

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 185

THURSDAY, 3 NOVEMBER 2011

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. Petition

Hon Giz Watson presented a petition from 325 petitioners requesting the Legislative Council recommend that the Director of Public Prosecutions conduct a public inquiry into the near fatal injuries suffered by Rex Bellotti Junior on 6 March 2009. (Tabled paper 4034).

3. Ministerial Statement - Business of the House

The Leader of the House made a Ministerial Statement with respect to Questions without Notice being taken at 2.30pm today.

4. Papers

The following Papers were laid on the Table by -

Minister for Finance

Reports -

Western Australian Treasury Corporation Quarterly Report (for the quarter ended
30 September 2011) (Date received 02/11/2011)..... 4032

Minister for Mental Health

Annual Reports -

Perry Lakes Redevelopment Project (2010-2011) (Date received 02/11/2011)..... 4033

5. Joint Standing Committee on Delegated Legislation - Report No. 45 - Shire of Kellerberrin Dogs Local Law

Hon Sally Talbot presented Report No. 45 of the Joint Standing Committee on Delegated Legislation in relation to the *Shire of Kellerberrin Dogs Local Law*. (Tabled paper 4035).

Hon Sally Talbot moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

Hon Sally Talbot, by leave, made a brief statement in relation to the Report.

6. East Perth Redevelopment 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 *East Perth Redevelopment Amendment Regulations 2011* published in the *Gazette* on 2 September 2011 and tabled in the Legislative Council on 6 September 2011 under the *East Perth Redevelopment Act 1991*, be and are hereby disallowed.

7. Property Law (Mortgagee's Power of Sale) Amendment Bill 2009

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

Debate resumed.

Hon Lynn MacLaren moved, without notice -

That the *Property Law (Mortgagee's Power of Sale) Amendment Bill 2009* be discharged from the notice paper and referred to the Standing Committee on Legislation, for report no later than 28 March 2012.

Debate ensued.

Question - put.

The House divided.

Ayes (14)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Lynn MacLaren

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

Noes (19)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
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*)

Question thus negatived.

Debate resumed on the second reading of the Bill.

Interruption pursuant to Temporary Orders.

8. Suspension of Temporary Orders

The Leader of the House moved, without notice -

That so much of Temporary Orders be suspended as would enable Non-Government Business No. 2 to be taken until 12:30pm.

Debate ensued.

The Leader of the House, by leave, amended the motion by deleting "No. 2".

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.

9. Property Law (Mortgagee's Power of Sale) Amendment Bill 2009

Debate resumed on the second reading of this Bill (cf item 7 above).

Question - put.

The House divided.

Ayes (10)

Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Ljiljanna Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (18)

Hon Liz Behjat
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Wendy Duncan
Hon Brian Ellis
Hon Donna Faragher
Hon Philip Gardiner
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*)

Question thus negatived.

Bill defeated.

10. Smoking Bans in Mental Health Facilities

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

That this House expresses its concern about the adverse impact of smoking bans in secure mental health facilities on the occupational health and safety of mental health workers and patients and calls on the Barnett Government to lift the smoking ban in secure mental health facilities and introduce instead designated smoking areas.

Debate ensued.

Interruption pursuant to Order.

11. Suspension of Temporary Orders - Questions Without Notice

The Leader of the House moved, without notice -

That so much of the Temporary Orders be suspended in order for Questions without Notice to be taken at 2.30pm today.

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.

12. Order of Business

Ordered - That Orders of the Day Nos 1, *City of Gosnells Waste Local Law 2011 - Disallowance*, 2, *Town of Cottesloe Dogs Local Law 2011 - Disallowance*, 3, *City of South Perth Dog Local Law 2011 - Disallowance*, 4, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, and 7, *Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011*, be taken after Committee Report No. 4, *Standing Committee on Environment and Public Affairs - Report No. 22 - Overview of Petitions*. (Leader of the House).

13. Misuse of Drugs Amendment Bill 2011

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

The Minister for Energy representing the Minister for Police 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 to in Committee, and reported.

Debate ensued.

Question - put.

The House divided.

Ayes (29)

Hon Liz Behjat
Hon Matt Benson-Lidholm
Hon Helen Bullock
Hon Jim Chown
Hon Peter Collier
Hon Mia Davies
Hon Ed Dermer
Hon Wendy Duncan
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
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 Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Ljiljana Ravlich
Hon Linda Savage
Hon Sally Talbot
Hon Ken Travers
Hon Max Trenorden
Hon Ken Baston (*Teller*)

Noes (3)

Hon Lynn MacLaren
Hon Alison Xamon

Hon Giz Watson (*Teller*)

Question thus passed.

Bill read a third time and passed.

14. Consideration of Committee Reports

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

In Committee

(Hon Col Holt in the Chair)

Standing Committee on Uniform Legislation and Statutes Review - Report No. 63 - Information Report - Scrutiny of Uniform Legislation - Committee Report

Hon Liz Behjat moved, That the Report be noted.

Debate ensued.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport tabled documents in relation to Public Transport Authority fare infringement details for 2009, 2010 and 2011 to date, in response to question on notice No. 4716 asked by Hon Ken Travers. (Tabled paper 4036).

16. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee Reports (cf item 14 above).

In Committee

(Hon Jon Ford in the Chair)

Standing Committee on Uniform Legislation and Statutes Review - Report No. 63 - Information Report - Scrutiny of Uniform Legislation - Committee Report

Debate resumed on the motion of Hon Liz Behjat, That the Report be noted.

Question - put and passed.

The Leader of the House moved, without notice, That the Deputy Chairman report to the House.

Question - put and passed.

The President resumed the Chair.

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

Standing Committee on Uniform Legislation and Statutes Review - Report No. 63 - Information Report - Scrutiny of Uniform Legislation - Committee Report and had noted same.

Report adopted.

17. Order of Business

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

18. Members' Statements

Statements were taken.

19. Adjournment

The House adjourned at 3.48pm until Tuesday, 8 November 2011 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple and Hon Phil Edman.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council