

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 62

WEDNESDAY, 2 APRIL 2014

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. Greater Fremantle Area – Planning and Development

Motion No. 1 having been called, Hon Simon O'Brien continued his introductory remarks in moving the motion as follows —

That this House requests the Metropolitan Redevelopment Authority to prioritise the coordination and management of the planning and development of the greater Fremantle area, including all of North Fremantle.

Debate ensued.

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

To delete all words after “House” and insert —

encourages the Government to continue to engage fully with the City of Fremantle in meeting the planning challenges for part or all of the Fremantle area, including North Fremantle.

Debate ensued.

Interruption pursuant to order.

3. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

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

Hon Darren West moved, That the Report be noted.

4. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Transport tabled a document in relation to the results of a survey undertaken by the Public Transport Authority of the times when car parks were at full capacity across the rail network, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 1359).

The Minister for Education, by leave incorporated into Hansard, information in relation to the Department of Education's associated employment on-costs, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 770 asked by Hon Lynn MacLaren will be provided on 10 April 2014.

The Parliamentary Secretary representing the Minister for Science on behalf of the Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that answers to questions on notice Nos 767, 768, 771, 772, 773, 774, 775 and 776 asked by Hon Ken Travers will be provided on 10 April 2014.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 3 above*).

In Committee

(Hon Simon O'Brien in the Chair)

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

Hon Darren West continued his introductory remarks in moving, That the Report be noted.

Debate ensued.

Hon Liz Behjat moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

Standing Committee on Public Administration — Report No. 20 — *Inquiry into Pastoral Leases in Western Australia*, made progress, and seeks to sit again.

Report adopted.

6. Sunset Reserve Transformation Bill 2013

The Acting President reported the receipt of Message No. 51 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Heritage moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Minister for Heritage moved, That the Bill be read a second time.

The Minister for Mental Health representing the Minister for Heritage tabled the site chronology of the former Claremont Old Men's Home (Sunset Hospital). (Tabled Paper 1360).

The Minister for Mental Health representing the Minister for Heritage tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1361).

Debate stands adjourned.

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*. (Minister for Mental Health).

8. Workforce Reform 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 4.

Debate resumed on the Committee Recommendation, as follows —

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.

Amendment — put.

The Committee divided.

Ayes (10)

Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lynn MacLaren
 Hon Rick Mazza

Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Noes (17)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran

Hon Dave Grills
 Hon Col Holt
 Hon Mark Lewis
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Brian Ellis (*Teller*)

Amendment thus negatived.

The Minister for Commerce moved —

Page 3, line 17 — To insert after “section 11(1)” —

and made publicly available under section 9 of that Act

Debate ensued.

Amendment — put and passed.

The Minister for Commerce moved —

Page 3, lines 18 to 25 — To delete the lines and insert —

- (ii) the Government Financial Projections Statement;
- (iii) any submissions made to the Commission on behalf of the public sector entity or the State government;
- (c) the financial position of the public sector entity as set out in the following —
 - (i) the part of the most recent budget papers tabled in the Legislative Assembly that deals with the public sector entity under the title “Agency Information in Support of the Estimates” or, if the regulations prescribe another part of those budget papers, that other part;
 - (ii) any submissions made to the Commission on behalf of the public sector entity or the State government.

Debate ensued.

Statement by Deputy Chair

The Deputy Chair made the following Statement —

I need to draw the attention of the Chamber to the report of the last division. The actual numbers for that division were ayes 10, noes 17. It does not change the outcome of the division, but so that *Hansard* reflects the true vote of the Chamber.

Amendment — put and passed.

The Minister for Commerce moved —

Page 3, after line 26 — To insert —

Government Financial Projections Statement means whichever is the most recent of the following —

- (a) the most recent Government Financial Projections Statement that is —
 - (i) released under the *Government Financial Responsibility Act 2000* section 12(1); and
 - (ii) made publicly available in the budget papers tabled in the Legislative Assembly under the title “Economic and Fiscal Outlook” or, if the regulations prescribe another part of the budget papers, that other part;
- (b) the most recent Government Mid-year Financial Projections Statement that is —
 - (i) released under the *Government Financial Responsibility Act 2000* section 13(1); and
 - (ii) made publicly available under section 9 of that Act;

Debate ensued.

Amendment — put and passed.

Question, That the clause, as amended, be agreed to — put.

The Committee divided.

Ayes (16)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boyde
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher

Hon Nick Goiran
 Hon Dave Grills
 Hon Col Holt
 Hon Mark Lewis
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O’Brien
 Hon Brian Ellis (*Teller*)

Noes (10)

Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lynn MacLaren
 Hon Rick Mazza

Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 8 agreed to.

Clause 9.

Debate ensued.

The Minister for Commerce moved, That the Deputy 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.

9. Members' Statements

Statements were taken.

10. Adjournment

The Council adjourned at 9.58pm until Thursday, 3 April 2014 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Stephen Dawson, Hon Adele Farina and Hon Alyssa Hayden.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council