

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 170

THURSDAY, 1 SEPTEMBER 2011

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### 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 Wendy Duncan presented a petition from 22 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 3655).

Hon Jon Ford presented a petition from 917 petitioners requesting the Legislative Council to support legislation ensuring that a greater share of skilled work for major resource projects is performed in Western Australia. (Tabled paper 3656).

Hon Nigel Hallett presented a petition from 3,918 petitioners requesting the Legislative Council recommend a total ban on commercial gill net fishing in all ocean waters from Albany to Bunbury. (Tabled paper 3657).

### 3. Joint Standing Committee on the Corruption and Crime Commission - Report No. 17 - Acting Parliamentary Inspector's Inquiry concerning Examination Procedures by the Corruption and Crime Commission

Hon Nick Goiran presented Report No. 17 of the Joint Standing Committee on the Corruption and Crime Commission in relation to the *Acting Parliamentary Inspector's Inquiry concerning Examination Procedures by the Corruption and Crime Commission*. (Tabled paper 3658).

Hon Nick Goiran moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### 4. Standing Committee on Public Administration - Report No. 13 - Inquiry into Western Australian Strata Managers

Hon Max Trenorden presented Report No. 13 of the Standing Committee on Public Administration in relation to the *Inquiry into Western Australian Strata Managers*. (Tabled paper 3659).

Hon Max Trenorden moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**5. Standing Committee on Legislation - Local Government Amendment (Regional Subsidiaries) Bill 2010 - Extension of Reporting Time**

Hon Michael Mischin presented a Special Report of the Standing Committee on Legislation in relation to the *Local Government Amendment (Regional Subsidiaries) Bill 2010* seeking an extension of time for the Committee to report from 1 September 2011 to 29 September 2011. (Tabled paper 3660).

Hon Michael Mischin moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

**6. Criminal Code Amendment Bill (No. 2) 2011**

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

Debate resumed.

*Interruption pursuant to Temporary Orders.*

**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. 21, *Joint Standing Committee on Audit*. (Leader of the House).

**8. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010**

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

The Parliamentary Secretary representing the Attorney General 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.

**9. Duties Amendment Bill 2011**

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

**10. Parliamentary Superannuation Amendment Bill 2011**

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

## 11. State Superannuation Amendment Bill 2011

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

Debate resumed.

### *Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

The Minister for Finance representing the Treasurer, by leave, tabled a document detailing the reserving guidelines and strategy in relation to the Government Employees Superannuation Board gold state superannuation scheme. (Tabled paper 3661).

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Finance representing the Treasurer moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

## 12. Suspension of Temporary Orders

The Leader of the House moved, without notice -

That Temporary Order 6(1) be suspended in order for questions without notice to be taken after consideration of Order of the Day No. 21, *Joint Standing Committee on Audit*, in the event consideration of that order of the day is completed before 4.30pm.

Debate ensued.

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.

## 13. Joint Standing Committee on Audit

The Order of the Day having been read, the Leader of the House, pursuant to notice, moved -

- (1) That pursuant to section 43 of the *Auditor General Act 2006* —
  - (a) a Joint Standing Committee on Audit be established, comprised of four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each House support the Government;
  - (b) the Chairman of the Standing Committee on Estimates and Financial Operations will be the Chairman of the Joint Standing Committee; and
  - (c) the Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.
- (2) That the Legislative Assembly be invited to pass a similar resolution.

Debate ensued.

Hon Ken Travers moved, without notice -

To insert after section (1)(a) the following -

- (b) the members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section (1)(a) are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 326. The requirement for leave of the committee under Standing Order 326 does not apply to these appointments;

Debate ensued.

Amendment - put and passed.

Debate resumed on the motion, as amended.

Motion, as amended - put and passed.

#### **14. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Premier tabled documents detailing a contract of employment between the Public Sector Commissioner and Ms Josephine Charlotte Harrison-Ward, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 3662).

The Minister for Finance representing the Minister for Transport tabled documents in relation to details of the Public Transport Authority's Smartrider fares and refunds, in response to a question without notice asked by Hon Ken Travers. (Tabled paper 3663).

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

The President reported the receipt of Message No. 201 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Sport and Recreation moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Sport and Recreation moved, That the Bill be now read a second time.

Debate stands adjourned.

#### **16. Order of Business**

Ordered - That Members' Statements be taken forthwith. (Leader of the House).

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

Statements were taken.

**18. Adjournment**

The House adjourned at 5.11pm until Tuesday, 6 September 2011 at 3.00pm.

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

Attendance: Present all Members except Hon Peter Collier and Hon Sally Talbot.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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