

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 61

TUESDAY, 1 APRIL 2014

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### 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. Distinguished Visitor

The President drew attention to the presence in the gallery of Mr Thierry Mariani, Deputy of the National Assembly of France, and, on behalf of honourable Members, extended a warm welcome to him.

### 3. Messages from His Excellency the Governor — Assent to Bills

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

<b>24 March 2014 — Message No. 4</b>	<b>Act No.</b>
Electronic Conveyancing Bill 2013	2 of 2014
<b>25 March 2014 — Message No. 5</b>	<b>Act No.</b>
Pilbara Energy Project Agreement (Termination) Bill 2013	3 of 2014

### 4. Ministerial Statement — National Disability Insurance Scheme

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

### 5. Papers

The following Papers were laid on the Table by —

#### President

*Auditor General's Papers —*

Across Government Benchmarking Audits (Report No. 5) (April 2014) ..... 1331

#### Leader of the House

*Annual Reports —*

Curtin University (2013) (Date received 28/03/2014) ..... 1332

Edith Cowan University (2013) (Date received 27/03/2014)..... 1333

Murdoch University (2013) (Date received 28/03/2014)..... 1334

University of Western Australia (2013) (Date received 27/03/2014) ..... 1335

*Regulations —*

Liquor Control Act 1988 (Liquor Control Amendment Regulations 2014 G.G. 21/03/2014) ..... 1336

*Reports —*

Consultants Engaged by the Government (For the six months ended 30 June 2013) ..... 1337

**Minister for Mental Health***Annual Reports —*

Anzac Day Trust (2013) (Date received 20/03/2014) ..... 1338

*Leases —*

CALM Lease No. 2089/100 — Between CALM and the Yanchep Golf Club for the purpose of a golf clubhouse located in Yanchep National Park Reserve No. 9868 ..... 1339

*Local Laws —*

Dog Act 1976 (City of Fremantle Dog (Exercise Areas) Amendment Local Law 2013 (No. 2) G.G. 28/03/2014) ..... 1340

Local Government Act 1995 (City of Albany Standing Orders Local Law 2014 G.G. 17/03/2014 and Shire of Shark Bay Local Government Property Amendment Local Law 2014 G.G. 18/03/2014) ..... 1341

**Attorney General***Annual Reports —*

Corruption and Crime Commission of Western Australia annual compliance report into the Criminal Investigation (Covert Powers) Act 2012 (November 2013) (Date received 27/03/2014) ..... 1342

*Codes —*

Fair Trading Act 2010 (Fair Trading (Retirement Villages Interim Code) Regulations 2014 G.G. 21/03/2014) ..... 1343

*Regulations —*

Misuse of Drugs Act 1981 (Misuse of Drugs Amendment Regulations 2014 G.G. 21/03/2014) ..... 1344

Residential Tenancies Act 1987 (Residential Tenancies Amendment Regulations 2014 G.G. 21/03/2014) ..... 1345

Retirement Villages Act 1992 (Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 G.G. 21/03/2014) ..... 1346

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations 2014 G.G. 25/03/2014) ..... 1347

**Minister for Agriculture and Food***Management Plans —*

Fish Resources Management Act 1994 (West Coast Estuarine Managed Fishery Management Plan 2014 [1018] G.G. 25/03/2014) ..... 1348

*Notices —*

Fish Resources Management Act 1994 (West Coast Estuarine Fishery (Interim) Management Plan Revocation Notice 2014 [1018] G.G. 25/03/2014) ..... 1349

*Orders —*

Fish Resources Management Act 1994 (Prohibition on Fishing (Coral, 'Live Rock' and Algae) Amendment Order 2014 [1175] G.G. 21/03/2014) ..... 1350

**Parliamentary Secretary representing the Minister for Science on behalf of the  
Parliamentary Secretary representing the Minister for Health**

*Local Laws —*

Health Act 1911 (Shire of Dardanup Health Amendment Local Law 2014 G.G. 21/03/2014) ..... 1351

**Parliamentary Secretary representing the Minister for Regional Development**

*Proposals —*

Land Administration Act 1997 — Proposal No. 3/2014 — Excision from a portion of Class A Reserve 30082 to facilitate dedication of Karijini Drive in Karijini National Park..... 1352

**6. Standing Committee on Public Administration — Report No. 20 — Inquiry into Pastoral Leases in Western Australia**

Hon Liz Behjat presented Report No. 20 of the Standing Committee on Public Administration, *Inquiry into Pastoral Leases in Western Australia*. (Tabled Paper 1353).

**7. Order of Business**

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 — Disallowance*, 2, *Government Railways (Parking Stations) Amendment By-law 2013 — Disallowance*, 3, *Public Transport Authority Amendment Regulations 2013 — Disallowance*, 4, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, 5, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, 6, *Coroners Amendment Regulations 2013 — Disallowance*, 7, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 8, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, 9, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 10, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, 11, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 12, *Water Services Regulations 2013 — Disallowance*, and 13, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 22, *Mining Legislation Amendment Bill 2013*. (Leader of the House).

**8. Workforce Reform 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.

The Council divided.

**Ayes (16)**

Hon Martin Aldridge  
Hon Liz Behjat  
Hon Jacqui Boyde  
Hon Jim Chown  
Hon Peter Collier  
Hon Nick Goiran  
Hon Dave Grills  
Hon Nigel Hallett

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*)

**Noes (8)**

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

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

Question thus passed.

Bill read a second time.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled copies of two Prohibition Notices and an Improvement Notice in relation to the Harlequin Mine and New Sir Major Decline, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1354).

The Attorney General representing the Minister for Police tabled a document in relation to standard issue personal protective equipment provided to Western Australia Police officers, in response to question on notice No. 750 asked by Hon Kate Doust. (Tabled Paper 1355).

The Minister for Commerce tabled a document in relation to Regional Mobile Communications Project sites as at 1 March 2014, in response to question on notice No. 935 asked by Hon Stephen Dawson. (Tabled Paper 1356).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the Australian Standard Manual of uniform traffic control devices, minutes of the MainRoads Advisory Group for the Management of Straying Livestock in Pastoral Regions and briefing notes providing an update on the status of the Pastoral Fencing Group, in response to question on notice No. 710 asked by Hon Robin Chapple. (Tabled Paper 1357).

## 10. Workforce Reform Bill 2013

The Order of the Day for the consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

### In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Question — put.

The Committee divided.

### Ayes (16)

Hon Martin Aldridge  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown  
Hon Peter Collier  
Hon Nick Goiran  
Hon Dave Grills

Hon Nigel Hallett  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Phil Edman (*Teller*)

### Noes (8)

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

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

Question thus passed.

Clause agreed to.

*The Deputy Chair left the Chair at 9.00pm  
The Deputy Chair resumed the Chair at 9.04pm*

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

The Deputy Chair moved the following Committee Recommendation —

Page 3, lines 7 to 25 — To delete the lines and insert —

- (2A) In making a public sector decision the Commission must take into consideration any submission made to the Commission on behalf of the State Government that is to include such matters as —
- (a) any Public Sector Wages Policy Statement that is applicable in relation to negotiations with the public sector entity;
  - (b) the financial position and fiscal strategy of the State as published by the Department of the Treasury in publications including —
    - (i) the most recent Government Financial Strategy Statement released under the *Government Financial Responsibility Act 2000* section 11(1);
    - (ii) the most recent Government Financial Projections Statement released under the *Government Financial Responsibility Act 2000* section 12(1);
    - (iii) the most recent Government Mid-year Financial Projections Statement released under the *Government Financial Responsibility Act 2000* section 13(1); and
    - (iv) any other submissions made to the Commission on behalf of the State Government;
  - (c) the financial position of the public sector entity.

Debate ensued.

The Minister for Commerce moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

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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.

## **11. Custodial Legislation (Officers Discipline) Amendment Bill 2013**

The President reported the receipt of Message No. 50 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Corrective Services moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Corrective Services moved, That the Bill be read a second time.

The Attorney General representing the Minister for Corrective Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1358).

Debate stands adjourned.

## **12. Members' Statements**

Statements were taken.

## **13. Adjournment**

The Council adjourned at 9.57pm until Wednesday, 2 April 2014 at 2.00pm.

### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina, Hon Lynn MacLaren, Hon Simon O'Brien, Hon Sally Talbot and Hon Darren West.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council