

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 14

TUESDAY, 25 JUNE 2013

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 Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

20 June 2013 — Message No. 4	Act No.
State Agreements Legislation Repeal Bill 2013	1 of 2013

3. Message from the Lieutenant Governor and Deputy of the Governor — Assent to Bill

The President reported the receipt of a Message from the Lieutenant Governor and Deputy of the Governor assenting to the following Bill —

25 June 2013 — Message No. 5	Act No.
Natural Gas (Canning Basin Joint Venture) Agreement Bill 2013	2 of 2013

4. Papers

The following Papers were laid on the Table by —

Leader of the House

By-laws —

Curtin University of Technology Act 1966 (Land and Traffic Amendment By-laws 2013 G.G. 21/06/2013).....	359
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Regulations —

Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations 2013 G.G. 18/06/2013)	360
School Education Act 1999 (School Education Amendment Regulations 2013 G.G. 21/06/2013)	361

Minister for Mental Health

Regulations —

Environmental Protection Act 1986 (Environmental Protection Amendment Regulations (No. 3) 2013 G.G. 18/06/2013)	362
Local Government Act 1995 (Local Government (Audit) Amendment Regulations (No. 2) 2013 G.G. 21/06/2013 and Local Government (Financial Management) Amendment Regulations 2013 G.G. 21/06/2013)	363

Attorney General*Regulations —*

Building Act 2011 (Building Amendment Regulations (No. 2) 2013 G.G. 21/06/2013) 364

Schemes —

Professional Standards Act 1997 (Bar Association of Queensland Scheme G.G. 21/06/2013) 365

Attorney General on behalf of the Minister for Agriculture and Food*Management Plans —*

Fish Resources Management Act 1994 (West Coast Demersal Scalefish (Interim) Management Plan Amendment 2013 [1139] G.G. 18/06/2013) 366

Regulations —

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 3) 2013 G.G. 18/06/2013) 367

Mining Rehabilitation Fund Act 2012 (Mining Rehabilitation Fund Regulations 2013 G.G. 21/06/2013)..... 368

Parliamentary Secretary to the Minister for Health*Regulations —*

Health Act 1911 (Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations (No. 2) 2013 G.G. 21/06/2013)..... 369

Rottneest Island Authority Act 1987 (Rottneest Island Amendment Regulations (No. 2) 2013 G.G. 18/06/2013)..... 370

Parliamentary Secretary to the Minister for Training and Workforce Development*By-laws —*

Water Agencies (Powers) Act 1984 (Water Agencies (Charges) Amendment By-laws 2013 G.G. 19/06/2013 and (Water Agencies Amendment By-laws 2013 G.G. 19/06/2013)..... 371

5. Criminal Code Amendment Bill (No. 2) 2013

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend *The Criminal Code.*” be introduced and read a first time.

6. Native Forest — Climate Change

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its continuing failure to protect Western Australia’s remaining native forest from the effects of climate change and disease.

7. State Infrastructure Plan

Hon Ken Travers: To move on the next day of sitting —

That this Council —

- (a) expresses its concern at the failure of the Liberal–National Government to develop a long term State infrastructure plan for Western Australia;
- (b) notes that the lack of long term planning can lead to poor investment decisions being made in the expenditure of scarce Government funds; and
- (c) therefore calls upon the Government to immediately commence the development of a long term State infrastructure plan and to ensure that its development involves —
 - (i) wide community consultation to identify priority infrastructure projects;
 - (ii) the inclusion of major infrastructure projects is based on a comprehensive assessment of their relative benefit to cost ratios; and
 - (iii) the plan is developed in an open and transparent process.

8. James Price Point — LNG Processing Plant

Hon Stephen Dawson: To move on the next day of sitting —

That this Council —

- (a) condemns the Premier for his lack of leadership in securing an outcome in benefits for the indigenous communities in relation to the James Price Point LNG processing plant; and
- (b) calls on the Barnett Government to honour the agreement signed with the Goolarabooloo Jabbirr Jabbirr Traditional Owners to deliver the Kimberley benefits package.

9. Apprentices and Trainees in Training

Hon Alanna Clohesy: To move on the next day of sitting —

That this Council condemns the Barnett Government for its disregard for the future of young Western Australians and calls on the Government to commit to making substantial increases (beyond pre-global financial crisis levels) in the number of apprentices and trainees in training, especially numbers in trades training.

10. Disability Justice Centres — Kiara and Caversham

Hon Amber-Jade Sanderson: To move on the next day of sitting —

That this Council —

- (a) notes the significant community response to the proposed Disability Justice Centres in Kiara and Caversham, and the lack of consultation with the affected communities;
- (b) calls on the Minister for Disability Services to immediately stop the current process for placing these centres in those locations; and
- (c) instigate a genuine and thorough community consultation process, with the communities surrounding the proposed centres;
 - (i) the process should include a community reference group, consisting of, but not limited to, representatives of residents, representatives of Lockridge Senior High School and Primary School, Corrective Services, Disability Services Commission, the Minister or her representative; and
 - (ii) any final decision should be made with consideration for the communities' concerns and within the guidelines already set for the locating of these centres.

11. Threatened Species Recovery Plans

Hon Sally Talbot: To move on the next day of sitting —

That this Council condemns the Barnett Government for its failure to resource threatened species recovery plans.

12. Suspension of Standing Orders — 26 and 27 June 2013

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the order of business and sitting times for Wednesday and Thursday —

- (a) no Motions on Notice on Wednesday;
- (b) no Consideration of Committee Reports on Wednesday;
- (c) no Private Members' Business on Thursday; and
- (d) to sit after 6.00pm on Thursday night, if required, with the dinner suspension from 6.00pm to 7.30pm.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

13. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Kellerberrin Dogs Local Law (2012) — Disallowance*, be taken after Order of the Day No. 5, *Queen Elizabeth II Medical Centre Amendment Bill 2013*. (Leader of the House).

14. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

Hon Ken Travers moved, without notice —

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.

Debate ensued.

Hon Sue Ellery sought leave to continue her remarks at the next sitting.

Leave granted.

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

15. Supply Bill 2013

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

Debate resumed.

16. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Energy, by leave, incorporated into Hansard, information in relation to prepayment meters installed by Horizon Power in regional communities, in response to a question without notice asked by Hon Sally Talbot.

17. Supply Bill 2013

Debate resumed on the second reading of this Bill (*see item 15 above*).

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

The Minister for Mental Health representing the Treasurer moved, That the Chair report progress and seek to sit again.

Question — put and passed.

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.

18. Insurance Commission of Western Australia Amendment Bill 2013

The President reported the receipt of Message No. 15 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 372).

Debate stands adjourned.

19. City of Fremantle and Town of East Fremantle Trust Funds (Amendment and Expiry) Bill 2013

The President reported the receipt of Message No. 16 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 373).

Debate stands adjourned.

20. Members' Statements

Statements were taken.

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to a review by King Edward Memorial Hospital of all cases of termination of pregnancy greater than twenty weeks, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 374).

21. Adjournment

The Council adjourned at 10.15pm until Wednesday, 26 June 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ken Baston, Hon Lynn MacLaren and Hon Ljiljana Ravlich.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council