

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 103

TUESDAY, 25 NOVEMBER 2014

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. Petitions

Hon Kate Doust presented a petition from 1,005 petitioners requesting the Legislative Council to support improvements in working conditions for truck drivers, and that WorkSafe WA be made the department responsible for investigating truck driver incidents and fatalities. (Tabled Paper 2303).

Hon Ken Travers presented a petition from 6 petitioners requesting the Legislative Council to oppose the development application for a bus tunnel entrance in front of Raine Square, and review the need for a tunnel entrance off Wellington Street. (Tabled Paper 2304).

Hon Alanna Clohesy presented a petition from 627 petitioners requesting the Legislative Council to investigate the impact of funding cuts to the 'Safe at Home' program on women and families in domestic violence situations in Western Australia. (Tabled Paper 2305).

Hon Darren West presented a petition from 198 petitioners requesting the Legislative Council to investigate the justification for the closure of Tier Three rail lines, and reinstate all recently withdrawn country transport services. (Tabled Paper 2306).

3. Ministerial Statement — Western Australia National Disability Insurance Scheme — My Way Trial

The Minister for Disability Services made a Ministerial Statement with respect to the first quarterly report of the Western Australia National Disability Insurance Scheme My Way trial.

4. Ministerial Statement — World Fisheries Day

The Minister for Fisheries made a Ministerial Statement with respect to World Fisheries Day.

5. Papers

The following Papers were laid on the Table by —

Leader of the House

Codes —

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments 2014
G.G. 21/11/2014)..... 2287

Rules —

Liquor Control Act 1988 (Liquor Commission Amendment Rules 2014 G.G. 18/11/2014)..... 2288

Minister for Mental Health*Annual Reports —*

Council of Official Visitors (2013–2014) (Date received 25/11/2014)	2289
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Attorney General*Addendums —*

Attorney General, Department of the — Annual Report (2013–2014)	2290
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Regulations —

Construction Industry Portable Paid Long Service Leave Act 1985 (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2014 G.G. 21/11/2014)	2291
Employment Agents Act 1976 (Employment Agents Amendment Regulations (No. 2) 2014 G.G. 18/11/2014)	2292
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations (No. 2) 2014 G.G. 18/11/2014)	2293
Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Infringements) Amendment Regulations 2014 G.G. 18/11/2014)	2294
Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations (No. 4) 2014 G.G. 18/11/2014)	2295
Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations (No. 2) 2014 G.G. 18/11/2014)	2296
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2014 G.G. 18/11/2014)	2297
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations (No. 2) 2014 G.G. 18/11/2014)	2298

Response to Reports —

Joint Standing Committee on the Corruption and Crime Commission — Corruption and Crime Commission Voluntary Interviews with W.A. Police Officers (Report No. 16) (Attorney General)	2299
Joint Standing Committee on Delegated Legislation — Identifying a Systemic Issue Arising out of Nine Court and Tribunal Instruments (Report No. 75) (Attorney General)	2300

Minister for Agriculture and Food*Annual Reports —*

Landcare Trust (2012–2013) (Date received 21/11/2014)	2301
Landcare Trust (2013–2014) (Date received 21/11/2014)	2302

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance*, 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 5, *Shire of Dardanup Dogs Local Law 2014 — Disallowance*, and 6, *Shire of Dardanup Keeping and Control of Cats Local Law 2014 — Disallowance*, be taken after Order of the Day No. 21, *Taxation Legislation Amendment Bill 2014*. (Leader of the House).

7. Custodial Legislation (Officers Discipline) Amendment Bill 2013

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 7.

Debate resumed.

Hon Kate Doust moved —

Page 12, line 14 — To delete “section.” and insert —

subdivision.

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 12, after line 25 — To insert —

- (d) fourth, it must consider the validity and cogency of the facts on which the chief executive officer has determined that the officer has engaged in corrupt conduct and is no longer a fit and proper person to hold a position as a prison officer.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 12, lines 26 to 30 — To delete the lines.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 13, after line 13 — To insert —

- (c) the validity and cogency of the facts on which the chief executive officer has determined that the officer has engaged in corrupt conduct (or any other conduct constituting an indictable offence), and is no longer a fit and proper person to hold a position as a prison officer.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 14, lines 5 to 13 — To delete the lines.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 15, after line 30 — To insert —

- (c) the WAIRC must allow the appellant to amend any reasons why the dismissal was harsh, oppressive or unfair.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 19, line 12 — To delete “(not exceeding 12 months)”.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 21, lines 13 and 14 — To delete the lines.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 22, lines 3 to 6 — To delete the lines and insert —

of which the prison officer has been convicted.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 22, after line 30 — To insert —

(2A) A prison officer aggrieved by the period of being stood down may appeal the chief executive officer's decision under section 103(5).

Amendment — put and negatived.

Question, That the clause stand as printed — put.

The Committee divided.

Ayes (21)

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 Donna Faragher
Hon Nick Goiran
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*)

Noes (12)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Question thus passed.

Clauses 8 to 15 agreed to.

Clause 16.

Debate ensued.

Question — put.

The Committee divided.

Ayes (21)

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 Donna Faragher
 Hon Nick Goiran
 Hon Nigel Hallett

Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
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 Hon Kate Doust
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 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Amber-Jade Sanderson
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clauses 17 to 22 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

Debate ensued.

The Acting President announced that the 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.

The Council divided.

Ayes (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 Donna Faragher
 Hon Nick Goiran

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 Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (11)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

8. Petroleum Titles (Browse Basin) Bill 2014

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

Debate resumed.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled maps of the Scott Reef boundaries. (Tabled Paper 2307).

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question — put and passed.

Bill read a third time and passed.

9. Criminal Investigation Amendment Bill 2014

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to the Student Centred Funding Model stakeholder group information, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2308).

The Leader of the House representing the Minister for Energy tabled documents in relation to all active power stations in Western Australia, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2309).

The Minister for Child Protection, by leave incorporated into Hansard, information in relation to participation in the Parent Support Program provided by the Department for Child Protection and Family Support, in response to a question without notice asked by Hon Stephen Dawson.

The Minister for Aboriginal Affairs tabled, and by leave incorporated into Hansard, documents in relation to Aboriginal communities, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 2310).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to disability related courses delivered through TAFE, in response to question on notice No. 1716 asked by Hon Stephen Dawson. (Tabled Paper 2311).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to child, youth and family intervention courses delivered through TAFE, in response to question on notice No. 1717 asked by Hon Stephen Dawson. (Tabled Paper 2312).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to mental health related courses delivered through TAFE, in response to question on notice No. 1718 asked by Hon Stephen Dawson. (Tabled Paper 2313).

The Minister for Mental Health representing the Minister for Environment tabled the 2013 Progress Report in relation to the conservation and management of the Bilby in the Pilbara, in response to question on notice No. 2017 asked by Hon Lynn MacLaren. (Tabled Paper 2314).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to admissions to each hospital in the South West region in 2011, 2012, 2013 and 2014 to date, in response to question on notice No. 1867 asked by Hon Adele Farina. (Tabled Paper 2315).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to elective surgery waiting times for each hospital in the South West region, in response to question on notice No. 1884 asked by Hon Adele Farina. (Tabled Paper 2316).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to dates and locations of doors on open wards being locked due to the overflow of involuntary mental health patients from secure wards, in response to question on notice No. 1749 asked by Hon Stephen Dawson. (Tabled Paper 2317).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Royalties for Regions funding for agriculture, food and environment related projects in the South West region in 2013–2014, in response to question on notice No. 1953 asked by Hon Adele Farina. (Tabled Paper 2318).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Royalties for Regions funding for economic development related projects in the South West region, in response to question on notice No. 1955 asked by Hon Adele Farina. (Tabled Paper 2319).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to funding for Aboriginal community development related projects in the South West region in 2011–2012, 2012–2013 and 2013–2014, in response to question on notice No. 2104 asked by Hon Adele Farina. (Tabled Paper 2320).

11. Criminal Investigation Amendment Bill 2014

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

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General representing the Minister for Police moved, That the Bill be read a third time.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

12. Statutes (Repeals) 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.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1 agreed to.

Clauses 2 to 14 agreed to.

Schedule 1.

Hon Kate Doust moved —

Page 7, line 21 — To delete the line.

Debate ensued.

Amendment — put and negatived.

Question, That the Schedule stand as printed — put and passed.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President announced 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.

13. Mines Safety and Inspection Amendment Bill 2014

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 (19)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boyde
Hon Paul Brown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
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*)

Noes (10)

Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Darren West
Hon Samantha Rowe (*Teller*)

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question — put and passed.

Bill read a third time and passed.

14. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

15. Adjournment

The Council adjourned at 8.56pm until Wednesday, 26 November 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Dave Grills and Hon Sally Talbot.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council