

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 191

WEDNESDAY, 22 JUNE 2016

1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

2. Ministerial Statement — Western Power's Compliance with EnergySafety's Wood Pole Order 01-2009

The Minister for Commerce made a Ministerial Statement with respect to the findings of EnergySafety's review into Western Power's compliance with wood pole order 01-2009.

The Minister for Commerce tabled EnergySafety's review into Western Power's compliance with wood pole order 01-2009. (Tabled Paper 4231).

3. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Information Systems Audit Report (Report No. 11) (June 2016) 4211

Regulation of Builders and Building Surveyors (Report No. 12) (June 2016) 4212

Leader of the House

Orders —

School Education Act 1999 (Higher School Leaving Age Options Order 2016 G.G. 14/06/2016) 4213

Regulations —

Electoral Act 1907 (Electoral (Ballot Paper Forms) Amendment Regulations 2016 G.G. 17/06/2016) ... 4214

Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2016 G.G. 14/06/2016 and Rates and Charges (Rebates and Deferments) Amendment Regulations 2016 G.G. 14/06/2016) 4215

Teacher Registration Act 2012 (Teacher Registration Regulations (Fees) Amendment Regulations 2016 G.G. 14/06/2016) 4216

Attorney General

Regulations —

Children's Court of Western Australia Act 1988, Civil Judgments Enforcement Act 2004, Coroners Act 1996, District Court of Western Australia Act 1969, Evidence Act 1906, Fines, Penalties and Infringement Notices Enforcement Act 1994, Magistrates Court Act 2004, State Administrative Tribunal Act 2004, Supreme Court Act 1935 (Attorney General Regulations Amendment (Fees) Regulations 2016 G.G. 14/06/2016) 4217

Criminal Investigation (Identifying People) Act 2002 (Criminal Investigation (Identifying People) Amendment Regulations 2016 G.G. 14/06/2016)	4218
Firearms Act 1973, Pawnbrokers and Second-hand Dealers Act 1994, Police Act 1892, Security and Related Activities (Control) Act 1996 (Police Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 14/06/2016)	4219

Minister for Housing on behalf of the Minister for Planning

Local Laws —

Dog Act 1976 (City of Stirling Dogs Amendment Local Law 2016 G.G. 17/06/2016).....	4220
Local Government Act 1995 (City of Bayswater Keeping and Control of Cats Local Law 2016 G.G. 14/06/2016, City of Bayswater Parking and Parking Facilities Local Law 2015 G.G. 14/06/2016, City of Kwinana Fencing Local Law 2016 G.G. 14/06/2016, City of Stirling Bee Keeping Amendment Local Law 2016 G.G. 17/06/2016, City of Stirling Fencing Amendment Local Law 2016 G.G. 17/06/2016 and Shire of Esperance Standing Orders Local Law 2015 G.G. 14/06/2016).....	4221

Regulations —

Disability Services Act 1993 (Disability Services Amendment Regulations (No. 2) 2016 G.G. 14/06/2016).....	4222
Food Act 2008, Health Act 1911, Hospitals and Health Services Act 1927, Radiation Safety Act 1975, Tobacco Products Control Act 2006 (Health Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 17/06/2016)	4223
Hospitals and Health Services Act 1927 (Hospitals Regulations Amendment (Licensing and Conduct Fees) Regulations 2016 G.G. 17/06/2016)	4224
Waste Avoidance and Resource Recovery Act 2007 (Waste Avoidance and Resource Recovery Amendment Regulations 2016 G.G. 17/06/2016).....	4225
Waste Avoidance and Resource Recovery Levy Act 2007 (Waste Avoidance and Resource Recovery Levy Amendment Regulations 2016 G.G. 17/06/2016)	4226

Parliamentary Secretary to the Minister for Agriculture and Food

Regulations —

Agricultural Produce Commission Act 1988 (Agricultural Produce (Horticultural Industry) Amendment Regulations 2016 G.G. 14/06/2016 and Agricultural Produce (Wine Industry) Regulations 2016 G.G. 14/06/2016).....	4227
Motor Vehicle Drivers Instructors Act 1963, Rail Safety National Law (WA) Act 2015, Road Traffic (Administration) Act 2008, Road Traffic (Vehicles) Act 2012, Shipping and Pilotage Act 1967, Transport Co-ordination Act 1966, Western Australian Marine Act 1982, Western Australian Photo Card Act 2014 (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2016 G.G. 14/06/2016).....	4228
Western Australian Photo Card Act 2014 (Western Australian Photo Card Amendment Regulations 2016 G.G. 14/06/2016)	4229

Parliamentary Secretary to the Minister for Tourism

Regulations —

Rottneest Island Authority Act 1987 (Rottneest Island Amendment Regulations (No. 2) 2016 G.G. 17/06/2016).....	4230
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4. Public Transport for Perth in 2031 — Draft Plan

Motion No. 1 having been called, debate resumed on the motion of Hon Ken Travers as follows —

- (1) That the Council notes that —
 - (a) the Liberal/National Government released in July 2011 a “Draft for Consultation” of their plan “Public Transport for Perth in 2031”;
 - (b) the draft plan proposed two transformational projects by 2020 —
 - (i) the fast-tracking of the Northern Suburbs Railway extension to Yanchep; and
 - (ii) construction of a Central Northern Corridor/Curtin/UWA Light Rail;
 - (c) the draft plan identified that the following infrastructure was required in the next five to ten years —
 - (i) a new rail station at Karnup (near Paganoni Road);
 - (ii) upgrades to Canning Bridge and Stirling Stations; and
 - (d) the draft plan proposed a number of on-road Bus Rapid Transit projects be built by 2020, commencing with a Bus Rapid Transit system between Ellenbrook and Bassendean and across to Morley.
- (2) That this Council calls on the Government to —
 - (a) explain why it has taken two years to release the final version of this plan;
 - (b) outline whether it is still committed to the projects and the timelines outlined in the draft plan; and
 - (c) provide detailed reasons, including passenger modelling, for any changes they have made to priority projects or their timing.

Question — put.

The Council divided.

Ayes (9)

Hon Alanna Clohesy
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren
 Hon Martin Pritchard

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

Noes (18)

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 Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O’Brien
 Hon Phil Edman (*Teller*)

Motion thus negated.

5. Taxi Drivers — Probationary System

Motion No. 2 having been called, Hon Ken Travers, pursuant to notice, moved —

That the Council calls on the Barnett Liberal Government to explain why it will have taken more than three years to introduce a demerit point and probationary system for taxi drivers.

Debate ensued.

Interruption pursuant to order.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Estimates and Financial Operations — Report No. 62 — Provision of Information to the Parliament

Hon Alanna Clohesy moved, That the Report be noted.

Debate ensued.

Hon Ken Travers moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 63 — Budget Estimates Hearings 2015–16

Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)

Hon Sue Ellery moved, That the Report be noted.

The Leader of the House moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Public Administration — Report No. 26 — Transport of Persons in Custody

Hon Amber-Jade Sanderson moved, That the Report be noted.

The Leader of the House moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Uniform Legislation and Statutes Review — Report No. 99 — Inquiry into the Statute Book

Hon Kate Doust moved, That the Report be noted.

Debate ensued.

Interruption pursuant to order.

The Acting President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations — Report No. 62 — *Provision of Information to the Parliament*, made progress, and seeks to sit again.
- (2) Standing Committee on Estimates and Financial Operations — Report No. 63 — *Budget Estimates Hearings 2015–16* and had noted same.
- (3) Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — *Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)*, made progress, and seeks to sit again.
- (4) Standing Committee on Public Administration — Report No. 26 — *Transport of Persons in Custody*, made progress, and seeks to sit again.
- (5) Standing Committee on Uniform Legislation and Statutes Review — Report No. 99 — *Inquiry into the Statute Book*, made progress, and seeks to sit again.

Report adopted.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Housing representing the Minister for Regional Development, in accordance with Standing Order No. 108(2), advised that answers to questions on notice Nos 4054 and 4060 asked by Hon Adele Farina will be provided on 30 June 2016.

8. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

9. National Electricity (Western Australia) Bill 2016

The Leader of the House representing the Minister for Energy, pursuant to notice, moved —

That a Bill for “An Act to apply, as a law of Western Australia, a national law to provide for access to, and the regulation of, certain electricity network services, to make interim arrangements, and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Energy tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4232).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

10. Energy Legislation Amendment and Repeal Bill 2016

The Leader of the House representing the Minister for Energy, pursuant to notice, moved —

That a Bill for “An Act to —

- amend the *Electricity Industry Act 2004*; and
 - amend and repeal the *Energy Arbitration and Review Act 1998* and make consequential amendments to other Acts; and
 - make consequential amendments to various Acts necessary as a result of the enactment of the *National Electricity (Western Australia) Act 2016* and the *National Gas Access (WA) Amendment Act 2016*; and
 - provide for transitional matters,
- and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Energy tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4233).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

11. National Gas Access (WA) Amendment Bill 2016

The Leader of the House representing the Minister for Energy, pursuant to notice, moved —

That a Bill for “An Act to amend the *National Gas Access (WA) Act 2009*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Energy tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4234).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Albany Cemetery Board By-laws Amendment 2015 — Disallowance*, 2, *Shire of Kellerberrin Dogs Local Law 2016 — Disallowance*, and 3, *Shire of Chittering Cats Local Law 2015 — Disallowance*, be taken after Order of the Day No. 18, *Public Health (Consequential Provisions) Bill 2014*. (Leader of the House).

13. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2016–2017

The Order of the Day having been read for the adjourned debate on the motion of the Attorney General representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper No. 4085 A-E (2016–2017 Budget Statements), laid upon the Table of the House on Thursday, 12 May 2016.

Debate resumed.

Interruption pursuant to order.

14. Members’ Statements

Statements were taken.

15. Adjournment

The Council adjourned at 6.43pm until Thursday, 23 June 2016 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Robin Chapple, Hon Stephen Dawson, Hon Donna Faragher, Hon Robyn McSweeney and Hon Sally Talbot.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council