

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 58

TUESDAY, 18 MARCH 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. Electronic Conveyancing Bill 2013**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 48

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Electronic Conveyancing Bill 2013* without amendment.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 13 March 2014.

**3. President's Ruling — Point of Order — Question Without Notice**

The President ruled as follows —

During question time last Thursday the Leader of the Opposition raised a point of order in relation to an answer given by the Attorney General. Questions seeking an opinion on law, such as the interpretation of a statute, are not in order since it is the courts, rather than Ministers, that are competent in such matters. Ministers may be asked under what statutory authority they have acted. This traditional Westminster practice is reflected in Standing Order 105(1)(b). The question required the Attorney General to review the statute book and interpret its provisions to determine whether any statutes preclude the charging of a person for driving under the influence of alcohol in the absence of certain evidence, that being a blood alcohol reading. My ruling is that the question seeks a legal opinion and accordingly, the point of order raised by the Leader of the Opposition is not sustained. I note, that if asked in a different way, the question would not have offended the Standing Orders, and in any event, the Attorney General did answer the question to the satisfaction of the Leader of the Opposition.

**4. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers —*

Opinion on Ministerial Decision not to Provide Information to Parliament about  
Funding for Some Tourism Events (Report No. 3) (March 2014) ..... 1292

**Leader of the House***Regulations —*

Liquor Control Act 1988 (Liquor Control (Kundat Djaru Restricted Area) Amendment Regulations 2014 G.G. 14/03/2014) .....	1293
Public Sector Management Act 1994 (Public Sector Management (Breaches of Public Sector Standards) Amendment Regulations 2014 G.G. 11/03/2014) .....	1294

**Minister for Mental Health***Local Laws —*

Local Government Act 1995 (City of Albany Keeping and Welfare of Cats Repeal Local Law 2014 G.G. 11/03/2014, City of Nedlands Standing Orders Amendment Local Law 2014 G.G. 14/03/2014 and Shire of Kellerberrin Parking and Parking Facilities Repeal Local Law 2013 G.G. 11/03/2014) .....	1295
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**Attorney General***Orders —*

Building Act 2011 — Order and reasons in accordance with section 67(3) of the Building Act 2011 relating to Building (67 Exemption) (Order No. 2) .....	1296
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*Reports —*

Quarterly report under section 54(2) of the Terrorism (Preventative Detention) Act 2006 .....	1297
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*Rules —*

Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules (No. 2) 2014 G.G. 11/03/2014) .....	1298
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**Minister for Agriculture and Food***Regulations —*

Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations 2014 G.G. 14/03/2014) .....	1299
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*Reviews —*

Review of the Rural Business Development Corporation Act 2000 (October 2012) .....	1300
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**Parliamentary Secretary representing the Minister for Science***Reports —*

ChemCentre — Statement of Corporate Intent (2013–2014) .....	1301
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**5. Road Traffic Amendment (Keeping Safe Distances from Bicycles) Bill 2014**

Hon Lynn MacLaren: To move on the next day of sitting —

That a Bill for “An Act to amend the *Road Traffic Act 1974*.” be introduced and read a first time.

**6. Fremantle Redevelopment Authority — Establishment — Amendment to Notice of Motion**

Hon Simon O’Brien, pursuant to Standing Order 62(a), amended Motion No. 2 to read 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.

## 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 (Water Corporations Charges) Regulations 2013 — Disallowance*, and 13, *Water Services Regulations 2013 — Disallowance*, be taken after Order of the Day No. 23, *Local Government 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.

Hon Amber-Jade Sanderson sought leave to extend her speaking time.

Leave granted.

Debate resumed.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, a tabular answer in relation results for year 9 NAPLAN tests for 2009 to 2013 inclusive, in response to a question without notice asked by Hon Sue Ellery (Tabled Paper 1302).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, a document in relation to the role and staff details of the Office of Mental Health, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1303).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprentices and trainees in training in the East Metropolitan electoral region as at 30 June 2013, in response to question on notice No. 712 asked by Hon Alanna Clohesy. (Tabled Paper 1304).

The Leader of the House representing the Minister for Training and Workforce Development tabled a document in relation to apprenticeship and traineeship commencements and completions in the East Metropolitan electoral region in the three months ending 30 June 2013, in response to question on notice No. 713 asked by Hon Alanna Clohesy. (Tabled Paper 1305).

The Attorney General representing the Minister for Emergency Services tabled, and by leave incorporated into Hansard, a document in relation to the new volunteer fire service in Forrestfield, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 1306).

## 10. Workforce Reform Bill 2013

Debate resumed on the second reading of this Bill (*see item 8 above*).

*Point of Order*

Hon Ken Travers raised the following Point of Order —

I am one who always enjoys robust debate in this place but there are times when Members are clearly not taking interjections and the Minister consistently making the same interjection, when it is clearly not being accepted by the Member is, in my view, highly disorderly and I ask you, Mr Acting President, to call the Minister to order and remind him of his obligations.

*Acting President's Ruling*

The Acting President ruled as follows —

I uphold the point of order. I have already called Members to order on several occasions when it is obvious that the Member who has the call is not responding to, engaging in or receiving interjections. Indeed, I was just about to remind Members again of that when the point of order was raised. When there are repeated interjections, it becomes a balancing act on the part of the Chair, who has the responsibility to facilitate debate and the proceedings of the House, to strike a balance between calling Members to order but not so as to then add to the interruption of the Member speaking.

Debate resumed.

*Interruption pursuant to order.*

**11. Members' Statements**

Statements were taken.

**12. Joint Standing Committee on the Corruption and Crime Commission — Committee Membership**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 49

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That the member for Churchlands is discharged from the Joint Standing Committee on the Corruption and Crime Commission and the member for Forrestfield be appointed in his place.

Mr Peter Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 18 March 2014

**13. Adjournment**

The Council adjourned at 9.52pm until Wednesday, 19 March 2014 at 2.00pm.

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

Attendance: Present all Members.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON BARRY HOUSE**  
President of the Legislative Council