

# LEGISLATIVE COUNCIL

---

---

## MINUTES OF PROCEEDINGS

No. 165

TUESDAY, 16 AUGUST 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. Petitions

Hon Kate Doust presented a petition from 4,945 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 3601).

Hon Ken Travers presented a petition from 299 petitioners requesting the Legislative Council to inquire into whether there are sufficient buses to service the northern suburbs and meet growing demand, particularly in Yanchep and Two Rocks. (Tabled paper 3602).

### 3. Ministerial Statement - 'Cannabis Messes with your Mind' - Campaign

The Minister for Mental Health made a Ministerial Statement with respect to a State Government campaign aimed at increasing awareness about the risks associated with cannabis use.

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 (Shark Bay Scallop Fishery Management Plan  
Amendment 2011 G.G. 09/08/2011) ..... 3596

##### *Regulations -*

Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission  
Amendment Regulations 2011 G.G. 12/08/2011) ..... 3597

**Minister for Finance***Regulations -*

Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 4) 2011 G.G. 12/08/2011)..... 3598

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

Local Government Act 1995 (City of Armadale Parking and Parking Facilities Amendment Local Law 2011 G.G. 09/08/2011, Shire of Chittering Dogs Local Law 2011 G.G. 12/08/2011, Shire of Harvey Pest Plants Local Law 2011 G.G. 12/08/2011 and Shire of Quairading Extractive Industries Local Law 2011 G.G. 12/08/2011)..... 3599

**Parliamentary Secretary to the Attorney General***Schemes -*

Professional Standards Act 1997 (The Australian Computer Society Professional Standards Scheme G.G. 10/08/2011)..... 3600

**5. Planning and Development Amendment Regulations (No. 4) 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 *Planning and Development Amendment Regulations (No. 4) 2011* published in the *Gazette* on 6 May 2011 and tabled in the Legislative Council on 18 May 2011 under the *Planning and Development Act 2005*, be and are hereby disallowed.

**6. Family Court 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 *Family Court Amendment Regulations 2011* published in the *Gazette* on 13 May 2011 and tabled in the Legislative Council on 18 May 2011 under the *Family Court Act 1997*, be and are hereby disallowed.

**7. Order of Business**

Ordered - That Order of the Day No. 3, *City of Mandurah Jetties, Waterways and Marina Local Law 2010 - Disallowance*, be taken after Order of the Day No. 6, *Personal Property Securities (Consequential Repeals and Amendments) Bill 2011*. (Leader of the House).

**8. Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Lynn MacLaren -

That the *Metropolitan Region Scheme Amendment No. 1180/41 - Cockburn Coast District Structure Plan* published in the *Gazette* on 22 February 2011 and tabled in the Legislative Council on 16 March 2011 under the *Planning and Development Act 2005*, be and is hereby disallowed.

Debate ensued.

Hon Lynn MacLaren, by leave, withdrew the motion.

## 9. Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Giz Watson -

That the following words in *Schedule 1 of the Prohibited Behaviour Orders Regulations 2011* published in the *Gazette* on 23 February 2011 and tabled in the Legislative Council on 15 March 2011 under the *Prohibited Behaviour Orders Act 2010*, -

- s. 70A Trespass;
- s. 74A Disorderly behaviour in public;
- s. 172 Obstructing public officers;
- s. 153 Failure to comply with an officer's order under the Criminal Investigation Act 2006;
- s. 115(6) Remaining in an area adjacent to licensed premises after having been refused entry to, or required to leave, the premises;
- s. 115(7) Re-entering licensed premises within 24 hours of being refused entry to, or required to leave, the premises;
- s. 119(1) Consuming liquor in a place or premises without the consent of the occupier or person having control of the place or premises;
- s. 119(2) Bringing liquor into, or possessing or consuming liquor in, a sports ground or stadium;
- s. 119(4) Consuming liquor in a public place except under an exemption, licence or permit;
- s. 123(1) Juvenile purchasing, obtaining or consuming liquor on, or bringing liquor onto, licensed or regulated premises;
- s. 123(2) Juvenile possessing liquor in a public place;
- s. 126(4) Re-entering licensed or regulated premises within 24 hours of being required to leave, or removed from, the premises under section 126;
- s. 126(5) Remaining in an area adjacent to licensed premises after having been required to leave, or being removed from, the premises;
- s. 5 Offences concerned with prohibited drugs and prohibited plants in relation to premises and utensils;
- s. 6 Offences concerned with prohibited drugs generally;
- s. 7 Offences concerned with prohibited plants generally;
- s. 5 Seeking prostitute in or in view or within hearing of public place;
- s. 6 Seeking client in or in view or within hearing of public place
- s. 64B Contravention of a prohibition order; and
- r. 40 Obstructing an authorised person

be and are hereby disallowed.

Debate ensued.

## 10. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection on behalf of the Minister for Indigenous Affairs tabled documents in relation to details of cases where the Aboriginal Cultural Materials Committee have recommended a s. 18 application be refused and overridden by Government Ministers who have approved the application, in response to question on notice No. 4000 asked by Hon Robin Chapple. (Tabled paper 3603).

The Minister for Child Protection on behalf of the Minister for Indigenous Affairs, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4192 asked by Hon Robin Chapple will be provided on 18 August 2011.

The Minister for Child Protection on behalf of the Minister for Energy, in accordance with Standing Order No. 138(d), advised that answers to questions on notice Nos 4101 to 4186 asked by Hon Kate Doust will be provided on 18 August 2011.

The Minister for Finance, in accordance with Standing Order No. 138(d), advised that an answer to question on notice No. 4198 asked by Hon Giz Watson will be provided on 18 August 2011.

#### **11. Schedule 1 of the Prohibited Behaviour Orders Regulations 2011 - Disallowance**

Debate resumed on the motion of Hon Giz Watson (cf item No. 9 above).

Question - put.

The House divided.

#### **Ayes (13)**

Hon Matt Benson-Lidholm  
Hon Robin Chapple  
Hon Kate Doust  
Hon Jon Ford  
Hon Col Holt  
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 (16)**

Hon Liz Behjat  
Hon Jim Chown  
Hon Mia Davies  
Hon Wendy Duncan  
Hon Phil Edman  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran

Hon Alyssa Hayden  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Max Trenorden  
Hon Nigel Hallett (*Teller*)

Question thus negatived.

#### **12. Fish Resources Management 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.

The Deputy President left the Chair.

---

#### **In Committee**

(Hon Col Holt in the Chair)

Clause 1 agreed to.

Clauses 2 to 73 agreed to.

Clause 74.

The Minister for Fisheries moved -

Page 58, after line 25 — To insert —

- (ib) prohibit or regulate the entry into or movement or use within, or direct the removal from, WA waters or an area of WA waters of boats or equipment on or attached to boats for the purpose of —
  - (i) preventing organisms, as defined in section 177B, that pose or are likely to pose a threat to fish or other aquatic resources or to their habitats from entering WA waters or an area of WA waters; or
  - (ii) preventing or controlling the spread of such organisms in WA waters or an area of WA waters; or
  - (iii) eradicating or removing such organisms from WA waters or an area of WA waters;

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 75 to 78 agreed to.

Title agreed to.

\_\_\_\_\_

The Deputy President resumed the Chair.

Bill reported with amendment.

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

### **13. Order of Business**

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

### **14. Members' Statements**

Statements were taken.

### **15. Adjournment**

The House adjourned at 8.48pm until Wednesday, 17 August 2011 at 2.00pm.

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

Attendance: Present all Members except Hon Ken Baston and Hon Peter Collier.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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