

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 18

THURSDAY, 8 AUGUST 2013, 10.00am

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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MOTIONS

1. Mangles Bay Marina Development (*Notice given 14 May 2013*)

Continuation of remarks Hon Kate Doust — 20 mins (Wednesday, 7 August 2013) on the motion of Hon Lynn MacLaren as follows –

That the Council —

- (a) notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8,000 signatures; and
- (b) calls on the Barnett Government to honour the original 1964 agreement under which the land at Point Peron including the site of the proposed development was transferred by the Commonwealth to the State subject to the condition that its future use would be restricted to a reserve for recreation and/or park lands.

Total time remaining on motion – 1hr 22mins.

2. Carbon Tax (*Notice given 14 May 2013*)

Hon Liz Behjat: To move –

That the Council –

- (a) notes that the carbon tax imposed by the Gillard Labor Government has significant adverse implications for Western Australia because as the single biggest cause of electricity price increases it is, and will continue, to –
 - (i) push up the cost of living and the cost of doing business in Western Australia; and
 - (ii) reduce our international competitiveness and cost jobs; and

- (b) calls on the Gillard Government to scrap this job-destroying carbon tax immediately.

3. Legislative Council Prayer (*Notice given 14 May 2013*)

Hon Sally Talbot: To move –

That a revised form of Prayer, as contained in the Schedule to this motion, be adopted by the Council.

Schedule

Almighty God, we ask for your blessing upon this Parliament. Direct and prosper our deliberations to the true welfare of Western Australia and its people. *Amen.*

4. Browse Basin LNG Development — Inquiry (*Notice given 14 May 2013*)

Hon Robin Chapple: To move –

That an inquiry be established into all aspects of the West Australian Government's involvement in regard to all decisions associated with the proposed Browse Liquefied Natural Gas processing precinct at James Price Point.

5. Recreational Hunting Systems (*Notice given 11 June 2013*)

Hon Rick Mazza: To move –

That the Council —

- (a) acknowledges the success in other States of regulated, licensed recreational hunting systems and the valuable environmental contribution made in controlling pest animals on public lands, together with the economic, cultural and recreational benefits to the community; and
- (b) supports a government investigation of implementing and utilising a similar system in Western Australia.

6. Liberal Party — Election Claims (*Notice given 11 June 2013*)

Hon Ken Travers: To move –

That the Legislative Council condemns Premier Barnett and the Liberal Party for misleading the people of Western Australia during the March 2013 State Election, when they claimed they had a “fully funded, fully costed” plan for Western Australia.

7. Goods and Services Tax — Distribution (*Notice given 11 June 2013*)

Hon Peter Katsambanis: To move –

That the Council —

- (a) notes the fundamental inequality in the current method of Goods and Services Tax (GST) distribution between the states, which sees Western Australia receive less than half of what it would receive on a per capita basis;
- (b) supports the introduction of a set per capita basis of distributing GST revenue amongst the states; and
- (c) calls for the balance of GST revenue, beyond the set per capita distribution, to be distributed in an agreed and target-based manner creating a competitive environment which would drive productivity reforms, driving future growth across the Federation.

8. Department for Child Protection and Family Support – Front-line Services (*Notice given 11 June 2013*)

Hon Sally Talbot: To move –

That this House condemns the Barnett Government for failing to quarantine essential front-line services from budget cuts, in particular the Department for Child Protection and Family Support.

9. Fremantle Redevelopment Authority — Establishment (*Notice given 11 June 2013*)

Hon Simon O'Brien: To move –

That this House requests the Government establish a Fremantle Redevelopment Authority to coordinate and manage the planning and development of the greater Fremantle area, including all of North Fremantle.

10. Gender Pay Gap — Pay Equity Inquiry (*Notice given 11 June 2013*)

Hon Alanna Clohesy: To move –

That the Legislative Council notes that Western Australia continues to have the widest gender pay gap in Australia and calls on the Government to conduct a pay equity inquiry as a matter of urgency and use the recommendations of that inquiry to formulate a two-year strategy to close the gender pay gap in Western Australia.

11. Marine Parks in Western Australia (*Notice given 11 June 2013*)

Hon Rick Mazza: To move –

That the Council —

- (a) supports a moratorium on any further marine parks in Western Australia, and an investigation into the access to and management of the current marine parks in Western Australia; and
- (b) supports the trial of seasonal and rotational opening of marine parks in Western Australia to allow licenced recreational fishers to fish in designated areas in marine parks in Western Australia.

12. Psychiatric Hospitals — Patient Protection (*Notice given 11 June 2013*)

Hon Sally Talbot: To move –

That this House notes the findings of the Victorian Mental Illness Awareness Council, that 45 per cent of women who are inpatients in psychiatric hospitals in that state are sexually assaulted while an inpatient, and calls on the Government to take urgent action to —

- (a) establish the extent of similar problems in Western Australian psychiatric hospitals; and
- (b) protect women in Western Australian psychiatric hospitals from sexual assault.

13. Review of the *Firearms Act 1973* (*Notice given 12 June 2013*)

Hon Rick Mazza: To move –

That the Council supports an investigation and review of the *Firearms Act 1973*, with particular reference to interstate visitor temporary permits, pensioner discounts, classification of ammunition components and the length of time it takes to process applications.

14. Fishing Rules in Western Australia — Review (*Notice given 12 June 2013*)

Hon Rick Mazza: To move –

That the Council supports an investigation and review of the fishing rules in Western Australia, with particular reference to bag limits, boat limits and transportation of possession limits.

15. Fox and Wild Dog Bounty (*Notice given 13 June 2013*)

Hon Rick Mazza: To move –

That the Council supports an investigation into the establishment of a fox and wild dog bounty in Western Australia, similar to the Victorian model.

16. Review of the RSPCA (*Notice given 13 June 2013*)

Hon Rick Mazza: To move –

That the Council supports an investigation into the operations of the RSPCA, including an examination of its government funding, objectives and use of its powers.

17. Climate Change (*Notice given 18 June 2013*)

Hon Lynn MacLaren: To move –

That this Council calls on the State Government to —

- (a) note that on May 9, the daily mean concentration of carbon dioxide in the atmosphere surpassed 400 parts per million for the first time since measurements began in 1958;
- (b) note that evidence of warming Western Australian oceans is indicated by the increased numbers of jellyfish, tropical fish and whale sharks observed further south than ever before; and
- (c) explain the changes required to the State Government's climate change strategy to reduce the rate of carbon dioxide emissions and to protect Western Australia's unique biodiversity.

18. Western Australian Schools (*Notice given 19 June 2013*)

Hon Sue Ellery: To move –

That this Council expresses its concern at the lack of transparent planning for the announced changes across Western Australian schools in 2015.

19. DisabilityCare (*Notice given 19 June 2013*)

Hon Alanna Clohesy: To move –

That this Council condemns the Barnett Government for its lack of leadership in the area of Disability Services and calls on the Government to put people before politics and sign up to DisabilityCare.

20. Waterways — Environmental Degradation (*Notice given 19 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to take effective action to protect Western Australia's rivers, estuaries and inlets from environmental degradation.

21. Indigenous Suicide (*Notice given 19 June 2013*)

Hon Stephen Dawson: To move –

That this Council —

- (a) condemns the Barnett Government for its failure to combat the rise in suicide rates amongst Western Australia's indigenous population; and
- (b) calls on the Ministers for Aboriginal Affairs and Mental Health to outline to the House the strategies they will use to tackle the State's suicide rates.

22. Crop Risk Mitigation Product (*Notice given 19 June 2013*)

Hon Darren West: To move –

That this Council calls on the Barnett Government to support the introduction of a Crop Risk Mitigation Product into Western Australia.

23. Homeswest — Maintenance (*Notice given 19 June 2013*)

Hon Samantha Rowe: To move –

That the Council calls on the Government to conduct an independent and transparent enquiry into the Department of Housing with reference to the response time for maintenance and repairs of Homeswest tenants.

24. Fiona Stanley Hospital (*Notice given 19 June 2013*)

Hon Amber-Jade Sanderson: To move –

That the Council condemns the Government for its mismanagement of the establishment of Fiona Stanley Hospital and calls on the Government to release all details of its dealings with Serco on the Fiona Stanley Hospital contract.

25. Indigenous Communities — Safe Drinking Water Supplies (*Notice given 19 June 2013*)

Hon Stephen Dawson: To move –

That this Council condemns the Barnett Government for its failure to provide safe drinking water supplies to all indigenous communities throughout the Mining and Pastoral Region.

26. Domestic Assault — Support Services (*Notice given 19 June 2013*)

Hon Alanna Clohesy: To move –

That this Council notes the significant increase of reported domestic and other assaults in our community and calls on the Barnett Government to immediately commit to boost funding to enable the expansion of support services for women and children seeking to leave abusive or violent relationships.

27. Container Deposit Scheme (*Notice given 19 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to introduce a container deposit scheme in Western Australia.

28. Muresk Facility (*Notice given 19 June 2013*)

Hon Darren West: To move –

That this Council notes the failure of the Barnett Governments' policy in terms of developing the facility at Muresk as a 'Centre of Excellence' in regard to the provision of a tertiary agribusiness degree and the establishment of the Western Australian Mining Academy (WAMA).

29. Children's Hospital — Planning and Analysis (*Notice given 19 June 2013*)

Hon Amber-Jade Sanderson: To move –

That the Council calls on the Government to engage in thorough analysis and planning regarding the potential demands on the New Children's Hospital. Noting that with the significant population growth in Western Australia, it is incumbent on the Government to review current plans and estimates with a view to increasing bed capacity in the new hospital.

30. Public Transport for Perth in 2031 — Draft Plan (*Notice given 19 June 2013*)

Hon Ken Travers: To move –

- (1) That the Council notes that —
 - (a) the Liberal/National Government released in July 2011 a "Draft for Consultation" of their plan "Public Transport for Perth in 2031";
 - (b) the draft plan proposed two transformational projects by 2020 —
 - (i) the fast-tracking of the Northern Suburbs Railway extension to Yanchep; and
 - (ii) construction of a Central Northern Corridor/Curtin/UWA Light Rail;

- (c) the draft plan identified that the following infrastructure was required in the next five to ten years —
 - (i) a new rail station at Karnup (near Paganoni Road);
 - (ii) upgrades to Canning Bridge and Stirling Stations; and
 - (d) the draft plan proposed a number of on-road Bus Rapid Transit projects be built by 2020, commencing with a Bus Rapid Transit system between Ellenbrook and Bassendean and across to Morley.
- (2) That this Council calls on the Government to —
- (a) explain why it has taken two years to release the final version of this plan;
 - (b) outline whether it is still committed to the projects and the timelines outlined in the draft plan; and
 - (c) provide detailed reasons, including passenger modelling, for any changes they have made to priority projects or their timing.

31. Taxi Drivers — Probationary System (*Notice given 19 June 2013*)

Hon Ken Travers: To move —

That the Council calls on the Barnett Liberal Government to explain why it will have taken more than three years to introduce a demerit point and probationary system for taxi drivers.

32. Environment Portfolio (*Notice given 20 June 2013*)

Hon Simon O'Brien: To move —

That this House congratulates the Liberal–National Government on its excellent performance in the environment portfolio.

33. Great Southern Region (*Notice given 20 June 2013*)

Hon Colin Holt: To move —

That this Council commends the Liberal–National Government on recognising the importance of the Great Southern Region of Western Australia and applauds the work done by this Government to support the communities of that region.

34. Education Portfolio (*Notice given 20 June 2013*)

Hon Liz Behjat: To move —

That this Council congratulates the Liberal–National Government on its excellent performance in the education portfolio.

35. Royalties for Regions — Pilbara Cities (*Notice given 20 June 2013*)

Hon Jacqui Boydell: To move —

That this Council congratulates the Liberal–National alliance government on its investment through the Royalties for Regions program into the Pilbara Cities initiative, further developing the interests and opportunities for the people and communities of the Mining and Pastoral Region.

36. Police Portfolio (*Notice given 20 June 2013*)

Hon Phil Edman: To move —

That this Council congratulates the Liberal–National Government on its excellent performance in the police portfolio.

37. Royalties for Regions — Mining and Pastoral Region (*Notice given 20 June 2013*)

Hon Dave Grills: To move –

That this Council congratulates the Liberal–National alliance government on its acknowledgement and support of the Mining and Pastoral Region and recognises the contribution Royalties for Regions has made to creating better and safer communities in regional Western Australia.

38. Agriculture and Food Portfolio (*Notice given 20 June 2013*)

Hon Brian Ellis: To move –

That this Council congratulates the Liberal–National Government on its excellent performance in the agriculture and food portfolio.

39. Mid West Region — Development (*Notice given 20 June 2013*)

Hon Martin Aldridge: To move –

That this Council congratulates the Liberal–National Government on its regional development focus in the Mid West Region.

40. Science Activities (*Notice given 20 June 2013*)

Hon Donna Faragher: To move –

That this Council recognises the significant support and activities undertaken by the Liberal–National Government in the area of science.

41. Social Leisure Infrastructure in Regional WA (*Notice given 20 June 2013*)

Hon Paul Brown: To move –

That this Council congratulates the Liberal–National alliance government on its excellent provision of social leisure infrastructure throughout regional Western Australia, in particular the Agricultural Region, through the Ministry of Sport and Recreation and the Ministry of Regional Development.

42. Transport Portfolio (*Notice given 20 June 2013*)

Hon Jim Chown: To move –

That this Council congratulates the Liberal–led Government on its outstanding ability to provide positive outcomes for the state in the transport portfolio.

43. Health Portfolio (*Notice given 20 June 2013*)

Hon Alyssa Hayden: To move –

That this Council congratulates the Liberal–National Government on its ability to provide ongoing high quality services and care to the Western Australia community in the health portfolio.

44. Regional Development — South West Region (*Notice given 20 June 2013*)

Hon Colin Holt: To move –

That this Council commends the Liberal–National Government on delivering outstanding regional development outcomes in the South West Region of Western Australia.

45. Mental Health Portfolio (*Notice given 20 June 2013*)

Hon Nick Goiran: To move –

That this Council congratulates the Liberal–National Government on its excellent performance in the mental health portfolio.

46. Royalties for Regions — Investment in Regional WA *(Notice given 20 June 2013)*

Hon Jacqui Boydell: To move –

That this Council congratulates the Liberal–National alliance government for its forethought and planning by adopting the Royalties for Regions program, which has allowed regional Western Australia to be prepared for major investment opportunities throughout the Mining and Pastoral Region, further supporting the people who chose to live, work and invest in regional Western Australia.

47. Native Forest — Climate Change *(Notice given 25 June 2013)*

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its continuing failure to protect Western Australia's remaining native forest from the effects of climate change and disease.

48. State Infrastructure Plan *(Notice given 25 June 2013)*

Hon Ken Travers: To move –

That this Council —

- (a) expresses its concern at the failure of the Liberal/National Government to develop a long term State Infrastructure Plan for Western Australia;
- (b) notes that the lack of long term planning can lead to poor investment decisions being made in the expenditure of scarce Government funds; and
- (c) therefore, we call upon the Government to immediately commence the development of a long term State Infrastructure plan and to ensure that its development involves —
 - (i) wide community consultation to identify priority infrastructure projects;
 - (ii) the inclusion of major infrastructure projects is based on a comprehensive assessment of their relative benefit to cost ratios; and
 - (iii) the plan is developed in an open and transparent process.

49. James Price Point — LNG Processing Plant *(Notice given 25 June 2013)*

Hon Stephen Dawson: To move –

That this Council —

- (a) condemns the Premier for his lack of leadership in securing an outcome in benefits for the indigenous communities in relation to the James Price Point LNG processing plant; and
- (b) calls on the Barnett Government to honour the agreement signed with the Goolarabooloo Jabbirr Jabbirr Traditional Owners to deliver the Kimberley Benefits package.

50. Apprentices and Trainees in Training *(Notice given 25 June 2013)*

Hon Alanna Clohesy: To move –

That this Council condemns the Barnett Government for its disregard for the future of young Western Australians and calls on the Government to commit to making substantial increases (beyond pre-Global Financial Crisis levels) in the number of apprentices and trainees in training, especially numbers in trades training.

51. Disability Justice Centres — Kiara and Caversham (*Notice given 25 June 2013*)

Hon Amber-Jade Sanderson: To move –

That this Council —

- (a) notes the significant community response to the proposed Disability Justice Centres in Kiara and Caversham, and the lack of consultation with the affected communities;
- (b) calls on the Minister for Disability Services to immediately stop the current process for placing these centres in those locations; and
- (c) instigate a genuine and thorough community consultation process, with the communities surrounding the proposed centres;
 - (i) the process should include a community reference group, consisting of (but not limited to) representatives of residents, representative of Lockridge SHS and Primary School, Corrective Services, Disability Services Commission, the Minister or her representative; and
 - (ii) any final decision should be made with consideration for the communities' concerns and within the guidelines already set for the locating of these centres.

52. Threatened Species Recovery Plans (*Notice given 25 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to resource threatened species recovery plans.

53. Coastal Communities — Climate Change (*Notice given 26 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to address climate change and sea level rise impacts on our coastal communities.

54. Environmental Offsets Register (*Notice given 26 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to implement an environmental offsets register that takes effect from the Government's endorsement of its Offsets Policy released in September 2011.

55. Proposed New Football Stadium (*Notice given 27 June 2013*)

Hon Ken Travers: To move –

That this Council directs the Leader of the House to table within six sitting days a copy of all minutes, notes or other records of any meetings between the Premier Hon Colin Barnett and members of the Western Australian Football Commission at which a proposed new stadium was discussed.

56. Environmental Agencies — Funding (*Notice given 27 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to fund its environmental agencies to ensure adequate environmental regulation.

57. Pastoral Lands — Sustainability (*Notice given 27 June 2013*)

Hon Sally Talbot: To move –

That this Council condemns the Barnett Government for its failure to assess the viability and ecological sustainability of Western Australia's pastoral lands as a basis for future land use beyond 2015.

MOTIONS FOR DISALLOWANCE

- 1. Shire of Ashburton Cemeteries Local Law 2013** (*Notice given 6 August 2013 moves pro forma on 13 August 2013*)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Ashburton Cemeteries Local Law 2013* published in the *Gazette* on 8 March 2013 and tabled in the Legislative Council on 15 May 2013 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled paper 215).

- 2. Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a duel carriageway in the City of Kwinana** (*Notice given 6 August 2013 moves pro forma on 13 August 2013*)

Hon Lynn MacLaren: To move –

That *Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a duel carriageway in the City of Kwinana*, tabled in the Legislative Council on 15 May 2013 under section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed. (Tabled paper 297).

- 3. Mindarie Regional Council Waste Facility Site Amendment Local Law 2013** (*Notice given 6 August 2013 moves pro forma on 13 August 2013*)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013* published in the *Gazette* on 15 March 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 220).

- 4. Shire of Ashburton Activities on Thoroughfares And Public Places And Trading Local Law 2013** (*Notice given 6 August 2013 moves pro forma on 13 August 2013*)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Ashburton Activities on Thoroughfares And Public Places And Trading 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. (Tabled paper 220).

- 5. Legal Profession Conduct Amendment Rules 2013** (*Notice given 6 August 2013 moves pro forma on 13 August 2013*)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession Conduct Amendment Rules 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper 231).

6. Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013
(Notice given 6 August 2013 moves pro forma on 13 August 2013)

Hon Ljiljanna Ravlich: To move –

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. (Tabled paper 220).

7. Edith Cowan University Amending Statute No. 1 of 2013 (Notice given 6 August 2013 moves pro forma on 13 August 2013)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Edith Cowan University Amending Statute No. 1 of 2013* published in the *Gazette* on 12 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Edith Cowan University Act 1984*, be and is hereby disallowed. (Tabled paper 213).

8. Supreme Court Amendment Rules 2013 (Notice given 6 August 2013 moves pro forma on 13 August 2013)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court Amendment Rules 2013* published in the *Gazette* on 23 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 233).

9. City of Albany Parking and Parking Facilities Amendment Local Law 2012 (Notice given 6 August 2013 moves pro forma on 13 August 2013)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Albany Parking and Parking Facilities Amendment Local Law 2012* published in the *Gazette* on 26 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 218).

10. Shire of Carnamah Public Places and Local Government Property Local Law 2013
(Notice given 6 August 2013 moves pro forma on 13 August 2013)

Hon Ljiljanna Ravlich: To move –

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Carnamah Public Places and Local Government Property Local Law 2013* published in the *Gazette* on 6 May 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 219).

11. Firearms Amendment Regulations 2013 (Notice given 7 August 2013 moves pro forma on 14 August 2013)

Hon Rick Mazza: To move –

That the *Firearms Amendment Regulations 2013* published in the *Gazette* on 28 June 2013 and tabled in the Legislative Council on 7 August 2013 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper 446).

BILLS FOR INTRODUCTION

1. Free Range Eggs Labelling Bill 2013 (*Notice given 16 May 2013*)

Hon Lynn MacLaren: To move –

That a Bill for “An Act to secure the confidence of consumers and protect the market of free range egg producers by establishing regulations for the labelling and sale of free range eggs in Western Australia.” be introduced and read a first time.

ORDERS OF THE DAY

1. Children’s Court (Fees) Amendment Regulations (No. 2) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Children’s Court (Fees) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Children’s Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled paper 96).

2. Civil Judgments Enforcement Amendment Regulations 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Civil Judgments Enforcement Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Civil Judgments Enforcement Act 2004*, be and are hereby disallowed. (Tabled paper 97).

3. Coroners Amendment Regulations 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Coroners Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled paper 102).

4. District Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 106).

5. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled paper 108).

6. Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled paper 119).

7. State Administrative Tribunal Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 123).

8. Supreme Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 125).

9. Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1) – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Competition and Consumer (Tobacco) Amendment Information Standard 2012 (No. 1)* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Fair Trading Act 2010*, be and is hereby disallowed. (Tabled paper 132).

10. City of Belmont Standing Orders Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljana Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Belmont Standing Orders Local Law 2012* published in the *Gazette* on 21 December 2012 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 57).

11. Town of Mosman Park Dogs Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Mosman Park Dogs Local Law 2012* published in the *Gazette* on 23 January 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 60).

12. Building Amendment Regulations (No. 2) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Building Amendment Regulations (No. 2) 2012* published in the *Gazette* on 18 December 2012 and tabled in the Legislative Council on 14 May 2013 under the *Building Act 2011*, be and are hereby disallowed. (Tabled paper 91).

13. Shire of Broome Cemeteries Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Broome Cemeteries Local Law 2012* published in the *Gazette* on 19 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled paper 54).

14. City of Fremantle Plastic Bag Reduction Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Plastic Bag Reduction Local Law 2012* published in the *Gazette* on 22 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 59).

15. Young Offenders (Detention Centre) Order 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Young Offenders (Detention Centre) Order 2013* published in the *Gazette* on 22 January 2013 and tabled in the Legislative Council on 14 May 2013 under the *Young Offenders Act 1994*, be and is hereby disallowed. (Tabled paper 89).

16. Young Offenders (Detention Centre) Order (No. 2) 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 17 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Young Offenders (Detention Centre) Order (No. 2) 2013* published in the *Gazette* on 1 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Young Offenders Act 1994*, be and is hereby disallowed. (Tabled paper 89).

17. Address-in-Reply

Continuation of remarks Leader of the House (Wednesday, 7 August 2013) 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.

18. Electoral Amendment Bill 2013 [LC] Leader of the House

Second reading (Thursday, 11 April 2013).

19. Hospitals and Health Services Amendment Bill 2013 [LA 3–1] Parliamentary Secretary representing the Minister for Health

Second reading adjourned (Thursday, 23 May 2013).

20. *Family Court Amendment (Family Violence and Other Measures) Bill 2013 [LC 14–1] Attorney General

Second reading adjourned (Wednesday, 12 June 2013). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 77 (Tabled 6 November 2012).*

21. Restraining Orders Amendment Bill 2013 [LC 12–1] Attorney General

Second reading adjourned (Wednesday, 19 June 2013).

22. City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013 [LA 11–1] Minister for Mental Health representing the Minister for Local Government

Second reading adjourned (Tuesday, 25 June 2013).

23. Criminal Code Amendment Bill (No. 2) 2013 [LC 16–1] Attorney General

Second reading adjourned (Wednesday, 26 June 2013).

24. *Fair Trading Amendment Bill 2013 [LC 4–1] Minister for Commerce

Second reading adjourned (Wednesday, 15 May 2013). *See Standing Committee on Uniform Legislation and Statutes Review Report No. 80 (Tabled 6 August 2013).*

25. Criminal Investigation (Identifying People) Amendment Bill 2013 [LA 17–1] Attorney General representing the Minister for Police

Second reading adjourned (Wednesday, 7 August 2013).

26. Climate Change Readiness (Coastal Planning and Protection) Bill 2013 [LC 20–1B] Hon Lynn MacLaren

Second reading adjourned (Thursday, 20 June 2013).

27. Royal Perth Hospital Protection Bill 2013 [LA 9–1] Hon Sue Ellery

Second reading adjourned (Thursday, 27 June 2013).

28. Protection of the Identity of Journalists' Informants (Notice given 12 June 2013)

Leader of the House: To move –

That new Standing Order 201, as outlined in the Schedule to this motion, be adopted by the Council and that the Standing Orders be renumbered accordingly.

Schedule

201. Protection of the Identity of Journalists' Informants

- (1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the *Parliamentary Privileges Act 1891*.
- (2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —
 - (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and
 - (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
- (3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —
 - (a) the probative value of the identifying evidence in the proceeding;
 - (b) the importance of the identifying evidence in the proceeding;
 - (c) the nature and gravity of the subject matter of the proceeding;
 - (d) the availability of any other evidence concerning the matters to which the identifying evidence relates;
 - (e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;
 - (f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;
 - (g) the likely effect of the identifying evidence in relation to —
 - (i) a prosecution that has commenced but has not been finalised; or
 - (ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;
 - (h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;
 - (i) the risk to national security or to the security of the State;
 - (j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

CONSIDERATION OF COMMITTEE REPORTS

1. Joint Standing Committee on the Corruption and Crime Commission – Report No. 2 – How the Corruption and Crime Commission handles allegations and notifications of police misconduct (Tabled 20 June 2013)

Resumption of debate adjourned Hon Kate Doust (Wednesday, 7 August 2013) on motion of Hon Nick Goiran that the report be noted.

Total time remaining on motion – 50 mins.

See Tabled paper No. 354.

2. Joint Standing Committee on the Corruption and Crime Commission – Report No. 3 – Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC (Tabled 27 June 2013)

Resumption of debate adjourned Hon Kate Doust (Wednesday, 7 August 2013) on motion of Hon Nick Goiran that the report be noted.

Total time remaining on motion – 52 mins.

See Tabled paper No. 384.

BILLS REFERRED TO COMMITTEES

1. Statutes (Repeals and Minor Amendments) Bill 2013 [LC 8–1] Attorney General

Discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review (Tuesday, 21 May 2013).

Second reading adjourned (Tuesday, 21 May 2013).

* For amendments see Supplementary Notice Paper and/or Committee Report

Note: Legislative Assembly Standing Order 277(1) applies.

For a list of all Petitions tabled see cumulative Tabled Paper list.

MALCOLM PEACOCK
Clerk of the Legislative Council