

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 225

TUESDAY, 21 AUGUST 2012

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 — Kenyan Parliamentary Draftsmen

The President made the following Statement —

This year the Parliamentary Counsel's Office is again hosting two African drafters, this year from Kenya, as part of the Sydney Law School's *Legislative Drafting Capacity Building in Africa* program. Part of that program includes discussions with officers of the Parliament to provide an understanding of the legislative process in Australia.

I welcome to the gallery today Mr Geoff Lawn from the Parliamentary Counsel's office in Western Australia and the two Kenyan drafters. Mr Samson Nyamasyo, Parliamentary Counsel, State Law Office, is responsible for drafting Bills and subsidiary legislation and legal notices for government ministries, departments and agencies. Mr Joseph Muguro, Principal Economist, Ministry of Finance, is responsible for drafting Bills relating to the Budget and in the context of the Ministry's tax reform program.

3. Joint Standing Committees — Appointment of Members

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 271

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

“That the Member for Kingsley is discharged from the Joint Standing Committee on the Commissioner for Children and Young People and the Member for Churchlands is appointed in her place,

and

That the Member for North West is appointed to the Joint Standing Committee on Delegated Legislation in place of the Member for Jandakot resigned.”

Michael Sutherland
Deputy Speaker
Legislative Assembly Chamber
Perth, 16 August 2012

4. **Statement by President — Joint Standing Committee on Delegated Legislation — Appointment of Chair**

The President made the following statement —

I have a letter addressed to me as the President of the Legislative Council. It states —

Dear Mr President

The Joint Standing Committee on Delegated Legislation is pleased to advise that on 20 August 2012 it elected Mr Paul Miles MLA as its Chair.

The Committee thanks Mr Joe Francis MLA, former Committee Chair, for his service to the Committee.

Yours sincerely,

Mr Paul Miles MLA

Chair

5. **Petition**

Hon Lynn MacLaren presented a petition from 982 petitioners requesting the Legislative Council to oppose the closure of the Cockburn Police Station. (Tabled Paper 4836).

6. **Papers**

The following Papers were laid on the Table by —

Minister for Finance

Regulations —

Building Services (Complaint Resolution and Administration) Act 2011 (Building Services (Complaint Resolution and Administration) Amendment Regulations (No. 3) 2012 G.G. 14/08/2012)..... 4827

Retail Trading Hours Act 1987 (Retail Trading Hours (Holiday Resorts) Regulations 2012 G.G. 17/08/2012)..... 4828

Response to Reports —

Standing Committee on Environment and Public Affairs (Report 26) Petition 145 — Closure of Tier 3 Narrow Gauge Rail Lines in the Wheatbelt (Minister for Transport)..... 4829

Minister for Education

Regulations —

Gas Supply (Gas Quality Specifications) Act 2009 (Gas Supply (Gas Quality Specifications) Amendment Regulations 2012 G.G. 14/08/2012)..... 4830

School Curriculum and Standards Authority Act 1997 (Curriculum Council Amendment Regulations 2012 G.G. 14/08/2012) 4831

School Education Act 1999 (School Education Amendment Regulations (No. 2) 2012 G.G. 14/08/2012)..... 4832

Western Australian College of Teaching Act 2004 (Western Australian College of Teaching Amendment Regulations (No. 2) 2012 G.G. 14/08/2012) 4833

Minister for Child Protection

Local Laws —

Local Government Act 1995 (Shire of Bridgetown-Greenbushes Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2012 G.G. 17/08/2012) 4834

Attorney General

Regulations —

Evidence Act 1906 (Evidence (Prescribed Persons) Amendment Regulations 2012 G.G. 14/08/2012) ... 4835

7. Order of Business

Ordered — That Bill for Introduction No. 3, *Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012*, be taken forthwith. (Leader of the House).

8. Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012

The Minister for Commerce, pursuant to notice, moved —

That a Bill for “An Act to amend the *Workers' Compensation and Injury Management Act 1981*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be read a second time.

The Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper No. 4837).

Debate stands adjourned.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 15, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 17, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, and 18, *City of Bayswater Standing Orders Local Law 2012 — Disallowance*, be taken after Order of the Day No. 21, *Evidence and Public Interest Disclosure Legislation Amendment Bill 2011*. (Leader of the House).

10. City of Swan Standing Orders Local Law 2010 — Disallowance — Discharge from Notice Paper

Hon Sally Talbot moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 16, *City of Swan Standing Orders Local Law 2010 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

11. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012 and Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012

The Orders of the Day having been read for the consideration of the Committee's reports upon these Bills.

The Attorney General moved, That the reports be adopted.

Question — put and passed.

Ordered — That the third reading of these Bills be made an Order of the Day for the next sitting.

12. Water Services Bill 2011 and Water Services Legislation Amendment and Repeal Bill 2011

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Water Services Bill 2011

Clause 7.

Debate resumed.

Clause agreed to.

Clauses 8 and 9 agreed to.

Clauses 10.

Debate ensued.

Clause agreed to.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 24 agreed to.

Clause 25.

Debate ensued.

Clause agreed to.

Clause 26.

Debate ensued.

Clause agreed to.

Clauses 27 to 29 agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clauses 31 and 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clauses 35 to 49 agreed to.

Clause 50.

Debate ensued.

Clause agreed to.

Clauses 51 to 55 agreed to.

Clause 56.

Debate ensued.
 Clause agreed to.
 Clauses 57 to 64 agreed to.
 Clause 65.
 Debate ensued.
 Clause agreed to.
 Clause 66.
 Debate ensued.
 Clause agreed to.
 Clauses 67 to 77 agreed to.
 Clause 78.
 Debate ensued.
 Clause agreed to.
 Clauses 79 to 83 agreed to.
 Clause 84.
 Debate ensued.
 Clause agreed to.
 Clause 85.
 Debate ensued.
 Clause agreed to.
 Clauses 86 to 94 agreed to.
 Clause 95.
 Debate ensued.
 Clause agreed to.
 Clause 96.
 Hon Alison Xamon moved —

Page 82, after line 24 — To insert —

- (6A) The licensee must keep the Minister informed, and the Minister must keep the Minister responsible for the *Fire and Emergency Services Act 1998* informed, of —
- (a) the number of outstanding requests under subsections (3) and (4); and
 - (b) regarding each fire hydrant that is the property of the licensee, the date when it was last confirmed by the licensee to be in effective working order.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

Point of Order

Hon Sue Ellery raised the following Point of Order —

The Minister is making imputations about my motives when she uses words such as “*lack of sensitivity*”. I object to that kind of language. My question was a question of straight facts. I did not add any flowery language. I just asked whether she considered an independent review; and, if not, why not? I do not think I asked anything that would warrant this kind of imputation about my motives.

President's Ruling

The President ruled as follows —

I ask the Minister to be relevant in her answer. The question was quite specific. I ask the Minister to confine her comments to the issues raised in the question.

The Minister for Fisheries tabled documents in relation to a plan by the Commonwealth Government to permit a 'super trawler' to operate in a fishing zone including an area off the Western Australian coast, in response to a question without notice asked by Hon Giz Watson. (Tabled Paper 4838).

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to Aboriginal education resources for the Goldfields, Wheatbelt and South-West regions, in response to a question without notice asked by Hon Matt Benson-Lidholm. (Tabled Paper 4839).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the name, location and date of purchase of former pastoral properties now managed by the Department of Environment and Conservation, in response to question on notice No. 5735 asked by Hon Sally Talbot. (Tabled Paper 4840).

The Minister for Mental Health, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 5723 and 5725 asked by Hon Alison Xamon will be provided on 23 August 2012.

14. Water Services Bill 2011 and Water Services Legislation Amendment and Repeal Bill 2011

The President left the Chair.

Resumption of the consideration of these Bills, in Committee of the Whole House (*see item 12 above*).

In Committee

(Hon Alyssa Hayden in the Chair)

Water Services Bill 2011

Clause 96.

Debate resumed on the amendment of Hon Alison Xamon as follows —

Page 82, after line 24 — To insert —

- (6A) The licensee must keep the Minister informed, and the Minister must keep the Minister responsible for the *Fire and Emergency Services Act 1998* informed, of —
- (a) the number of outstanding requests under subsections (3) and (4); and
 - (b) regarding each fire hydrant that is the property of the licensee, the date when it was last confirmed by the licensee to be in effective working order.

Amendment — put and negatived.

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

Clauses 97 to 114 agreed to.

Clause 115.

Debate ensued.

Clause agreed to.

Clauses 116 and 117 agreed to.

Clause 118.

Debate ensued.

Clause agreed to.

Clauses 119 to 123 agreed to.

Clause 124.

Debate ensued.

Clause agreed to.

Clauses 125 to 136 agreed to.

Clause 137.

Debate ensued.

Clause agreed to.

Clauses 138 and 139 agreed to.

Clause 140.

Debate ensued.

Clause agreed to.

Clause 141.

Debate ensued.

Clause agreed to.

Clauses 142 to 168 agreed to.

Clause 169.

Debate ensued.

Clause agreed to.

Clauses 170 to 186 agreed to.

Clause 187.

Hon Alison Xamon moved —

Page 148, lines 8 to 14 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Hon Alison Xamon moved —

Page 148, line 26 — To delete “, if practicable,”.

Debate ensued.

Amendment — put and negatived.

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

Clauses 188 to 189 agreed to.

Clause 190.

Hon Alison Xamon moved —

Page 150, line 28 to page 151, line 1 — To delete the lines and insert —

- (4) An authorised person executing a warrant must give a copy of the warrant to the occupier of the place.

Debate ensued.

Amendment — put and negatived.

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

Clauses 191 to 225 agreed to.

Schedule 1 agreed to.

Title agreed to.

Water Services Legislation Amendment and Repeal Bill 2011

Clause 1 agreed to.

Clauses 2 to 223 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bills reported without amendment.

Reports adopted.

The Minister for Mental Health representing the Minister for Water moved, That the *Water Services Bill 2011* be read a third time.

The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

The Minister for Mental Health representing the Minister for Water moved, That the *Water Services Legislation Amendment and Repeal Bill 2011* be read a third time.

The Deputy President having reported that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

15. Cognate Debate — Pay-roll Tax Rebate Bill 2012 and Pay-roll Tax (Indigenous Wages) Rebate Bill 2012

The Minister for Finance sought leave of the Council to debate Order of the Day No. 28, *Pay-roll Tax Rebate Bill 2012*, and Order of the Day No. 29, *Pay-roll Tax (Indigenous Wages) Rebate Bill 2012*, cognately [SO 127].

Leave granted.

16. Pay-roll Tax Rebate Bill 2012 and Pay-roll Tax (Indigenous Wages) Rebate Bill 2012

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

Question — That the *Pay-roll Tax Rebate Bill 2012* be read a second time — put and passed.

Bill read a second time.

Question — That the *Pay-roll Tax (Indigenous Wages) Rebate Bill 2012* be read a second time — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Minister for Finance moved, That the *Pay-roll Tax Rebate Bill 2012* be read a third time.

Question — put and passed.

Bill read a third time and passed.

The Minister for Finance moved, That the *Pay-roll Tax (Indigenous Wages) Rebate Bill 2012* be read a third time.

Question — put and passed.

Bill read a third time and passed.

17. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

18. Members' Statements

Statements were taken.

Point of Order

Hon Helen Morton raised the following Point of Order —

Mr President, as you know, I think there is an imputation there — which is totally inaccurate and wrong and should never be used — that I was somehow or other undermining the previous Minister for Mental Health.

President's Ruling

The President ruled as follows —

The convention is that if another Member finds something said by a Member offensive, I invite from the Chair that Member to withdraw that comment.

Hon Ljiljana Ravlich withdrew her remark.

19. Adjournment

The Council adjourned at 8.03pm until Wednesday, 22 August 2012 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Liz Behjat, Hon Mia Davies, Hon Kate Doust and Hon Brian Ellis.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council