

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 215

THURSDAY, 14 JUNE 2012

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

### 2. Statement by President — Joint Standing Committee on the Corruption and Crime Commission — Extension of Reporting Time

The President made the following Statement —

Members, I have a letter addressed to me as the President of the Legislative Council. It states —

Dear Mr President,

On 27 February 2012 I wrote to advise that the Committee had resolved to extend the reporting date for its inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth to 21 June 2012.

I advise that at a meeting on 13 June 2012 the Committee resolved to further extend the reporting date in respect of that inquiry. The Committee will now report by 9 August 2012.

Yours sincerely

Hon Nick Goiran

Chairman

### 3. Ministerial Statement — Elder Abuse and Exploitation

The Minister for Community Services made a Ministerial Statement with respect to the public symposium on elder abuse and exploitation.

### 4. Papers

The following Papers were laid on the Table by —

#### Minister for Finance on behalf of the Leader of the House

*Reports —*

Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business (For the three months ended 30 June 2011).....	4608
Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business (For the three months ended 30 September 2011) .....	4609
Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business (For the three months ended 31 December 2011).....	4610

**5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 27 — Discontinuance of contempt proceedings against members of the Coffin Cheaters Motorcycle Club**

Hon Nick Goiran presented Report No. 27 of the Joint Standing Committee on the Corruption and Crime Commission in relation to the *Discontinuance of contempt proceedings against members of the Coffin Cheaters Motorcycle Club*. (Tabled Paper 4611).

**6. Mindarie Regional Council Standing Orders Amendment Local Law 2012 — 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 *Mindarie Regional Council Standing Orders Amendment Local Law 2012* published in the *Gazette* on 20 March 2012 and tabled in the Legislative Council on 27 March 2012 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4368).

**7. Training and Local Job Opportunities**

Non-Government Business No. 1 having been called, Hon Ljiljanna Ravlich moved, without notice —

That this Council condemns the Barnett Government for its failure to generate sufficient training and local job opportunities from Western Australia's current prosperity and calls on the Government to implement policies to ensure the missed opportunities of the last three and a half years are not repeated.

Debate ensued.

*Motion lapsed.*

**8. Order of Business**

Ordered — That Orders of the Day be taken forthwith. (Minister for Finance).

**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*, 10, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 11, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 14, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 15, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 16, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 17, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 21, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 23, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 24, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 25, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 26, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, and 27, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, be taken after Order of the Day No. 38, *Lotteries Commission Amendment Bill 2011*. (Minister for Finance).

# **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.

## *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.

# **11. Order of Business**

Ordered — That Order of the Day No. 1, *Town of Kwinana Extractive Industries Local Law 2011 — Disallowance*, be taken forthwith. (Minister for Finance).

# **12. Town of Kwinana Extractive Industries Local Law 2011 — Disallowance**

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to the recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Kwinana Extractive Industries Local Law 2011* published in the *Gazette* on 28 September 2011 and tabled in the Legislative Council on 18 October 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

# **13. Order of Business**

Ordered — That Order of the Day No. 2, *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 — Disallowance*, be taken forthwith. (Minister for Finance).

# **14. Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 — Disallowance**

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Sally Talbot —

That, pursuant to the recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Parking and Parking Facilities Local Law 2011* published in the *Gazette* on 14 October 2011 and tabled in the Legislative Council on 18 October 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

Question — put and passed.

# **15. Order of Business**

Ordered — That Order of the Day No. 32, *Criminal Investigation (Covert Powers) Bill 2011*, be taken forthwith. (Minister for Finance).

# **16. Criminal Investigation (Covert Powers) Bill 2011**

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 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

The Minister for Energy representing the Minister for Police moved —  
Page 2, after line 14 — To insert —

- authorising officer***, for a law enforcement agency, means —
- (a) in relation to the Police Force or the fisheries department — the Commissioner of Police;
  - (b) in relation to the Australian Crime Commission — the Chief Executive Officer of the Australian Crime Commission;

Debate ensued.

Amendment — put and passed.

The Minister for Energy representing the Minister for Police moved —  
Page 2, line 15 — To delete the line and insert —

***chief officer***, of a law enforcement agency, means —

Debate ensued.

Amendment — put and passed.

Hon Giz Watson moved —

Page 3, line 26 — To delete “or other government agency”.

Debate ensued.

The Minister for Energy representing the Minister for Police moved that further consideration of clause 3 be postponed.

Question — put and passed.

Clause 4.

Debate ensued.

The Minister for Energy representing the Minister for Police moved that further consideration of clause 4 be postponed.

Question — put and passed.

Clause 5.

The Minister for Energy representing the Minister for Police moved —  
Page 5, after line 28 — To insert —

***Corruption and Crime Commission*** means the Corruption and Crime Commission established under the *Corruption and Crime Commission Act 2003*;

Debate ensued.

Amendment — put and passed.

The Minister for Energy representing the Minister for Police moved —  
Page 6, lines 12 to 14 — To delete the lines

Amendment — put and passed.

Debate resumed.

The Minister for Energy representing the Minister for Police moved, That progress be reported and the Committee of the whole House seeks to sit again.

Question — put and passed.

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The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee have leave to sit again.

### 17. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 5534, 5538, 5540 and 5545 asked by Hon Ken Travers will be provided on 21 June 2012.

The Minister for Mental Health representing the Minister for Environment tabled the *Forest Management Plan 2014–2023 — Environmental Scoping Document*, in response to question on notice No. 5553 asked by Hon Sally Talbot. (Tabled Paper 4612).

### 18. Order of Business

Ordered — That Order of the Day No. 3, *Mining Amendment Regulations (No. 5) 2011 — Disallowance*, be taken forthwith. (Minister for Finance).

### 19. Mining Amendment Regulations (No. 5) 2011 — Disallowance

Pursuant to SO 66(3) the following motion was moved *pro forma* by Hon Robin Chapple —

That the *Mining Amendment Regulations (No. 5) 2011* published in the *Gazette* on 11 October 2011 and tabled in the Legislative Council on 18 October 2011 under the *Mining Act 1978*, be and are hereby disallowed.

Debate ensued.

Question — put.

The Council divided.

#### Ayes (4)

Hon Robin Chapple  
Hon Lynn MacLaren

Hon Giz Watson  
Hon Alison Xamon (*Teller*)

#### Noes (24)

Hon Liz Behjat  
Hon Matt Benson-Lidholm  
Hon Jim Chown  
Hon Peter Collier  
Hon Mia Davies  
Hon Ed Dermer  
Hon Kate Doust  
Hon Phil Edman  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Adele Farina  
Hon Jon Ford

Hon Philip Gardiner  
Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Linda Savage  
Hon Ken Travers  
Hon Ken Baston (*Teller*)

Question thus negatived.

### 20. Members' Statements

Statements were taken.

### 21. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012

The President reported the receipt of Message No. 254 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.

*Want of Quorum*

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

A quorum being formed, the debate continued.

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 4613).

Debate stands adjourned.

**22. Appropriation (Consolidated Account) Capital 2012–13 Bill 2012**

The President reported the receipt of Message No. 255 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 4614).

Debate stands adjourned.

**23. Adjournment**

The Council adjourned at 6.04pm until Tuesday, 19 June 2012 at 3.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Wendy Duncan, Hon Sue Ellery and Hon Norman Moore.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council