

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

---

---

### MINUTES OF PROCEEDINGS

No. 200

THURSDAY, 22 MARCH 2012

---

---

#### 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 - Standing Committee on Uniform Legislation and Statutes Review - Resignation of Members

The President made the following Statement -

Members, I have a letter addressed to The President, Legislative Council, Parliament of Western Australia, Parliament House WA 6000. It states -

Dear Mr President

In accordance with Legislative Council Standing Order 159(4), the undersigned formally resign as Members of the Uniform Legislation and Statutes Review Committee effective immediately.

Yours sincerely

Hon Nigel Hallett and Hon Liz Behjat

The letter was received at 8.45pm yesterday, 21 March 2012.

#### 3. Ministerial Statement - Commercial Fisheries - Third Party Certification Program

The Minister for Fisheries made a Ministerial Statement with respect to the Government's commitment to seek independent certification for the sustainability of Western Australia's commercial fisheries.

#### 4. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1202/41 - Canning River Precinct, Kelmscott

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to the tabling of the Metropolitan Region Scheme Amendment No. 1202/41 – Canning River Precinct, Kelmscott.

The Minister for Mental Health representing the Minister for Planning tabled plans in relation to the Metropolitan Region Scheme Amendment No. 1202/41 – Canning River Precinct, Kelmscott. (Tabled Paper 4344).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions in relation the Metropolitan Region Scheme Amendment No. 1202/41 – Canning River Precinct, Kelmscott. (Tabled Paper 4345).

**5. Paper**

The following Paper was laid on the Table by -

**Parliamentary Secretary representing the Attorney General**

*Response to Reports –*

Joint Standing Committee on the Corruption and Crime Commission - Parliamentary  
Inspector's Report Concerning Telecommunication Interceptions and Legal  
Professional Privilege (Report No. 21) (Attorney General) ..... 4343

**6. Plastic Shopping Bags (Waste Avoidance) Bill 2010**

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question – put.

The Council divided.

**Ayes (13)**

Hon Helen Bullock  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Lynn MacLaren  
Hon Ljiljana Ravlich

Hon Linda Savage  
Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Alison Xamon  
Hon Ed Dermer (*Teller*)

**Noes (18)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Peter Collier  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Philip Gardiner  
Hon Nick Goiran

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ken Baston (*Teller*)

Question thus negatived.

Bill defeated.

**7. Mental Health Patient Facilities**

Non-Government Business No. 2 having been called, Hon Ljiljana Ravlich moved, without notice -

That this Council calls on the Minister for Mental Health to explain why the Government is failing to provide adequate facilities and supervision for mental health patients, particularly those at the Mental Health Unit at Rockingham Hospital.

*Interruption pursuant to order.*

**8. Government Funding - McCusker Foundation - Alzheimer's Disease**

Private Members' Business No. 1 having been called, Hon Jim Chown moved, without notice -

That this Council commends the Barnett Government's 2010 allocation of \$2.2 million to the McCusker Foundation for ongoing research into Alzheimer's disease.

Debate ensued.

*Motion lapsed.*

## 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*, and 3, *Mining Amendment Regulations (No. 5) 2011 – Disallowance*, be taken after Order of the Day No. 8, *Adoption Amendment Bill 2011*. (Leader of the House).

## 10. Legal Deposit Bill 2011

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

The Minister for Mental Health representing the Minister for Culture and the Arts moved, That the Bill be now read a third time.

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

Question – put and passed.

Bill read a third time and passed.

## 11. Cognate Debate – Road Traffic (Vehicles) Bill 2011 and Road Traffic Legislation Amendment Bill 2011

The Minister for Finance representing the Minister for Transport sought leave of the Council to debate Order of the Day No. 10, *Road Traffic (Vehicles) Bill 2011* and Order of the Day No. 11, *Road Traffic Legislation Amendment Bill 2011* cognately [SO 127].

Leave granted.

## 12. Road Traffic (Vehicles) Bill 2011 and Road Traffic Legislation Amendment 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 Finance representing the Minister for Transport moved, That the *Road Traffic (Vehicles) Bill 2011* be read a second time.

Question - put and passed.

Bill read a second time.

The Minister for Finance representing the Minister for Transport moved, That the *Road Traffic Legislation Amendment 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)

#### *Road Traffic (Vehicles) Bill 2011*

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 51 agreed to.

Clause 52.

Debate ensued.

## 13. Questions Without Notice

Questions without notice were taken.

**14. Road Traffic (Vehicles) Bill 2011 and Road Traffic Legislation Amendment Bill 2011**

The Orders of the Day for the further consideration of these Bills, in Committee, having been read (*see item 12 above*).

The Deputy President left the Chair.

---

**In Committee**

(Hon Matt Benson-Lidholm in the Chair)

***Road Traffic (Vehicles) Bill 2011***

Clause 52.

Debate resumed.

The Minister for Finance representing the Minister for Transport moved, That progress be reported and seek to sit again.

Question - put and passed.

---

The Deputy President resumed the Chair.

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

Ordered – That the Committee have leave to sit again.

**15. Reserves (Wanjarri Nature Reserve) Bill 2011**

The Deputy President reported the receipt of Message No. 240 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Lands moved, That the Bill be now read a second time.

The Parliamentary Secretary representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4346).

Debate stands adjourned.

**16. Criminal Organisations Control Bill 2011**

The Deputy President reported the receipt of Message No. 241 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.

The Parliamentary Secretary representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4347).

Debate stands adjourned.

**17. Local Government Amendment Bill 2011**

The following Message from the Legislative Assembly was reported –

Mr President

Message No. 242

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Local Government Amendment Bill 2011*.

Ms L.L. Baker

Acting Speaker

Legislative Assembly Chamber

Perth, 22 March 2012

**18. Members' Statements**

Statements were taken.

**19. Adjournment**

The Council adjourned at 6.24pm until Tuesday, 27 March 2012 at 3.00pm.

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

Attendance: Present all Members except Hon Mia Davies, Hon Jon Ford and Hon Max Trenorden.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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