

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 218

THURSDAY, 21 JUNE 2012

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Statement by President — Legislative Council — Decorum

The President made the following Statement —

Members, I refer you to a letter from me placed on your desks today. I have distributed this letter with two attachments to remind and reinforce everyone's knowledge of and attitude towards proceedings in the Legislative Council. The recent changes in seating arrangements away from the old bench seating format has led to more movement around the chamber and conversation between Members. I have been observing these patterns for some time and now request you to reacquaint, or in some cases familiarise, yourselves with conventions and practices that are necessary for the smooth, fair, effective and orderly functioning of the Legislative Council. It is an enormous privilege to sit in this Council as a Member, and I am taking this opportunity to also remind you of your responsibilities while in the chamber. Being in this chamber is a serious business—it should not be treated as a social outing where you catch up with friends for a chat. When Members are present, there is an expectation from the community that we represent that you are following proceedings and participating in a constructive and orderly way. While there is generally little reason to complain about behaviour in this Legislative Council compared with some other places in the parliamentary system around Australia, I believe there is room to reflect on where we are at and to improve. I prefer to approach this matter with education of Members, rather than heavy-handed discipline, so I urge you to read the letter and attachments carefully and request your cooperation to achieve an effective, orderly House of Parliament that we can all be proud of.

3. Standing Committee on Environment and Public Affairs — Report No. 26 — Petition No. 145 — The Closure of Tier 3 Rail Lines in the Central Wheatbelt

Hon Brian Ellis presented Report No. 26 of the Standing Committee on Environment and Public Affairs in relation to *Petition No. 145 — The Closure of Tier 3 Rail Lines in the Central Wheatbelt*. (Tabled Paper 4667).

4. Environmental Protection (Controlled Waste) Amendment Regulations 2012 — Disallowance

Hon Sally Talbot: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Environmental Protection (Controlled Waste) Amendment Regulations 2012* published in the *Gazette* on 5 April 2012 and tabled in the Legislative Council on 1 May 2012 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled Paper 4413).

5. Mining (Community Protection) Amendment Bill 2012

Non-Government Business No. 1 having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to order.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 2, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 3, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 4, *Metropolitan Health Service Amendment By-laws (No. 2) 2011 — Disallowance*, 5, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 6, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 7, *Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 — Disallowance*, 8, *Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 — Disallowance*, 9, *Fremantle Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 10, *Osborne Park Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 11, *Royal Perth Hospital Amendment By-laws (No. 2) 2011 — Disallowance*, 12, *Women's and Children's Hospitals Amendment By-laws (No. 2) 2011 — Disallowance*, 13, *Liquor Control Amendment Regulations (No. 10) 2011 — Disallowance*, 14, *Children's Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 15, *Civil Judgments Enforcement Amendment Regulations (No. 2) 2011 — Disallowance*, 16, *Coroners Amendment Regulations (No. 2) 2011 — Disallowance*, 17, *District Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 18, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 — Disallowance*, 19, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 20, *State Administrative Tribunal Amendment Regulations (No. 5) 2011 — Disallowance*, 21, *Supreme Court (Fees) Amendment Regulations (No. 2) 2011 — Disallowance*, 22, *Town of Bassendean Repeal Local Law 2010 — Disallowance*, 23, *Town of Bassendean Dust and Sand Local Law 2011 — Disallowance*, 24, *City of Busselton Busselton Regional Airport Local Law 2012 — Disallowance*, 25, *City of Swan Standing Orders Local Law 2010 - Disallowance*, and 26, *Mindarie Regional Council Standing Orders Amendment Local Law 2012 — Disallowance*, be taken after Order of the Day No. 37, *Lotteries Commission Amendment Bill 2011*. (Minister for Finance).

7. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2012–2013

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

That pursuant to Standing Order No. 68(1) the Legislative Council take note of Tabled Paper No. 4536A–F (2012–2013 Budget Statements) laid upon the Table of the Council on Thursday, 17 May 2012.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

8. Fire and Emergency Services Legislation Amendment Bill 2012

The Deputy President reported the receipt of Message No. 261 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Energy representing the Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4668).

Debate stands adjourned.

9. Bank of Western Australia Amendment Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 262

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Bank of Western Australia Amendment Bill 2012* subject to the amendment contained in the Schedule annexed, in which amendment the Legislative Assembly desires the concurrence of the Legislative Council.

Andrea Mitchell

Acting Speaker

Legislative Assembly Chamber

Perth, 21 June 2012

Schedule indicating the amendment made by the Legislative Assembly in the Bank of Western Australia Amendment Bill 2012

No. 1

Page 9, line 12 — To delete “declaration.” and substitute:

declaration; and

- (c) laid before each House of Parliament by the Minister or dealt with in accordance with subsection (3) within 30 days after receipt of the certificate referred to in subsection (1).
- (3) If —
 - (a) a House of Parliament is not sitting at the commencement of the period referred to in subsection 2(c) in respect of a certificate; and
 - (b) the Minister is of the opinion that that House will not sit during that period, the Minister is to transmit a copy of the certificate to the Clerk of that House.
- (4) A copy of a certificate transmitted to the Clerk of a House is to be taken to have been laid before that House.
- (5) The laying of a copy of a certificate that is regarded as having occurred under subsection (4) is to be recorded in the Votes and Proceedings, or Minutes, of the House on the first sitting day of the House after the Clerk received the copy.

The Minister for Finance, moved without notice —

That the Legislative Council agrees to the amendment made by the Legislative Assembly in the *Bank of Western Australia Amendment Bill 2012* as contained in Legislative Assembly Message No. 262.

Debate ensued.

Question — put and passed.

Legislative Assembly acquainted accordingly.

10. Retail Trading Hours Amendment Bill 2012

The Order of the Day having been read for the third reading of this Bill.

The Minister for Commerce moved, That the Bill be read a third time.

The Deputy President having reported that the Chairman of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

11. Teacher Registration Bill 2011

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.

The Deputy President left the Chair.

In Committee

(Hon Matt Benson-Lidholm in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 to 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 and 24 agreed to.

Clause 25.

Debate ensued.

Clause agreed to.

Clauses 26 to 40 agreed to.

Clause 41.

Debate ensued.

Clause agreed to.

Clauses 42 to 48 agreed to.

Clause 49.

Debate ensued.

Clause agreed to.

Clauses 50 to 69 agreed to.

Clause 70.

Debate ensued.

Clause agreed to.

Clauses 71 to 76 agreed to.

Clause 77.

Debate ensued.

Clause agreed to.

Clauses 78 to 170 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Energy representing the Minister for Education moved, That the Bill be read a third time.

The Deputy President having reported that the Chairman 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.

12. Adoption Amendment Bill 2012

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 263

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Adoption Amendment Bill 2011* without amendment.

Michael Sutherland

Deputy Speaker

Legislative Assembly Chamber

Perth, 21 June 2012

13. Cognate Debate — Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 and Appropriation (Consolidated Account) Capital 2012–13 Bill 2012

The Minister for Finance representing the Treasurer sought leave of the House to debate Order of the Day No. 38, *Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012* and Order of the Day No. 39, *Appropriation (Consolidated Account) Capital 2012–13 Bill 2012* cognately [SO 127].

Leave granted.

14. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 and Appropriation (Consolidated Account) Capital 2012–13 Bill 2012

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Finance representing the Minister for Transport tabled, and by leave incorporated into Hansard, documents in relation to roadworks resulting in delays to Transperth bus services, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 4669).

The Minister for Finance representing the Minister for Transport, in accordance with Standing Order No. 107(2), advised that an answer to question on notice No. 5602 asked by Hon Lynn MacLaren will be provided on 14 August 2012.

16. Appropriation (Consolidated Account) Recurrent 2012–13 Bill 2012 and Appropriation (Consolidated Account) Capital 2012–13 Bill 2012

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. (*see item 14 above*).

Debate resumed.

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Water Services Bill 2011

The President reported the receipt of Message No. 259 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Minister for Water tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4670).

Debate stands adjourned.

19. Water Services Legislation Amendment and Repeal Bill 2011

The President reported the receipt of Message No. 260 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Minister for Water tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4671).

Debate stands adjourned.

20. Adjournment

The Council adjourned at 6.15pm until Tuesday, 26 June 2012 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina and Hon Norman Moore.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council