

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 67

TUESDAY, 6 MAY 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 —

22 April 2014 — Message No. 7	Act No.
Mining Legislation Amendment Bill 2013	4 of 2014
Criminal Code Amendment (Child Sex Offences) Bill 2013	5 of 2014
Sentencing Legislation Amendment Bill 2013	6 of 2014
Sunset Reserve Transformation Bill 2013	7 of 2014

3. Petition

Hon Darren West presented a petition from 1,636 petitioners requesting the Legislative Council to support the better resourcing for crime prevention in greater Geraldton, and to investigate the increase and severity of crime in this region. (Tabled Paper 1431).

4. Ministerial Statement — 2014–2015 Budget Estimates Hearings

The Leader of the House made a Ministerial Statement with respect to the 2014–2015 Budget Estimates Hearings for the Legislative Council.

5. Papers

The following Papers were laid on the Table by —

President

Reports —

Office of the Inspector of Custodial Services — Report of an Announced Inspection of Roebourne Regional Prison (Report No. 89) (February 2014) (Deemed tabled 11/04/2014)	1406
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Leader of the House

Directions —

Electricity Industry Act 2004 — Independent Market Operator (2014 Reserve Capacity Cycle) Direction 2014	1407
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Regulations —

Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 2014 G.G. 11/04/2014)	1408
Liquor Control Act 1988 (Liquor Control (Kunawarritji Restricted Area) Amendment Regulations 2014 G.G. 2/05/2014)	1409

Reports —

Post Completion Review of the Muja AB Project (6 April 2014) (Date received 6/05/2014) ..	1410
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Minister for Mental Health*Leases —*

CALM Lease No. 2220/97 — Between CALM and Dr John Love for the purpose of a dam site for commercial purposes in State Forest No. 36 near Pemberton	1411
CALM Lease No. 2247/100 — Between CALM and Lape PTY LTD Trading as Sal Salis Ningaloo Reef for the purpose of a commercial public camping facility located in Cape Range National Park	1412

Local Laws —

Local Government Act 1995 (City of Belmont Standing Orders Amendment Local Law 2014 G.G. 8/04/2014, City of Gosnells Amendment Local Law 2014 G.G. 15/04/2014 and City of Nedlands Standing Orders Amendment Local Law 2014 - Correction G.G. 8/04/2014)	1413
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Attorney General*Local Laws —*

Dividing Fences Act 1961 (Shire of Ashburton Fencing Local Law 2014 G.G. 11/04/2014)	1414
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Notices —

Energy Safety Act 2006 (Energy Safety Levy Notice 2014 G.G. 11/04/2014)	1415
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Regulations —

Building Act 2011 (Building Amendment Regulations 2014 G.G. 24/04/2014)	1416
Building Services (Complaint Resolution and Administration) Act 2011 (Building Services (Complaint Resolution and Administration) Amendment Regulations 2014 G.G. 17/04/2014)	1417
Criminal Investigation (Identifying People) Act 2002 (Criminal Investigation (Identifying People) Amendment Regulations 2014 G.G. 15/04/2014)	1418
Fair Trading Act 2010 (Fair Trading (Permitted Calling Hours) Regulations 2014 G.G. 17/04/2014) ...	1419
Legal Profession Act 2008 (Legal Profession Amendment Regulations 2014 G.G. 11/04/2014)	1420
Oaths, Affidavits and Statutory Declarations Act 2005 (Oaths, Affidavits and Statutory Declarations (Act Amendment) Regulations 2014 G.G. 17/04/2014)	1421
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations (No. 5) 2013 G.G. 8/04/2014)	1422

Schemes —

Professional Standards Act 1997 (Law Society of Western Australia Scheme G.G. 11/04/2014, The Victorian Bar Professional Standards Scheme G.G. 29/04/2014 and Western Australian Bar Association Scheme G.G. 17/04/2014)	1423
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Standards —

Fair Trading Act 2010 (Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014 G.G. 24/04/2014)	1424
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Minister for Agriculture and Food*Management Plans —*

Fish Resources Management Act 1994 (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2014 [1181] G.G. 15/04/2014, Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2014 [1177] G.G. 8/04/2014, West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2014 [1178] G.G. 17/04/2014 and West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2014 [1182] G.G. 15/04/2014).....	1425
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Regulations —

Coal Industry Superannuation Act 1989 (Coal Industry Superannuation Regulations 2014 G.G. 17/04/2014).....	1426
Mining Rehabilitation Fund Act 2012 (Mining Rehabilitation Fund Amendment Regulations 2014 G.G. 24/04/2014)	1427

Parliamentary Secretary representing the Minister for Health*Regulations —*

Health Act 1911 (Health (Notifications by Midwives) Amendment Regulations 2014 G.G. 24/04/2014, Health (Offensive Trades Fees) Amendment Regulations 2014 G.G. 8/04/2014, Health (Public Buildings) Amendment Regulations 2014 G.G. 8/04/2014 and Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2014 G.G. 8/04/2014).....	1428
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 2) 2014 G.G. 24/04/2014)	1429
Poisons Act 1964 (Poisons Amendment Regulations 2014 G.G. 24/04/2014)	1430

6. Standing Committee on Environment and Public Affairs — Report No. 35 — Inquiry into the Sandalwood Industry in Western Australia

Hon Simon O'Brien presented Report No. 35 of the Standing Committee on Environment and Public Affairs, *Inquiry into the Sandalwood Industry in Western Australia*. (Tabled Paper 1432).

7. 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. 12, *Consumer Protection Legislation Amendment Bill 2013*. (Leader of the House).

8. Warehousemen's Liens 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 Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

9. Criminal Code Amendment (Unlawful Possession) 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 Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

10. Custodial Legislation (Officers Discipline) Amendment Bill 2013

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.
Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Planning tabled a document in relation to properties owned by the Western Australian Planning Commission in South Guilford, in response to question on notice No. 983 asked by Hon Ken Travers. (Tabled Paper 1433).

The Minister for Mental Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 892 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 894 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Minister for Disability Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 893 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Attorney General representing the Minister for Police tabled a document in relation to incidents of domestic violence in Fitzroy Crossing, Halls Creek, Roebourne and Wyndham recorded by Western Australia Police in 2010–2011, 2011–2012, 2012–2013 and 2013–2014 to date, in response to question on notice No. 1076 asked by Hon Stephen Dawson. (Tabled Paper 1434).

The Minister for Commerce tabled a document in relation to complaint and accident investigations into the Energy Safety division of the Department of Commerce in 2009–2010, 2010–2011 and 2011–2012, in response to question on notice No. 973 asked by Hon Kate Doust. (Tabled Paper 1435).

The Minister for Commerce tabled a document in relation to budget actual and expenditure for the Energy Safety division of the Department of Commerce in 2009–2010, 2010–2011 and 2011–2012, in response to question on notice No. 974 asked by Hon Kate Doust. (Tabled Paper 1436).

The Minister for Commerce tabled a document in relation to full time equivalent allocation for the Energy Safety division within the Department of Commerce in 2009–2010, 2010–2011 and 2011–2012, in response to question on notice No. 975 asked by Hon Kate Doust. (Tabled Paper 1437).

The Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 895 asked by Hon Robin Chapple will be provided 7 May 2014.

The Minister for Commerce, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 896 asked by Hon Robin Chapple will be provided 7 May 2014.

The Attorney General representing the Minister for Emergency Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 931 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Attorney General representing the Minister for Corrective Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 932 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Attorney General representing the Minister for Small Business, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 933 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Attorney General representing the Minister for Veterans, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 934 asked by Hon Robin Chapple will be provided on 7 May 2014.

The Parliamentary Secretary representing the Minister for Transport tabled a document in relation to multi-purpose taxi jobs not covered for the metropolitan area in 2011–2012 and 2012–2013, in response to question on notice No. 1005 asked by Hon Alanna Clohesy. (Tabled Paper 1438).

12. Custodial Legislation (Officers Discipline) Amendment Bill 2013

Debate resumed on the second reading of this Bill (*see item 10 above*).

Hon Darren West sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of the Attorney General the debate was adjourned to a later stage of this day's sitting.

13. Ports Legislation Amendment Bill 2013

The Order of the Day for the 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 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 8 agreed to.

Clause 9.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 10.25pm until Wednesday, 7 May 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell and Hon Robin Chapple.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council