

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 210

TUESDAY, 22 MAY 2012

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Statement by President — Members' Surveys

The President made the following Statement —

Members, I advise you that member surveys will be distributed to all Members in the chamber today. I encourage you to fill them out so that the Department of the Legislative Council and the Parliamentary Services Department get your honest feedback.

3. Petition

Hon Robin Chapple presented a petition from 156 petitioners requesting the Legislative Council to reject the proposed changes to the *Aboriginal Heritage Act 1972*. (Tabled Paper 4548).

4. Ministerial Statement — Closure of the Learn Foundation for Autism Centre

The Minister for Disability Services made a Ministerial Statement with respect to the impact of the closure of the LEARN autism centre.

5. Papers

The following Papers were laid on the Table by —

President

Joint Standing Committee on Treaties (Commonwealth of Australia) —

Report No. 124 — Treaties tabled on 22 November 2011 and 7 February 2012 —

Amendments to MARPOL Annex VI on Regulations for the Prevention of Air Pollution from Ships by Inclusion of New Regulations on Energy Efficiency for Ships Resolution MEPC.203(62) adopted at London on 15 July 2011, Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service done at Brussels on 29 September 2011, Protocol amending the Agreement between the Government of Australia and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (New Delhi, 16 December 2010) and Amendment to Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade done at Rotterdam on 10 September 1998 4543

Minister for Child Protection*Local Laws —*

Local Government Act 1995 (City of Cockburn Parking and Parking Facilities Amendment Local Law 2012 G.G. 18/05/2012 and City of Stirling Meeting Procedures Amendment Local Law 2012 G.G. 18/05/2012).....	4544
--	------

Minister for Mental Health*Regulations —*

Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations 2012 G.G. 18/05/2012).....	4545
--	------

Parliamentary Secretary representing the Minister for Regional Development*Proposals —*

Land Administration Act 1997 — Submission No. 2/2012 — for an excision of Land from Class A Reserve 43690 for road purposes	4546
Land Administration Act 1997 — Submission No. 5/2012 — for an excision from Class A Reserve 42473 located in Pemberton set aside for the purpose of a National Park.....	4547

6. City of Cockburn Jetties, Waterways and Marina Local Law 2012 — Disallowance

Hon Sally Talbot, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Motion for Disallowance No. 15, *City of Cockburn Jetties, Waterways and Marina Local Law 2012*, from the Notice Paper.

7. Hospitals (Services Charges) Amendment Regulations 2012 — Disallowance

Hon Sally Talbot, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Motion for Disallowance No. 16, *Hospitals (Services Charges) Amendment Regulations 2012*, from the Notice Paper.

8. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended to apply the time limits on speeches for Bills under Standing Order 21 to Order of the Day No.11, *Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013*.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

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

9. 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*, 3, *Mining Amendment Regulations (No. 5) 2011 — Disallowance*, 4, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 8, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, and 10, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, be taken after Order of the Day No. 14, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Leader of the House).

10. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013

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. 68(1) the Legislative Council take note of Tabled Paper No. 4536A–F (2012–2013 Budget Statements), laid upon the Table of the Council on Thursday, 17 May 2012.

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Disability Services tabled documents in relation to the LEARN Autism Foundation and the Disability Services Commission regarding the prequalification process, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 4549).

The Minister for Energy representing the Minister for Education tabled documents in relation to school-based psychologists employed, and their location as at 12 April 2012, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 4550).

The Minister for Finance representing the Treasurer tabled, and by leave incorporated into Hansard, documents in relation to the reduction of an appropriation for the 2012–12 financial year for the Public Transport Authority, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 4551).

12. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013

Debate resumed on the motion of the Minister for Finance representing the Treasurer (*see item 10 above*).

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

13. Criminal Organisations Control Bill 2011

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

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

The Deputy President having reported that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Question — put.

The Council divided.

Ayes (29)

Hon Liz Behjat	Hon Nigel Hallett
Hon Matt Benson-Lidholm	Hon Alyssa Hayden
Hon Helen Bullock	Hon Col Holt
Hon Jim Chown	Hon Robyn McSweeney
Hon Peter Collier	Hon Michael Mischin
Hon Mia Davies	Hon Norman Moore
Hon Ed Dermer	Hon Helen Morton
Hon Wendy Duncan	Hon Simon O'Brien
Hon Phil Edman	Hon Ljiljana Ravlich
Hon Sue Ellery	Hon Linda Savage
Hon Brian Ellis	Hon Sally Talbot
Hon Donna Faragher	Hon Ken Travers
Hon Adele Farina	Hon Max Trenorden
Hon Philip Gardiner	Hon Ken Baston (<i>Teller</i>)
Hon Nick Goiran	

Noes (4)

Hon Lynn MacLaren
Hon Giz Watson

Hon Alison Xamon
Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a third time and passed.

14. Criminal Investigation (Covert Powers) Bill 2011

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

Debate resumed.

Extension of Time — Leave granted to Hon Adele Farina to extend her speaking time.

Bill read a second time.

Ordered — That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting. (Minister for Finance).

15. Retail Trading Hours Amendment Bill 2012

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

Debate resumed.

Interruption pursuant to order.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 9.59pm until Wednesday, 23 May 2012 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust and Hon Jon Ford.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council