

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 28

THURSDAY, 19 SEPTEMBER 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. President's Ruling — Revenue Laws Amendment Bill 2013 — Standing Order 19

The President ruled as follows —

Further to the ruling I provided in relation to a motion moved about the *Revenue Laws Amendment Bill 2013* I refer Members to Standing Order 19, which reads —

Any motion connected with the conduct of the business of the Council may be moved by a Minister or Parliamentary Secretary at any time without notice.

In that sense, Standing Order 19 supersedes anything that was contained in the ruling last night.

3. Petition

Hon Alanna Clohesy presented a petition from 324 petitioners requesting the Legislative Council to support the creation of a railway museum on the grounds of the Midland railway workshop site. (Tabled Paper 651).

4. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Legislative Council (2012–2013) (Date received 19/09/2013) 647

Leader of the House

Annual Reports —

Sport and Recreation, Department of (2012–2013) (Date received 18/09/2013)..... 648

Minister for Mental Health

Annual Reports —

Culture and the Arts, Department of (2012–2013) (Date received 18/09/2013)..... 649

Reports —

Bank of Western Australia Act 1995 — Annual Certificate of Compliance 650

5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 5 — The timeliness of misconduct investigations undertaken or overseen by the CCC: Supplementary report

Hon Nick Goiran presented Report No. 5 of the Joint Standing Committee on the Corruption and Crime Commission, *The timeliness of misconduct investigations undertaken or overseen by the CCC: Supplementary report*. (Tabled Paper 652).

6. Joint Standing Committee on Delegated Legislation — Report No. 63 — Information Report in relation to: Children's Court (Fees) Amendment Regulations (No. 2) 2012, Civil Judgments Enforcement Amendment Regulations 2012, Coroners Amendment Regulations 2012, District Court (Fees) Amendment Regulations (No. 3) 2012, Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012, Magistrates Court (Fees) Amendment Regulations (No. 3) 2012, State Administrative Tribunal Amendment Regulations (No. 3) 2012 and Supreme Court (Fees) Amendment Regulations (No. 3) 2012

Hon Ljiljanna Ravlich presented Report No. 63 of the Joint Standing Committee on Delegated Legislation, *Information Report in relation to: Children's Court (Fees) Amendment Regulations (No. 2) 2012, Civil Judgments Enforcement Amendment Regulations 2012, Coroners Amendment Regulations 2012, District Court (Fees) Amendment Regulations (No. 3) 2012, Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012, Magistrates Court (Fees) Amendment Regulations (No. 3) 2012, State Administrative Tribunal Amendment Regulations (No. 3) 2012 and Supreme Court (Fees) Amendment Regulations (No. 3) 2012*. (Tabled Paper 653).

7. Joint Standing Committee on Delegated Legislation — Report No. 64 — Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013

Hon Ljiljanna Ravlich presented Report No. 64 of the Joint Standing Committee on Delegated Legislation, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013*. (Tabled Paper 654).

8. Western Australia's Finances

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

That this Council condemns the Barnett Government for —

- (a) misleading the Western Australian people before the 2013 State election about the true nature of Western Australia's finances; and
- (b) its financial mismanagement which has now resulted in broken promises and cuts to essential services.

Debate ensued.

Motion lapsed.

9. Elder Abuse

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

That the Council —

- (a) acknowledge the growing problem of elder abuse in Western Australia;
- (b) commend the work of non-government and government programs to prevent elder abuse; and
- (c) calls on the whole community to work together to eliminate elder abuse in all its forms.

Debate ensued.

Motion lapsed.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *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 – Disallowance*, 10, *City of Fremantle Plastic Bag Reduction Local Law 2012 – Disallowance*, 12, *Legal Profession Conduct Amendment Rules 2013 – Disallowance*, 13, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 – Disallowance*, 14, *Supreme Court Amendment Rules 2013 – Disallowance*, 15, *Firearms Amendment Regulations 2013 – Disallowance*, and 17, *Fire Brigades Amendment Regulations 2013 – Disallowance*, be taken after Order of the Day No. 26, *Climate Change Readiness (Coastal Planning and Protection) Bill 2013*. (Leader of the House).

11. Children's Court (Fees) Amendment Regulations (No. 2) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2012*, be discharged from the Notice Paper.

Question — put and passed.

12. Civil Judgments Enforcement Amendment Regulations 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Civil Judgments Enforcement Amendment Regulations 2012*, be discharged from the Notice Paper.

Question — put and passed.

13. Coroners Amendment Regulations 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *Coroners Amendment Regulations 2012*, be discharged from the Notice Paper.

Question — put and passed.

14. District Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *District Court (Fees) Amendment Regulations (No. 3) 2012*, be discharged from the Notice Paper.

Question — put and passed.

15. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012*, be discharged from the Notice Paper.

Question — put and passed.

16. Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012*, be discharged from the Notice Paper.

Question — put and passed.

17. State Administrative Tribunal Amendment Regulations (No. 3) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 8, *State Administrative Tribunal Amendment Regulations (No. 3) 2012*, be discharged from the Notice Paper.

Question — put and passed.

18. Supreme Court (Fees) Amendment Regulations (No. 3) 2012 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 9, *Supreme Court (Fees) Amendment Regulations (No. 3) 2012*, be discharged from the Notice Paper.

Question — put and passed.

19. Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 11, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013*, be discharged from the Notice Paper.

Question — put and passed.

20. Town of Claremont Parking Local Law 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 16, *Town of Claremont Parking Local Law 2013*, be discharged from the Notice Paper.

Question — put and passed.

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

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Treasurer as follows —

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.

Debate resumed.

Hon Simon O'Brien sought leave of the House to extend his speaking time.

Leave granted.

Debate resumed.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

22. Revenue Laws Amendment Bill 2013

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

23. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Treasurer tabled, and by leave incorporated into Hansard, documents in relation to the proposed airport railway, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 655).

The Minister for Mental Health representing the Treasurer tabled, and by leave incorporated into Hansard, documents in relation to the proposed MAX light rail, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 656).

24. Revenue Laws Amendment Bill 2013

Debate resumed on the second reading of this Bill (*see item 22 above*).

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 43 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

25. Members' Statements

Statements were taken.

26. Special Adjournment

The Leader of the House moved, without notice —

That the Council at its rising adjourn until Tuesday, 15 October 2013.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

27. Dog Amendment Bill 2013

The President reported the receipt of Message No. 24 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Local Government moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Minister for Local Government moved, That the Bill be read a second time.

The Minister for Mental Health representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 657).

Debate stands adjourned.

28. Workers' Compensation and Injury Management Amendment Bill 2013

The President reported the receipt of Message No. 25 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Emergency Services moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Emergency Services moved, That the Bill be read a second time.

The Attorney General representing the Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 658).

Debate stands adjourned.

29. Coal Industry Superannuation Amendment Bill 2013

The President reported the receipt of Message No. 26 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 659).

Debate stands adjourned.

30. Adjournment

The Council adjourned at 6.12pm until Tuesday, 15 October 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paul Brown, Hon Sue Ellery, Hon Brian Ellis and Hon Robyn McSweeney (leave of absence).

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council