

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 73

TUESDAY, 17 JUNE 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. 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 —

20 May 2014 — Message No. 14	Act No.
Workforce Reform Bill 2013	8 of 2014
Ports Legislation Amendment Bill 2013	9 of 2014

3. Petitions

Hon Robin Chapple presented a petition from 449 petitioners requesting the Legislative Council to establish a review into the Western Australian Stolen Wages Reparation Scheme and investigate the establishment of a new scheme. (Tabled Paper 1516).

Hon Adele Farina presented a petition from 159 petitioners requesting the Legislative Council to support State Government funding to construct an additional 152 recreational boat pens at the Casuarina Boat Harbour, Bunbury. (Tabled Paper 1517).

Hon Mark Lewis presented a petition from 14 petitioners requesting the Legislative Council to recommend the repeal of the Environmental Protection (Environmentally Sensitive Areas) Notice 2005. (Tabled Paper 1518).

4. Ministerial Statement — Aboriginal Heritage Amendment Bill 2014 — Draft Bill

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the Aboriginal Heritage Amendment Bill 2014, Draft Bill for public comment.

The Minister for Aboriginal Affairs tabled the Aboriginal Heritage Amendment Bill 2014, Draft Bill for public comment. (Tabled Paper 1519).

5. Ministerial Statement — Metropolitan Region Scheme Amendment 1240/41 — South Forrestdale Industrial Precinct (South Forrestdale Business Park)

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to the Metropolitan Region Scheme Amendment 1240/41 — South Forrestdale Industrial Precinct (South Forrestdale Business Park).

The Minister for Mental Health representing the Minister for Planning tabled plans relating to the Metropolitan Region Scheme Amendment 1240/41 — South Forrestdale Industrial Precinct (South Forrestdale Business Park). (Tabled Paper 1520).

The Minister for Mental Health representing the Minister for Planning tabled a report on submissions relating to the Metropolitan Region Scheme Amendment 1240/41 — South Forrestdale Industrial Precinct (South Forrestdale Business Park). (Tabled Paper 1521).

6. Ministerial Statement — Report of the Panel of Inquiry into the City of Canning

The Minister for Mental Health representing the Minister for Local Government made a Ministerial Statement with respect to the report of the Panel of Inquiry into the City of Canning.

The Minister for Mental Health representing the Minister for Local Government tabled the Report of the Panel of Inquiry into the City of Canning. (Tabled Paper 1522).

The Minister for Mental Health representing the Minister for Local Government moved, without notice —

That this House authorises the publication of the Report of the Panel of Inquiry into the City of Canning 2014.

Question — put and passed.

7. Papers

The following Papers were laid on the Table by —

President

Reports —

Corruption and Crime Commission of Western Australia — Report on Fraud and Corruption in Procurement in W.A. Health: Dealing with the Risks (12 June 2014) (Deemed tabled 12/06/2014) 1531

Office of the Inspector of Custodial Services — Mentally impaired accused on ‘custody orders’: Not guilty, but incarcerated indefinitely (April 2014) (Deemed tabled 17/06/2014) 1532

Standing Committee on Uniform Legislation and Statutes Review —

Disability Services Amendment Bill 2014 (Report No. 86) (Deemed tabled 19/05/2014 pursuant to Standing Order 188) 1533

Leader of the House

Directions —

Electricity Corporations Act 2005 — Electricity Generation and Retail Corporation (Synergy) in relation to the Strategic Development Plan, Statement of Corporate Intent, and General Directions under sections 95, 104, and 111 of the Act 1534

Documents —

Electricity Corporations Act 2005 — Electricity (Standard Products) Wholesale Arrangements 2014 1535

Regulations —

Electricity Corporations Act 2005 (Electricity Corporations (Electricity Generation and Retail Corporation) Amendment Regulations 2014 G.G. 3/06/2014) 1536

Liquor Control Act 1988 (Liquor Control (Looma Restricted Area) Amendment Regulations 2014 G.G. 23/05/2014, Liquor Control (Noonkanbah Restricted Area) Amendment Regulations 2014 G.G. 6/06/2014 and Liquor Control (Pandanus Park Restricted Area) Amendment Regulations 2014 G.G. 23/05/2014) 1537

Reports —

Ministerial Resourcing Report — (as at 24 April 2014) 1538

Reports of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 June 2013..... 1539

Reports of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 September 2013.....	1540
Reports of Overseas Travel undertaken by Members of Parliament Funded by the Parliamentary Travel Allowance for seven months ended 31 March 2014	1541

Minister for Mental Health

Leases —

CALM Lease No. 1840/97 — Between CALM and Murray McIntosh for the purpose of a dam site for domestic purposes in State Forest No. 21 near Pemberton	1481
CALM Lease No. 1630/97 — Between CALM and Noel Hedley Hollands and Gretta Lesley Hollands for the purpose of a dam site for domestic purposes in State Forest No. 20 near Greenbushes.....	1482
CALM Lease No. 2344/97 — Between CALM and the Shire of Collie for the purpose of low impact community based recreation within a portion of State Forest No. 4 — Collie	1483

Local Laws —

Local Government Act 1995 (City of Busselton Jetties Local Law 2014 G.G. 14/05/2014, City of Cockburn Parking and Parking Facilities Amendment Local Law 2014 G.G. 16/05/2014, City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 G.G. 13/05/2014, City of Greater Geraldton Local Government and Public Property Local Law 2014 G.G. 13/05/2014 and Shire of Dardanup Standing Orders Local Law 2014 G.G. 13/05/2014)	1484
Local Government Act 1995 (Shire of Chittering Local Government (Council Meetings) Local Law 2014 G.G. 3/06/2014)	1485

Regulations —

Cat Act 2011 (Cat Amendment Regulations 2014 G.G. 20/05/2014).....	1486
Dog Act 1976 (Dog Amendment Regulations 2014 G.G. 20/05/2014)	1487
Education and Care Services National Law (WA) Act 2012 (Education and Care Services National Amendment Regulations 2014 G.G. 6/06/2014).....	1488
Environmental Protection Act 1986 (Environmental Protection (Noise) Amendment Regulations 2014 G.G. 16/05/2014)	1489

Reports —

Government of Western Australia, Quarterly Financial Results Report (March 2014).....	1490
---------------------------------------------------------------------------------------	------

Response to Reports —

Standing Committee on Uniform Legislation — Report No. 76 — Review in Relation to the Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2012 (Treasurer)	1491
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

Attorney General

Regulations —

Evidence Act 1906 (Evidence (Visual Recording of Interviews with Children) Amendment Regulations 2014 G.G. 20/05/2014).....	1492
Police Act 1892 (Police Force Amendment Regulations 2014 G.G. 20/05/2014)	1493

Rules —

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules (No. 4) 2014 G.G. 3/06/2014).....	1494
-----------------------------------------------------------------------------------------------------------------------------------------	------

Minister for Agriculture and Food

Documents —

Forest Products Commission — Product Contract No. 2893 (sale of plantation products) between W.A. Biomass Pty Ltd and Forest Products Commission	1495
--------------------------------------------------------------------------------------------------------------------------------------------------------	------

Management Plans —

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment (No. 2) 2014 [1187] G.G. 30/05/2014 and West Coast Rock Lobster Managed Fishery Management Plan Amendment 2014 [1190] G.G. 30/05/2014).....	1496
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

Orders —

Fish Resources Management Act 1994 (Prohibition on Recreational Fishing for Crabs (Cockburn Sound) Amendment Order 2014 [1188] G.G. 13/05/2014)	1497
-------------------------------------------------------------------------------------------------------------------------------------------------------	------

Regulations —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Declared Pest Account) Regulations 2014 G.G. 30/05/2014)	1498
Coal Industry Superannuation Act 1989 (Coal Industry Superannuation (Designated Trustee) Regulations (No. 2) 2014 G.G. 30/05/2014).....	1499
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations 2014 G.G. 30/05/2014)	1500
Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Levy Amendment Regulations 2014 G.G. 30/05/2014).....	1501

Reports —

Forest Products Commission — Statement of Corporate Intent (2014–2015).....	1502
-----------------------------------------------------------------------------	------

Parliamentary Secretary representing the Minister for Transport*Regulations —*

Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2014 G.G. 16/05/2014).....	1503
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 4) 2014 G.G. 30/05/2014 and Road Traffic (Charges and Fees) Amendment Regulations (No. 5) 2014 G.G. 30/05/2014).....	1504
Shipping and Pilotage Act 1967 (Mooring Amendment Regulations 2014 G.G. 30/05/2014 and Shipping and Pilotage (Ports and Harbours) Amendment Regulations 2014 G.G. 30/05/2014)	1505
Shipping and Pilotage Act 1967 (Navigable Waters Amendment Regulations (No. 2) 2014 G.G. 16/05/2014).....	1506
Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2014 G.G. 30/05/2014 and W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2014 G.G. 30/05/2014).....	1507

Parliamentary Secretary representing the Minister for Health*Local Laws —*

Health Act 1911 (Shire of Harvey Health Amendment Local Law 2014 G.G. 16/05/2014)	1508
-----------------------------------------------------------------------------------------	------

Notices —

Question A3 asked during 2013/14 Annual Budget Estimates Hearing (Tourism)	1509
----------------------------------------------------------------------------------	------

Regulations —

Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2014 G.G. 6/06/2014 and Health (Cervical Cytology Register) Amendment Regulations 2014 G.G. 23/05/2014).....	1510
Hospitals and Health Services Act 1927 (Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2014 G.G. 6/06/2014 and Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2014 G.G. 6/06/2014).....	1511
Poisons Act 1964 (Poisons Amendment Regulations (No. 2) 2014 G.G. 20/05/2014).....	1512

Parliamentary Secretary representing the Minister for Regional Development

Proposals —

Land Administration Act 1997 — Proposal No. 4/2014 — Excision of land from Class A Reserve 46213 for road dedication and inclusion of land therein for Coalfields Highway upgrade 1513

Regulations —

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2014 G.G. 30/05/2014)..... 1514

Response to Reports —

Standing Committee on Public Administration (Report No. 20) Inquiry into Pastoral Leases in Western Australia 1515

8. Standing Committee on Uniform Legislation and Statutes Review — Report No. 87 — Resolution of the Committee to commence an Inquiry into the Statute Book

Hon Kate Doust presented Report No. 87 of the Standing Committee on Uniform Legislation and Statutes Review, giving notice to the Council, pursuant to Standing Order 179(2), of a resolution of the Committee to commence an Inquiry into the Statute Book. (Tabled Paper 1523).

9. TAFE Budget

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

That the Legislative Council —

- (a) notes that the proposed cuts to the TAFE budget in Western Australia will have disastrous impacts on staff and students and the State's economic future, social well-being and cohesion, and that changes to TAFE have a particularly adverse impact on people in regional and rural parts of the State, disadvantaged communities and people with varying abilities; and
- (b) calls on the State Government to protect, support and expand the capacity of the public TAFE system to allow it to continue its historic role in providing high quality technical and further education to Western Australians of all ages and backgrounds.

10. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015

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 69(1) the Legislative Council take note of Tabled Paper 1449A–E (2014–2015 Budget Statements), laid upon the Table of the House on Thursday, 8 May 2014.

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to vehicles leased by each department and agency within the Training and Workforce Development portfolio, in response to question on notice No. 1035 asked by Hon Ken Travers. (Tabled Paper 1524).

The Attorney General representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1041 asked by Hon Ken Travers will be provided on 19 June 2014.

The Attorney General representing the Minister for Emergency Services tabled a document in relation to the media release issued by the Department of Fire and Emergency Services regarding a chemical incident along the truck route between Fremantle and Maddington on 29 January 2014, in response to question on notice No. 1095 asked by Hon Lynn MacLaren. (Tabled Paper 1528).

The Minister for Agriculture and Food representing the Minister for Forestry, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1014 asked by Hon Lynn MacLaren will be provided on 12 August 2014.

The Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that answers to questions on notice Nos 1030 and 1052 asked by Hon Ken Travers will be provided on 26 June 2014.

The Parliamentary Secretary representing the Minister for Health tabled a document in relation to vehicles leased by each department and agency within the Health portfolio, in response to question on notice No. 1034 asked by Hon Ken Travers. (Tabled Paper 1525).

The Parliamentary Secretary representing the Minister for Lands tabled a document in relation to permits for non-pastoral agricultural use in the Kimberley under section 120 of the *Land Administration Act 1997*, in response to question on notice No. 1069 asked by Hon Robin Chapple. (Tabled Paper 1526).

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to Department of Education investigations regarding child protection allegations referred by the Corruption and Crime Commission, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled Paper 1527).

12. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 10 above*).

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

13. Waste Avoidance and Resource Recovery Amendment (Validation) Bill 2014

The Acting President reported the receipt of Message No. 58 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Environment moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Minister for Environment moved, That the Bill be read a second time.

The Minister for Mental Health representing the Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1529).

Debate stands adjourned.

14. Revenue Laws Amendment Bill 2014

The Acting President reported the receipt of Message No. 59 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Finance moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1530).

Debate stands adjourned.

15. Disability Services 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.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 9.45pm until Wednesday, 18 June 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council