3483).

Hon Sue Ellery presented a petition from 272 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3484).

5. Ministerial Statement - Personal Property Securities (Commonwealth Laws) Bill 2011 and Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

The Minister for Commerce made a Ministerial Statement with respect to Bills for implementing the national personal property securities regulatory regime in Western Australia.

The Minister for Commerce, tabled the *Personal Property Securities Act 2009 (Commonwealth)*, the *Personal Property Securities (Corporations and Other Amendments) Act 2010 (Commonwealth)* and the *Personal Property Securities (Corporations and Other Amendments) Act 2011 (Commonwealth)*. (Tabled paper 3485).

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

6. Ministerial Statement - Skilled Migration - Public-Private Partnerships

The Minister for Training and Workforce Development made a Ministerial Statement with respect to Skilled Migration and Public-Private Partnerships to address the State's predicted worker shortage.

The Minister for Training and Workforce Development, tabled the final report of the *Public Private Partnerships Project* by the State Training Board of Western Australia. (Tabled paper 3486).

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

7. Ministerial Statement - Disability Services - Productivity Commission Report

The Minister for Disability Services made a Ministerial Statement with respect to the pending Productivity Commission's report on a Long Term Disability Care and Support Scheme and the Commonwealth Government's response to it.

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

8. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Treaties tabled on 5 July 2011 - (Instrument Amending the Constitution of the International Telecommunication Union (Geneva, 1992) and Instrument Amending the Convention of the International Telecommunication Union (Geneva, 1992) as amended by the Plenipotentiary Conference (Kyoto, 1994), by the Plenipotentiary Conference (Minneapolis, 1998), by the Plenipotentiary Conference (Marrakesh, 2002) and by the Plenipotentiary Conference (Antalya, 2006) Amendments adopted by the Plenipotentiary Conference (Guadalajara, 22 October 2010), Measure 1 (2005) Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty: Liability arising from environmental emergencies (Stockholm, 17 June 2005, Measure 4 (2004) Insurance and contingency planning for tourism and non governmental activities in the Antarctic Treaty area (Cape Town, 4 June 2004, and Measure 15 (2009) Landing of persons from passenger vessels in the Antarctic Treaty area (Baltimore, 17 April 2009) 3472

Reports -

Parliamentary Inspector of the Corruption and Crime Commission - Report on the Assessment of Procedures of the CCC used to assess Complaints of Serious Misconduct made by Mr Ian Quartermaine (21 July 2011) (Deemed tabled 21/07/11)..... 3473

Standing Committee on Environment and Public Affairs -

Overview of Petitions (Report No. 22) (Deemed tabled 18/07/2011 pursuant to Standing Order 338)	3474
Inquiry into the Transportation of Detained Persons (Report No. 23) (Deemed tabled 18/07/2011 pursuant to Standing Order 338)	3475

Leader of the House*Reports -*

Racing and Wagering Western Australia - Statement of Corporate Intent (2011-2012) (Date received 04/08/2011)	3476
--	------

Minister for Finance*Reports -*

Economic Regulation Authority - Inquiry into the Benefits and Costs Associated with the Provision of Shared Corporate Services in the Public Sector (Final Report) (Deemed tabled 07/07/11)	3477
Treasury Corporation - Statement of Corporate Intent (2011-2012) (Date received 04/08/2011)	3478

Minister for Energy*Reports -*

Terrorism (Preventative Detention) Act 2006, Section 54(2) - Quarterly Report (30 June 2011) (Date received 15/07/2011)	3479
---	------

Minister for Mental Health*Directions -*

Planning and Development Act 2005 - Ministerial Direction - between Holcim (Australia) Pty Ltd and The City of Stirling (Date received 27/07/2011)	3480
--	------

Leases -

CALM Lease No. 2083/97 - Between CALM and The Shire of Donnybrook-Balingup for a Bush Fire Brigade Shed within a Portion of State Forest No. 29	3481
---	------

Parliamentary Secretary representing the Attorney General*Response to Reports -*

Standing Committee on Uniform Legislation and Statutes Review - <i>Trustee Companies (Commonwealth Regulation) Amendment Bill 2010</i> (Report No. 62) (Attorney General) (Date received 27/07/2011)	3482
--	------

9. Standing Committee on Estimates and Financial Operations - Report No. 32 - Budget of the Office of the Auditor General and Review of Auditor General's Audit Results Report - Annual 2009/10 Assurance Audits

Hon Giz Watson presented Report No. 32 of the Standing Committee on Estimates and Financial Operations in relation to the *Budget of the Office of the Auditor General and Review of Auditor General's Audit Results Report - Annual 2009/10 Assurance Audits*. (Tabled paper 3487).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

10. Standing Committee on Estimates and Financial Operations - Report No. 33 - Annual Report for the year ending 31 December 2010

Hon Giz Watson presented Report No. 33 of the Standing Committee on Estimates and Financial Operations in relation to the *Annual Report for the year ending 31 December 2010*. (Tabled paper 3488).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

11. Inheritance (Family and Dependants Provision) Amendment Bill 2011

The Parliamentary Secretary representing the Attorney General: To move on the next day of sitting -

That a Bill for “An Act to amend the *Inheritance (Family and Dependants Provision) Act 1972* and other Acts, and for related purposes.” be introduced and read a first time.

12. Order of Business

Ordered - That Orders of the Day Nos 2, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, 3, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, and 4, *City of Mandurah Jetties, Waterways and Marina Local Law 2010 - Disallowance*, be taken after Order of the Day No. 14, *Workers’ Compensation and Injury Management Amendment Bill 2011*. (Leader of the House).

13. City of Mandurah Waste Management Local Law 2010 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

14. 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.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Mines and Petroleum tabled documents in relation to a list of leaseholders that sought and received expenditure exemptions, in response to question on notice No. 4189 asked by Hon Robin Chapple. (Tabled paper 3489).

The Minister for Finance representing the Minister for Corrective Services tabled documents listing the number of people currently imprisoned, identified by postcode, as at 31 May 2011, in response to question on notice No. 3978 asked by Hon Giz Watson. (Tabled paper 3490).

The Minister for Finance representing the Minister for Corrective Services tabled documents in relation to the incarceration rates of prisoners with their last known address being in the Kimberley, Pilbara, and Central and South Eastern Regions for the period 31 May 2010 to 31 May 2011, and details of programs designed to reduce incarceration rates, in response to question on notice No. 4199 asked by Hon Giz Watson. (Tabled paper 3491).

The Minister for Child Protection representing the Minister for Forestry tabled a document in relation to investment security guarantees given to sawmills, in response to question on notice No. 3977 asked by Hon Giz Watson. (Tabled paper 3492).

The Minister for Child Protection representing the Minister for Forestry tabled a document in relation to details of negotiations between the Minister responsible for the Forest Products Commission and various corporations in relation to forest products, in response to question on notice No. 4343 asked by Hon Giz Watson. (Tabled paper 3493).

The Minister for Mental Health representing the Minister for Health tabled a document in relation to the staffing requirements, position titles and salary levels at Bunbury Breast Cancer Screening and Assessment Clinic, in response to question on notice No. 4016 asked by Hon Adele Farina. (Tabled paper 3494).

The Minister for Mental Health representing the Minister for Health tabled a document entitled *Western Australia Country Health Service - Corporate Communications Strategy 2010-2012*, in response to question on notice No. 4267 asked by Hon Adele Farina. (Tabled paper 3495).

The Minister for Mental Health representing the Minister for Health tabled a document in relation to service definitions in the Western Australia Clinical Services Framework, in response to question on notice No. 4280 asked by Hon Adele Farina. (Tabled paper 3496).

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the classification of maternity and new born services, on a scale of 1 to 5, pursuant to the standards and guidelines for the Western Australia Country Health Service, in response to question on notice No. 4081 asked by Hon Robin Chapple. (Tabled paper 3497).

The Parliamentary Secretary representing the Attorney General tabled documents in relation to custody orders under the *Criminal Law (Mentally Impaired Accused) Act 1996* as at 20 May 2011, in response to question on notice No. 3997 asked by Hon Ljiljana Ravlich. (Tabled paper 3498).

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

Debate resumed on the motion, That the Consolidated Fund Estimates 2011-2012 be noted (cf item 14 above).

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

17. Road Safety Council 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 Col Holt in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

Hon Kate Doust moved -

Page 3, line 25 — To insert after “direction” —

and Council recommendation

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
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 Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O’Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Question, That the Clause stand as printed - put and passed.

Clause 6.

Hon Kate Doust moved -

Page 4, lines 4 to 16 — To delete the lines and insert —

(a) the total amount of each prescribed penalty paid;

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (11)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
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 Col Holt
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Amendment thus negatived.

Question, That the Clause stand as printed - put and passed.

Clause 7 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Energy representing the Minister for Road Safety moved, That the Bill 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.

18. Members' Statements

Statements were taken.

19. Adjournment

The House adjourned at 10.25pm until Wednesday, 10 August 2011 at 2.00pm.

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