

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 2

TUESDAY, 14 MAY 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. Message from His Excellency the Governor — Senate Vacancy

The President read the following message —

The Governor transmits to the Legislative Council a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

3. Joint Sitting to fill Senate Vacancy

The Leader of the House moved, without notice —

That with reference to the message reported to the Council by the President from His Excellency the Governor, the Honourable Mr President be requested to confer with the Honourable Mr Speaker in order to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

Question — put and passed.

4. Messages from the Lieutenant Governor and Deputy of the Governor — Assent to Bills

The President reported the receipt of Messages from the Lieutenant Governor and Deputy of the Governor assenting to the following Bills —

3 December 2012 — Message No. 25	Act No.
Community Protection (Offender Reporting) Amendment Bill (No. 2) 2012	54 of 2012
Criminal Investigation (Covert Powers) Bill 2012	55 of 2012
6 December 2012 — Message No. 26	Act No.
Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012	56 of 2012
Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2012	57 of 2012

5. Message from His Excellency the Governor — Assent to Bills

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

11 December 2012 — Message No. 27	Act No.
Dangerous Sexual Offenders Amendment Bill 2012	58 of 2012
Road Traffic (Miscellaneous Amendments) Bill 2012	59 of 2012
Loan Bill 2012	60 of 2012

6. **Parliamentary Services Committee**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 1

The Legislative Assembly acquaints the Legislative Council that for the present Session, the Legislative Assembly's Parliamentary Services Committee consists of the Speaker and the members for Cockburn, Girrawheen, Perth, South Perth and Willagee.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 9 May 2013

7. **Joint Standing Committee on the Corruption and Crime Commission**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 2

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 288 to 292, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council;

and requests the Legislative Council to agree to a similar resolution.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 9 May 2013

Ordered — That consideration of Legislative Assembly Message No. 2 be made an Order of the Day for the next sitting.

8. **Joint Standing Committee on the Commissioner for Children and Young People**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 3

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament —

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council;
- (b) the Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council;
- (c) it is the function of the Joint Standing Committee to —
 - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (ii) to examine Annual and other Reports of the Commissioner; and
 - (iii) to consult regularly with the Commissioner;
- (d) a report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by members of the Joint Standing Committee nominated by it for that purpose; and
- (e) the Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied;

and requests the Legislative Council to agree to a similar resolution.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 9 May 2013

Ordered — That consideration of Legislative Assembly Message No. 3 be made an Order of the Day for the next sitting.

9. Petitions

Hon Alyssa Hayden presented a petition from 6 petitioners requesting the Legislative Council to conduct a full inquiry into, and oppose, the Free Range Eggs Labelling Bill 2012. (Tabled Paper 203).

Hon Alyssa Hayden presented a petition from 2 petitioners requesting the Legislative Council to oppose the sale of the Volunteer Fire Station in Parker Street, Bassendean. (Tabled Paper 204).

Hon Sally Talbot presented a petition from 3 petitioners requesting the Legislative Council to initiate an inquiry into the cost effectiveness and sustainability of the proposed Roe Highway Stage 8. (Tabled Paper 205).

10. Ministerial Statement — Disability Access and Inclusion Plans Progress Report 2011–2012

The Minister for Disability Services made a Ministerial Statement with respect to the 2011–2012 Disability Access and Inclusion Plans Progress Report prepared by the Disability Services Commission.

The Minister for Disability Services tabled the Disability Access and Inclusion Plans (DAIPs) Progress Report 2011–2012. (Tabled Paper 77).

11. Papers

The following Papers were laid on the Table by —

President

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12. Fair Trading Amendment Bill 2013

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

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced and read a first time.

13. Mineral Resource Rent Tax

Hon Nick Goiran: To move on the next day of sitting —

That the Council —

- (a) congratulates the Barnett Government for its strong and determined representations against the Mineral Resource Rent Tax imposed by the Gillard Labor Government on iron ore and coal producers in Western Australia and other States; and
- (b) calls on the Gillard Labor Government to immediately scrap this complex and inefficient tax.

14. Foetal Alcohol Spectrum Disorder

Hon Sally Talbot: To move on the next day of sitting —

That the Council condemns the Government for its failure to provide adequate resources for child protection workers and carers to deal with the prevalence of Foetal Alcohol Spectrum Disorder amongst children in the care of the Director General of the Department for Child Protection and for withdrawing legal support for children who are abused or injured while in care.

15. Mangles Bay Marina Development

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

That the Council —

- (a) notes the mass opposition to the proposed Mangles Bay marina tourism precinct development as evidenced by the petition bearing more than 8,000 signatures; and
- (b) calls on the Barnett Government to honour the original 1964 agreement under which the land at Point Peron including the site of the proposed development was transferred by the Commonwealth to the State subject to the condition that its future use would be restricted to a reserve for recreation and/or park lands.

16. Carbon Tax

Hon Liz Behjat: To move on the next day of sitting —

That the Council —

- (a) notes that the carbon tax imposed by the Gillard Labor Government has significant adverse implications for Western Australia because as the single biggest cause of electricity price increases it is, and will continue, to —
 - (i) push up the cost of living and the cost of doing business in Western Australia; and
 - (ii) reduce our international competitiveness and cost jobs; and
- (b) calls on the Gillard Government to scrap this job-destroying carbon tax immediately.

17. Legislative Council Prayer

Hon Sally Talbot: To move on the next day of sitting —

That a revised form of Prayer, as contained in the Schedule to this motion, be adopted by the Council.

Schedule

Almighty God, we ask for your blessing upon this Parliament. Direct and prosper our deliberations to the true welfare of Western Australia and its people. *Amen.*

18. Browse Basin LNG Development — Inquiry

Hon Robin Chapple: To move on the next day of sitting —

That an inquiry be established into all aspects of the Western Australian Government's involvement in regard to all decisions associated with the proposed Browse Liquefied Natural Gas processing precinct at James Price Point.

19. Address-In-Reply

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

Debate resumed.

20. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Sue Ellery raised the following Point of Order —

Mr President, will you give consideration to perhaps making a ruling on what you have just advised the House. It seems to me that that part of the question that said—I am paraphrasing—what is the difference between Hon Jim Chown's role as the member for Agricultural Region and his role as the parliamentary secretary, indeed, go to his role as parliamentary secretary. I wonder if in fact that can be ruled out of order.

President's Ruling

The President ruled as follows —

I will take that point of order and make a statement at some later stage.

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, a corrected answer to question without notice No. 328 asked by Hon Giz Watson on 17 May 2011. (Tabled Paper 206).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, a correction to the answer to question on notice No. 3977 asked by Hon Giz Watson. (Tabled Paper 207).

21. Statement by President - Joint Sitting to fill Senate Vacancy

The President made the following Statement —

With reference to the motion passed by this House today on the fixing of the day and place for the joint sitting of the Legislative Council and Legislative Assembly to fill a Senate vacancy, I advise that I have received agreement from the Speaker of the Legislative Assembly that both Houses will meet in the Legislative Council chamber at 11.00am on Wednesday, 15 May 2013.

22. Address-In-Reply

Debate resumed on the Address-in-Reply (*see item 19 above*).

Hon Simon O'Brien sought leave to continue his remarks a later stage of this day's sitting.

Leave granted.

Debate resumed.

Interruption pursuant to order.

23. Members' Statements

Statements were taken.

24. Adjournment

The Council adjourned at 10.00pm until Wednesday, 15 May 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Helen Bullock, Hon Jon Ford and Hon Max Trenorden.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council