

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 158

THURSDAY, 23 JUNE 2011

1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Orders.

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

2. Petition

Hon Lynn MacLaren presented a petition, by delivery to the Clerk, [SO 130], from 32 petitioners requesting the Legislative Council initiate an inquiry into the decision to lift the moratorium on the growing of genetically modified canola in Western Australia. (Tabled paper 3408).

3. Ministerial Statement - Burswood Lakes Structure Plan - Variation Application

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to a proposed variation to the Burswood Lakes Structure Plan made under the *Planning and Development Act 2005*.

The Minister for Mental Health representing the Minister for Planning tabled the Final Decision of the Minister for Planning in the case of *EG Custodian Services Pty Ltd v Town of Victoria Park* (DR 480 of 2009). (Tabled paper 3409).

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

4. Paper

The following Paper was laid on the Table by -

President

Letters -

Joint Standing Committee on the Corruption and Crime Commission - Extension of reporting time of its inquiry into how the Corruption and Crime Commission deals with allegations and notification of misconduct by WA Police to 1 March 2012 3407

5. Planning and Development (Development Assessment Panels) Regulations 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 *Planning and Development (Development Assessment Panels) Regulations 2011* published in the *Gazette* on 24 March 2011 and tabled in the Legislative Council on 5 April 2011 under the *Planning and Development Act 2005*, be and are hereby disallowed.

6. City of Mandurah Jetties, Waterways and Marina 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 *City of Mandurah Jetties, Waterways and Marina Local Law 2010* published in the *Gazette* on 4 April 2011 and tabled in the Legislative Council on 12 April 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

7. City of Melville Local Government Property 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 *City of Melville Local Government Property Local Law 2010* published in the *Gazette* on 28 March 2011 and tabled in the Legislative Council on 5 April 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

8. Criminal Code Amendment Bill (No. 2) 2011

Non-Government Business No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved -

That a Bill for “An Act to amend *The Criminal Code* so that mandatory sentencing provisions for doing grievous bodily harm to or assaulting certain officers do not apply to persons whose judgement or behaviour at the time of the offence was impaired to a significant extent by mental impairment.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

Hon Alison Xamon moved, That the Bill be now read a second time.

Debate stands adjourned.

9. Kimberley - Sustainable Economic Development

Non-Government Business No. 2 having been called, Hon Robin Chapple moved, without notice -

That this Council criticises the Barnett-Grylls Government for failing to commit to genuine protection of the Kimberley, and for demonstrating that they clearly prioritise industrialisation over the appropriate protection and the sustainable economic development of the Kimberley.

Debate ensued.

Interruption pursuant to Temporary Orders.

10. Order of Business

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandj Transit Oriented Development Precinct - Disallowance*, 2, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, 3, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance*, and 4, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, be taken after Order of the Day No. 10, *Child Care Services Amendment Bill 2011*. (Leader of the House).

11. 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.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

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

12. Small Business and Retail Shop Legislation 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 Jon Ford in the Chair)

Clause 1 agreed to.

Clauses 2 to 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clause 23 agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clause 25 to 34 agreed to.

Title.

Debate ensued.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Commerce moved, That the Bill be now read a third time.

The Deputy 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.

13. Cognate Debate - Fish Resources Management Amendment (Fees) Bill 2010 and Fish Resources Management Amendment (Fees) Bill (No. 2) 2010

The Minister for Fisheries sought leave of the House to debate Order of the Day No. 14, *Fish Resources Management Amendment (Fees) Bill 2010* and Order of the Day No. 15, *Fish Resources Management Amendment (Fees) Bill (No. 2) 2010* cognately [SO 228].

Leave granted.

14. Fish Resources Management Amendment (Fees) Bill 2010 and Fish Resources Management Amendment (Fees) Bill (No. 2) 2010

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

Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Fisheries tabled documents in relation to details of current exemption holders in the developmental octopus fishery, in response to a question without notice asked by Hon Jon Ford. (Tabled paper 3410).

The Minister for Energy on behalf of the Minister for Child Protection representing the Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, documents in relation to genetically modified crops, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 3411).

16. Statement by President - Uncorrected Daily Hansard

The President made the following Statement -

I inform Members of a change that will take place from the next spring session. I inform Members today, even though we have a week's sitting to go, because the Members of the Legislative Assembly are being informed of it today as it is their last day of sitting before the winter recess. From Tuesday, 9 August, the uncorrected daily Hansard will be available on the internet within three hours after the House rises. This means that Hansard debates will be available to the general public once the daily Hansard is published, rather than after the corrected Hansard is available, as is currently the case. The uncorrected daily Hansard will appear online with a watermark in its background alerting readers to its uncorrected status. This change brings the availability of the debates of the Western Australian Parliament in line with the publication times in other Australian Parliaments. The deadline for Members' suggested corrections remains the same, at 4.00 pm the day following the speech. The corrected Hansard will continue to be published online within two to three working days after the sitting, and the weekly Hansard will be available the following Tuesday. The Hansard search webpage and the Hansard daily transcripts webpage will continue to indicate the publication times for the corrected version of Hansard.

17. Fish Resources Management Amendment (Fees) Bill 2010 and Fish Resources Management Amendment (Fees) Bill (No. 2) 2010

Cognate debate resumed on the second reading of these Bills (cf item 14 above).

Question, That the *Fish Resources Management Amendment (Fees) Bill 2010* be now read a second time - put and passed.

Bill read a second time.

Question, That the *Fish Resources Management Amendment (Fees) Bill (No.2) 2010* be now read a second time - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the *Fish Resources Management Amendment (Fees) Bill 2010*.

The Minister for Fisheries moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

Leave was granted to proceed forthwith to the third reading of the *Fish Resources Management Amendment (Fees) Bill (No.2) 2010*.

The Minister for Fisheries moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

18. Electronic Transactions 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.

19. Members' Statements

Statements were taken.

20. Suspension of Temporary Orders - Variation of Sitting Times

The Leader of the House moved, without notice -

That Temporary Order 3(1) be varied so as to provide that the House sits at 10.00am on Tuesday, 28 June 2011.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

21. Duties Amendment Bill (No. 2) 2011

The President reported the receipt of Message No. 190 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a second time.

The Minister for Finance representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 3412).

Debate stands adjourned.

22. Workers' Compensation and Injury Management Amendment Bill 2011

The President reported the receipt of Message No. 191 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Commerce moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be now read a second time.

Debate stands adjourned.

23. Building Bill 2010

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 192

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Building Bill 2010*.

Mr Joe Francis

Acting Speaker

Legislative Assembly Chamber

Perth, 23 June 2011

24. Commonwealth Heads of Government Meeting (Special Powers) Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 193

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Commonwealth Heads of Government Meeting (Special Powers) Bill 2011*.

Mr Joe Francis

Acting Speaker

Legislative Assembly Chamber

Perth, 23 June 2011

25. Adjournment

The House adjourned at 5.58pm until Tuesday, 28 June 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