

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 33

WEDNESDAY, 23 OCTOBER 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. Recreational Hunting Systems — Amendment to Notice of Motion

Hon Rick Mazza, pursuant to Standing Order 61(a), amended Motion No. 2 as follows —

Delete paragraphs (a) and (b) and insert —

- (a) acknowledges the use in other States of regulated, licensed recreational hunting systems and the potential environmental contribution made in controlling pest animals on public lands, together with the possible economic, cultural and recreational benefits to the community; and
- (b) directs that —
 - (i) the *Environment and Public Affairs Committee* inquire into the benefits or otherwise of a similar system being adopted in Western Australia and report back to the House by 26 June 2014; and
 - (ii) Hon Rick Mazza be co-opted as a member to the *Environment and Public Affairs Committee* for the purposes of the foregoing inquiry.

3. Browse Basin LNG Development — Inquiry

Motion No. 1 having been called, debate resumed on the motion of Hon Robin Chapple as follows —

That an inquiry be established into all aspects of the Western Australian Government's involvement in regard to all decisions associated with the proposed Browse Liquefied Natural Gas processing precinct at James Price Point.

Question — put and negatived.

4. Recreational Hunting Systems

Motion No. 2 having been called, Hon Rick Mazza, pursuant to Standing Order 61(b), sought leave to move his amended motion.

Leave granted.

Hon Rick Mazza, pursuant to notice, moved —

That the Council —

- (a) acknowledges the use in other States of regulated, licensed recreational hunting systems and the potential environmental contribution made in controlling pest animals on public lands, together with the possible economic, cultural and recreational benefits to the community; and
- (b) directs that —

- (i) the *Environment and Public Affairs Committee* inquire into the benefits or otherwise of a similar system being adopted in Western Australia and report back to the House by 26 June 2014; and
- (ii) Hon Rick Mazza be co-opted as a member to the *Environment and Public Affairs Committee* for the purposes of the foregoing inquiry.

Debate ensued.

Interruption pursuant to order.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 6 — Annual Report 2012-13

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

Question — put and passed.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled, and by leave incorporated into Hansard, documents in relation to agency voluntary separation approvals since 8 August 2013, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 899).

The Minister for Education tabled, and by leave incorporated into Hansard, details of reductions to the school support programme resource allocation for schools in the Perth electorate, in response to a question without notice asked by Hon Ljiljana Ravlich. (Tabled Paper 900).

The Parliamentary Secretary representing the Minister for Transport tabled, and by leave incorporated into Hansard, details of Freedom of Information applications to the Public Transport Authority in relation to railway infrastructure leases and land freight corridor land use agreements, in response to a question without notice asked by Hon Brian Ellis. (Tabled Paper 901).

The Minister for Education tabled, and by leave incorporated into Hansard, documents in relation to full time equivalent employees and headcounts for each school with an Aboriginal and Islander education officer, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 902).

7. Statement by President — Incorporation of Answers into Hansard

The President made the following Statement —

Today four answers were provided with information tabled and leave sought to incorporate that in *Hansard*. The House is the master of its own destiny. If the House accepts that proposal, that is fine. It is up to the House to do that. I would like to point out that historically, the House has been a bit cautious about incorporating voluminous material into *Hansard*. For example, two of today's questions were quite straightforward. They were tables that related specifically to a section of an answer. The others involved rather lengthy documents. The test for whether Members really agree with leave to incorporate them into *Hansard* is that they should know what is in that document. Members take a bit of a leap of faith if they agree to incorporation into *Hansard* of a document that is quite large. I point that out for information. As I said before, the House is the master of its own destiny and if it decides to accept that, that is fine with me.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 5 above*).

In Committee

(Hon Adele Farina in the Chair)

Joint Standing Committee on Audit — Report No. 2 — Review of the Auditor General Act — Appointment of Reviewer

Hon Peter Katsambanis moved, That the Report be noted.

Question — put and passed.

The Acting President resumed the Chair.

The 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. 6 — *Annual Report 2012–13* and had noted same; and
- (2) Joint Standing Committee on Audit — Report No. 2 — *Review of the Auditor General Act — Appointment of Reviewer* and had noted same.

Report adopted.

9. Order of Business

Ordered — That Orders of the Day Nos 2, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, 4, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 5, *Supreme Court Amendment Rules 2013 — Disallowance*, 6, *Firearms Amendment Regulations 2013 — Disallowance*, and 7, *Jetties Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 12, *Coal Industry Superannuation Amendment Bill 2013*. (Leader of the House).

10. 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 — Discharge from Notice Paper

The Order of the Day having been called, Hon Lynn MacLaren moved, without notice —

That, Order of the Day No. 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*, be discharged from the Notice Paper.

Debate ensued.

Point of Order

Hon Simon O'Brien raised the following Point of Order —

This arises only rarely. When this has come up in the past, our old Standing Orders, it may have changed, provided, as do the current model, for notices for disallowance to move *pro forma* after a notice of motion is given.

It also provides that they must be dealt with on a certain day. In the case of this disallowance motion, today is the day. I cannot remember the last time this happened but it would be years and years ago. It has been the practice in the past, if we got to the last day, for the question to be put, so the question should be put. In this case of course we can all agree and dispose of it by simply voting no, which will have the effect that Hon Lynn MacLaren has asked for. I think it is important to address this now before we proceed, is it a case that we can, after all this time, when the project has been under the encumbrance of a notice of motion for disallowance, to suddenly say, "Forget it, we'll turf it out"? I do not think the House can do that. I think that on the last day the House has to decide by putting the matter to a vote.

Deputy President's Ruling

The Deputy President ruled as follows —

In relation to that point of order, it is competent for the House to consider a motion of disallowance up until the last day and the House is competent to put a disallowance motion, as Hon Simon O'Brien has indicated. It is also competent for the House to consider a withdrawal of that disallowance motion and to have that motion discharged. The fact it is on the last day is not a relevant consideration. The House is still within its competency to consider a motion that the disallowance motion be discharged. That is the question currently before the House.

Question — put and passed.

11. Legal Professional Conduct Amendment Rules 2013 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Legal Professional Conduct Amendment Rules 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

12. Dog 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 Adele Farina in the Chair)

Clause 36

Debate resumed on the amendment of Hon Simon O'Brien as follows —

Page 55, after line 6 — To insert —

or

- (c) the Minister has given permission for a transfer of ownership in circumstances that the Minister considers justify it.

Hon Simon O'Brien, by leave, withdrew his amendment.

Hon Simon O'Brien moved —

Page 55, after line 6 — To insert —

or

- (c) the Minister in his absolute discretion forms the view that extraordinary conditions exist in a particular case and a transfer of ownership is justified in that case.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 37 to 63 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendment.

Leave was granted to proceed forthwith to the consideration of the Committee's report upon this Bill. The Minister for Mental Health representing the Minister for Local Government moved, That the report be adopted.

Question — put and passed.

The Minister for Mental Health representing the Minister for Local Government moved, without notice —

That so much of Standing Orders be suspended as would enable the House to proceed to the third reading of this Bill.

The motion requiring the concurrence of an absolute majority.

Question put.

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

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

The Deputy President having reported that the 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.

13. Criminal Investigation (Identifying People) 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.

The Deputy President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clauses 2 to 9 agreed to.

Clause 10.

The Attorney General representing the Minister for Police moved —

Page 6, lines 11 to 13 — To delete the lines and insert —

face covering means an item of clothing, hat, helmet, mask or sunglasses, or any other thing worn by a person, that totally or partially covers the person's face;

Debate ensued.

Amendment — put and passed.

The Attorney General representing the Minister for Police moved —

Page 6, line 25 — To delete “any headwear” and insert —

or adjust any face covering

Amendment — put and passed.

The Attorney General representing the Minister for Police moved —
Page 6, line 27 — To delete “head” and insert —

face

Amendment — put and passed.

The Attorney General representing the Minister for Police moved —
Page 7, line 1 — To delete “headwear” and insert —

face covering

Amendment — put and passed.

The Attorney General representing the Minister for Police moved —
Page 7, line 2 — To delete “head is removed.” and insert —

face is removed or adjusted.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 11 to 20 agreed to.

Clause 21.

Debate ensued.

The Attorney General representing the Minister for Police moved —
Page 12, line 1 — To insert after “51(2)” —

and (3)

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 22 to 30 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith to the consideration of the Committee’s report upon this Bill.

The Attorney General representing the Minister for Police moved, That the report be adopted.

Question — put and passed.

The Attorney General representing the Minister for Police moved, without notice —

That so much of Standing Orders be suspended as would enable the House to proceed to the third reading of this Bill.

The motion requiring the concurrence of an absolute majority.

Question put.

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

The Attorney General representing the Minister for Police 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.

Question — put and passed.

Bill read a third time and passed.

14. Workers' Compensation and Injury Management Amendment Bill 2013

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

Debate resumed.

Interruption pursuant to order.

15. Members' Statements

Statements were taken.

16. Taxi Drivers Licensing Bill 2013

The President reported the receipt of Message No. 33 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 903).

Debate stands adjourned.

17. Adjournment

The Council adjourned at 10.12pm until Thursday, 24 October 2013 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust, Hon Alyssa Hayden and Hon Ken Travers.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council