

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 37

TUESDAY, 19 NOVEMBER 2013

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Statement by President — Seating Arrangement

The President made the following Statement —

I advise Members that I have approved a request from Hon Robin Chapple for an amended seating arrangement in the Chamber under which he and Hon Lynn MacLaren have effectively rotated between the seats they occupied previously.

3. 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 November 2013 — Message No. 25 | Act No. |
|--|----------------|
| Coal Industry Superannuation Amendment Bill 2013 | 19 of 2013 |
| Courts and Tribunals (Electronic Processes Facilitation) Bill 2013 | 20 of 2013 |
| 12 November 2013 — Message No. 26 | Act No. |
| Workers' Compensation and Injury Management Amendment Bill 2013 | 21 of 2013 |
| Criminal Investigation (Identifying People) Amendment Bill 2013 | 22 of 2013 |

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report (2012–2013) Assurance Audits (Report No. 15)
(November 2013) (Date received 13/11/2013) 944

Opinions on Ministerial Notifications (Report No. 16) (November 2013)
(Date received 13/11/2013)..... 945

Letters —

Joint Standing Committee on the Corruption and Crime Commission – Letters dated
14 November 2013 in relation to the Committee's inquiry into the use of
powers under Part 4 of the Corruption and Crime Commission Act 2003
(Date received 14/11/2013)..... 968

Reports —

Public Sector Commission — An Examination of Integrity Checking Controls in
Recruitment and Employee Induction Processes (Date received 15/11/2013)..... 946

Leader of the House*Annual Reports* —

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| Electoral Commission (Political Finance) (For the period ending 30 June 2012) (Date received 13/11/2013)..... | 947 |
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Regulations —

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| Betting Control Act 1954 (Betting Control Amendment Regulations (No. 3) 2013 G.G. 8/11/2013)..... | 948 |
| Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 2013 G.G. 8/11/2013 and Casino Control Amendment Regulations 2013 G.G. 8/11/2013)..... | 949 |
| Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations 2013 G.G. 8/11/2013)..... | 950 |
| Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 7) 2013 G.G. 8/11/2013) | 951 |
| Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations (No. 2) 2013 G.G. 8/11/2013) | 952 |
| Racing Penalties (Appeals) Act 1990 (Racing Penalties (Appeals) Amendment Regulations 2013 G.G. 8/11/2013) | 953 |

Minister for Mental Health*Annual Reports* —

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| Marine Park and Reserves Authority (2012–2013) (Date received 12/11/2013)..... | 954 |
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Reports —

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| Treasury Corporation (Quarterly Report) (for the quarter ended 30 September 2013) (Date received 14/11/2013)..... | 955 |
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Regulations —

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| Cat Act 2011 (Cat (Uniform Local Provisions) Regulations 2013 G.G. 31/10/2013) | 956 |
| Dog Act 1976 (Dog Regulations 2013 G.G. 31/10/2013)..... | 957 |

Minister for Agriculture and Food on behalf of the Attorney General*Annual Reports* —

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| Commission for Occupational Safety and Health (2012–2013) (Date received 12/11/2013)..... | 958 |
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Regulations —

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| Community Protection (Offender Reporting) Act 2004 (Community Protection (Offender Reporting) Amendment Regulations 2013 G.G. 8/11/2013)..... | 959 |
| Criminal Organisations Control Act 2012 (Criminal Organisations Control Regulations 2013 G.G. 1/11/2013) | 960 |

Minister for Agriculture and Food*Codes* —

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| Code of Practice — Tailings Storage Facilities in Western Australia (Date received 12/11/2013)..... | 961 |
| Copy of Government Gazette extract for the Code of Practice for Tailings Storage Facilities in Western Australia published under the Mines Safety and Inspection Act 1994 (29 October 2013) (Date received 12/11/2013) | 962 |

Reports —

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| Landgate — Statement of Corporate Intent (2013–2014) (Date received 4/11/2013)..... | 963 |
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Parliamentary Secretary to the Minister for Transport*By-laws* —

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| Government Railways Act 1904 (Government Railways (Parking Stations) Amendment By-law 2013 G.G. 5/11/2013)..... | 964 |
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Regulations —

Public Transport Authority Act 2003 (Public Transport Authority Amendment Regulations 2013
G.G. 5/11/2013) 965

Parliamentary Secretary representing the Minister for Health*Annual Reports —*

Administrator National Health Funding Pool (2012–2013) (Date received 13/11/2013) 966

Parliamentary Secretary representing the Minister for Training and Workforce Development*Reports —*

Water Corporation — Statement of Corporate Intent (2013–2014) (Date received
4/11/2013) 967

5. Standing Committee on Legislation — Report No. 20 — Clauses 11 and 12 of the Petroleum and Geothermal Energy Legislation Amendment Bill 2013

Hon Robyn McSweeney presented Report No. 20 of the Standing Committee on Legislation, *Clauses 11 and 12 of the Petroleum and Geothermal Energy Legislation Amendment Bill 2013*. (Tabled Paper 969).

6. Standing Committee on Uniform Legislation and Statutes Review — Report No. 82 — Extension of Time — Medicines, Poisons and Therapeutic Goods Bill 2013

Hon Kate Doust presented Report No. 82 of the Standing Committee on Uniform Legislation and Statutes Review, *Extension of Time — Medicines, Poisons and Therapeutic Goods Bill 2013*. (Tabled Paper 970).

Hon Kate Doust moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *Medicines, Poisons and Therapeutic Goods Bill 2013* be extended from 1 December 2013 to 18 February 2014.

Question — put and passed.

7. Order of Business

Ordered — That Order of the Day No. 2, *Firearms Amendment Regulations 2013 — Disallowance*, be taken after Order of the Day No. 8, *Minerals Research Institute of Western Australia Bill 2013*. (Leader of the House).

8. Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance

The Order of the Day having been read for the motion moved *pro forma* by Hon Ljiljana Ravlich, as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

9. Jetties Amendment Regulations (No. 2) 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Jetties Amendment Regulations (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

10. Taxi Drivers Licensing Bill 2013

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

Debate resumed.

Point of Order

Hon Ken Travers raised the following Point of Order —

I seek your advice or potentially a ruling as to when an incorrect explanatory memorandum is tabled, what the correct procedure for the House should be. Because clearly the intent of the Standing Orders was that we be provided with, under the current Standing Orders an explanatory memorandum after the first reading of the bill. It is a requirement that every bill have an explanatory memorandum. Then, obviously, there would be some time between receiving that information and proceeding with the debate. If it is clear that we have not received the correct explanatory memorandum, whilst I note that on this occasion it is only a very small matter at this stage about whether there is a difference, nonetheless, it is not the correct explanatory memorandum. Whether or not we can continue to proceed with the bill or whether we need to cease this debate at this point to allow the parliamentary secretary to take whatever corrective action to ensure that the correct information is available to the House, would allow us to come back to the debate. Whether or not that would also be in accordance with Standing Order 125, given it is a Legislative Assembly bill whereby it must be debated at least one calendar week later, will ensure that we all have the properly available information required under the Standing Orders before moving on with the debate. I seek your guidance on those matters, Mr President.

President's Ruling

The President ruled as follows —

I think the Member has raised a very valid point. The accuracy of the explanatory memorandum is fundamental to a supporting document to a bill. The addition that should have been omitted appears to be pretty clear, if that makes any sense. I invite the Parliamentary Secretary to table the amended explanatory memorandum.

The Parliamentary Secretary representing the Minister for Transport, by leave, tabled an amended Explanatory Memorandum relating to the Bill. (Tabled Paper 971).

Debate resumed.

11. Distinguished Visitors

The President made the following Statement —

Today we have had the great pleasure in this Parliament of hosting the thirtieth delegation from the United States of America for the Australian Political Exchange Council. It is my great pleasure to welcome that delegation into the President's gallery. Welcome to the Legislative Council and the Parliament of Western Australia and welcome to Western Australia. I will record your names so that they are there forever in our Hansard, Hon Donovan Dela Cruz from Hawaii, Hon Aaron Michlewitz from Massachusetts, Ms Lucy Okumu from California, Hon Megan Hess from Iowa, Mr Joshua Blades from Alabama, Ms Irene Quarshie from Minnesota, Hon Matthew Dollar from Georgia, and accompanying them is Ms Suzy Domitrovic who is the executive officer from the Australian Political Exchange Council. Welcome to the Legislative Council, everybody.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to the cash value of services provided in Perth metropolitan schools, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 972).

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to the location and enrolment numbers from the August 2013 Census for each Intensive Language Centre, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 973).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to culling operations for 2009–2010, 2010–2011 and 2011–2012, in response to question on notice No. 340 asked by Hon Rick Mazza. (Tabled Paper 974).

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, a document in relation to voluntary severance figures for public sector employees since 8 August 2013, in response to question without notice No. 689 asked by Hon Sue Ellery. (Tabled Paper 975).

The Minister for Agriculture and Food on behalf of the Attorney General representing the Minister for Police tabled a document in relation to the Nyoongar tent embassy set up on Heirisson Island in 2012, in response to question on notice No. 355 asked by Hon Robin Chapple. (Tabled Paper 976).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled a document in relation to fugitive dust emissions at the Thunderbox Gold Mine, in response to question on notice No. 359 asked by Hon Robin Chapple. (Tabled Paper 977).

The Parliamentary Secretary representing the Minister for Transport tabled a document in relation to traffic counts conducted by Main Roads outside of the Perth Metropolitan Region, in response to question on notice No. 306 asked by Hon Ken Travers. (Tabled Paper 978).

13. Taxi Drivers Licensing Bill 2013

Debate resumed on the second reading of this Bill (*see item 10 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary representing the Minister for Transport moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

14. Electricity Corporations Amendment Bill 2013

The Acting President reported the receipt of Message No. 40 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Energy moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Energy moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Energy tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 979).

Debate stands adjourned.

15. Barrow Island Amendment Bill 2013

The President reported the receipt of Message No. 41 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a second time.

The Leader of the House representing the Minister for State Development tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 980).

Debate stands adjourned.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 9.49pm until Wednesday, 20 November 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Nigel Hallett and Hon Michael Mischin.

NIGEL LAKE
Acting Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council