

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 19

THURSDAY, 8 AUGUST 2013

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Joint Standing Committee on Audit — Report No. 1 — Resolution of the Committee to commence an Inquiry into the Office of the Auditor General and a Review of the Auditor General Act 2006

Hon Ken Travers presented Report No. 1 of the Joint Standing Committee on Audit giving notice to the Council, pursuant to Standing Order No. 179(2), of a resolution of the Committee to commence an *Inquiry into the Office of the Auditor General* and a *Review of the Auditor General Act 2006*. (Tabled Paper 507).

3. Standing Committee on Public Administration — Report No. 17 — Resolution of the Committee to commence an Inquiry into Pastoral Leases in Western Australia

Hon Liz Behjat presented Report No. 17 of the Standing Committee on Public Administration giving notice to the Council, pursuant to Standing Order No. 179(2), of a resolution of the Committee to commence an *Inquiry into Pastoral Leases in Western Australia*. (Tabled Paper 508).

4. Standing Committee on Uniform Legislation and Statutes Review — Report No. 81 — Statutes (Repeals and Minor Amendments) Bill 2013

Hon Kate Doust presented Report No. 81 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Statutes (Repeals and Minor Amendments) Bill 2013*. (Tabled Paper 509).

5. Shire of Ashburton Cemeteries Local Law 2013 — Disallowance — Withdrawn from Notice Paper

Hon Peter Katsambanis, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 1, *Shire of Ashburton Cemeteries Local Law 2013*, from the Notice Paper.

6. Shire of Ashburton Activities on Thoroughfares And Public Places And Trading Local Law 2013 — Disallowance — Withdrawn from Notice Paper

Hon Peter Katsambanis, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 4, *Shire of Ashburton Activities on Thoroughfares And Public Places And Trading Local Law 2013*, from the Notice Paper.

7. Edith Cowan University Amending Statute No. 1 of 2013 — Disallowance — Withdrawn from Notice Paper

Hon Peter Katsambanis, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 7, *Edith Cowan University Amending Statute No. 1 of 2013*, from the Notice Paper.

8. City of Albany Parking and Parking Facilities Amendment Local Law 2012 — Disallowance — Withdrawn from Notice Paper

Hon Peter Katsambanis, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 9, *City of Albany Parking and Parking Facilities Amendment Local Law 2012*, from the Notice Paper.

9. Shire of Carnamah Public Places and Local Government Property Local Law 2013 — Disallowance — Withdrawn from Notice Paper

Hon Peter Katsambanis, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, withdrew Notice of Motion for Disallowance No. 10, *Shire of Carnamah Public Places and Local Government Property Local Law 2013*, from the Notice Paper.

10. Liberal-National Government — Broken Promises

Non-Government Business No. 1 having been called, Hon Sue Ellery moved, without notice —

That this Council condemns the Liberal-National Government for its ever-growing list of broken promises.

Debate ensued.

Motion lapsed.

11. Western Australian Agriculture — Looming Financial Crisis

Private Members' Business No. 1 having been called, Hon Nigel Hallett moved, without notice —

That this Council consider the looming financial crisis in Western Australian agriculture.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Children's Court (Fees) Amendment Regulations (No. 2) 2012 — Disallowance*, 2, *Civil Judgments Enforcement Amendment Regulations 2012 — Disallowance*, 3, *Coroners Amendment Regulations 2012 — Disallowance*, 4, *District Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 5, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 — Disallowance*, 6, *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, 7, *State Administrative Tribunal Amendment Regulations (No. 3) 2012 — Disallowance*, 8, *Supreme Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance*, and 14, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, be taken after Order of the Day No. 21, *Restraining Orders Amendment Bill 2013*. (Leader of the House).

13. Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1) — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 9, *Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1) — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. City of Belmont Standing Orders Local Law 2012 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 10, *City of Belmont Standing Orders Local Law 2012 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Town of Mosman Park Dogs Local Law 2012 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 11, *Town of Mosman Park Dogs Local Law 2012 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

16. Building Amendment Regulations (No. 2) 2012 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 12, *Building Amendment Regulations (No. 2) 2012 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

17. Shire of Broome Cemeteries Local Law 2012 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 13, *Shire of Broome Cemeteries Local Law 2012 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

18. Young Offenders (Detention Centre) Order 2013 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 15, *Young Offenders (Detention Centre) Order 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

19. Young Offenders (Detention Centre) Order (No. 2) 2013 — Disallowance — Discharge from Notice Paper

Hon Peter Katsambanis moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 16, *Young Offenders (Detention Centre) Order (No. 2) 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

20. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Ken Travers as follows —

To insert after “deliver to Parliament” —

but regrets to inform His Excellency that the Barnett Government has already broken a number of promises made during the March State Election campaign.

to the motion of Hon Liz Behjat as follows —

To His Excellency, Malcolm McCusker, Companion of the Order of Australia, Commander of the Royal Victorian Order, Queen’s Counsel, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please your Excellency —

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to deliver to Parliament.

The Leader of the House sought leave of the House to continue his remarks at a later stage of this day’s sitting.

Leave granted.

On the motion of Hon Phil Edman the debate was adjourned to a later stage of this day’s sitting.

21. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2013–2014 — Tabling of Papers

The following Papers were laid on the Table by —

Minister for Mental Health representing the Treasurer

Budget Papers and Related Papers —

2013–2014 Budget — Compact Disc.....	506A
2013–2014 Budget Speech — Budget Paper No. 1	506B
2013–2014 Budget — Budget Statements — Budget Paper No. 2 (Volume 1).....	506C
2013–2014 Budget — Budget Statements — Budget Paper No. 2 (Volume 2).....	506D
2013–2014 Budget Economic and Fiscal Outlook — Budget Paper No. 3	506E

The Minister for Mental Health representing the Treasurer moved, without notice —

That pursuant to Standing Order 68(1), the Legislative Council take note of Tabled Paper 506A-E (2013–2014 Budget Statements), laid upon the Table of the House on Thursday, 8 August 2013.

On the motion of Hon Samantha Rowe the debate was adjourned to the next sitting.

22. Petroleum and Geothermal Energy Legislation Amendment Bill 2013

The President reported the receipt of Message No. 19 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 510).

Debate stands adjourned.

23. Order of Business

Ordered — That Order of the Day No. 17, *Address-in-Reply*, be taken forthwith. (Leader of the House).

24. Address-In-Reply

Debate resumed on the amendment of Hon Ken Travers to the *Address-in-Reply* (*see item 20 above*).

Amendment — put.

The Council divided.

Ayes (10)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Lynn MacLaren

Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Noes (20)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Brian Ellis
Hon Dave Grills
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Debate resumed.

Question — put and passed.

Ordered — That the Address be presented to His Excellency the Governor by the President and such Members as may desire to accompany him.

25. Hospitals and Health Services Amendment Bill 2013

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 Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

26. Family Court Amendment (Family Violence and Other Measures) Bill 2013

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

Debate resumed.

27. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to incidents recorded by the Public Transport Authority in 2011–2012 on the Perth Urban Rail Network, in response to question on notice No. 114 asked by Hon Ken Travers. (Tabled Paper 511).

28. Family Court Amendment (Family Violence and Other Measures) Bill 2013

Debate resumed on the second reading of this Bill (*see item 26 above*).

Interruption pursuant to order.

29. Members' Statements

Statements were taken.

30. Adjournment

The Council adjourned at 5.27pm until Tuesday, 13 August 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ljiljana Ravlich.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council