

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 167

THURSDAY, 18 AUGUST 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. Petitions

Hon Alison Xamon presented a petition from 68 petitioners requesting the Legislative Council recommend to the Attorney General that he urgently act to ensure that courts are able to use appropriate discretion when sentencing people with a significant mental impairment. (Tabled paper 3615).

Hon Nigel Hallett on behalf of the Hon Robyn McSweeney presented a petition from 880 petitioners requesting the Legislative Council investigate the social equity and community service obligations of extending reticulated electricity to rural communities such as Windy Harbour. (Tabled paper 3616).

3. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Auditor General, Office of the (2010-2011) (Date received 17/08/2011) 3611

Minister for Finance

Annual Reports -

Land Valuers Licensing Board (2010-2011) (Date received 17/08/2011) 3612

Minister for Energy

Reports -

Road Safety Council Section 13 Report on Activities 2008-2009 3613

Road Safety Council Section 13 Report on Activities 2009-2010 3614

4. Standing Committee on Uniform Legislation and Statutes Review - Special Report - Resolution of the Committee to commence an inquiry into Uniform Legislation in other Jurisdictions

Hon Nigel Hallett on behalf of Hon Adele Farina presented a Special Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to a resolution of the Committee to commence an inquiry into uniform legislation in other jurisdictions. (Tabled paper 3617).

Hon Nigel Hallett moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Ministerial Statement - Business of the House

The Minister for Finance, by leave, made a Ministerial Statement with respect to today's Order of Business.

6. Community Protection - Failure of Barnett-Grylls Government

Non-Government Business No. 1 having being called, Hon Ken Travers moved, without notice -

That this House condemns the Barnett-Grylls Government and in particular the Minister for Police for their failure to provide adequate protection of, and services to, the Western Australian community in the areas of the administration of gun regulations, increased police presence on public transport, fire and emergency services, road safety, and general policing, and calls on the Premier to relieve the Minister of his duties.

Debate ensued.

The Minister for Energy representing the Minister for Police, by leave, tabled documents detailing achievements within the Police portfolio of the Government of Western Australia. (Tabled paper 3618).

Motion lapsed pursuant to Temporary Orders.

7. Suspension of Standing and Temporary Orders

The Minister for Finance moved, without notice -

That so much of the Standing and Temporary Orders be suspended as will enable questions without notice to be taken at 3.00pm.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy 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.

8. Order of Business

Ordered - That Order of the Day No. 1, *City of Mandurah Jetties, Waterways and Marina Local Law 2010 - Disallowance*, be taken after Order of the Day No. 10, *Restraining Orders Amendment Bill 2011*. (Minister for Finance).

9. Fish Resources Management Amendment Bill 2011

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

The Minister for Finance on behalf of the Minister for Fisheries 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.

10. Cognate Debate - Personal Property Securities (Commonwealth Laws) Bill 2011 and Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

The Minister for Finance sought leave of the House to debate Order of the Day No. 3, *Personal Property Securities (Commonwealth Laws) Bill 2011* and Order of the Day No. 4, *Personal Property Securities (Consequential Repeals and Amendments) Bill 2011* cognately [SO 228].

Leave granted.

11. Personal Property Securities (Commonwealth Laws) Bill 2011 and Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

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

The Minister for Commerce moved, That the *Personal Property Securities (Commonwealth Laws) Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

The Minister for Commerce moved, That the *Personal Property Securities (Consequential Repeals and Amendments) Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Personal Property Securities (Commonwealth Laws) Bill 2011

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

The Minister for Commerce moved -

Page 2, after line 15 — To insert —

- (2) A proclamation cannot be made under subsection (1)(d) unless a draft of the proclamation has first been approved by each House of Parliament.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3.

The Minister for Commerce moved -

Page 3, lines 10 to 12 — To delete “(Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth),” and insert —

(Commonwealth), the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2011*,

Page 5, lines 1 and 2 — To delete “the text of”.

Page 5, lines 5 to 7 — To delete “(Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth);” and insert —

(Commonwealth), the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2011*;

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 4 to 6 agreed to.

Clause 7.

The Minister for Commerce moved -

Page 8, after line 22 — To insert —

- (6) A proclamation cannot be made under subsection (1) unless a draft of the proclamation has first been approved by each House of Parliament.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 8 agreed to.

Clause 9.

The Minister for Commerce moved -

Page 10, after line 17 — To insert —

- (6) A proclamation cannot be made under subsection (1) unless a draft of the proclamation has first been approved by each House of Parliament.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 10 to 16 agreed to.

Clause 17.

The Minister for Commerce moved -

Page 16, lines 14 and 15 — To delete the lines.

Page 17, line 27 to page 18, line 3 — To delete the lines.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 18 and 19 agreed to.

Clause 20.

The Minister for Commerce moved -

Page 20, lines 14 to 26 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Long Title.

The Minister for Commerce moved -

Page 1, lines 8 to 10 — To delete “**(Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2010 (Commonwealth)***,” and insert —

(Commonwealth), the *Personal Property Securities (Corporations and Other Amendments) Act 2010 (Commonwealth)* and the *Personal Property Securities (Corporations and Other Amendments) Act 2011*,

Amendment - put and passed.

Title, as amended, agreed to.

Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

Clause 1 agreed to.

Clauses 2 to 92 agreed to.

Clause 93.

The Minister for Commerce moved -

Page 36, line 15 — To delete “subsection (1)” and insert —

subsection (1), but not the proceeds from the sale of gold to Gold Corporation, the Mint, or GoldCorp,

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 94 to 122 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Personal Property Securities (Commonwealth Laws) Bill 2011 reported with amendments and an amendment to the title of the Bill.

Personal Property Securities (Consequential Repeals and Amendments) Bill 2011 reported with amendment.

Leave was granted to proceed forthwith to the consideration of the Committee's report upon these Bills.

The Minister for Commerce moved, That the reports be adopted.

Question - put and passed.

The Minister for Commerce moved, without notice -

That so much of the Standing and Temporary Orders be suspended as would enable the House to proceed to the third reading of these Bills.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy 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 Minister for Commerce moved, That the *Personal Property Securities (Commonwealth Laws) Bill 2011* 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.

The Minister for Commerce moved, That the *Personal Property Securities (Consequential Repeals and Amendments) Bill 2011* 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.

12. Restraining Orders Amendment 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 Order.

13. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to details of the conditions of children living in the Ngaanyatjarraku and Tjuntjuntjara communities as reported by the Goldfields Esperance Development Commission, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 3619).

The Minister for Commerce tabled, and by leave incorporated into Hansard, documents in relation to a selling of property scam and the response of the Department of Commerce, the Former Real Estate and Business Agents Supervisory Board (REBA) and the Settlement Agents Supervisory Board (SASB) in an education campaign, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3620).

The Minister for Indigenous Affairs, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4291 and 4292 asked by Hon Linda Savage will be provided on 30 August 2011.

The Minister for Training and Workforce Development tabled documents in relation to the number of students deemed competent for carrying out testing and tagging of electrical equipment, in response to question on notice No. 4252 asked by Hon Alison Xamon. (Tabled paper 3624).

The Minister for Energy representing the Minister for Emergency Services tabled documents in relation to details regarding appointment of the Chief Executive Officer of the Fire and Emergency Services Authority, in response to a question without notice asked by Hon Linda Savage. (Tabled paper 3621).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the proposed upgrade of the High Street and Stirling Highway intersection in Fremantle, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled paper 3622).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, an answer in relation to details regarding the Perth City Link project, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 3623).

The Minister for Mental Health, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4305 asked by Hon Ljiljana Ravlich will be provided on 30 August 2011.

14. Restraining Orders Amendment Bill 2011

Debate resumed on the second reading of this Bill (cf item 13 above).

On the motion of the Minister for Finance the debate was adjourned to the next sitting.

15. Special Adjournment

The Minister for Finance moved, without notice -

That the House at its rising adjourn until Tuesday, 30 August 2011.

Question - put and passed.

16. Order of Business

Ordered - That Members' Statements be taken forthwith. (Minister for Finance).

17. Members' Statements

Statements were taken.

18. State Superannuation Amendment Bill 2011

The President reported the receipt of Message No. 198 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Energy on behalf of 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 Energy on behalf of the Minister for Finance representing the Treasurer moved, That the Bill be now read a second 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.

Debate stands adjourned.

19. Adjournment

The House adjourned at 5.27pm until Tuesday, 30 August 2011 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robyn McSweeney, Hon Norman Moore and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council