

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 35

TUESDAY, 29 OCTOBER 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. Statement by President — Chamber Procedures

The President made the following Statement —

A number of Members have raised matters pertaining to general Chamber procedures in recent weeks, including the correct address to the Member in the chair. To assist Members with these matters, a laminated sheet has been placed on Members' desks in the Chamber prior to today's sitting. The sheet has been prepared in this format in order that you may insert it inside the front cover of your Standing Orders volume for future ease of reference.

3. Ministerial Statement — Children in Care — Viewpoint Program

The Minister for Child Protection made a Ministerial Statement with respect to the use of Viewpoint, an interactive, self-interviewing tool, by the Department for Child Protection and Family Support to improve communication between children in care and the Department.

The Minister for Child Protection tabled a document in relation to Viewpoint participation data. (Tabled Paper 921).

4. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Inspector of Custodial Services, Office of the (2012–2013) (Date received 29/10/2013) 914

Leader of the House

Annual Reports —

Greyhound Racing Association (2012–2013) (Date received 28/10/2013)..... 915

Racing and Wagering Western Australia (2012–2013) (Date received 28/10/2013)..... 916

Minister for Mental Health

Addendums —

Communities, Department of — Annual Report (2012–2013) (Date received 29/10/2013) 920

Local Laws —

Local Government Act 1995 (City of Nedlands Parking and Parking Facilities Local Law 2013

G.G. 23/10/2013)..... 917

Parliamentary Secretary representing the Minister for Health

Annual Reports —

Australian Health Practitioner Regulation Agency (2012–2013) (Date received 29/10/2013) 918

Regulations —

Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 5) 2013 G.G. 22/10/2013) 919

5. Asbestos Diseases Compensation Bill 2013

Hon Kate Doust: To move on the next day of sitting —

That a Bill for “An Act to provide for a second award of damages in the case of an injured person suffering more than one asbestos disease and to provide compensation for the loss or impairment of the injured person’s capacity to perform domestic services for another person.” be introduced and read a first time.

6. Special Adjournment

The Leader of the House moved, without notice —

That the House at its rising adjourn until 10.00am, Thursday, 31 October 2013.

The motion requiring the concurrence of an absolute majority.

Question — put.

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

7. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance*, 2, *Town of Victoria Park Parking and Parking Facilities Amendment Local Law 2013 — Disallowance*, 3, *Supreme Court Amendment Rules 2013 — Disallowance*, 4, *Firearms Amendment Regulations 2013 — Disallowance*, and 5, *Jetties Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 7, *Workers’ Compensation and Injury Management Amendment Bill 2013*. (Leader of the House).

8. 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.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question — put and passed.

Bill read a third time and passed.

9. City of Fremantle Plastic Bag Reduction Local Law 2012 —Disallowance

The Order of the Day having been read for the motion moved *pro forma* by Hon Ljiljana Ravlich, as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Plastic Bag Reduction Local Law 2012* published in the *Gazette* on 22 February 2013 and tabled in the Legislative Council on 14 May 2013 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

10. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, a document in relation to budget details and additional full time equivalents employed by the Child and Adolescent Health Service for the years 2010–2013 (to date), in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 922).

The Minister for Agriculture and Food representing the Minister for Housing tabled a document in relation to new social housing within Western Australia, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 923).

The Minister for Aboriginal Affairs tabled a document in relation to the Department of Aboriginal Affairs' Community Development Strategic Framework for 2012–2014, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 924).

11. City of Fremantle Plastic Bag Reduction Local Law 2012 — Disallowance

Debate resumed on the *pro forma* motion of Hon Ljiljanna Ravlich (*see item 9 above*).

Question — put.

The Council divided.

Ayes (20)

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

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Noes (11)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Adele Farina
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Darren West
Hon Samantha Rowe (*Teller*)

Question thus passed.

12. Order of Business

Ordered — That Order of the Day No. 3, *Supreme Court Amendment Rules 2013 — Disallowance*, be taken forthwith. (Leader of the House).

13. Supreme Court Amendment Rules 2013 — Disallowance

The Order of the Day having been read for the motion moved *pro forma* by Hon Ljiljanna Ravlich, as follows —

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.

Debate ensued.

Question — put and passed.

14. Consumer Protection Legislation Amendment Bill 2013

The Attorney General sought leave to give late notice of a motion to introduce a Bill. Leave granted.

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend —

- the *Commercial Tenancy (Retail Shops) Agreements Act 1985*; and
- the *Employment Agents Act 1976*; and
- the *Fair Trading Act 2010*; and
- the *Land Valuers Licensing Act 1978*; and
- the *Limited Partnerships Act 1909*; and
- the *Motor Vehicle Dealers Act 1973*; and
- the *Motor Vehicle Repairers Act 2003*; and
- the *Petroleum Products Pricing Act 1983*; and
- the *Real Estate and Business Agents Act 1978*; and
- the *Residential Parks (Long-stay Tenants) Act 2006*; and
- the *Residential Tenancies Act 1987*; and
- the *Retail Trading Hours Act 1987*; and
- the *Settlement Agents Act 1981*; and
- the *Travel Agents Act 1985*.” be introduced and read a first time.

15. Order of Business

Ordered — That Members’ Statements be taken forthwith. (Leader of the House).

16. Adjournment

The Council adjourned at 8.38pm until Thursday, 31 October 2013 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Colin Holt.

NIGEL LAKE

Acting Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council