

# LEGISLATIVE COUNCIL

---

---

## MINUTES OF PROCEEDINGS

No. 23

TUESDAY, 10 SEPTEMBER 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. Statement by President — Address-In-Reply — Presentation to His Excellency the Governor

The President made the following Statement —

I desire to announce that, accompanied by several members, Hon Helen Morton, Hon Kate Doust, Hon Liz Behjat, Hon Martin Aldridge, Hon Lynn MacLaren and Hon Rick Mazza, I waited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's speech, and that His Excellency has been pleased to make the following reply —

Dear Mr President

I thank you and Members of the Legislative Council for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-Reply to my speech to Parliament on the occasion of the Opening of the first session of the Thirty-Ninth Parliament.

Yours sincerely

Malcolm McCusker

Governor

### 3. Messages from His Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills —

<b>19 August 2013 — Message No. 11</b>	<b>Act No.</b>
Queen Elizabeth II Medical Centre Amendment Bill 2013	No. 6 of 2013
Insurance Commission of Western Australia Amendment Bill 2013	No. 7 of 2013
Hospitals and Health Services Amendment Bill 2013	No. 8 of 2013
<b>22 August 2013 — Message No. 12</b>	<b>Act No.</b>
City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013	No. 9 of 2013

### 4. Petitions

Hon Adele Farina presented a petition from 1,394 petitioners requesting the Legislative Council to recommend to the Minister for Local Government, pursuant to the *Local Government Act 1995*, that the Bunbury City Council and members of its executive be suspended pending an inquiry into the City of Bunbury and its operations and affairs. (Tabled Paper 540).

Hon Darren West presented a petition from one petitioner requesting the Legislative Council to investigate the quarantine seed inspection fee for non-commercial seed purchased outside of Western Australia. (Tabled Paper 541).

## 5. Non-Government Business and Private Members' Business — Schedule

The President tabled an updated schedule for Non-Government Business and Private Members' Business for 2013. (Tabled Paper 530).

The Leader of the House moved, without notice —

That, pursuant to Standing Orders 110(4) and 111(4), the schedules for Non-Government Business and Private Members' Business tabled by the President be adopted.

Question — put and passed.

## 6. Papers

The following Papers were laid on the Table by —

### President

#### *Reports* —

Public Sector Commission — Report on an examination into the relationship between the office of the former Minister for Training and the Department of Training and Workforce Development ..... 531

### Leader of the House

#### *Regulations* —

Mutual Recognition (Amendment of Act – Container Deposit Scheme) Regulation 2013 ..... 532

Trans-Tasman Mutual Recognition Legislation Amendment (Tobacco Plain Packaging) Regulation 2013 ..... 533

#### *Reports* —

Interstate and Overseas Travel Undertaken by Members of Parliament Funded by the Imprest System (for the three months ended 31 December 2013) ..... 534

The Western Australian College of Teaching — Final Report (1 April 2012 – 6 December 2012) ..... 535

### Minister for Mental Health

#### *Annual Reports* —

Anzac Day Trust (2012) (Date received 20/08/2013) ..... 536

#### *Plans* —

Western Australian Planning Commission – Improvement Plan No. 36, Stirling City Centre (August 2011) (Amended 25 June 2013) ..... 537

#### *Reports* —

Economic Regulation Authority — Final Report — Inquiry into Western Australia's Home Indemnity Insurance Arrangements (28 June 2013) ..... 538

### Attorney General

#### *Annual Reports* —

Witness Protection (Western Australia) Act 1996 (2012/2013) (Date received 20/08/2013) ..... 539

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

The Attorney General: To move on the next day of sitting —

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.

## 8. 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*, 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*. (Leader of the House).

## 9. 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.

## 10. Distinguished Visitors — Saskatchewan Parliamentary Delegation

The President made the following Statement —

We have some important guests to welcome to Parliament today. It gives me great pleasure to welcome in the President’s gallery a delegation from the Saskatchewan Legislative Assembly in Canada. The delegation’s two-week visit is being hosted by the Parliament of Western Australia. In addition to learning about our parliamentary and political system, the delegation members have had the unique opportunity to visit Western Australian Members of Parliament in their electorates to see how they and their electorate offices work in our State. Several Members from the Chamber have participated and the experience has been invaluable for all the members involved.

The eight members of the delegation are Hon Dan D’Autremont MLA, the Speaker of the Saskatchewan Legislative Assembly, Mr Glen Hart MLA, the Deputy Speaker, Ms Jennifer Campeau MLA, Mr John Nilson MLA, Mr Rob Norris MLA, Mr Gregory Putz, the Clerk of the Saskatchewan Legislative Assembly, Mr Darcy Hislop, the Chief Technology Officer and Ms Lynn Jacobson, Executive Director of Member and Corporate Services. This visit is the

first of what I hope to be many exchanges between our two Parliaments, and between western Canada and Western Australia more generally. On behalf of all Members of the Western Australian Parliament, I welcome the delegation to Western Australia and to the Western Australian Parliament. We hope in the next couple of days the Saskatchewan flag is flying alongside the Western Australian flag on the flagpole at the front of Parliament House. Welcome to the Saskatchewan delegation.

## 11. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Energy tabled documents in relation to Synergy's customer information and relationship management billing system, in response to a question without notice asked by Hon Liz Behjat. (Tabled Paper 542).

### *Point of Order*

Hon Robin Chapple raised the following Point of Order —

It is my understanding that we do not refer to answers to questions in another place for information that should be provided in this Chamber.

### *President's Ruling*

The President ruled as follows —

That is correct, it should be accompanied, at least, by an explanation. If an answer in another place is referred to as supplementary information, I think that is fine. But if it is put forward as the answer to the question, that is unacceptable.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the Derby Tidal Power Project, in response to question on notice No. 193 asked by Hon Robin Chapple. (Tabled Paper 543).

The Minister for Mental Health representing the Minister for Heritage tabled documents in relation to the heritage of timber towns, in response to question on notice No. 203 asked by Hon Lynn MacLaren. (Tabled Paper 544).

The Minister for Commerce tabled documents in relation to WorkSafe prohibition notices for 2009–2010, 2010–2011, 2011–2012 and 2012–2013, in response to question on notice No. 206 asked by Hon Kate Doust. (Tabled Paper 545).

The Minister for Commerce tabled documents in relation to WorkSafe improvement notices for 2009–2010, 2010–2011, 2011–2012 and 2012–2013, in response to question on notice No. 207 asked by Hon Kate Doust. (Tabled Paper 546).

The Minister for Commerce tabled documents in relation to the funding and committees of the Commission for Occupational Safety and Health during 2012–2013, in response to question on notice No. 209 asked by Hon Kate Doust. (Tabled Paper 547).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, documents in relation to the Department of Agriculture and Food's new fees and charges, in response to question without notice No. 376 asked by Hon Darren West. (Tabled Paper 548).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to drug trials at Fremantle Hospital, in response to question on notice No. 176 asked by Hon Sally Talbot. (Tabled Paper 549).

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

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 9 above*).

Hon Dave Grills sought leave of the House to extend his speaking time.

Leave granted.

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

**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 10.07pm until Wednesday, 11 September 2013 at 2.00pm.

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

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

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

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