

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 36

THURSDAY, 31 OCTOBER 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. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

29 October 2013 — Message No. 24

Dog Amendment Bill 2013

Act No.

18 of 2013

3. Statement by President — Open House Perth 2013 — Parliament House

The President made the following Statement —

I advise that Parliament House will be open this Sunday, 3 November, as part of the public and civic buildings festival Open House Perth 2013. Parliamentary staff from across the departments will be conducting tours of the building throughout the day, and we expect in excess of 1,200 visitors to our Parliament. Tours commence from 9.30am and run every few minutes until the end of the day at 3.00pm.

4. Ministerial Statement — Independent Public Schools

The Minister for Education made a Ministerial Statement with respect to the Independent Public Schools Development Program.

5. Papers

The following Papers were laid on the Table by —

Minister for Mental Health

Annual Reports —

Waste Authority (2012–2013) (Date received 30/10/2013) 925

Orders —

Planning and Development Act 2005 — Order and reasons in accordance with section
76(5) of the Planning and Development Act 2005 relating to Pleasant Grove
Circle, Falcon 926

Minister for Agriculture and Food on behalf of the Attorney General

Annual Reports —

CBD Courts Project Contract (2012–2013) (Date received 30/10/2013) 927

Parliamentary Secretary representing the Minister for Transport

Reports —

Albany Port Authority — Statement of Corporate Intent (2013–2014).....	928
Broome Port Authority — Statement of Corporate Intent (2013–2014).....	929
Bunbury Port Authority — Statement of Corporate Intent (2013–2014).....	930
Esperance Port Authority — Statement of Corporate Intent (2013–2014)	931
Fremantle Port Authority — Statement of corporate Intent (2013–2014)	932
Geraldton Port Authority — Statement of Corporate Intent (2013–2014).....	933
Port Hedland Port Authority — Statement of Corporate Intent (2013–2014)	934

6. Joint Standing Committee on Delegated Legislation — Report No. 68 — Explanatory Report in relation to the Firearms Amendment Regulations 2013

Hon Robin Chapple presented Report No. 68 of the Joint Standing Committee on Delegated Legislation, *Explanatory Report in relation to the Firearms Amendment Regulations 2013*. (Tabled Paper 935).

7. Joint Standing Committee on Delegated Legislation — Report No. 69 — Seeking Clarification of the Application of Standing Orders to the Joint Standing Committee on Delegated Legislation

Hon Robin Chapple presented Report No. 69 of the Joint Standing Committee on Delegated Legislation, *Seeking Clarification of the Application of Standing Orders to the Joint Standing Committee on Delegated Legislation*. (Tabled Paper 936).

Hon Robin Chapple moved, without notice —

That the report be adopted and agreed to.

On the motion of Hon Phil Edman the debate was adjourned to the next sitting.

8. Asbestos Diseases Compensation Bill 2013

Non-Government Business No. 1 having been called, Hon Kate Doust, pursuant to notice, moved —

That a Bill for “An Act to provide for a second award of damages in the case of an injured person suffering more than one asbestos disease and to provide compensation for the loss or impairment of the injured person’s capacity to perform domestic services for another person.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Kate Doust moved, That the Bill be read a second time.

Hon Kate Doust tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 937).

Debate stands adjourned.

9. Gender Diversity — Public and Private Sector Boards

Non-Government Business No. 2 having been called, Hon Alanna Clohesy moved, without notice —

That this Council recognises the social and economic benefits that are gained by encouraging greater gender diversity on public and private sector boards and in senior decision-making positions and calls on the Barnett Government to be more pro-active in this area.

Debate ensued.

Interruption pursuant to order.

10. Western Australia's Declining Share of GST

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

That the Council —

- (1) Recognises that Western Australia's declining share of the Goods and Services Tax (GST) revenue is seriously impacting on our State's financial position.
- (2) Calls on the Federal Government, through the Council of Australian Governments, to urgently re-examine the process by which GST is distributed to —
 - (a) provide a set percentage figure of at least 80 per cent of GST revenue on a per capita basis to each state;
 - (b) provide the balance of GST revenue to the states based on a new agreed formula that promotes and rewards further economic reforms implemented by each state; and
 - (c) provide any interim top-up equalisation funding to smaller states from general Commonwealth revenue, as has previously been submitted by the State Governments of New South Wales, Queensland, Victoria and Western Australia.

Debate ensued.

Motion lapsed.

11. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

12. Consumer Protection Legislation Amendment Bill 2013

The Leader of the House on behalf of the Minister for Commerce, pursuant to notice, moved —

That a Bill for "An Act to amend —

- the *Commercial Tenancy (Retail Shops) Agreements Act 1985*; and
- the *Employment Agents Act 1976*; and
- the *Fair Trading Act 2010*; and
- the *Land Valuers Licensing Act 1978*; and
- the *Limited Partnerships Act 1909*; and
- the *Motor Vehicle Dealers Act 1973*; and
- the *Motor Vehicle Repairers Act 2003*; and
- the *Petroleum Products Pricing Act 1983*; and
- the *Real Estate and Business Agents Act 1978*; and
- the *Residential Parks (Long-stay Tenants) Act 2006*; and
- the *Residential Tenancies Act 1987*; and
- the *Retail Trading Hours Act 1987*; and
- the *Settlement Agents Act 1981*; and
- the *Travel Agents Act 1985*."

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Commerce moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 938).

Debate stands adjourned.

13. Minerals Research Institute of Western Australia Bill 2013

The Deputy President reported the receipt of Message No. 38 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 939).

Debate stands adjourned.

14. Criminal Investigation (Identifying People) Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 39

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Criminal Investigation (Identifying People) Bill 2013*.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 31 October 2013

15. Order of Business

Ordered — That Orders of the Day Nos 1, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 2, *Firearms Amendment Regulations 2013 — Disallowance*, and 3, *Jetties Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 6, *Western Australian Photo Card Bill 2013*. (Leader of the House).

16. Taxi Drivers Licensing Bill 2013

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

Debate resumed.

17. Questions Without Notice

Questions without notice were taken.

The Minister for Aboriginal Affairs tabled a document in relation to the management of feral horses at Lake Gregory, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 940).

The Minister for Aboriginal Affairs tabled, and by leave incorporated into Hansard, a document in relation to the Department of Aboriginal Affairs Community Development Strategic Framework 2012-2014, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 941).

The Minister for Mental Health representing the Minister for Environment tabled, and by leave incorporated into Hansard, a document in relation to particle concentrations and maximum ozone concentrations exceeding the ambient air quality national environment protection measure standard, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 942).

The Minister for Agriculture and Food representing the Minister for Fisheries tabled a document in relation to fishing in Roebuck Bay near Broome, in response to question on notice No. 330 asked by Hon Robin Chapple. (Tabled Paper 943).

The Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 306, 318, 319, 320, 321, 322 and 323 asked by Hon Ken Travers will be provided on 19 November 2013.

18. Taxi Drivers Licensing Bill 2013

Debate resumed on the second reading of this Bill (*see item 16 above*).

Interruption pursuant to order.

19. Members' Statements

Statements were taken.

20. Adjournment

The Council adjourned at 5.55pm until Tuesday, 19 November 2013 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Mark Lewis, Hon Michael Mischin and Hon Darren West.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council