

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 171

TUESDAY, 6 SEPTEMBER 2011

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. Statement by President - Legislative Council Procedural Notes

The President made the following Statement -

Members may have noticed a small white file that has been left on each Member's desk today. This file contains four Legislative Council procedural notes. These are the first of such documents in an ongoing series. These procedural notes are designed to summarise key aspects of parliamentary procedure and matters of general interest to Members. It is envisaged that additional procedural notes will be distributed every few months. These procedural notes are part of the Department of the Legislative Council's ongoing commitment to the education and training of Members.

The first four procedural notes deal with such topics as the scope of debate on the short title of a Bill, protocol in the Chamber, and recent cases involving parliamentary privilege.

Suggestions from Members as to future topics for procedural notes are encouraged and should be directed to the Clerk.

3. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

31 August 2011 - Message No. 31

Act No.

Workers' Compensation and Injury Management Amendment Bill 2011

31 of 2011

4. Petitions

Hon Michael Mischin presented a petition from 6 petitioners requesting the Legislative Council to initiate an inquiry into the Department of Environment and Conservation and its decision to reissue a licence for cement or lime manufacture to Lime Industries in Nowergup. (Tabled paper 3675).

Hon Nick Goiran presented a petition from 199 petitioners requesting the Legislative Council to inquire into late term abortions performed in Western Australia with a view to changing the law to prohibit all abortions after 20 weeks gestation. (Tabled paper 3676).

Hon Sally Talbot on behalf of Hon Ken Travers presented a petition from 32 petitioners requesting the Legislative Council investigate the process for awarding Transperth service contracts and whether any money will be saved under the new contracts. (Tabled paper 3677).

5. Papers

The following Papers were laid on the Table by -

President

Joint Standing Committee on Treaties (Commonwealth of Australia) -

Report No. 118 - Treaties tabled on 23 March and 11 May 2011 - (Resolution MEPC.189(60), Adopted on 26 March 2010 Amendments to the Annex of the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973, Protocol on Investment to the Australia - New Zealand Closer Economic Relations Trade Agreement) 3664

Reports -

Corruption and Crime Commission - Report on the Management of Misconduct by Western Australia Police (2 September 2011) (Deemed tabled 2/09/11)..... 3665

Minister for Finance

Annual Reports -

Construction Industry Long Service Leave Payments Board (2010-2011) (Date received 6/09/2011)..... 3666

Notices -

Fair Trading Act 2010 (Consumer Protection Notice No. 24 of 2011 - Permanent ban on Mini Bikes, Pocket Bikes or Monkey Bikes G.G. 02/09/2011) 3667

Regulations -

Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 2) 2011 G.G. 30/08/2011, Road Traffic (Bicycles) Amendment Regulations 2011 G.G. 30/08/2011, Road Traffic (Infringements) Amendment Regulations 2011 G.G. 30/08/2011 and Road Traffic (Miscellaneous) Amendment Regulations (No. 2) 2011 G.G. 30/08/2011)..... 3668

Minister for Mental Health

Local Laws -

Health Act 1911 (Shire of Derby/West Kimberley Health Amendment Local Law 2010 G.G. 30/08/2011)..... 3671

Regulations -

East Perth Redevelopment Act 1991 (East Perth Redevelopment Amendment Regulations 2011 G.G. 02/09/2011)..... 3672

Minister for Energy on behalf of the Minister for Child Protection*Local Laws -*

Local Government Act 1995 (Town of Kwinana Activities on Thoroughfares and Public Places and Trading Local Law 2011 G.G. 30/08/2011) 3669

Regulations -

Veterinary Chemical Control and Animal Feeding Stuffs Act 1976 (Veterinary Chemical Control and Animal Feeding Stuffs Amendment Regulations 2011 G.G. 30/08/2011) 3670

Parliamentary Secretary representing the Attorney General*Regulations -*

Legal Profession Act 2008 (Legal Profession Amendment Regulations (No. 4) 2011 G.G. 30/08/2011)..... 3673

Parliamentary Secretary representing the Attorney General on behalf of the Parliamentary Secretary representing the Minister for Regional Development*Regulations -*

Strata Titles Act 1985 (Strata Titles General Amendment Regulations (No. 2) 2011 G.G. 02/09/2011)..... 3674

6. Strata Titles General Amendment Regulations 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 *Strata Titles General Amendment Regulations 2011* published in the *Gazette* on 14 June 2011 and tabled in the Legislative Council on 22 June 2011 under the *Strata Titles Act 1985*, be and are hereby disallowed.

7. Order of Business

Ordered - That Order of the Day No. 1, *Planning and Development Amendment Regulations (No. 4) 2011 - Disallowance*, be taken after Order of the Day No. 6, *Curriculum Council Amendment Bill 2011*. (Leader of the House).

8. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010

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

The Parliamentary Secretary representing the Attorney General moved, without notice -

That, pursuant to Standing Order 245, the *Trustee Companies (Commonwealth Regulation) Amendment Bill 2010* be recommitted to the Committee of the Whole for the purpose of reconsidering Clause 11.

Debate ensued.

Question - put and passed.

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 11.

Debate ensued.

The Parliamentary Secretary representing the Attorney General moved -

Page 5, lines 1 to 3 — To delete “applies when a certificate of transfer issued by ASIC under the Corporations Act section 601WBG comes into force.” and insert —

applies if —

- (a) ASIC cancels the licence of a trustee company (the *transferring company*) and makes a determination under the Corporations Act section 601WBA that there is to be a transfer of estate assets and liabilities from the transferring company to another licensed trustee company (the *receiving company*); and
- (b) ASIC issues a certificate of transfer under the Corporations Act section 601WBG for the transfer; and
- (c) either or both of the transferring company or the receiving company are registered in Western Australia.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 5, line 4 — To delete “The” and insert —

When the certificate of transfer comes into force, the

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

The President resumed the Chair.

Bill reported with further amendments.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

9. Criminal Code Amendment Bill (No. 2) 2011

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Indigenous Affairs tabled a document in relation to aboriginal sites Walmadan, Inballal Karnbor and Kundandu, in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 3678).

The Leader of the House representing the Minister for State Development, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4355 asked by Hon Robin Chapple will be provided by 29 September 2011.

The Minister for Disability Services tabled a document detailing consultants engaged by the Disability Services Commission between 1 February 2010 and 31 May 2011, in response to question on notice No. 4347 asked by Hon Sue Ellery. (Tabled paper 3679).

The Minister for Mental Health representing the Minister for Environment tabled a report entitled *Report to the Conservation Commission of WA in respect to key performance indicator 2 of the Forest Management Plan 2004-2013*, in relation to the brush-tailed Phascogale, in response to question on notice No. 4456 asked by Hon Giz Watson. (Tabled paper 3680).

11. Criminal Code Amendment Bill (No. 2) 2011

Debate resumed on the second reading of this Bill (cf item 9 above).

Question - put.

The House divided.

Ayes (12)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Robin Chapple
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljana Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Giz Watson
Hon Alison Xamon
Hon Ed Dermer (*Teller*)

Noes (17)

Hon Liz Behjat
Hon Peter Collier
Hon Mia Davies
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.

12. Curriculum Council 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 Temporary Orders.

13. Members' Statements

Statements were taken.

14. Adjournment

The House adjourned at 10.22pm until Wednesday, 7 September 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Wendy Duncan, Hon Jon Ford, Hon Ken Travers and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council