

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 132

TUESDAY, 19 MAY 2015

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

The Deputy President, Hon Adele Farina, took the Chair and read prayers.

2. Ministerial Statement — 2015 Perth Airport Achiever Awards

The Minister for Child Protection made a Ministerial Statement with respect to the Department for Child Protection and Family Support's 2015 Perth Airport Achiever Awards.

3. Statement by Deputy President — Electronic Devices — Procedural Note for Members No. 8

The Deputy President made the following Statement —

Social media platforms such as Twitter and Facebook have proven to be an effective way for Members of Parliament to communicate and interact instantaneously with their constituents and others on matters of public interest. These social media platforms are accessible on the laptop computers, tablets and smart phones Members use in the Chamber. However, the use of electronic devices in the Chamber for this communication during parliamentary proceedings can raise the potential for distraction, along with more serious unforeseen consequences. I draw Members' attention to the "Legislative Council Procedural Note for Members No. 8 (2015)", which will be shortly distributed to Members' desks. This document provides some handy guidance on how to responsibly use electronic devices in the Chamber and also clarifies some related issues concerning parliamentary privilege, defamation, disorderly conduct and contempt. I urge all Members to read the procedural note and consult with the Clerk if you have any questions.

4. Papers

The following Papers were laid on the Table by —

Deputy President

Letters —

Joint Standing Committee on the Corruption and Crime Commission — Extension of time of Inquiry into the Corruption and Crime Commission being able to prosecute its own charges to Wednesday 30 December 2015

(Date received 14/05/2015)..... 2886

Minister for Mental Health

Local Laws —

Local Government Act 1995 (Shire of Cunderdin Local Government Property Local Law 2015

G.G. 15/05/2015, Shire of Cunderdin Thoroughfares and Public Places Local Law 2015

G.G. 15/05/2015 and Shire of Trayning Standing Orders Local Law 2015 G.G. 12/05/2015 2887

Regulations —

Financial Management Act 2006 (Financial Management (Statutory Authorities) Regulations 2015 G.G. 12/05/2015).....	2888
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Attorney General*Regulations —*

Family Provision Act 1972 (Family Provision Amendment Regulations 2015 G.G. 15/05/2015)	2889
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations 2015 G.G. 15/05/2015).....	2890
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations 2015 G.G. 15/05/2015).....	2891
Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations 2015 G.G. 15/05/2015).....	2892
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations 2015 G.G. 15/05/2015).....	2893

Rules —

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules 2015 G.G. 15/05/2015).....	2894
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Parliamentary Secretary representing the Minister for Transport*Regulations —*

Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations (No. 2) 2015 G.G. 15/05/2015).....	2895
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5. Standing Committee on Estimates and Financial Operations — Report No. 53 — 2015/16 Budget Estimates Hearings — Sitting Schedule

Hon Peter Katsambanis presented Report No. 53 of the Standing Committee on Estimates and Financial Operations, *2015/16 Budget Estimates Hearings — Sitting Schedule*. (Tabled Paper 2896).

6. Leave of Absence — Hon Lynn MacLaren

The Leader of the House moved, without notice —

That leave be granted to Hon Lynn MacLaren for six sitting days due to urgent personal business.

Question — put and passed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Trayning Public Places and Local Government Property Local Law 2014 — Disallowance*, and 2, *City of Gosnells Cat Local Law 2014 — Disallowance*, be taken after Order of the Day No. 7, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

8. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2015–2016

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2877A–E (2015–2016 Budget Statements), laid upon the Table of the House on Thursday, 14 May 2015.

Debate ensued.

On the motion of Hon Samantha Rowe the debate was adjourned to a later stage of this day's sitting.

9. Taxation Legislation Amendment Bill 2015

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

The Deputy President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 19 agreed to.

New Part 5.

Hon Sue Ellery moved —

Page 24, after line 24 — To insert —

Part 5 — Independent Review of the Operation of Part 4 of the Act

20. Review of Operation of Part 4

- (1) The Minister must cause an independent review of the operation of Part 4 of this Act generally and, in particular, to examine and report on the impact of the new payroll tax rates and the impact of the changes on —
 - (a) the ability of Western Australian businesses to invest, expand, employ and innovate; and
 - (b) Western Australia's tax competitiveness relative to other state and regional economies.
- (2) The review is to be undertaken as soon as possible after the first anniversary of the commencement of this Act.
- (3) A person who undertakes such a review must give the Minister a written report of the review.
- (4) The Minister must cause a copy of the report of the review to be laid before each House of Parliament by 31 December 2016.

- (5) If a House of Parliament is not sitting when a report is ready to be laid before that House —
- (a) the Minister may transmit a copy of the report to the Clerk of that House; and
 - (b) the transmitted report is to be regarded as having been laid before that House; and
 - (c) the laying of a copy of the report that is regarded as having occurred under subsection (5)(b) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.
- (6) In the event that a report is not tabled under subsection (4), and is not regarded as having been tabled under subsection (5), by 31 December 2016, the amendments contained in Part 4 of this Act will cease to apply and the provisions as they were prior to amendment by Part 4 will be revived as at 1 January 2017.
- (7) In this section —
- independent review*** means a review undertaken by persons who —
- (a) in the opinion of the Minister possess appropriate qualifications to undertake the review; and
 - (b) include one or more persons who are not employed by the State of Western Australia, a State agency, the Commonwealth or a Commonwealth authority.

Debate ensued.

New Part 5 — put.

The Committee divided.

Ayes (10)

Hon Robin Chapple
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Martin Pritchard
 Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Noes (18)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Peter Collier
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills

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

New Part 5 thus negatived.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President announced 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.

10. Fire and Emergency Services Amendment Bill 2015

The Deputy President reported the receipt of Message No. 107 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Attorney General representing the Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2897).

Debate stands adjourned.

11. Loan Bill 2015

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

Debate resumed.

Hon Kate Doust sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to student numbers for each of Years 10, 11 and 12 at the Denmark Western Australian College of Agriculture as at Semester 1 in 2014, 2013 and 2012, in response to a question without notice asked by Hon Sally Talbot.

The Leader of the House on behalf of the Minister for Child Protection tabled documents in relation to Hardship Utilities Grant Scheme applications received and approved for various suburbs in February 2015, in response to question on notice No. 2947 asked by Hon Stephen Dawson. (Tabled Paper 2898).

The Leader of the House on behalf of the Minister for Child Protection tabled documents in relation to the Department for Child Protection and Family Support's FTE employee allocation, by directorate and district, as at 1 March 2015, in response to question on notice No. 2950 asked by Hon Stephen Dawson. (Tabled Paper 2899).

The Leader of the House on behalf of the Minister for Child Protection tabled documents in relation to the number of foster carer applications received by the Department for Child Protection and Family Support as at 28 February 2015, in response to question on notice No. 2952 asked by Hon Stephen Dawson. (Tabled Paper 2900).

The Minister for Education tabled documents in relation to the list of schools that were used to calculate the average per student funding provided to high schools in the South West Region, in response to question on notice No. 2974 asked by Hon Adele Farina. (Tabled Paper 2901).

The Minister for Education tabled documents in relation to students' attendance rates for Western Australian Government schools in 2014, in response to question on notice No. 2958 asked by Hon Sue Ellery. (Tabled Paper 2902).

The Minister for Education tabled documents in relation to the hours allocated to cleaning staff time and gardening staff time in Western Australian Government schools in 2014, in response to question on notice No. 2959 asked by Hon Sue Ellery. (Tabled Paper 2903).

The Minister for Education tabled documents in relation to the utility expenses for each Western Australian Government school in 2014, in response to question on notice No. 2960 asked by Hon Sue Ellery. (Tabled Paper 2904).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to parking infringements issued at various train station car parks along the Fremantle rail line for the period 1 January 2015 to 21 April 2015, in response to question on notice No. 2961 asked by Hon Ken Travers. (Tabled Paper 2905).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to parking infringements issued at various train station car parks along the Armadale rail line for the period 1 January 2015 to 21 April 2015, in response to question on notice No. 2962 asked by Hon Ken Travers. (Tabled Paper 2906).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to parking infringements issued at various train station car parks along the Midland rail line for the period 1 January to 21 April 2015, in response to question on notice No. 2963 asked by Hon Ken Travers. (Tabled Paper 2907).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to parking infringements issued at various train station car parks along the Butler rail line for the period 1 January 2015 to 21 April 2015, in response to question on notice No. 2965 asked by Hon Ken Travers. (Tabled Paper 2908).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the details of taxi drivers charged with offences by Western Australia Police in 2014, in response to question on notice No. 2982 asked by Hon Ken Travers. (Tabled Paper 2909).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to Transperth fare-paying boardings in 2012–2013, in response to question on notice No. 2986 asked by Hon Ken Travers. (Tabled Paper 2910).

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the allocation of funds in 2015 under the student-centred funding model, in response to a question without notice asked by Hon Sue Ellery.

13. Loan Bill 2015

Debate resumed on the second reading of this Bill (*see item 11 above*).

Interruption pursuant to order.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 10.00pm until Wednesday, 20 May 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Liz Behjat, Hon Alanna Clohesy, Hon Nigel Hallett, Hon Barry House Hon Rick Mazza Hon Lynn MacLaren (*leave of absence*) and Hon Ken Travers (*leave of absence*).

NIGEL PRATT

Clerk of the Legislative Council

HON ADELE FARINA

Deputy President of the Legislative Council