

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 137

THURSDAY, 24 FEBRUARY 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. Statement by President - Technical Difficulties

The President made the following Statement -

As Members know, there have been some difficulties with the wireless network and telephones. We believe that most of those problems have been overcome, and they will be attended to as soon as possible.

3. Standing Committee on Procedure and Privileges - Special Report - Standing Orders Review

The President presented a Special Report of the Standing Committee on Procedure and Privileges in relation to the *Standing Orders Review*, seeking the following -

- (a) an extension of time for the Committee to report from 24 March 2011 to 11 August 2011; and
- (b) a suspension of so much of the Standing Orders as to enable a sub-committee, established by the Committee, to finalise this inquiry, to report directly to the House.

The Leader of the House moved, without notice -

That the Special Report of the Standing Committee on Procedure and Privileges in relation to the *Standing Orders Review* do lie upon the table and be adopted and agreed to. (Tabled paper 3070).

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.

4. Papers

The following Papers were laid on the Table by -

Minister for Child Protection

Annual Reports -

Co-operative Bulk Handling Group [CBH] 2010 (Date received 23/02/2011)..... 3066

Reports -

Forest Products Commission - Statement of Corporate Intent (2010-2011)..... 3067

Parliamentary Secretary representing the Minister for Regional Development

Proposals -

Land Administration Act 1997 - Submission No. 1/2011 - Excisions of 2169m² from Class A Reserve 23959 to enable the Transfer of the Land in Fee Simple to Landcorp for Disposal with proceeds to fund the Kwinana Town Centre Revitalisation Project 3068

Land Administration Act 1997 - Submission No. 2/2011 - Cancellation of Class A Reserve 23962 to enable the Transfer of Land in Fee Simple to Landcorp for Disposal with proceeds to fund the Kwinana Town Centre Revitalisation Project 3069

5. **Joint Standing Committee on the Corruption and Crime Commission - Fourteenth Report - Death of a Witness**

Hon Nick Goiran presented the Fourteenth Report of the Joint Standing Committee on the Corruption and Crime Commission entitled *Death of a Witness*. (Tabled paper 3071).

Hon Nick Goiran moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. **Joint Standing Committee on Delegated Legislation - Forty-Fourth Report - Annual Report 2010**

Hon Robin Chapple presented the Forty-Fourth Report of the Joint Standing Committee on Delegated Legislation being the *Annual Report 2010*. (Tabled paper 3072).

Hon Robin Chapple moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. **Uranium Mining - Environmental Management**

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

That this House recommend that should the Government proceed with its intention to licence uranium mining in Western Australia, that it adopts the same minimum environmental management regulatory requirements for any future uranium mine in Western Australia as exists under Commonwealth and Northern Territory legislation for the operation of Ranger Uranium Mine in the Northern Territory with regard to disposal of radioactive tailings, including the requirements that -

- (a) the tailings are physically isolated from the environment for at least 10,000 years; and
- (b) any contaminants arising from the tailings do not result in any detrimental environmental impacts for at least 10,000 years.

8. Resources Sector - Local Jobs

Non-Government Business No. 1 having been called, Hon Jon Ford moved, without notice -

Noting Premier Barnett is the first WA Premier ever to sign a development agreement preferencing foreign jobs over local WA jobs, this House calls on the Premier to take urgent action to honour his promise that WA's workshops will be filled for years.

Debate ensued.

Motion lapsed pursuant to Temporary Orders.

9. Order of Business

Ordered - That Orders of the Day Nos 1, *Shire of Plantagenet Cemeteries Amendment Local Law 2010 - Disallowance*, and 2, *Regulation 13(4) of the Animal Welfare (Pig Industry) Regulations 2010 - Disallowance*, be taken after Order of the Day No. 11, *Child Support (Adoption of Laws) Amendment Bill 2009*. (Leader of the House).

10. Police Amendment Bill 2010

The Order of the Day having been read for the third reading of this Bill.

The Minister for Energy representing the Minister for Police 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.

The House divided.

Ayes (17)

Hon Liz Behjat
Hon Jim Chown
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 Alyssa Hayden
Hon Robyn McSweeney
Hon Michael Mischin
Hon Norman Moore
Hon Helen Morton
Hon Max Trenorden
Hon Nigel Hallett (*Teller*)

Noes (12)

Hon Helen Bullock
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Jon Ford
Hon Lynn MacLaren

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

Question thus passed.

Bill read a third time and passed.

11. Criminal Code Amendment (Infringement Notices) Bill 2010

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

The Minister for Energy representing the Minister for Police 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.

12. Criminal Investigation Amendment Bill 2010

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 Max Trenorden in the Chair)

Clauses 1 to 3 agreed to.

Clause 4.

Debate ensued.

The Deputy Chairman left the Chair at 11.58am

The Deputy Chairman resumed the Chair at 12.11pm

The Minister for Energy representing the Minister for Police moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

13. Order of Business

Ordered - That Order of the Day No. 7, *Conservation Legislation Amendment Bill 2010*, be taken after Order of the Day No. 11, *Child Support (Adoption of Laws) Amendment Bill 2009*. (Leader of the House).

14. Heritage and Planning Legislation Amendment Bill 2010

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Child Protection representing the Minister for Heritage moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

15. Statutes (Repeals and Minor Amendments) Bill 2010

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.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

16. Electoral and Constitution Amendment Bill 2011

The Minister for Electoral Affairs sought leave of the House to give a notice of motion to introduce a Bill.

Leave granted.

The Minister for Electoral Affairs: To move on the next day of sitting -

That a Bill for “An Act to amend -

- the *Electoral Act 1907*; and
 - the *Constitution Acts Amendment Act 1899*,
- in relation to the dates for general elections.” be introduced and read a first time.

17. Order of Business

Ordered - That Order of the Day No. 8, *Criminal Investigation Amendment Bill 2010*, be now taken. (Leader of the House).

18. Criminal Investigation Amendment Bill 2010

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Clause 4.

Debate resumed.

Hon Giz Watson moved -

Page 2, lines 10 to 19 - To delete the lines and insert —

4. Section 103 amended

(1) In section 103(3) in the Table —

(a) in item 4 after “Doctor” insert:

or qualified person, who is a nurse, midwife or another prescribed class of person

(b) in item 6 after “Doctor” insert:

or qualified person, who is a nurse, midwife or another prescribed class of person

(2) After section 103(3) insert:

(4) In this section **midwife** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Midwives kept under that Law.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendment.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

19. Child Support (Adoption of Laws) Amendment Bill 2009

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

20. Suspension of Temporary Order 6(1)

The Leader of the House moved, without notice -

That Temporary Order 6(1) be suspended as would enable questions without notice to be taken at 3.45pm.

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.

The Deputy President left the Chair at 3.15pm

The President resumed the Chair at 3.45pm

21. Questions Without Notice

Questions without notice were taken.

22. Juries Legislation Amendment Bill 2010

The President reported the receipt of Message No. 163 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

23. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 15 March 2011.

Question - put and passed.

24. Order of Business

Ordered - That Members' Statements be now taken. (Leader of the House).

25. Members' Statements

Statements were taken.

26. Adjournment

The House adjourned at 5.29pm until Tuesday, 15 March 2011 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ken Baston, Hon Colin Holt and Hon Simon O'Brien.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council