

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 48

THURSDAY, 12 DECEMBER 2013

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Petition

Hon Sue Ellery presented a petition from one petitioner requesting the Legislative Council to support the retention of the art teacher at Westminster Primary School. (Tabled Paper 1146).

3. Ministerial Statement — Section 57 Review of the Operations of the Coroner's Act 1996 and Strategic Review of the Office of the State Coroner

The Attorney General made a Ministerial Statement with respect to the section 57 review of the operations of the *Coroner's Act 1996* and the strategic review of the Office of the State Coroner.

The Attorney General tabled the report by AOT Consulting Pty Ltd in relation to the *Section 57 Review of the Coroners Act 1996*. (Tabled Paper 1148).

The Attorney General tabled the report by AOT Consulting Pty Ltd in relation to the *Strategic Review of the Office of the State Coroner*. (Tabled Paper 1147).

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Managing the Impact of Plant and Animal Pests: A State-Wide Challenge
(Report No. 18) (December 2013) (Date received 12/12/2013)..... 1134

Reports —

Report of the Legislative Council Delegation to Malaysia and Singapore
(November 2013) (Date published 12/12/2013)..... 1135

Leader of the House

Regulations —

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 8) 2013 G.G. 6/12/2013) 1136

Rules —

Lotteries Commission Act 1990 (Lotteries Commission (Super 66) Amendment Rules 2013
G.G. 6/12/2013) 1137

Minister for Mental Health*Regulations —*

Environmental Protection Act 1986 (Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 G.G. 3/12/2013 and Environmental Protection (Noise) Amendment Regulations 2013 G.G. 5/12/2013).....	1138
Library Board of Western Australia Act 1951 (Library Board (State Library) Amendment Regulations 2013 G.G. 6/12/2013).....	1139

Attorney General*Annual Reports —*

Architects Board of Western Australia (2012–2013) (Date received 11/12/2013)	1140
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Orders —

Young Offenders Act 1994 (Young Offenders (Detention Centre) Order (No. 4) 2013 G.G. 6/12/2013)	1141
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Regulations —

Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2013 G.G. 3/12/2013)	1142
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Minister for Agriculture and Food*Regulations —*

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Amendment Regulations 2013 G.G. 2/12/2013, Dangerous Goods Safety (Goods in Ports) Repeal Regulations 2013 G.G. 2/12/2013, Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2013 G.G. 2/12/2013, Dangerous Goods Safety (Security Risk Substances) Amendment Regulations 2013 G.G. 2/12/2013 and Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2013 G.G. 2/12/2013)	1143
Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations (No. 2) 2013 G.G. 3/12/2013)	1144

Parliamentary Secretary representing the Minister for Health*Notices —*

Financial Management Act 2006 section 82 Notice from the Minister for Tourism in response to Legislative Council Question Without Notice No. 944.....	1145
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5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — Report into emails between staff of the Department of Corrective Services and the Corruption and Crime Commission

Hon Nick Goiran presented Report No. 8 of the Joint Standing Committee on the Corruption and Crime Commission, *Report into emails between staff of the Department of Corrective Services and the Corruption and Crime Commission*. (Tabled Paper 1149).

6. Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* published in the *Gazette* on 3 December 2013 and tabled in the Legislative Council on 12 December 2013 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled Paper 1138).

7. Same-Sex Marriage Bill 2013

Non-Government Business No. 1 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That a Bill for “An Act to provide for the following —

- same-sex marriages between adults;
- authorisation of celebrants to solemnise same-sex marriages;
- amendments to the *Births, Deaths and Marriages Registration Act 1998* to provide for the registration of same-sex marriages;
- amendments to the *Family Court Act 1997* to provide for the dissolution and annulment of same-sex marriages and for related financial matters;
- consequential amendments to other Acts;

and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Lynn MacLaren moved, That the Bill be read a second time.

Hon Lynn MacLaren tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1150).

Debate stands adjourned.

8. Free Range Eggs Labelling Bill 2013

Non-Government Business No. 2 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That a Bill for “An Act to secure the confidence of consumers and protect the market of free range egg producers by establishing regulations for the labelling and sale of free range eggs in Western Australia.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Lynn MacLaren moved, That the Bill be read a second time.

Hon Lynn MacLaren tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1151).

Debate stands adjourned.

9. Climate Change

Non-Government Business No. 3 having been called, Hon Robin Chapple moved, without notice —

That this Council debate the directions needed for this State to adapt to and mitigate current and projected impacts of climate change and take proactive action to decrease climate change emissions into the future in terms of its responsibilities on the impact on the community, health, biodiversity and economy of our State.

Debate ensued.

Want of Quorum

There not being a quorum present, the Acting President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Interruption pursuant to order.

10. Paper

The following Paper was laid on the Table by —

Leader of the House on behalf of the Minister for Commerce

Reports —

Department of Commerce Local Content Report (November 2013) 1152

11. Order of Business

Ordered — That Order of the Day No. 1, *Metropolitan Region Scheme Amendment 1225/41 — Upper Swan Urban Precinct — Disallowance*, be taken after Order of the Day No. 7, *Electricity Corporations Amendment Bill 2013*. (Leader of the House).

12. Electricity Corporations 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 Acting President left the Chair.

In Committee

(Hon Alanna Clohesy in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Minister for Energy tabled letters to the Clerks of the Legislative Council and the Legislative Assembly regarding the *Electricity Corporations Act 2005*. (Tabled Paper 1153).

Debate resumed.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljana Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Sue Ellery (*Teller*)

Question thus passed.

Clause agreed to.

Clause 2.

Debate ensued.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 3.

Debate ensued.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 4.

Debate ensued.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 34 agreed to.

Clause 35.

Debate ensued.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 36 agreed to.

New Clause 36A.

Hon Adele Farina moved —

Page 35, after line 33 — To insert —

36A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the expiry of 5 years from the commencement of this Act.
- (2) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

Amendment — put and negatived.

Clauses 37 to 46.

Question — put.

The Committee divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clauses agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for Energy moved, That the Bill be read a third time.

The 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.

The Council divided.

Ayes (19)

Hon Ken Baston
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett
 Hon Alyssa Hayden

Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

The President left the Chair at 3.37pm

The President resumed the Chair at 4.30pm

13. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled a document in relation to metropolitan public hospitals shutdown periods over Christmas and New Year, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 1154).

The Parliamentary Secretary representing the Minister for Training and Workforce Development tabled a document in relation to TAFE courses and fee details for 2014, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 1155).

The Minister for Education tabled a document in relation to education funding cuts in Bunbury schools, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 1156).

The Minister for Education tabled a document in relation to National Partnership funds to schools, in Western Australia in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1157).

The Minister for Child Protection tabled a document in relation to the allocated budgets, by district and locations, for services provided in 2012-13 and 2013-14 under the Responsible Parenting

Program, in response to question on notice No. 629 asked by Hon Stephen Dawson. (Tabled Paper 1158).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled a document in relation to a survey conducted by the Department of Mines and Petroleum regarding community attitudes towards shale gas, in response to question on notice No. 612 asked by Hon Robin Chapple. (Tabled Paper 1159).

The Parliamentary Secretary representing the Minister for Health tabled a document in relation to the provision of child health services in the Kimberley, Pilbara, Gascoyne, Goldfields Esperance and Midwest regions during 2011–2012, 2012–2013 and 2013–2014, in response to question on notice No. 631 asked by Hon Stephen Dawson. (Tabled Paper 1160).

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 5.37pm until Tuesday, 18 February 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Liz Behjat, Hon Jacqui Boydell and Hon Amber-Jade Sanderson.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council