

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 11

TUESDAY, 18 JUNE 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. Ministerial Statement — Local Content Report — May 2013

The Leader of the House on behalf of the Minister for Commerce made a Ministerial Statement with respect to the Local Content Report — May 2013.

The Leader of the House on behalf of the Minister for Commerce, tabled the *Local Content Report — May 2013* by the Department of Commerce. (Tabled Paper 329).

3. Ministerial Statement — Peel Region Scheme Amendment No. 031/41 — North Dandalup Townsite Expansion

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to Peel Region Scheme Amendment No. 031/41 — North Dandalup Townsite Expansion.

The Minister for Mental Health representing the Minister for Planning, tabled plans relating to Peel Region Scheme Amendment No. 031/41 — North Dandalup Townsite Expansion. (Tabled Paper 330).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions and hearings relating to Peel Region Scheme Amendment No. 031/41 — North Dandalup Townsite Expansion. (Tabled Paper 331).

4. 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 2013 G.G. 14/06/2013 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2013 G.G. 14/06/2013) 312

Regulations —

Betting Control Act 1954 (Betting Control Amendment Regulations 2013 G.G. 14/06/2013) 313

Electricity Industry Act 2004 (Electricity Industry (Independent Market Operator) Amendment Regulations 2013 G.G. 14/06/2013) 314

Gas Services Information Act 2012 (Gas Services Information Amendment Regulations 2013 G.G. 14/06/2013) 315

Gas Supply (Gas Quality Specifications) Act 2009 (Gas Supply (Gas Quality Specifications) Amendment Regulations 2013 G.G. 14/06/2013) 316

Rules —

Racing and Wagering Western Australia Act 2003 (Rules of Wagering Amendment Rules 2013 G.G. 14/06/2013)	317
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Leader of the House on behalf of the Attorney General*Annual Reports —*

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Regulations —

Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 2) 2013 G.G. 14/06/2013).....	322
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Reviews —

Statutory Review of Community Protection (Offender Reporting) Act 2004 — Final Report September 2012.....	328
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Minister for Mental Health*Local Laws —*

Local Government Act 1995 (City of Bayswater Standing Orders Local Law 2013 G.G. 13/06/2013 and Shire of Manjimup Standing Orders Local Law 2013 G.G. 14/06/2013)	318
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Orders —

Planning and Development Act 2005 — Order and reasons in accordance with section 76(5) of the Planning and Development Act 2005 relating to Subiaco Pavilion Markets Site.....	319
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Regulations —

Disability Services Act 1993 (Disability Services Amendment Regulations 2013 G.G. 11/06/2013).....	320
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Minister for Agriculture and Food*Orders —*

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (South-West Coast Beach Net) Amendment Order 2013 [1131] G.G. 11/06/2013).....	323
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Parliamentary Secretary representing the Minister for Transport*Regulations —*

Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations (No. 2) 2013 G.G. 14/06/2013)	324
Rail Safety Act 2010 (Rail Safety Amendment Regulations 2013 G.G. 14/06/2013)	325
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2013 G.G. 14/06/2013).....	326
Shipping and Pilotage Act 1967 (Navigable Waters Amendment Regulations (No. 2) 2013 G.G. 14/06/2013).....	327

5. Climate Change Readiness (Coastal Planning and Protection) Bill 2013

Hon Lynn MacLaren: To move on the next day of sitting —

That a Bill for “An Act about planning and development in the coastal zone, the management of the coastal zone, and for related purposes.” be introduced and read a first time.

6. Climate Change

Hon Lynn MacLaren: To move on the next day of sitting —

That this Council calls on the State Government to —

- (a) note that on 9 May 2013, 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.

7. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Kellerberrin Dogs Local Law (2012) — Disallowance*, be taken after Order of the Day No. 6, *Queen Elizabeth II Medical Centre Amendment Bill 2013*. (Leader of the House).

8. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

9. Supply Bill 2013

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

Hon Sue Ellery sought leave of the House for Hon Ken Travers to continue his remarks at the next sitting.

Leave granted.

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, an answer in relation to the capital works budget for the public health system, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 332).

The Leader of the House representing the Premier, by leave, incorporated into Hansard, a response to a question without notice asked by Hon Sue Ellery.

The Leader of the House representing the Premier, by leave, incorporated into Hansard, a response to a question without notice asked by Hon Darren West.

The Minister for Child Protection tabled documents in relation to applicants to the Hardship Utility Grant Scheme in December 2012, in response to question on notice No. 39 asked by Hon Sally Talbot. (Tabled Paper 333).

The Minister for Child Protection tabled documents in relation to applicants to the Hardship Utility Grant Scheme in November 2010, 2011 and 2012, in response to question on notice No. 60 asked by Hon Sally Talbot. (Tabled Paper 334).

Point of Order

Hon Sally Talbot raised the following Point of Order —

I seek your guidance, Mr President. The Minister has just offered an explanation for her failure to provide me with an answer today. It is not clear to me where I go now in an attempt to get that answer, because I did not hear the Minister undertake to give it to me by a certain date. If I may, with your indulgence, ask for a further point of clarification on that: last Thursday, in relation to question without notice 169, the Minister was not able to provide an answer to (3) of that question, and she undertook to have the answer by 18 June, which is today. I understand what Ministers are doing, while I am deeply disapproving as a Member of the opposition, when they say they cannot answer questions and invite us to put them on notice. But I am not clear where these kind of limbo answers go, and what recourse is available to us as the opposition to actually get answers to those questions should they not appear from Ministers.

[The Minister for Mental Health —

I will give it to the Member as soon as I can get State Solicitor's Office advice.]

President's Ruling

The President ruled as follows —

Minister, can I clarify? There is a slight problem with your first commitment in that if you just provide the answer to the Member who asked the question, it becomes a piece of private correspondence between two Members. The initial question was asked on the record and I presume that the Member wanted the answer on the record as well. I think it would be a far better practice if the Minister committed to providing that answer during question time tomorrow.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled documents in relation to tenements held for the purpose of uranium exploration or mining in the Kimberley district, in response to question on notice No. 8 asked by Hon Robin Chapple. (Tabled Paper 335).

11. Supply Bill 2013

Debate resumed on the second reading of this Bill (*see item 9 above*).

On the motion of Leader of the House the debate was adjourned to a later stage of this day's sitting.

12. Duties Legislation Amendment Bill 2013

The Deputy President reported the receipt of Message No. 13 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 336).

Debate stands adjourned.

13. Natural Gas (Canning Basin Joint Venture) Agreement 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.

The Council divided.

Ayes (25)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Alanna Clohesy
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran

Hon Dave Grills
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Samantha Rowe
 Hon Sally Talbot
 Hon Phil Edman (*Teller*)

Noes (2)

Hon Robin Chapple

Hon Lynn MacLaren (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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.

14. Queen Elizabeth II Medical Centre Amendment Bill 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.

15. Members' Statements

Statements were taken.

Hon Robyn McSweeney, by leave, tabled a cartoon by Dean Alston from *The West Australian* newspaper depicting the Australian Prime Minister. (Tabled Paper 337).

16. Rates and Charges (Rebates and Deferments) Amendment Bill 2013

The President reported the receipt of Message No. 14 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 338).

Debate stands adjourned.

17. Adjournment

The Council adjourned at 9.58pm until Wednesday, 19 June 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Michael Mischin and Hon Ken Travers.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council