

LEGISLATIVE COUNCIL
WEDNESDAY, 14 AUGUST 2013

2.00pm

Prayers

2.00PM - ORDER OF BUSINESS

Condolence Motions

Petitions

Statements by Ministers and Parliamentary Secretaries

(Minister for Disability Services)

Papers for Tabling

(Leader of the House)

(Attorney General)

(Hon Simon O'Brien)

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Motions on Notice

4.30pm Questions without Notice

5.00pm Committee Reports

7.30pm Orders of the Day

9.45pm Members' Statements

10.25pm House adjourns

MOTIONS ON NOTICE

1. Mangles Bay Marina Development (*Notice given 14 May 2013*)

Continuation of remarks Hon Kate Doust — 20 mins (Wednesday, 7 August 2013) on the motion of Hon Lynn MacLaren as follows –

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.

Total time remaining on motion – 1hr 22mins.

2. Carbon Tax (*Notice given 14 May 2013*)

Hon Liz Behjat: To move –

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.

3. Legislative Council Prayer (*Notice given 14 May 2013*)

Hon Sally Talbot: To move –

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.*

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CONSIDERATION OF COMMITTEE REPORTS

1. [Joint Standing Committee on the Corruption and Crime Commission – Report No. 2 – How the Corruption and Crime Commission handles allegations and notifications of police misconduct](#) (Tabled 20 June 2013)

Resumption of debate adjourned Hon Kate Doust (Wednesday, 7 August 2013) on motion of Hon Nick Goiran that the report be noted.

Total time remaining on motion – 50 mins.

See Tabled paper No. 354.

2. [Joint Standing Committee on the Corruption and Crime Commission – Report No. 3 – Acting Parliamentary Inspector’s report on a complaint by the Commissioner of Police against the CCC](#) (Tabled 27 June 2013)

Resumption of debate adjourned Hon Kate Doust (Wednesday, 7 August 2013) on motion of Hon Nick Goiran that the report be noted.

Total time remaining on motion – 52 mins.

See Tabled paper No. 384.

ORDERS OF THE DAY

1. **Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Lynn MacLaren (Days remaining 12 after today (Indicative date — 25 September 2013))

That *Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana*, tabled in the Legislative Council on 15 May 2013 under section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed. (Tabled paper 297).

2. **Children’s Court (Fees) Amendment Regulations (No. 2) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Children’s Court (Fees) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Children’s Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled paper 96).

3. **Civil Judgments Enforcement Amendment Regulations 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Civil Judgments Enforcement Amendment*

Regulations 2012 published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Civil Judgments Enforcement Act 2004*, be and are hereby disallowed. (Tabled paper 97).

4. Coroners Amendment Regulations 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Coroners Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled paper 102).

5. District Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 106).

6. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled paper 108).

7. Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled paper 119).

8. State Administrative Tribunal Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 123).

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9. Supreme Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 125).

10. City of Fremantle Plastic Bag Reduction Local Law 2012 – Disallowance

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 14 after today (Indicative date — 16 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Plastic Bag Reduction Local Law 2012* published in the *Gazette* on 22 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 59).

11. Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 15 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013* published in the *Gazette* on 15 March 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 220).

12. Legal Profession Conduct Amendment Rules 2013 published in the Gazette on 5 April 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 15 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession Conduct Amendment Rules 2013 published in the Gazette on 5 April 2013* and tabled in the Legislative Council on 15 May 2013 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper 231).

13. Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 15 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 220).

14. Supreme Court Amendment Rules 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 15 after today (Indicative date — 17 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court Amendment Rules 2013* published in the *Gazette* on 23 April 2013 and tabled in the Legislative Council on 15

May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 233).

15. Firearms Amendment Regulations 2013 – Disallowance

Moved *pro forma* (SO 66(3)) 14 August 2013 on the motion of Hon Rick Mazza (Days remaining 16 after today (Indicative date — 18 October 2013))

That the *Firearms Amendment Regulations 2013* published in the *Gazette* on 28 June 2013 and tabled in the Legislative Council on 7 August 2013 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper 446).

16. Estimates of Revenue and Expenditure – Consolidated Fund Estimates 2013–2014 (*Notice given 8 August 2013*) *Minister for Mental Health representing the Treasurer*

Debate adjourned Leader of the House (Tuesday, 13 August 2013) on the motion of the Minister for Mental Health representing the Treasurer as follows –

That pursuant to Standing Order No. 68(1) the Legislative Council take note of Tabled Paper No. 506A-E (2013–2014 Budget Statements), laid upon the Table of the House on Thursday, 8 August 2013.

(Days remaining 8 after today – SO 68(2))

18. Criminal Code Amendment Bill (No. 2) 2013 [*LC 16–1*] *Attorney General*

Second reading continuation of remarks Hon Peter Katsambanis — 41 mins (Tuesday, 13 August 2013).

19. *Fair Trading Amendment Bill 2013 [*LC 4–1*] *Minister for Commerce*

Second reading adjourned (Wednesday, 15 May 2013). See [Standing Committee on Uniform Legislation and Statutes Review Report No. 80](#) (Tabled 6 August 2013).

20. Criminal Investigation (Identifying People) Amendment Bill 2013

[*LA 17–1*] *Attorney General representing the Minister for Police*

Second reading adjourned (Wednesday, 7 August 2013).

25. Protection of the Identity of Journalists' Informants (*Notice given 12 June 2013*)

Leader of the House: To move –

That new Standing Order 201, as outlined in the Schedule to this motion, be adopted by the Council and that the Standing Orders be renumbered accordingly.

Schedule

201. Protection of the Identity of Journalists' Informants

(1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the *Parliamentary Privileges Act 1891*.

(2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —

(a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and

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- (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
- (3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —
- (a) the probative value of the identifying evidence in the proceeding;
 - (b) the importance of the identifying evidence in the proceeding;
 - (c) the nature and gravity of the subject matter of the proceeding;
 - (d) the availability of any other evidence concerning the matters to which the identifying evidence relates;
 - (e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;
 - (f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;
 - (g) the likely effect of the identifying evidence in relation to —
 - (i) a prosecution that has commenced but has not been finalised; or
 - (ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;
 - (h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;
 - (i) the risk to national security or to the security of the State;
 - (j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

* For amendments see Supplementary Notice Paper and/or Committee Report

MALCOLM PEACOCK
Clerk of the Legislative Council