

LEGISLATIVE COUNCIL  
THURSDAY, 12 SEPTEMBER 2013

10.00am

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Prayers

**10.00AM - ORDER OF BUSINESS**

Condolence Motions

Petitions

Statements by Ministers and Parliamentary Secretaries

(Minister for Mental Health)

Papers for Tabling

(President)

(Parliamentary Secretary representing the Minister for Training and  
Workforce Development)

(Hon Ken Travers)

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Non-Government Business

Private Members Business

Orders of the Day

4.30pm Questions without Notice

5.00pm Orders of the Day (continued)

5.20pm Members' Statements

6.00pm House adjourns

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**NON-GOVERNMENT BUSINESS**

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**1. World Suicide Prevention Day and RU OK? Day**

Hon Lynn MacLaren to move —

That the Council recognises World Suicide Prevention Day and RU OK? Day and that Members undertake to —

- (a) publicise suicide prevention programmes among their constituents;
- (b) acknowledge the risk factors people face in their regions;
- (c) actively support non-government and government programmes to prevent suicide; and
- (d) express our condolences to those who have been affected by the suicide of a loved one, co-worker or friend.

**2. Local Government – Forced Amalgamations**

Hon Lynn MacLaren to move —

That the Council calls upon the Barnett Government to —

- (a) acknowledge the outpouring of community concern regarding the government's process for forced local government amalgamations;
- (b) not proceed with removing the Dadour Amendment from the *Local Government Act 1995*;
- (c) recognise the principle that local communities should be the drivers of policies in relation to council amalgamation; and
- (d) consider that changes to Council boundaries should consider shared communities of interest.

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**PRIVATE MEMBERS' BUSINESS**

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**1. Regional Western Australia — Infrastructure Investment**

Hon Paul Brown to move —

That this Council calls on the newly elected Federal Government to invest in infrastructure in regional Western Australia.

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**ORDERS OF THE DAY**

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**1. Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Lynn MacLaren (Days remaining 8 after today (Indicative date — 16 October 2013))

That *Proposal No. 1/2013, Excision of land from Class A Reserve 33581 for the upgrade of Gilmore Avenue, Leda to a dual carriageway in the City of Kwinana*, tabled in the Legislative Council on 15 May 2013 under section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed. (Tabled paper 297).

**2. Children’s Court (Fees) Amendment Regulations (No. 2) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Children’s Court (Fees) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Children’s Court of Western Australia Act 1988*, be and are hereby disallowed. (Tabled paper 96).

**3. Civil Judgments Enforcement Amendment Regulations 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Civil Judgments Enforcement Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Civil Judgments Enforcement Act 2004*, be and are hereby disallowed. (Tabled paper 97).

**4. Coroners Amendment Regulations 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Coroners Amendment Regulations 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Coroners Act 1996*, be and are hereby disallowed. (Tabled paper 102).

**5. District Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 106).

**6. Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Evidence Act 1906*, be and are hereby disallowed. (Tabled paper 108).

**7. Magistrates Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Magistrates Court Act 2004*, be and are hereby disallowed. (Tabled paper 119).

**8. State Administrative Tribunal Amendment Regulations (No. 3) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *State Administrative Tribunal Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *State Administrative Tribunal Act 2004*, be and are hereby disallowed. (Tabled paper 123).

**9. Supreme Court (Fees) Amendment Regulations (No. 3) 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court (Fees) Amendment Regulations (No. 3) 2012* published in the *Gazette* on 30 November 2012 and tabled in the Legislative Council on 14 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 125).

**10. City of Fremantle Plastic Bag Reduction Local Law 2012 – Disallowance**

Moved *pro forma* (SO 66(3)) 8 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 10 after today (Indicative date — 23 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Plastic Bag Reduction Local Law 2012* published in the *Gazette* on 22 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 59).

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**11. Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 11 after today (Indicative date — 24 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Mindarie Regional Council Waste Facility Site Amendment Local Law 2013* published in the *Gazette* on 15 March 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 220).

**12. Legal Profession Conduct Amendment Rules 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 11 after today (Indicative date — 24 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession Conduct Amendment Rules 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper 231).

**13. Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 11 after today (Indicative date — 24 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013* published in the *Gazette* on 5 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 220).

**14. Supreme Court Amendment Rules 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 13 August 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 11 after today (Indicative date — 24 October 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Supreme Court Amendment Rules 2013* published in the *Gazette* on 23 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Supreme Court Act 1935*, be and are hereby disallowed. (Tabled paper 233).

**15. Firearms Amendment Regulations 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 14 August 2013 on the motion of Hon Rick Mazza (Days remaining 12 after today (Indicative date — 29 October 2013))

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).

**16. Town of Claremont Parking Local Law 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 12 September 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 16 after today (Indicative date — 20 November 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Claremont Parking Local Law 2013* published in the *Gazette* on 23 May 2013 and tabled in the Legislative Council on 11 June 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 290).

**17. Fire Brigades Amendment Regulations 2013 – Disallowance**

Moved *pro forma* (SO 66(3)) 12 September 2013 on the motion of Hon Ljiljanna Ravlich (Days remaining 16 after today (Indicative date — 20 November 2013))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Fire Brigades Amendment Regulations 2013* published in the *Gazette* on 4 June 2013 and tabled in the Legislative Council on 11 June 2013 under the *Fire Brigades Act 1942*, be and are hereby disallowed. (Tabled Paper 295).

**18. Estimates of Revenue and Expenditure – Consolidated Fund Estimates 2013–2014** (*Notice given 8 August 2013*) Minister for Mental Health representing the Treasurer

Resumption of debate adjourned Leader of the House (Wednesday, 11 September 2013) on the motion of the Minister for Mental Health representing the Treasurer as follows –

That pursuant to Standing Order No. 68(1) the Legislative Council take note of Tabled Paper No. 506A-E (2013–2014 Budget Statements), laid upon the Table of the House on Thursday, 8 August 2013.

(Days remaining 4 after today – SO 68(2))

**20. Criminal Code Amendment Bill (No. 2) 2013** [LC 16–1] Attorney General

Second reading continuation of remarks in reply Attorney General (Wednesday, 11 September 2013).

**21. \*Fair Trading Amendment Bill 2013** [LC 4–1] Minister for Commerce

Second reading adjourned (Wednesday, 15 May 2013). See *Standing Committee on Uniform Legislation and Statutes Review Report No. 80* (Tabled 6 August 2013).

**23. \*Statutes (Repeals and Minor Amendments) Bill 2013** [LC 8–1] Attorney General

Second reading adjourned (Tuesday, 21 May 2013). See *Standing Committee on Uniform Legislation and Statutes Review Report No. 81* (Tabled 8 August 2013).

**24. Petroleum and Geothermal Energy Legislation Amendment Bill 2013** [LA 13–1] Minister for Agriculture and Food representing the Minister for Mines and Petroleum

Second reading adjourned (Thursday, 8 August 2013).

**30. Protection of the Identity of Journalists' Informants** (*Notice given 12 June 2013*)

Leader of the House: To move –

That new Standing Order 201, as outlined in the Schedule to this motion, be adopted by the Council and that the Standing Orders be renumbered accordingly.

### Schedule

**201. Protection of the Identity of Journalists' Informants**

- (1) Where a journalist is examined before a Committee or the Council and, in the course of such examination, is asked to disclose the identity of the journalist's informant and refuses, the Council shall consider whether to excuse the answering of the question pursuant to section 7 of the *Parliamentary Privileges Act 1891*.

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- (2) In considering a matter under (1), the Council shall only order the disclosure of the identity of a journalist's informant if the Council is satisfied that, having regard to the issues to be determined in the proceeding, the public interest in the disclosure of the identity of the informant outweighs —
- (a) any likely adverse effect of the disclosure of the identity on the informant or any other person; and
  - (b) the public interest in the communication of facts and opinions to the public by the news media and, accordingly also, in the ability of the news media to access sources of facts.
- (3) Without limiting the matters that the Council may have regard to for the purposes of this Standing Order, the Council must have regard to the following matters —
- (a) the probative value of the identifying evidence in the proceeding;
  - (b) the importance of the identifying evidence in the proceeding;
  - (c) the nature and gravity of the subject matter of the proceeding;
  - (d) the availability of any other evidence concerning the matters to which the identifying evidence relates;
  - (e) the likely effect of the identifying evidence, including the likelihood of harm, and the nature and extent of harm that would be caused to the informant or any other person;
  - (f) the means available to the Council to limit the harm or extent of the harm that is likely to be caused if the identifying evidence is given;
  - (g) the likely effect of the identifying evidence in relation to —
    - (i) a prosecution that has commenced but has not been finalised; or
    - (ii) an investigation, of which the Council is aware, into whether or not an offence has been committed;
  - (h) whether the substance of the identifying evidence has already been disclosed by the informant or any other person;
  - (i) the risk to national security or to the security of the State;
  - (j) whether or not there was misconduct on the part of the informant or the journalist in relation to obtaining, using, giving or receiving information.

\* For amendments see Supplementary Notice Paper and/or Committee Report

**MALCOLM PEACOCK**  
Clerk of the Legislative Council