

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 24

WEDNESDAY, 11 SEPTEMBER 2013

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

### 2. Petitions

Hon Darren West presented a petition from 235 petitioners requesting the Legislative Council to oppose specific dog breed restrictions and bans under the *Dog Act 1976* (WA). (Tabled Paper 611).

Hon Darren West presented a petition from 449 petitioners requesting the Legislative Council to oppose increases to firearms licence fees. (Tabled Paper 612).

### 3. Papers

The following Papers were laid on the Table by —

#### Leader of the House

##### *By-laws* —

Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws (No. 2) 2013 G.G. 30/08/2013 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws (No. 2) 2013 G.G. 30/08/2013)..... 550

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#### **4. Carbon Tax**

Motion No. 1 having been called, Hon Liz Behjat continued her introductory remarks in moving the motion as follows —

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.

Hon Liz Behjat moved, without notice —

To delete “calls on the Gillard Government to scrap this job-destroying carbon tax immediately.” and insert —

calls on all elected Members of the Federal Parliament to recognise the mandate given to the Abbott Government by the people of Australia by supporting the legislation to scrap this tax as one of its first legislative measures.

Debate ensued.

##### *Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

*Interruption pursuant to order.*

#### **5. Questions Without Notice**

Questions without notice were taken.

The Minister for Child Protection, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 138 asked by Hon Adele Farina will be provided on 12 September 2013.

The Minister for Mental Health tabled documents in relation to drug trials on mental health patients, in response to question on notice No. 177 asked by Hon Sally Talbot. (Tabled Paper 613).

## 6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Stephen Dawson in the Chair)

#### **Standing Committee on Procedure and Privileges — Report No. 27 — Section 23 of the Parliamentary Commissioner Act 1971 (WA)**

Hon Kate Doust moved, That the Report be noted.

Question — put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — The timeliness of misconduct investigations undertaken or overseen by the CCC: An interim report**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

#### **Standing Committee on Estimates and Financial Operations — Report No. 42 — 2013–2014 Estimates Hearings — Sitting Schedule**

Hon Ken Travers moved, That the Report be noted.

Question — put and passed.

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Procedure and Privileges — Report No. 27 — Section 23 of the Parliamentary Commissioner Act 1971 (WA) and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — The timeliness of misconduct investigations undertaken or overseen by the CCC: An interim report and had noted same.
- (3) Standing Committee on Estimates and Financial Operations — Report No. 42 — 2013–2014 Estimates Hearings — Sitting Schedule and had noted same.

Report adopted.

## 7. 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 dual carriageway in the City of Kwinana* — Disallowance, 2, *Children's Court (Fees) Amendment Regulations (No. 2) 2012* — Disallowance, 3, *Civil Judgments Enforcement Amendment Regulations 2012* — Disallowance, 4, *Coroners Amendment Regulations 2012* — Disallowance, 5, *District Court (Fees) Amendment Regulations (No. 3) 2012* — Disallowance, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012* — Disallowance, 7, *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012* — Disallowance, 8, *State Administrative Tribunal Amendment Regulations (No. 3) 2012* — Disallowance, 9, *Supreme Court (Fees) Amendment Regulations (No. 3) 2012* — Disallowance, 10, *City of Fremantle Plastic Bag Reduction Local Law 2012* — Disallowance, 11, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013* — 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, and 15, *Firearms Amendment Regulations 2013* — Disallowance, be taken after Order of the Day No. 26, *Protection of the Identity of Journalists' Informants*. (Minister for Mental Health).

### **8. 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 Nick Goiran sought leave of the House to extend his speaking time.

Leave granted.

Debate resumed.

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

### **9. Revenue Laws Amendment Bill 2013**

The Deputy President reported the receipt of Message No. 20 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Leader of the House representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 614).

Debate stands adjourned.

### **10. Order of Business**

Ordered — That Bills for Introduction No. 2, *Courts and Tribunals (Electronic Processes Facilitation) Bill 2013*, be taken forthwith. (Leader of the House).

### **11. Courts and Tribunals (Electronic Processes Facilitation) Bill 2013**

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act —

- to provide for the use of electronic technology in relation to court proceedings and certain other proceedings, and the record of court proceedings and certain other proceedings; and
- to make consequential and certain other amendments to various Acts; and
- to amend the *Fines, Penalties and Infringement Notices Enforcement Act 1994* so that the Fines Enforcement Registry is responsible for the management of the process for the enforcement of the payment of certain fines and other amounts as soon as the fines are imposed or the amounts are payable,

and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 615).

Debate stands adjourned.

### **12. Order of Business**

Ordered — That Order of the Day No. 18, *Criminal Code Amendment Bill (No. 2) 2013*, be taken forthwith. (Leader of the House).

**13. Criminal Code Amendment Bill (No. 2) 2013**

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

*Interruption pursuant to order.*

**14. Members' Statements**

Statements were taken.

**15. Adjournment**

The Council adjourned at 9.50pm until Thursday, 12 September 2013 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Robyn McSweeney and Hon Simon O'Brien.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council