

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 18

WEDNESDAY, 7 AUGUST 2013

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Petitions

Hon Ken Travers presented a petition from 167 petitioners requesting the Legislative Council to investigate the requirement, location and expenditure of the proposed rail yards at Claisebrook Village Precinct 16B. (Tabled Paper 495).

Hon Darren West presented a petition from 217 petitioners requesting the Legislative Council to oppose specific dog breed restrictions and bans under the *Dog Act 1976*. (Tabled Paper 496).

3. Ministerial Statement — State Planning Policy 2.6 — State Coastal Planning

The Minister for Mental Health representing the Minister for Planning made a Ministerial Statement with respect to the launch of *State Planning Policy 2.6, State Coastal Planning*.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Banksia Hill Detention Centre Redevelopment Project (Report No. 12) (August 2013)..... 409

Reports —

Office of the Inspector of Custodial Services — Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013 (Report No. 85) (July 2013) (Date received 31/7/2013) 410

Reviews —

Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Emergency Management Review Paper) (August 2013) (Date received 31/7/2013).... 411

Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Legal and Administrative Context Review Paper) (August 2013) (Date received 31/7/2013)..... 412

Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Management Staffing and Amalgamation Review Paper) (August 2013) (Date received 31/7/2013)..... 413

Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Physical Infrastructure Review Paper) (August 2013) (Date received 31/7/2013) 414

Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Post-Incident Management Review Paper) (August 2013) (Date received 31/7/2013)	415
Office of the Inspector of Custodial Services — Banksia Hill Directed Review (Security Review Paper) (August 2013) (Date received 31/7/2013).....	416
Leader of the House	
<i>Regulations —</i>	
Electricity Corporations Act 2005 (Electricity Corporations (Competition Laws Authorisation) Regulations 2013 G.G. 28/06/2013).....	417
Gas Services Information Act 2012 (Gas Services Information Amendment Regulations (No. 2) 2013 G.G. 28/06/2013)	418
Higher Education Act 2004 (Higher Education Amendment Regulations 2013 G.G. 19/07/2013)	419
Liquor Control Act 1988 (Liquor Control (Bayulu Restricted Area) Regulations 2013 G.G. 28/06/2013 and Liquor Control Amendment Regulations (No. 6) 2013 G.G. 28/06/2013)	420
Public Sector Management Act 1994 (Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2013 G.G. 26/06/2013).....	421
Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations 2013 G.G. 12/07/2013)	422
State Supply Commission Act 1991 (State Supply Commission Amendment Regulations 2012 G.G. 12/07/2013).....	423
<i>Reports —</i>	
Interstate and Overseas Travel Undertaken by Members of Parliament Funded by the Imprest System (for the three months ended 31 December 2012)	424
<i>Rules —</i>	
Gas Services Information Act 2012 (Gas Services Information Rules (2013) G.G. 24/06/2013)	425
Minister for Mental Health	
<i>Codes —</i>	
Railways (Access) Act 1998 (Railways (Access) Amendment Code 2013 G.G. 19/07/2013)	426
<i>Local Laws —</i>	
Local Government Act 1995 (City of Cockburn (Local Government Act) Amendment Local Laws 2013 G.G. 2/08/2013, City of Nedlands Dogs Amendment Local Law 2013 G.G. 5/07/2013, City of Vincent Parking and Parking Facilities Amendment Local Law No. 1 2013 G.G. 26/07/2013, City of Vincent Standing Orders Local Law No. 1, 2013 G.G. 5/07/2013, Mindarie Regional Council Standing Orders Amendment Local Law 2013 G.G. 16/07/2013, Shire of Brookton Local Government Property Amendment Local Law 2013 G.G. 9/07/2013 and Shire of Collie Local Law - Fencing 2013 G.G. 4/07/2013)	427
Local Government Act 1995 (City of Subiaco Meeting Procedures Local Law 2013 G.G. 28/06/2013 and Eastern Metropolitan Regional Council Standing Orders Local Law 2013 G.G. 26/06/2013).....	428
<i>Regulations —</i>	
Adoption Act 1994 (Adoption Amendment Regulations (No. 2) 2013 G.G. 28/06/2013)	429
Child Care Services Act 2007 (Child Care Services (Child Care) Amendment Regulations (No. 2) 2012 G.G. 2/08/2013)	430
Financial Management Act 2006 (Financial Management (Statutory Authorities) Regulations 2013 G.G. 9/07/2013)	431
Planning and Development Act 2005 (Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2013 G.G. 16/07/2013)	432
State Superannuation Act 2000 (State Superannuation Amendment Regulations 2013 G.G. 23/07/2013).....	433

Working with Children (Criminal Record Checking) Act 2004 (Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2013 G.G. 28/06/2013).....	434
Attorney General	
<i>Notices</i> —	
Supreme Court Act 1935 (Rule of Court 2014 — Sittings and Winter Vacation for 2014 G.G. 5/07/2013)	435
<i>Regulations</i> —	
Architects Act 2004 (Architects Amendment Regulations 2013 G.G. 27/06/2013).....	436
Associations Incorporation Act 1987 (Associations Incorporation Amendment Regulations (No. 2) 2013 G.G. 27/06/2013)	437
Auction Sales Act 1973 (Auction Sales Amendment Regulations (No. 2) 2013 G.G. 27/06/2013)	438
Building Services (Complaint Resolution and Administration) Act 2011 (Building Services (Complaint Resolution and Administration) Amendment Regulations (No. 2) 2013 G.G. 27/06/2013)	439
Building Services (Registration) Act 2011 (Building Services (Registration) Amendment Regulations (No. 3) 2013 G.G. 27/06/2013).....	440
Co-operatives Act 2009 (Co-operatives Amendment Regulations 2013 G.G. 27/06/2013)	441
Debt Collectors Licensing Act 1964 (Debt Collectors Licensing Amendment Regulations (No. 2) 2013 G.G. 27/06/2013)	442
District Court of Western Australia Act 1969 (District Court (Fees) Amendment Regulations 2013 G.G. 19/07/2013)	443
Electricity Act 1945 (Electricity (Licensing) Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	444
Employment Agents Act 1976 (Employment Agents Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	445
Firearms Act 1973 (Firearms Amendment Regulations 2013 G.G. 28/06/2013).....	446
Gas Standards Act 1972 (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	447
Industrial Relations Act 1979 (Industrial Relations (Employer-employee Agreements) Amendment Regulations 2013 G.G. 19/07/2013)	448
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	449
Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Licensing) Amendment Regulations 2013 G.G. 27/06/2013)	450
Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations (No. 3) 2013 G.G. 27/06/2013)	451
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 3) 2013 G.G. 27/06/2013).....	452
Pawnbrokers and Second-hand Dealers Act 1994 (Pawnbrokers and Second-hand Dealers Amendment Regulations 2013 G.G. 28/06/2013)	453
Police Act 1892 (Police (Fees) Amendment Regulations 2013 G.G. 28/06/2013).....	454
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	455
Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations 2013 G.G. 28/06/2013)	456
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations (No. 3) 2013 G.G. 27/06/2013).....	457
Supreme Court Act 1935 (Supreme Court (Fees) Amendment Regulations 2013 G.G. 19/07/2013).....	458
Travel Agents Act 1985 (Travel Agents Amendment Regulations (No. 2) 2013 G.G. 27/06/2013)	459

Water Services Licensing Act 1995 (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2013 G.G. 27/06/2013).....	460
--	-----

Rules —

District Court of Western Australia Act 1969 (District Court Amendment Rules 2013 G.G. 26/07/2013).....	461
Limited Partnerships Act 1909 (Limited Partnerships Amendment Rules 2013 G.G. 27/06/2013)	462
Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules (No. 3) 2013 G.G. 26/07/2013).....	463

Standards —

Fair Trading Act 2010 (Competition and Consumer (Tobacco) Amendment (Rotation of Health Warnings) Information Standard 2013 G.G. 30/07/2013).....	464
---	-----

Minister for Agriculture and Food

Determinations —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Fees and Charges) Determination (No. 2) 2013 G.G. 28/06/2013)	465
--	-----

Management Plans —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Stable Fly) Management Plan 2013 G.G. 5/07/2013)	466
---	-----

Regulations -

Bulk Handling Act 1967 (Bulk Handling Act Amendment Regulations (No. 2) 2013 G.G. 19/07/2013).....	467
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2013 G.G. 28/06/2013 and Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2013 G.G. 28/06/2013)	468
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 4) 2013 G.G. 28/06/2013)	469
Land Administration Act 1997 (Land Administration Amendment Regulations 2013 G.G. 16/07/2013).....	470
Licensed Surveyors Act 1909 (Licensed Surveyors (Guidance of Surveyors) Amendment Regulations 2013 G.G. 26/07/2013).....	471
Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Levy Amendment Regulations 2013 G.G. 28/06/2013).....	472
Mining Act 1978 (Mining Amendment Regulations (No. 2) 2013 G.G. 26/07/2013)	473
Offshore Minerals Act 2003 (Offshore Minerals Amendment Regulations 2013 G.G. 26/07/2013)	474
Petroleum and Geothermal Energy Safety Levies Act 2011 (Petroleum and Geothermal Energy Safety Levies Amendment Regulations 2013 G.G. 28/06/2013)	475
Strata Titles Act 1985 (Strata Titles General Amendment Regulations 2013 G.G. 26/07/2013)	476
Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2013 G.G. 26/07/2013).....	477
Valuation of Land Act 1978 (Valuation of Land Amendment Regulations 2013 G.G. 26/07/2013)	478

Parliamentary Secretary representing the Minister for Health on behalf of the Parliamentary Secretary representing the Minister for Transport

Regulations —

Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2013 G.G. 28/06/2013)	479
Marine Navigational Aids Act 1973 (Marine Navigational Aids Amendment Regulations 2013 G.G. 28/06/2013).....	480
Motor Vehicle Drivers Instructors Act 1963 (Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2013 G.G. 28/06/2013 and Motor Vehicle Drivers Instructors Amendment Regulations (No. 4) 2013 G.G. 28/06/2013).....	481

Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 2) 2013 G.G. 28/06/2013).....	482
Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 4) 2013 G.G. 12/07/2013).....	483
Road Traffic Act 1974 (Road Traffic (Charges and Fees) Amendment Regulations (No. 8) 2013 G.G. 28/06/2013).....	484
Shipping and Pilotage Act 1967 (Mooring Amendment Regulations 2013 G.G. 28/06/2013, Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 2) 2013 G.G. 28/06/2013 and Shipping and Pilotage (Ports and Harbours) Amendment Regulations 2013 G.G. 28/06/2013)	485
Transport Co-ordination Act 1966 (Transport Co-ordination Amendment Regulations (No. 2) 2013 G.G. 28/06/2013)	486
Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2013 G.G. 28/06/2013, W.A. Marine (Hire and Drive Vessels) Amendment Regulations 2013 G.G. 28/06/2013, W.A. Marine (Load Lines) Amendment Regulations 2013 G.G. 28/06/2013 and W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2013 G.G. 28/06/2013).....	487

Parliamentary Secretary representing the Minister for Health

By-laws —

Hospitals and Health Services Act 1927 (Fremantle Hospital Amendment By-laws 2013 G.G. 28/06/2013, Royal Perth Hospital Amendment By-laws 2013 G.G. 28/06/2013 and Women's and Children's Hospitals Amendment By-laws 2013 G.G. 28/06/2013)	488
Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2013 G.G. 28/06/2013).....	489

Regulations —

Health Act 1911 (Health (Air-handling and Water Systems) Amendment Regulations 2013 G.G. 30/07/2013 and Health (Public Buildings) Amendment Regulations 2013 G.G. 30/07/2013).....	490
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 3) 2013 G.G. 28/06/2013)	491
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 4) 2013 G.G. 2/07/2013).....	492

Parliamentary Secretary representing the Minister for Training and Workforce Development

Regulations —

Water Services Act 2012 (Water Services Code of Conduct (Customer Service Standards) 2013 G.G. 26/07/2013).....	493
Water Services Licensing Act 1995 (Water Services Licensing (Extension of Enactments) Amendment Regulations 2013 G.G. 19/07/2013).....	494

5. Firearms Amendment Regulations 2013 — Disallowance

Hon Rick Mazza: To move on the next day of sitting —

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).

6. Mangles Bay Marina Development

Motion No. 1 having been called, Hon Lynn MacLaren continued her introductory remarks in moving the motion 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.

Hon Lynn MacLaren sought leave of the House to extend her speaking time.

Leave granted.

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to funding allocation of the Switch Teacher Training Program, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 497).

The Minister for Agriculture and Food representing the Minister for Forestry tabled, and by leave incorporated into Hansard, documents in relation to base native forests stumpages, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 498).

The Minister for Agriculture and Food representing the Minister for Regional Development tabled documents in relation to the Chairman of the Pilbara Development Commission, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 499).

The Parliamentary Secretary representing the Minister for Water tabled, and by leave incorporated into Hansard, documents in relation to the Ariti Avenue pumping station, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 500).

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to enrolment projections for the 2014 first semester census at Western Australia public schools, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 501).

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, documents in relation to the Horizon Power management feed in Carnarvon, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 502).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, documents in relation to charges for inspection of imported seeds into Western Australia, in response to a question without notice asked by Hon Darren West. (Tabled Paper 503).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum, in accordance with Standing Order No. 107(2), advised that answers to questions on notice Nos 87 and 94, asked by Hon Robin Chapple will be provided on 8 August 2013.

8. Mangles Bay Marina Development

Debate resumed on the motion of Hon Lynn MacLaren (*see item 6 above*).

Interruption pursuant to order.

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Stephen Dawson in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

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

Hon Nick Goiran moved, That the Report be noted.

Hon Nick Goiran, by leave, tabled the Government response in relation to *How the Corruption and Crime Commission handles allegations and notifications of police misconduct*. (Tabled Paper 504).

On the motion of Hon Kate Doust the debate was adjourned to the next sitting.

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

Hon Nick Goiran moved, That the Report be noted.

On the motion of Hon Kate Doust the debate was adjourned to the next sitting.

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — *Proceeds of crime and unexplained wealth: A role for the Corruption and Crime Commission?* and had noted same.
- (2) 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* made progress, and seeks to sit again.
- (3) 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* made progress, and seeks to sit again.

Report adopted.

10. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Ken Travers as follows —

To insert after “deliver to Parliament” —

but regrets to inform His Excellency that the Barnett Government has already broken a number of promises made during the March State Election campaign.

to the motion of Hon Liz Behjat as follows —

To His Excellency, Malcolm McCusker, Companion of the Order of Australia, Commander of the Royal Victorian Order, Queen's Counsel, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please your Excellency —

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign,

and to thank Your Excellency for the speech you have been pleased to deliver to Parliament.

The Leader of the House sought leave of the House to continue his remarks at a later stage of this day's sitting.

Leave granted.

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

11. Insurance Commission of Western Australia Amendment Bill 2013

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Hon Ken Travers moved—

Page 3, lines 1 to 6 — To delete the lines and insert —

- (c) recommends whether the Commission should pay the State an interim dividend of not more than 50 per cent of the forecast of the Commission's net profits.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

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

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mental Health representing the Treasurer moved, That the Bill 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

12. Criminal Investigation (Identifying People) Amendment Bill 2013

The President reported the receipt of Message No. 18 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Police moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Police moved, That the Bill be read a second time.
The Attorney General representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 505).

Debate stands adjourned.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 10.24pm until Thursday, 8 August 2013 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council