

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 17

TUESDAY, 6 AUGUST 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 Bills

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

29 June 2013 — Message No. 6	Act No.
Supply Bill 2013	No. 3 of 2013
Rates and Charges (Rebates and Deferments) Amendment Bill 2013	No. 4 of 2013
Duties Legislation Amendment Bill 2013	No. 5 of 2013

3. Ministerial Statement — Budget Presentation — Estimates Hearings

The Leader of the House made a Ministerial Statement with respect to changes to the Legislative Council Sitting Schedule due to Annual Budget Estimates Hearings.

4. Ministerial Statement — Education — Public School Funding

The Minister for Education made a Ministerial Statement with respect to the review of the mechanism to distribute funding to public schools in Western Australia conducted by the University of Melbourne.

The Minister for Education tabled *Development of a school funding model for Western Australian public schools, Report on funding and options (February 2012)*. (Tabled Paper 394).

5. Ministerial Statement — National Disability Insurance Scheme

The Minister for Disability Services made a Ministerial Statement with respect to Western Australia joining the National Disability Insurance Scheme.

6. Papers

The following Papers were laid on the Table by —

President

Financial Statements —

Members of Parliament (Financial Interest) Act 1992 — Primary Returns..... 385

Reports —

Office of the Inspector of Custodial Services — Report of an Announced Inspection
of Karnet Prison Farm (Report No. 84) (June 2013)..... 386

Leader of the House*Directions —*

Electricity Corporation Act 2005 — Electricity Generation Corporation (Interim Merger) Direction 2013..... 387

Reports —

Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission..... 388

Minister for Mental Health*Annual Reports —*

State of Cockburn Sound (2012) (Date received 23/07/2013) 389

Attorney General*Orders —*

Building Act 2011 — Order and reasons in accordance with section 67(2A) of the Building Act 2011 relating to Building (67 Exemption) (Order No. 2)..... 390

Reports —

Terrorism (Prevention Detention) Act 2006 Quarterly Report (30 June 2013)..... 391

Minister for Agriculture and Food*Annual Reports —*

Land Surveyors Licensing Board of Western Australia (2012) (Date received 10/07/2013) 392

Leases —

CALM Lease No. 2328/97 – Between CALM and Mr John Dennis for the purpose of a dam site for commercial purposes within a portion of State Forest No. 64 located near Mount Barker..... 393

7. Standing Committee on Uniform Legislation and Statutes Review — Report No. 80 — Fair Trading Amendment Bill 2013

Hon Kate Doust presented Report No. 80 of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Fair Trading Amendment Bill 2013*. (Tabled Paper 395).

8. Shire of Ashburton Cemeteries Local Law 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Ashburton Cemeteries Local Law 2013* published in the *Gazette* on 8 March 2013 and tabled in the Legislative Council on 15 May 2013 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled Paper 215).

9. 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

Hon Lynn MacLaren: To move on the next day of sitting —

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 the section 42(4)(b) of the *Land Administration Act 1997*, be and is hereby disallowed. (Tabled Paper 297).

10. Mindarie Regional Council Waste Facility Site Amendment Local Law 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

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).

11. Shire of Ashburton Activities on Thoroughfares And Public Places And Trading Local Law 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Ashburton Activities on Thoroughfares And Public Places And Trading 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).

12. Legal Profession Conduct Amendment Rules 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

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

Hon Ljiljanna Ravlich: To move on the next day of sitting —

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. Edith Cowan University Amending Statute No. 1 of 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Edith Cowan University Amending Statute No. 1 of 2013* published in the *Gazette* on 12 April 2013 and tabled in the Legislative Council on 15 May 2013 under the *Edith Cowan University Act 1984*, be and is hereby disallowed. (Tabled Paper 213).

15. Supreme Court Amendment Rules 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

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).

16. City of Albany Parking and Parking Facilities Amendment Local Law 2012 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Albany Parking and Parking Facilities Amendment Local Law 2012* published in the *Gazette* on 26 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 218).

17. Shire of Carnamah Public Places and Local Government Property Local Law 2013 — Disallowance

Hon Ljiljanna Ravlich: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Carnamah Public Places and Local Government Property Local Law 2013* published in the *Gazette* on 6 May 2013 and tabled in the Legislative Council on 15 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 219).

18. 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.

Debate resumed.

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

19. Queen Elizabeth II Medical Centre 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 President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clauses 1 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Minister for Health 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.

20. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, a tabular answer in relation to 2013 first semester census enrolments at Western Australian public schools, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 396).

The Minister for Education tabled, and by leave incorporated into Hansard, a tabular answer in relation to full-time enrolments at Western Australian public schools by year level as at the 2013 first semester census, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 397).

The Leader of the House representing the Premier tabled documents in relation to the Oakajee Port and Rail Project expenditure, in response to question on notice No. 123 asked by Hon Darren West. (Tabled Paper 398).

The Minister for Education tabled documents in relation to Western Australian schools with special education needs school holiday programs, in response to question on notice No. 85 asked by Hon Sally Talbot. (Tabled Paper 399).

The Leader of the House representing the Minister for Energy tabled documents in relation to the results of tolerance testing for accuracy of electricity meters, in response to question on notice No. 96 asked by Hon Robin Chapple. (Tabled Paper 400).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to the MainRoads state-wide purpose clearing permit, in response to question on notice No. 113 asked by Hon Lynn MacLaren. (Tabled Paper 401).

The Minister for Child Protection tabled documents in relation to applicants to the Hardship Utility Grant Scheme in May 2013, in response to question on notice No. 84 asked by Hon Sally Talbot. (Tabled Paper 402).

The Minister for Child Protection tabled documents in relation to applicants for financial assistance to pay utility bills in May 2011, May 2012 and May 2013, in response to question on notice No. 98 asked by Hon Sally Talbot. (Tabled Paper 403).

The Minister for Child Protection tabled documents in relation to the Department for Child Protection and Family Support full-time equivalent allocation, in response to question on notice No. 100 asked by Hon Sally Talbot. (Tabled Paper 404).

The Minister for Mental Health tabled documents in relation to closed circuit television in mental health patient units, in response to question on notice No. 117 asked by Hon Sally Talbot. (Tabled Paper 405).

The Minister for Agriculture and Food on behalf of the Parliamentary Secretary representing the Minister for Training and Workforce Development tabled documents in relation to the number of apprentices and trainees training in the East Metropolitan Region, in response to question on notice No. 131 asked by Hon Alanna Clohesy. (Tabled Paper 406).

The Minister for Agriculture and Food on behalf of the Parliamentary Secretary representing the Minister for Training and Workforce Development tabled documents in relation to the commencement and completion of training of apprentices and trainees in the East Metropolitan Region, in response to question on notice No. 132 asked by Hon Alanna Clohesy. (Tabled Paper 407).

The Minister for Agriculture and Food representing the Minister for Fisheries tabled documents in relation to the release of W13-20 acreage, adjacent to the Abrolhos Islands, for oil and gas exploration, in response to question on notice No. 110 asked by Hon Robin Chapple. (Tabled Paper 408).

21. Queen Elizabeth II Medical Centre Amendment Bill 2013

Debate resumed on the third reading of this Bill (*see item 19 above*).

Question — put and passed.

Bill read a third time and passed.

22. Insurance Commission of Western Australia Amendment Bill 2013

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

Debate resumed.

Hon Ken Travers moved, without notice —

That the *Insurance Commission of Western Australia Amendment Bill 2013* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 31 October 2013.

Debate ensued.

Question — put.

The Council divided.

Ayes (11)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (20)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Brian Ellis
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 Phil Edman (*Teller*)

Question thus negatived.

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.

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.

23. Members' Statements

Statements were taken.

24. Adjournment

The Council adjourned at 10.00pm until Wednesday, 7 August 2013 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher, Hon Adele Farina and Hon Simon O'Brien.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council