

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 177**

**TUESDAY, 27 SEPTEMBER 2011**

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**1. Meeting of Council**

The Council assembled at 3.00pm pursuant to Temporary Orders.

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

**2. Petitions**

Hon Sue Ellery presented a petition from 434 petitioners requesting the Legislative Council call on the Government to consult with residents before a final decision is made on the extension of the Kwinana Industry air buffer zone in Mandogalup. (Tabled paper 3832).

Hon Sue Ellery presented a petition from 17 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3833).

Hon Sue Ellery presented a petition from 17 petitioners requesting the Legislative Council support the *Skilled Local Jobs Bill 2011*. (Tabled paper 3834).

Hon Col Holt presented a petition from 562 petitioners requesting the Legislative Council urge the Government to provide more emergency accommodation for citizens without adequate shelter and to increase the supply of low-rental housing for homeless people. (Tabled paper 3835).

**3. Papers**

The following Papers were laid on the Table by -

**President**

*Annual Reports -*

Legislative Council (2010-2011) (Date received 27/09/2011)..... 3757

*Joint Standing Committee on Treaties (Commonwealth of Australia) -*

Air Services Agreement between the Government of Australia and the Government of the Czech Republic (New York, 24 September 2010), Exchange of Notes constituting an Amendment to the Agreement between the Government of Australia and the Government of the Socialist Republic of Vietnam relating to Air Services (done at Canberra on 31 July 1995) (Hanoi, TBA 2011) and Exchange of Notes constituting an Agreement to amend the Agreement between the Government of the United States of America and the Government of Australia concerning Space Vehicle Tracking and Communication Facilities of 29 May 1980, as amended (Canberra, TBA 2011)..... 3758

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**4. Standing Committee on Estimates and Financial Operations - Special Report - Hearings in Relation to Agency Annual Reports for 2010-11**

Hon Giz Watson presented a Special Report of the Standing Committee on Estimates and Financial Operations in relation to a resolution of the Committee to hold hearings in relation to government agency annual reports for 2010-11 in October and November 2011. (Tabled paper 3836).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**5. City of Gosnells Waste Local Law 2011 - 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 *City of Gosnells Waste Local Law 2011* published in the *Gazette* on 22 July 2011 and tabled in the Legislative Council on 10 August 2011 under the *Waste Avoidance and Resource Recovery Act 2007* be and is hereby disallowed.

**6. Town of Cottesloe Dogs Local Law 2011 - 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 *Town of Cottesloe Dogs Local Law 2011* published in the *Gazette* on 26 July 2011 and tabled in the Legislative Council on 10 August 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

**7. Shire of Augusta - Margaret River Standing Orders Local Law 2011 - 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 *Shire of Augusta - Margaret River Standing Orders Local Law 2011* published in the *Gazette* on 28 July 2011 and tabled in the Legislative Council on 10 August 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

**8. Mindarie Regional Council Standing Orders Local Law 2010 - 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 Local Law 2010* published in the *Gazette* on 29 July 2011 and tabled in the Legislative Council on 10 August 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

**9. City of South Perth Dog Local Law 2011 - 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 *City of South Perth Dog Local Law 2011* published in the *Gazette* on 21 July 2011 and tabled in the Legislative Council on 10 August 2011 under the *Local Government Act 1995*, be and is hereby disallowed.

**10. Taxi Amendment Regulations (No. 3) 2011 - Disallowance**

Hon Ken Travers: To move on the next day of sitting -

That the *Taxi Amendment Regulations (No. 3) 2011* published in the *Gazette* on 5 August 2011 and tabled in the Legislative Council on 10 August 2011 under the *Taxi Act 1994*, be and are hereby disallowed.

**11. Planning and Development Amendment Regulations (No. 4) 2011 - Disallowance - Discharge from Notice Paper**

The Order of the Day having been called, Hon Sally Talbot moved, without notice -

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Planning and Development Amendment Regulations (No. 4) 2011* be discharged from the Notice Paper.

Question - put and passed.

**12. Metropolitan Redevelopment Authority Bill 2011**

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

The Minister for Mental Health representing the Minister for Planning moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

**13. Professional Combat Sports Amendment Bill 2009**

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

**14. Questions Without Notice**

Questions without notice were taken.

The Minister for Training and Workforce Development tabled documents in relation to the draft TAFE delivery and performance agreements for 2011, in response to a question without notice asked by Hon Alison Xamon. (Tabled paper 3837).

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to patronage levels for all suburban railway lines for the 2008-09 and 2009-10 financial years, in response to a question without notice asked by Hon Ed Dermer. (Tabled paper 3838).

The Minister for Mental Health representing the Minister for Water tabled documents in relation to the volume of water carried by the Stirling main trunk pipeline per month from 2008 to 31 July 2011, in response to question on notice No. 4608 asked by Hon Ed Dermer. (Tabled paper 3839).

**15. Professional Combat Sports Amendment Bill 2009**

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

Question - put and passed.

Bill read a second time.

The President left the Chair.

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**In Committee**

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clauses 7 to 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 47 agreed to.

Clause 48.

Hon Ken Travers moved -

Page 27, lines 9 to 15 — To delete the lines and insert —

- (b) shall order that any money or money's worth paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid in its entirety to the Commission.

Debate ensued.

Hon Ken Travers, by leave, withdrew the amendment.

Hon Ken Travers moved -

Page 27, lines 9 to 15 — To delete the lines and insert —

- (b) shall order that any money or money's worth paid or payable to a contestant or industry participant who knowingly, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid in its entirety to the Commission.

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (14)**

Hon Matt Benson-Lidholm  
 Hon Helen Bullock  
 Hon Robin Chapple  
 Hon Ed Dermer  
 Hon Kate Doust  
 Hon Adele Farina  
 Hon Jon Ford

Hon Lynn MacLaren  
 Hon Ljiljana Ravlich  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Alison Xamon  
 Hon Linda Savage (*Teller*)

**Noes (20)**

Hon Liz Behjat  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Mia Davies  
 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 Max Trenorden  
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Question - That the clause stand as printed - put and passed.

Clauses 49 to 59 agreed to.

Clause 60.

Hon Ken Travers moved -

Page 38, after line 19 — To insert —

- (2) All approved rules must contain the following provisions —
- (a) all wounds resulting in blood loss shall be covered by a clean dressing; and
  - (b) where bleeding is continuing and is not controlled by a dressing the participant shall leave the area of combat, voluntarily or by direction of an official, and the contest shall be suspended until the bleeding is controlled and the wound is properly dressed; and
  - (c) the dressing of wounds must be clean and not blood-soaked; and
  - (d) where dressings are blood-soaked the participant shall leave the area of combat, voluntarily or by direction of an official, and the contest shall be suspended until the wound is covered by a clean dressing; and
  - (e) where clothing is contaminated by blood, the contest shall be suspended and the clothing must be replaced prior to the resumption of the contest; and
  - (f) if a participant's bleeding cannot be controlled and the wounds securely covered, the contest shall not continue.

Debate ensued.

Amendment - put and negatived.

Question - That the clause stand as printed - put and passed.

Clause 61 agreed to.

New Clause 11A.

Hon Ken Travers moved -

Page 5, after line 28 — To insert —

**11A. Section 9A inserted**

After section 8 insert:

**9A. Resolution may be passed without meeting**

- (1) If—
- (a) a document containing a statement to the effect that a resolution has been passed is sent or given to all members;
  - (b) the document is assented to by not less than 6 members,
- that resolution is to be taken as having been passed by a meeting of the Commission.



- (2) For the purposes of subsection (1) —
  - (a) the meeting is to be taken as having been held —
    - (i) if the members assented to the document on the same day — on the day on which the document was assented to and at the time at which the document was last assented to by a member; or
    - (ii) if the members assented to the document on different days — on the day on which, and at the time at which, the document was last assented to by a member;
  - (b) 2 or more separate documents in identical terms each of which is assented to by one or more members are to be taken to constitute one document; and
  - (c) a member may signify assent to a document —
    - (i) by signing the document; or
    - (ii) by notifying the staff of the Commission of the member's assent in person or by post, facsimile transmission, telephone, email or other method of written, electronic, audio or audiovisual communication.
- (3) Where a member signifies assent to a document otherwise than by signing the document, the member must by way of confirmation sign the document at the next meeting of the Commission attended by the member, but failure to do so does not invalidate the resolution to which the document relates.
- (4) Where a document is assented to in accordance with subsection (1), the document is to be taken as a minute of a meeting of the Commission.
- (5) The chairman must report the passing of a resolution under subsection (1) to the next meeting of the Commission.

Debate ensued.

New Clause - put and negatived.

New Clause 12A.

Hon Ken Travers moved -

Page 6, after line 6 — To insert —

**12A. Section 12A inserted**

After section 11 insert:

**12A. Independent Medical Advice**

- (1) A panel of independent medical practitioners shall be established to provide advice to the Commission, as required.
- (2) The Commission shall not register a contestant under section 17 or issue a permit for a contest under section 45 without obtaining the prior advice of a member of the panel established under subsection (1).

Debate ensued.

New Clause - put and negatived.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

## **16. Consideration of Committee Reports**

The Order of the Day having been read for the consideration of Committee Reports.

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### **In Committee**

(Hon Michael Mischin in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 14 - Death of a Witness - Committee Report**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Hon Max Trenorden, by leave, tabled a document entitled *Corruption and Crime Commission - Death of a Witness*. (Tabled paper 3840).

Debate resumed.

Question - put and passed.

#### **Joint Standing Committee on Delegated Legislation - Report No. 44 - Annual Report 2010 - Committee Report**

Hon Alyssa Hayden moved, That the Report be noted.

Question - put and passed.

#### **Joint Standing Committee on the Commissioner for Children and Young People - Report No. 6 - Review of the 2009-2010 Annual Report of the Commissioner for Children and Young People - Committee Report**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question - put and passed.

*Interruption pursuant to Temporary Orders.*

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The President resumed the Chair.

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

- (1) Joint Standing Committee on the Corruption and Crime Commission - Report No. 14 - Death of a Witness - Committee Report and had noted same.
- (2) Joint Standing Committee on Delegated Legislation - Report No. 44 - Annual Report 2010 - Committee Report and had noted same.
- (3) Joint Standing Committee on the Commissioner for Children and Young People - Report No. 6 - Review of the 2009-2010 Annual Report of the Commissioner for Children and Young People - Committee Report and had noted same.

Report adopted.

#### **17. Members' Statements**

Statements were taken.

#### **18. Personal Property Securities (Commonwealth Laws) Bill 2011**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 210

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Personal Property Securities (Commonwealth Laws) Bill 2011* without amendment.

Mr A.P. O'Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 27 September 2011

#### **19. Personal Property Securities (Consequential Repeals and Amendments) Bill 2011**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 211

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Personal Property Securities (Consequential Repeals and Amendments) Bill 2011* without amendment.

Mr A.P. O'Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 27 September 2011

#### **20. Adjournment**

The House adjourned at 10.19pm until Wednesday, 28 September 2011 at 2.00pm.

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

Attendance: Present all Members.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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