

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 157

WEDNESDAY, 22 JUNE 2011

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**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

**2. Statement by President - Legislative Council Chamber Refurbishment - Western Australian Architectural Awards**

The President made the following Statement -

I am pleased to announce that Oldfield Knott Architects Pty Ltd entered the Legislative Council Chamber refurbishment into the 2011 Western Australian Architecture Awards in two categories—heritage projects and interiors. The awards night was held on Friday, 17 June 2011. I am very pleased to advise that the Legislative Council Chamber refurbishment received the Margaret Pitt Morison Award for heritage architecture. This award is given to the work judged to be the most significant for the advancement of architecture in the heritage category. The project also gained additional recognition through two further commendations—a commendation for interior architecture award and a commendation for lighting award. I congratulate all those involved in the project.

**3. Ministerial Statement - Occupational Licensing National Law (WA) Bill 2010 - Interim Response**

The Minister for Commerce made a Ministerial Statement with respect to the Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Occupational Licensing National Law (WA) Bill 2010*.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

**4. Papers**

The following Papers were laid on the Table by -

**Leader of the House**

*Management Plans -*

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan  
Amendment (No. 2) 2011 [1029] G.G. 17/06/2011)..... 3393

**Minister for Finance***Regulations -*

Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2011 G.G. 17/06/2011)..... 3394

*Reports -*

Court Security and Custodial Services Contract - Between the Commissioner of the Department of Corrective Services, for and on behalf of the State of Western Australia and Serco Australia Pty Ltd (June 2011) (Date received 21/06/2011) ..... 3395

**Minister for Energy***Regulations -*

Energy Coordination Act 1994 (Energy Coordination (Customer Contracts) Amendment Regulations (No. 2) 2011 G.G. 14/06/2011)..... 3396

**Minister for Child Protection***Local Laws -*

Local Government Act 1995 (Shire of Coorow Standing Orders Local Law 2011 G.G. 17/06/2011) .. 3397

**Minister for Mental Health***Orders -*

Poisons Act 1964 (Poisons (Appendix A Amendment) Order 2011 G.G. 17/06/2011) ..... 3398

**Parliamentary Secretary representing the Attorney General***Regulations -*

Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2011 G.G. 17/06/2011)..... 3399

*Rules -*

District Court of Western Australia Act 1969 (District Court Amendment Rules 2011 G.G. 17/06/2011 and District Court Amendment Rules (No. 2) 2011 G.G. 17/06/2011)..... 3400

**Parliamentary Secretary representing the Minister for Regional Development***Regulations -*

Registration of Deeds Act 1856 (Registration of Deeds Amendment Regulations 2011 G.G. 14/06/2011)..... 3401

Strata Titles Act 1985 (Strata Titles General Amendment Regulations 2011 G.G. 14/06/2011) ..... 3402

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2011 G.G. 14/06/2011)..... 3403

Valuation of Land Act 1978 (Valuation of Land Amendment Regulations (No. 2) 2011 G.G. 14/06/2011)..... 3404

## 5. Mental Impairment Court Intervention Program

Motion No. 1 having been called, debate resumed on the amendment of the Parliamentary Secretary representing the Attorney General as follows -

- (1) To delete “call upon” and insert —

notes the action so far taken by

- (2) To delete “urgently”.

to the motion of Hon Alison Xamon as follows -

That this House call upon the Attorney General to urgently adopt Recommendation 23 of the Law Reform Commission Final Report *Court Intervention Programs: Project No. 96* (June 2009), and establish a mental impairment court intervention program in Western Australia.

Part (1) of the amendment - put and passed.

The Parliamentary Secretary representing the Attorney General, by leave, withdrew part (2) of the amendment.

Debate resumed on the motion, as amended.

Motion, as amended, put and passed.

## 6. Bush Forever - Metropolitan Region Scheme Amendment

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved -

That this House notes the finalisation of the *Bush Forever* Metropolitan Region Scheme Amendment and the associated State Planning Policy 2.8, *Bushland Policy for the Perth Metropolitan Area*, and calls on the Barnett Government to go further and protect Perth’s unique urban bushland in perpetuity by -

- (a) guaranteeing statutory protection for those same *Bush Forever* sites;
- (b) legislating, or introducing regulations, which assure an appropriate standard of management for those sites; and
- (c) appropriately funding that management.

Debate ensued.

*Interruption pursuant to Temporary Orders.*

## 7. Consideration of Committee Reports and Ministerial Statements

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

### In Committee

(Hon Matt Benson-Lidholm in the Chair)

#### Draft Cane Toad Strategy for Western Australia 2009-2019 - Ministerial Statement

Hon Robin Chapple continued his introductory remarks in moving, That the Ministerial Statement be noted.

## 8. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to market research information and details of online advertisements for Royalties for Regions, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled paper 3405).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to the Gateway W.A. Project, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 3406).

## **9. Consideration of Committee Reports and Ministerial Statements**

Pursuant to Temporary Orders for the consideration of Committee Reports and Ministerial Statements.

### **In Committee**

(Hon Matt Benson-Lidholm in the Chair)

#### **Draft Cane Toad Strategy for Western Australia 2009-2019 - Ministerial Statement**

Hon Robin Chapple continued his introductory remarks in moving, That the Ministerial Statement be noted.

Debate ensued.

Question - put and passed.

#### **Joint Standing Committee on Delegated Legislation - Report No. 41 - Shire of Dardanup Standing Orders Local Law 2009 - Committee Report**

Hon Helen Bullock moved, That the Report be noted.

Question - put and passed.

#### **Walpole and Nornalup Inlets Marine Park - Ministerial Statement**

The Minister for Mental Health representing the Minister for Environment moved, That the Ministerial Statement be noted.

Debate ensued.

Hon Ed Dermer moved, That debate be adjourned to the next sitting.

Question - put and passed.

#### **Standing Committee on Environment and Public Affairs - Report No. 20 - Overview of Petitions - Committee Report**

Hon Brian Ellis moved, That the Report be noted.

Question - put and passed.

#### **Question Without Notice No. 484 - Supplementary Information - Ministerial Statement**

Hon Sue Ellery moved, That the Ministerial Statement be noted.

*Interruption pursuant to Temporary Orders.*

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Draft Cane Toad Strategy for Western Australia 2009-2019 - Ministerial Statement and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Report No. 41 - Shire of Dardanup Standing Orders Local Law 2009 - Committee Report and had noted same.
- (3) Walpole and Nornalup Inlets Marine Park - Ministerial Statement, made progress, and asked leave to sit again.
- (4) Standing Committee on Environment and Public Affairs - Report No. 20 - Overview of Petitions - Committee Report and had noted same.
- (5) Question Without Notice No. 484 - Supplementary Information - Ministerial Statement, made progress, and asked leave to sit again.

Report adopted.

# **10. Order of Business**

Ordered - That Bills for Introduction No. 2, be taken forthwith. (Leader of the House).

# **11. Retail Trading Hours Amendment Bill 2011**

The Minister for Commerce, pursuant to notice, moved -

That a Bill for “An Act to amend the *Retail Trading Hours Act 1987*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be now read a second time.

Debate stands adjourned.

# **12. Order of Business**

Ordered - That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1186/41 - Wandri Transit Oriented Development Precinct - Disallowance*, 2, *City of Mandurah Waste Management Local Law 2010 - Disallowance*, 3, *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance* and 4, *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance*, be taken after Order of the Day No. 13, *Young Offenders Legislation Amendment (Research Information) Bill 2010*. (Leader of the House).

# **13. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2011-2012**

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. 49(1)(c) the Legislative Council take note of Tabled Paper No. 3310A-F (2011-2012 Budget Statements), laid upon the Table of the House on 19 May 2011.

Debate resumed.

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

# **14. Commonwealth Heads of Government Meeting (Special Powers) Bill 2011**

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

The Minister for Finance on behalf of the Parliamentary Secretary representing the Premier moved, That the report be adopted.

Question - put and passed.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Premier moved, without notice -

That so much of the Standing Orders be suspended to enable the *Commonwealth Heads of Government Meeting (Special Powers) Bill 2011* to proceed to the third reading at this day’s sitting.

An absolute majority not being present, the Deputy President gave instructions for the ringing of the Bells.

An absolute majority being formed, the debate continued.

Question - put.

The House divided.

**Ayes (25)**

Hon Liz Behjat  
Hon Matt Benson-Lidholm  
Hon Jim Chown  
Hon Peter Collier  
Hon Ed Dermer  
Hon Kate Doust  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Jon Ford  
Hon Philip Gardiner  
Hon Nick Goiran

Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

**Noes (4)**

Hon Lynn MacLaren  
Hon Giz Watson

Hon Alison Xamon  
Hon Robin Chapple (*Teller*)

Question thus passed.

The motion was carried with an absolute majority.

The Minister for Finance on behalf of the Parliamentary Secretary representing the Premier 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 in Committee, and reported.

Debate ensued.

Question - put.

The House divided.

**Ayes (26)**

Hon Liz Behjat  
Hon Matt Benson-Lidholm  
Hon Helen Bullock  
Hon Jim Chown  
Hon Peter Collier  
Hon Ed Dermer  
Hon Kate Doust  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Jon Ford  
Hon Philip Gardiner

Hon Nick Goiran  
Hon Nigel Hallett  
Hon Alyssa Hayden  
Hon Col Holt  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Max Trenorden  
Hon Ken Baston (*Teller*)

**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.

### 15. Building 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.

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### In Committee

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 19 agreed to.

Clause 20.

The Minister for Commerce moved -

Page 15, line 15 — To delete “permit;” and insert —

permit,

unless the building work is of a kind specified by the regulations;

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 21 to 203 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported with amendment.

The Minister for Commerce sought leave to adopt the report at this day’s sitting.

Leave granted.

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

Question - put and passed.

Report adopted.

The Minister for Commerce moved, without notice -

That so much of Standing Orders be suspended to enable the *Building Bill 2010* to proceed to the third reading at this day’s sitting.

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 Minister for Commerce moved, That the Bill be now read a third time.

The 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.

**16. Members' Statements**

Statements were taken.

**17. Adjournment**

The House adjourned at 10.16pm until Thursday, 23 June 2011 at 10.00am.

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

Attendance: Present all Members except Hon Mia Davies and Hon Donna Faragher.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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