

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 64

TUESDAY, 8 APRIL 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. Distinguished Visitors

The President drew attention to the presence in the gallery of Hon David Ridgway and Hon Terry Stephens from the Legislative Council of South Australia, and, on behalf of Honourable Members, extended a warm welcome to them.

3. Ministerial Statement — Fremantle Schools — Community Consultation Process

The Minister for Education made a Ministerial Statement with respect to public secondary schooling in the Fremantle area.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Regulations -

Liquor Control Act 1988 (Liquor Control (Jigalong Restricted Area) Amendment Regulations 2014
G.G. 4/04/2014) 1365

Parliamentary Secretary representing the Minister for Transport

Regulations -

Road Traffic Act 1974 (Road Traffic Code Amendment Regulations 2014 G.G. 4/04/2014) 1366

5. Electoral Amendment Bill 2014

The Minister for Electoral Affairs: To move on the next day of sitting —

That a Bill for “An Act to amend the *Electoral Act 1907* and the *Freedom of Information Act 1992*.” be introduced and read a first time.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 – Disallowance*, 2, *Children’s Court (Fees) Amendment Regulations 2013 – Disallowance*, 3, *Civil Judgments Enforcement Amendment Regulations 2013 – Disallowance*, 4, *Coroners Amendment Regulations 2013 – Disallowance*, 5, *District Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 – Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 8, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 – Disallowance*, 9, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, and 10, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 – Disallowance* be taken after Order of the Day No. 18, *Ports Legislation Amendment Bill 2013*. (Leader of the House).

7. Workforce Reform 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 Liz Behjat in the Chair)

Clause 14.

Debate resumed on the amendment of Hon Kate Doust as follows —

Page 10, line 23 — To delete “whether made before,”.

Amendment — put.

The Committee divided.

Ayes (10)

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

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Peter Collier
Hon Brian Ellis
Hon Donna Faragher
Hon Dave Grills
Hon Nigel Hallett

Hon Alyssa Hayden
Hon Col Holt
Hon Mark Lewis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O’Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

The Minister for Commerce moved —

Page 10, after line 25 — To insert —

- (2A) The provisions of this Part prevail, to the extent of any inconsistency, over any other provision of this Act other than section 7, 8 or 9.

Debate ensued.

Amendment — put and passed.

The Minister for Commerce moved —

Page 10, lines 29 and 30 — To delete the lines.

Amendment — put and passed.

Debate resumed.

Question, That the clause, as amended, be agreed to — put.

The Committee divided.

Ayes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Dave Grills
 Hon Nigel Hallett

Hon Alyssa Hayden
 Hon Col Holt
 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 Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Clause 15.

Debate ensued.

Hon Sally Talbot moved —

Page 13, after line 18 — To insert —

96B. Review of Part

- (1) The Public Sector Commissioner is to carry out a review of the operation and effectiveness of this Part of the Act as soon as is practicable on or before —
 - (a) the fourth anniversary of the commencement of this section; and
 - (b) the expiry of each 4 year interval after that anniversary.
- (2) In the course of a review under subsection (1) the Public Sector Commission is to consider and have regard to —
 - (a) whether there is a need for this Part to continue; and
 - (b) how the processes contained within this Part have operated in practice, including numbers and categories of registered public sector employees whose employment has been terminated pursuant to section 95A; and

- (c) whether individual employing authorities should have a separate role in exercising the powers and applying the processes of this Part, or, in the alternative, the Public Sector Commission should centrally exercise the powers and apply the processes of this Part to the exclusion of individual employing authorities; and
 - (d) whether the impact of any exercise of the powers provided in this Part have generated measurable managerial, economic or cultural change within the Public Sector; and
 - (e) any other matters that appear to the Public Sector Commission to be relevant to the operation and effectiveness of this Part.
- (3) The Public Sector Commissioner may advise the Minister of the findings of any review under subsection (1) not more than 28 days prior to tabling a report under subsection (4).
 - (4) The Public Sector Commissioner shall cause a report of the findings of any review under subsection (1) to be tabled in both Houses of Parliament.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (10)

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

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Dave Grills

Hon Nigel Hallett
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Amendment thus negated.

The Minister for Commerce moved —

Page 13, after line 18 — To insert —

96B. Review of this Part

- (1) The Minister must cause a review of the operation and effectiveness of this Part to be carried out as soon as is practicable after the 4th anniversary of the day on which the *Workforce Reform Act 2013* section 15 comes into operation.

- (2) The Minister must –
- (a) prepare a report based on the review; and
 - (b) cause a copy of the report to be laid before each House of Parliament.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18.

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave incorporated into Hansard, information in relation to how many and which primary schools have enrolments of more than 450 students, as at the first semester census in 2014, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education, by leave incorporated into Hansard, information in relation to full-time enrolments at Western Australian public schools by year level as at the first semester census for 2014, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to details of the current number of average full time equivalent staff levels for various categories in various operational areas, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1367).

The Leader of the House representing Minister for Training and Workforce Development tabled documents in relation to names and locations of courses at State Training Providers that have been reduced in 2014, in response to question on notice No. 841 asked by Hon Ljiljana Ravlich. (Tabled Paper 1368).

The Leader of the House representing Minister for Training and Workforce Development tabled documents in relation to staffing levels for each State Training Provider for the second pay period, term one of 2014, in response to question on notice No. 842 asked by Hon Ljiljana Ravlich. (Tabled Paper 1369).

The Minister for Agriculture and Food representing Minister for Housing tabled documents in relation to State Government Housing managed by Perth Management Services – location and length of time managed by Perth Management Services, in response to question on notice No. 797 asked by Hon Amber-Jade Sanderson. (Tabled Paper 1370).

The Minister for Agriculture and Food representing Minister for Housing tabled documents in relation to the condition and location of water tanks under the responsibility of the Department of Housing, in response to question on notice No. 855 asked by Hon Robin Chapple. (Tabled Paper 1371).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to a Public Transport Authority Investigation Report into the train and bus collision at the Maddington level crossing, in response to question on notice No. 767 asked by Hon Ken Travers. (Tabled Paper 1372).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the location of traffic counters across the Perth metropolitan area, in response to question on notice No. 772 asked by Hon Ken Travers. (Tabled Paper 1373).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the summary of seal widths on South Coast Highway from Albany to Esperance, in response to question on notice No. 773 asked by Hon Ken Travers. (Tabled Paper 1374).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the location, age and replacement date of escalators across the Perth Urban Rail Network, in response to question on notice No. 800 asked by Hon Ken Travers. (Tabled Paper 1375).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to incidents involving escalators across the Perth Urban Rail Network in 2012, in response to question on notice No. 801 asked by Hon Ken Travers. (Tabled Paper 1376).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to incidents involving escalators across the Perth Urban Rail Network in 2013, in response to question on notice No. 802 asked by Hon Ken Travers. (Tabled Paper 1377).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to out of order escalators at train stations in 2012, in response to question on notice No. 803 asked by Hon Ken Travers. (Tabled Paper 1378).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to out of order escalators at train stations in 2013, in response to question on notice No. 804 asked by Hon Ken Travers. (Tabled Paper 1379).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to out of order elevators at train stations in 2013, in response to question on notice No. 805 asked by Hon Ken Travers. (Tabled Paper 1380).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to out of order elevators at train stations in 2012, in response to question on notice No. 806 asked by Hon Ken Travers. (Tabled Paper 1381).

9. Workforce Reform Bill 2013

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 18.

Debate resumed.

Question, That the clause stand as printed — put.

The Committee divided.

Ayes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills

Hon Nigel Hallett
 Hon Alyssa Hayden
 Hon Col Holt
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Phil Edman (*Teller*)

Noes (10)

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

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 19.

The Minister for Commerce moved —

Page 15, after line 9 — To insert —

Government Financial Projections Statement means whichever is the most recent of the following —

- (a) the most recent Government Financial Projections Statement that is —
 - (i) released under the *Government Financial Responsibility Act 2000* section 12(1); and
 - (ii) made publicly available in the budget papers tabled in the Legislative Assembly under the title “Economic and Fiscal Outlook” or, if the regulations prescribe another part of the budget papers, that other part;
- (b) the most recent Government Mid-year Financial Projections Statement that is —
 - (i) released under the *Government Financial Responsibility Act 2000* section 13(1); and
 - (ii) made publicly available under section 9 of that Act;

Debate ensued.

Amendment — put and passed.

The Minister for Commerce moved —

Page 15, line 30 — To insert after “section 11(1)” —

and made publicly available under section 9 of that Act

Amendment — put and passed.

The Minister for Commerce moved —

Page 16, lines 1 to 4 — To delete the lines and insert —

- (ii) the Government Financial Projections Statement;

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

Ordered — That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

The Acting President left the Chair at 5.42pm

The Acting President resumed the Chair at 7.30pm

10. Taxi Drivers Licensing Bill 2013

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

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 33.

Debate resumed.

Clause agreed to.

Clause 34 agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Clauses 36 to 40 agreed to.

Clause 41.

Hon Ken Travers moved —

Page 36, line 7 — To delete “, or engaged for the purposes of,”.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (9)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Lynn MacLaren
Hon Rick Mazza

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Sue Ellery (*Teller*)

Noes (17)

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 Nick Goiran

Hon Dave Grills
Hon Alyssa Hayden
Hon Col Holt
Hon Mark Lewis
Hon Robyn McSweeney
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Debate resumed.

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

Clause 42.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 38, after line 29 — To insert —

- (7) Where under this section a person is directed to give any information, answer any question or produce any document or record —
- (a) that person cannot refuse to comply with that direction on the ground that the information, answer, document or record may tend to incriminate the person or render the person liable to any penalty; but
 - (b) the information or answer given, or document or record produced, by the person is not admissible in evidence in any criminal proceedings against the person other than proceedings for perjury.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 43 to 63 agreed to.

Clause 64.

Debate ensued.

Clause agreed to.

Clauses 65 to 90 agreed to.

Postponed Clause 5.

Debate resumed.

Clause agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

Ordered — That consideration of the Committee's Report be made an Order of the Day for the next sitting.

11. Mining Legislation Amendment 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.

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.

12. Ports Legislation 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.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 9.56pm until Wednesday, 9 April 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina and Hon Amber-Jade Sanderson.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council