

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 180

TUESDAY, 18 OCTOBER 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. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

4 October 2011 - Message No. 34	Act No.
Child Care Services Amendment Bill 2011	38 of 2011
Trustee Companies (Commonwealth Regulation) Amendment Bill 2010	39 of 2011
Retail Trading Hours Amendment Bill 2011	40 of 2011
Personal Property Securities (Commonwealth Laws) Bill 2011	41 of 2011
Personal Property Securities (Consequential Repeals and Amendments) Bill 2011	42 of 2011
12 October 2011 - Message No. 35	Act No.
Fish Resources Management Amendment Bill 2011	43 of 2011
Professional Combat Sports Amendment Bill 2009	44 of 2011
Metropolitan Redevelopment Authority Bill 2011	45 of 2011

3. Ministerial Statement - Mental Health - 10 Year Strategic Plan

The Minister for Mental Health made a Ministerial Statement with respect to the launch of the State Government's 10 year strategic plan to reform Western Australia's mental health system to promote recovery.

The Minister for Mental Health tabled the strategy document entitled *Mental Health 2020 - Making it personal and everybody's business*, by the Mental Health Commission. (Tabled paper 3960).

Ordered - That consideration of the Ministerial Statement and Tabled paper be made an Order of the Day for the next sitting.

4. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront.

The Minister for Mental Health representing the Minister for Planning tabled a plan of Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront. (Tabled paper 3961).

The Minister for Mental Health representing the Minister for Planning tabled the submissions to Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront. (Tabled paper 3962).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions to Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront. (Tabled paper 3963).

The Minister for Mental Health representing the Minister for Planning tabled the transcript of hearings to Metropolitan Region Scheme Amendment No. 1203/41 - Perth Waterfront. (Tabled paper 3964).

Ordered - That consideration of the Ministerial Statement and Tabled papers be made an Order of the Day for the next sitting.

5. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

State Records Commission (2010-2011) (Date received 14/10/2011) 3932

Financial Statements -

Members of Parliament (Financial Interest) Act 1992 - Annual Returns (2010-2011)..... 3933

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Bandyup
Woman's Prison (Report No. 73) (August 2011) (Deemed tabled 07/10/2011) 3934

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan
Amendment (No. 4) 2011 [1048] G.G. 11/10/2011)..... 3935

Orders -

Fish Resources Management Act 1994 (Prohibition on Taking Abalone (North of Moore River)
Order 2011 - Order No. 6 of 2011 [1050] G.G. 30/09/2011) 3936

Regulations -

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Security Risk Substances)
Amendment Regulations 2011 G.G. 04/10/2011)..... 3937

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 6) 2011 G.G. 07/10/2011
and Liquor Control Amendment Regulations (No. 8) 2011 G.G. 27/09/2011)..... 3938

Mining Act 1978 (Mining Amendment Regulations (No. 5) 2011 G.G. 11/10/2011) 3939

Minister for Finance*Annual Reports -*

Builders Registration Board (2010-2011) (Date received 14/10/2011)	3940
Dampier Port Authority (2010-2011) (Date received 14/10/2011)	3941
Esperance Ports Sea and Land (2010-2011) (Date received 14/10/2011)	3942

Regulations -

Rail Safety Act 2010 (Rail Safety Amendment Regulations (No. 2) 2011 G.G. 14/10/2011)	3943
Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2011 G.G. 30/09/2011)	3944

Minister for Energy*Codes -*

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments 2011 G.G. 30/09/2011)	3945
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Orders -

Misuse of Drugs Act 1981 (Misuse of Drugs (Amounts of Prohibited Drugs) Order (No. 3) 2011 G.G. 11/10/2011)	3946
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Regulations -

Commonwealth Heads of Government Meeting (Special Powers) Act 2011 (Commonwealth Heads of Government Meeting (Special Powers) Regulations 2011 G.G. 07/10/2011)	3947
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Minister for Child Protection*Local Laws -*

Local Government Act 1995 (City of Stirling Local Government Property Amendment Local Law 2011 G.G. 30/09/2011, Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 G.G. 14/10/2011 and Town of Kwinana Extractive Industries Local Law 2011 G.G. 8/09/2011) ...	3948
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Regulations -

Exotic Diseases of Animals Act 1993 (Exotic Diseases of Animals Regulations 2011 G.G. 14/10/2011)	3949
Local Government Act 1995 (Local Government (Functions and General) Amendment Regulations 2011 G.G. 27/09/2011)	3950

Minister for Mental Health*Addendums -*

Environment and Conservation, Department of - Annual Report (2010-2011) (Date received 06/10/2011)	3951
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Annual Reports -

Metropolitan Health Services (2010 - 2011) (Date Received 03/10/2011)	3952
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Local Laws -

Health Act 1911 (Shire of Kalamunda Health Local Law 2011 G.G. 07/10/2011)	3953
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Regulations -

Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations (No. 2) 2011 G.G. 30/09/2011)	3954
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Parliamentary Secretary representing the Attorney General

Annual Reports -

Attorney General, Department of the (2010-2011) (Date received 30/09/2011)	3955
Gender Reassignment Board (2010-2011) (Date received 30/09/2011)	3956
State Administrative Tribunal (2010-2011) (Date received 14/10/2011).....	3957

Financial Statements -

Legal Contribution Trust (For the six months ending 31 December 2010) (Date received 14/10/2011).....	3958
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Parliamentary Secretary representing the Minister for Regional Development

Reports -

Landcorp - Statement of Corporate Intent (2011-2012).....	3959
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6. Petroleum (Submerged Lands) Amendment Bill 2011

The Minister for Mines and Petroleum: To move on the next day of sitting -

That a Bill for “An Act to amend the *Petroleum (Submerged Lands) Act 1982*.” be introduced and read a first time.

7. 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, *Shire of Augusta - Margaret River Standing Orders Local Law 2011 - Disallowance*, 4, *Mindarie Regional Council Standing Orders Local Law 2010 - Disallowance*, 5, *City of South Perth Dog Local Law 2011 - Disallowance*, and 6, *Taxi Amendment Regulations (No. 3) 2011 - Disallowance*, be taken after Order of the Day No. 13, *Misuse of Drugs Amendment Bill 2011*. (Leader of the House).

8. Cat Bill 2011

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

9. Questions Without Notice

Questions without notice were taken.

The Minister for Indigenous Affairs tabled, and by leave incorporated into Hansard, documents in relation to details of Ministerial decisions made as a result of applications under section 18 of the *Aboriginal Heritage Act 1972*, which were subject to State Administrative Tribunal appeals for the years 2007 to 2011 to date, in response to a question without notice asked by Hon Sally Talbot. (Tabled paper 3965).

The Minister for Mental Health tabled documents in relation to a list of drug and alcohol treatment service providers and their 2011-2012 funding, in response to question on notice No. 4592 asked by Hon Ljiljanna Ravlich. (Tabled paper 3966).

10. Cat Bill 2011

Debate resumed on the second reading of this Bill (cf item 8 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Michael Mischin in the Chair)

Clause 1.

Debate ensued.

The Minister for Child Protection representing the Minister for Local Government, by leave, tabled a document in relation to the City of Joondalup's proposed cat law and registration fees for sterilised and unsterilised cats. (Tabled paper 3967).

Debate resumed.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clauses 4 to 8 agreed to.

Clause 9.

The Minister for Child Protection representing the Minister for Local Government moved -

Page 8, line 9 — To delete “an offence against —” and insert —

of 2 or more offences against any of the following —

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 10.

The Minister for Child Protection representing the Minister for Local Government moved -

Page 9, lines 9 to 11 — To delete “of 2 or more offences against this Act in the period of 12 months before the cancellation.” and insert —

within the period of 12 months before the cancellation of 2 or more offences against any of the following —

- (a) this Act;
- (b) the *Dog Act 1976*;
- (c) the *Animal Welfare Act 2002*.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 11 to 13 agreed to.

Clause 14.

Debate ensued.

Hon Lynn MacLaren moved -

Page 10, line 22 — To delete “6 months” and insert —

10 weeks

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 10, line 27 — To insert after “stating” —

(with reasons)

Debate ensued.

Amendment - put and negatived.

The Minister for Child Protection representing the Minister for Local Government moved -

Page 10, after line 29 — To insert —

- (3) A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 15 to 17 agreed to.

Clause 18.

Hon Lynn MacLaren moved -

Page 11, line 19 — To delete “6 months” and insert —

10 weeks

Debate ensued.

Amendment - put and negatived.

Hon Lynn MacLaren moved -

Page 11, line 25 — To insert after “stating” —

(with reasons)

Debate ensued.

Amendment - put and negatived.

The Minister for Child Protection representing the Minister for Local Government moved -

Page 12, after line 2 — To insert —

- (3) A certificate referred to in subsection (2)(a) cannot apply in respect of a cat that is under 6 months of age.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 19 to 29 agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clauses 31 to 34 agreed to.

Clause 35.

Debate ensued.

Interruption pursuant to Temporary Orders.

The President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

11. Members' Statements

Statements were taken.

12. Inheritance (Family and Dependants Provision) Amendment Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 215

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Inheritance (Family and Dependants Provision) Amendment Bill 2011* without amendment.

Ms A.R. Mitchell

Acting Speaker

Legislative Assembly Chamber

Perth, 18 October 2011

13. Electronic Transactions Bill 2011

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 216

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Electronic Transactions Bill 2011* without amendment.

Ms A.R. Mitchell

Acting Speaker

Legislative Assembly Chamber

Perth, 18 October 2011

14. Statutes (Repeals and Minor Amendments) Bill 2010

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 217

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Statutes (Repeals and Minor Amendments) Bill 2010* without amendment.

Mr P.B. Watson

Acting Speaker

Legislative Assembly Chamber

Perth, 18 October 2011

15. Adjournment

The House adjourned at 10.22pm until Wednesday, 19 October 2011 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Liz Behjat, Hon Kate Doust and Hon Adele Farina.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council