WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 17

TUESDAY, 15 AUGUST 2017

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

2. Statement by President — Vincenzo La Galia — Tribute

The President made the following Statement —

Members, as you would be aware, Vince La Galia was a genuine character of this Parliament who passed away on 28 July 2017. Vince La Galia commenced work here in 1989 and worked in this Parliament for 25 years, including 20 years as the steward to five successive Speakers. Tragically, Vince lost his battle with cancer last month. He was 68 and had retired only in 2014. Last week many Members of the Legislative Assembly paid tribute to Vince in speeches given in that House. I thought it only fitting that the passing of Vince La Galia be also acknowledged in this House through me as its spokesperson saying a few words about him.

Vince was born in Italy on 26 August 1948, the thirteenth child of his mother, Carmela, and father, Calogero. He left school at 14 and at 16 he left home to travel, work and live throughout Europe. At 22, he joined his brothers and sisters who had earlier emigrated to Australia. After a couple of years in Darwin, Vince settled in Perth where he established, by all reports, a brilliant restaurant called Buonasera, and where he met and married the love of his life, Antonietta.

Vince was a fixture at Parliament House. His smiling face, welcoming and generous nature and his whistling and singing were sometimes in sharp contrast with the often serious, sombre and adversarial nature of Parliament. Vince always had time for you, and if you had a lapel badge to give him to add to his vast collection, you were his numero uno—his number one. Vince made you feel that way even when you knew he had generously made others his numero uno that same day. The singing steward was always ready to lend a helping hand and this quality endured into retirement. Vince was actively associated with Italian Aged Care and Villa Terenzio Hostel in Marangaroo, where he helped transform the kitchen into a culturally authentic and efficient service, even after he became unwell. Vince was also the president of the Italian pensioners' association and continued to be actively involved in the WA Italian Club.

Along with many other Members and staff of Parliament and hundreds of other mourners, I attended Vince's funeral mass at Sacred Heart Catholic Church on 3 August. Many others attended at Karrakatta Cemetery for his interment. At the funeral mass, many stories were told of Vince's care and concern for others, particularly those like him who had come to Australia without strong connections. We were told of his entrepreneurial spirit in setting up his restaurants and working in other people's restaurants, and his strong commitment to his family and friends. The attendance at the mass, at which there were not enough seats for the hundreds and hundreds of people there, showed the important legacy of generosity, service, kindness and support that Vince has left behind.

On behalf of all Members and staff of this House, I extend my sincere condolences to Vince's widow, Antonietta, their three sons, Daniel, Mark and David, and to his family and friends who, along with many of us in Vince's parliamentary family, will cherish his memory and miss him dearly.

3. Statement by President — Address-in-Reply — Presentation to Governor

The President made the following Statement —

On Thursday, 20 July 2017, I attended Her Excellency the Governor at Government House and presented the Address-in-Reply to Her Excellency's speech. I was accompanied by Hon Martin Pritchard, Hon Alison Xamon and Hon Michael Mischin. Her Excellency has been pleased to make the following reply —

Dear Madam President

I thank you and members of the Legislative Council for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your address-in-reply to my speech to Parliament on the occasion of the opening of the first session of the Fortieth Parliament.

Yours sincerely Hon Kerry Sanderson AC Governor

4. Statement by President — Members' Desks — Document Folders

The President made the following Statement —

Members, on your desk today you will find a new document folder containing your supplementary notice papers and other chamber-related papers. The document folders have replaced the clipboards that were previously on your desks. I ask that Members leave these folders in the Chamber to be updated by the chamber staff.

5. Statement by President — Senate Vacancy

The President made the following Statement —

I have a message from Her Excellency the Governor that transmits to the Legislative Council a copy of a dispatch that she has received from the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate. The dispatch from the President of the Senate reads as follows —

Your Excellency

Vacancy in the Representation of Western Australia

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency that following today's resignation of Senator Christopher Back, a vacancy has occurred in the representation of the State of Western Australia.

Yours sincerely Stephen Parry President of the Senate

The Leader of the House moved, without notice —

That with reference to the Message reported to the Council by the President from Her Excellency the Governor, the Honourable Madam President be requested to confer with the Honourable Mr Speaker in order to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

Question — put and passed.

6. Message from Her Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bill —

3 July 2017 — Message No. 1Loan Bill 2017

Act No. 1 of 2017

7. Petition

Hon Alannah MacTiernan presented a petition from 112 petitioners requesting the Legislative Council to recommend that fluoride is not added to the water supply in Kununurra. (Tabled Paper 344).

8. Ministerial Statement — Metropolitan Region Scheme Amendment No. 1298/41 — West Mundijong Industrial Precinct

The Minister for Environment representing the Minister for Planning made a Ministerial Statement with respect to *Metropolitan Region Scheme Amendment No. 1298/41* — *West Mundijong Industrial Precinct.*

The Minister for Environment representing the Minister for Planning tabled *Metropolitan Region Scheme Amendment 1298/41* — West Mundijong Industrial Precinct (June 2017). (Tabled Paper 345). The Minister for Environment representing the Minister for Planning tabled *Metropolitan Region Scheme Amendment 1298/41* — West Mundijong Industrial Precinct (June 2017): Report on Submissions Transcript of hearing. (Tabled Paper 346).

9. Papers

The following Papers were laid on the Table by —

President Annual Reports — Auditor General Papers — Audit of Journal Entries and Property, Plant and Equipment Using Data Analytic Reports — Inspector of Custodial Services, Office of the — Behaviour Management Practices at Ombudsman Western Australia — Report by the Parliamentary Commissioner for Administrative Investigations under section 158 of the Criminal Organisations Control Act 2012 (for the monitoring period ended 1 November 2016) (7 March Parliamentary Inspector of the Corruption and Crime Commission — A Complaint of Misconduct against the Corruption and Crime Commission by Mr Brian Burke **Leader of the House** Annual Reports — Reports — Public Sector Commission — Our Lived Values and Strategic Priorities (2017-2020) Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the period 1 January 2017 to 16

Minister for Environment

Annual Reports —
$Witness\ Protection\ (Western\ Australia)\ Act\ 1996\ (2016-2017)\ (Date\ received\ 3/08/2017)\\ 334$
Directions —
Ministerial Direction from the Minister for Planning — In relation to application DR229 (2017) between Hanson Construction Material Pty Ltd and the City of Vincent — Pursuant to Section 246(2)(B) of the Planning and Development Act 2005
Ministerial Direction from the Minister for Planning — In relation to application DR235 (2017) Between Holcim Australia Pty Ltd and the City of Vincent — Pursuant to Section 246(2)(B) of the Planning and Development Act 2005
Reports —
Landgate — Electronic Conveyancing Act 2014 — WA Operating Requirements (Version 4) (22 July 2017)
Landgate — Electronic Conveyancing Act 2014 — WA Participation Rules (Version 4) (22 July 2017)
Terrorism (Preventative Detention) Act 2006 — (for the quarter ending 30 June 2017) 339 Terrorism (Preventative Detention) Act 2006 — Report to the Minister (December 2016)
Minister for Regional Development
Notice —
Financial Management Act 2006 — Notice from the Minister for Water regarding Legislative Council Question on Notice No. 35 (Minister for Water)
Financial Management Act 2006 — Notice from the Minister for Fisheries regarding Legislative Council Question without Notice No. 342 (Deemed tabled 6/07/2017) (Minister for Fisheries)
Reports —
Electoral Commission of Western Australia — State General Election (2017) Election Report
Standing Committee on Uniform Legislation and Statutes Review — Report No. 106 –

10. Petroleum Legislation Amendment Bill 2017

Hon Michael Mischin presented Report No. 106 of the Standing Committee on Uniform Legislation and Statutes Review, Petroleum Legislation Amendment Bill 2017. (Tabled Paper 347).

11. Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Town of Cambridge Local Government and Public Property Local Law 2016 published in the Gazette on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the Local Government Act 1995, be and is hereby disallowed. (Tabled paper No. 76).

Town of Cambridge Private Property Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the Town of Cambridge Private Property Local Law 2016 published in the Gazette on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the Local Government Act 1995, be and is hereby disallowed. (Tabled paper No. 76).

13. Town of Cambridge Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Cambridge Waste Local Law 2016* published in the *Gazette* on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 112).

14. Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

15. Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

16. Shire of Gingin - Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Gingin - Waste Local Law 2016* published in the *Gazette* on 2 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 113).

17. Shire of Narrogin – Public Places and Local Government Property Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narrogin – Public Places and Local Government Property Local Law 2016* published in the *Gazette* on 6 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 75).

18. Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 20 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, *Health Act 1911* and the *Cat Act 2011*, be and is hereby disallowed. (Tabled paper No. 75).

19. City of Busselton Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Busselton Waste Local Law 2016* published in the *Gazette* on 3 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 112).

20. Legal Profession (Law Library Fees) Rules 2017 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession (Law Library Fees) Rules 2017* published in the *Gazette* on 13 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper No. 104).

21. Shire of Narambeen Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narambeen Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 165).

22. Limited Partnerships Regulations 2017 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Limited Partnerships Regulations 2017* published in the *Gazette* on 31 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Limited Partnerships Act 2016*, be and are hereby disallowed. (Tabled paper No. 140).

23. Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 10 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 167).

24. Shire of Capel Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel Waste Local Law 2016* published in the *Gazette* on 13 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 114).

25. Shire of Murray Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Murray Waste Local Law 2016* published in the *Gazette* on 16 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

26. Shire of Chittering Waste Local Law 2017 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Chittering Waste Local Law 2017* published in the *Gazette* on 23 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

27. Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 4 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

28. City of Gosnells Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Gosnells Waste Local Law 2016* published in the *Gazette* on 1 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 113).

29. Shire of Moora Dogs Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Dogs Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Dog Act 1976* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 73).

30. Shire of Moora Waste Local Law 2016 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Waste Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

31. Town of East Fremantle Waste Local Law 2017 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Waste Local Law 2017* published in the *Gazette* on 31 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

32. City of Joondalup Animals Amendment Local Law 2016 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That That the *City of Joondalup Animals Amendment Local Law 2016* published in the *Gazette* on 10 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 76).

33. Select Committee on Personal Choice and Community Safety Committee — Establishment

Hon Aaron Stonehouse: To move on the next day of sitting —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good', with particular reference to
 - (a) the sale and supply of alcohol, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) risk-reduction products such as e-cigarettes and heat-not-burn tobacco product, including any impact on the wellbeing, enjoyment and finances of users and non-users:
 - (c) skirmish games such as airsoft, paintball and laser tag as well as projectile-based toys such as Nerf guns and gel blasters, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (d) outdoor recreations such as cycling, fishing and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (e) any other measures introduced to restrict personal choice.
- (3) The Select Committee shall consist of five members.
- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

34. Local Government Amendment (Auditing) Bill 2017

The President reported the receipt of Message No. 13 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Local Government moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 348).

Debate stands adjourned.

35. Joint Select Committee into End of Life Choices

The following Message from the Legislative Assembly was reported —

Mr President Message No. 15

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

- 1. That a Joint Select Committee of the Legislative Assembly and Legislative Council on End of Life Choices be established.
- 2. That the Committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should
 - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;

- (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian States and Territories and overseas jurisdictions;
- (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and
- (d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.
- 3. That the Joint Select Committee consist of eight members, of whom
 - (a) four will be members of the Assembly; and
 - (b) four will be members of the Council.
- 4. The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
- 5. That the Joint Select Committee report to both Houses no later than twelve months after the Committee has been established.

and requests the Legislative Council to agree to a similar resolution.

Further that, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members are appointed:

- (a) the Member for Baldivis;
- (b) the Member for Morley;
- (c) the Member for Mount Lawley; and
- (d) the Member for South Perth.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 10 August 2017

Ordered — That consideration of Message No. 15 be made an Order of the Day for the next sitting. (Leader of the House).

36. Order of Business

Ordered — That Orders of the Day Nos 1, Firearms Amendment Regulations 2017 — Disallowance, and 4, Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance, be taken after Order of the Day No. 8, Statutes (Minor Amendments) Bill 2017. (Leader of the House).

37. Shire of Gnowangerup Health Local Law 2016 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Shire of Gnowangerup Health Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

38. Shire of Gnowangerup Animals, Environment and Nuisance Local Law 2016 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Shire of Gnowangerup Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

39. Supply Bill 2017

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 President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Environment representing the Treasurer 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.

40. Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017

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.

On the motion of the Leader of the House consideration of the Bill in Committee was adjourned to a later stage of this day's sitting.

41. Sentence Administration Amendment Bill 2017

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

Hon Aaron Stonehouse moved, without notice —

- (1) That the *Sentence Administration Amendment Bill 2017* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than Tuesday, 28 November 2017; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put.

The Council divided.

Ayes (21)

Hon Martin Aldridge Hon Michael Mischin Hon Robin Chapple Hon Simon O'Brien Hon Jim Chown Hon Robin Scott Hon Tim Clifford Hon Tjorn Sibma Hon Peter Collier Hon Charles Smith Hon Colin de Grussa Hon Aaron Stonehouse Hon Diane Evers Hon Dr Steve Thomas Hon Donna Faragher Hon Colin Tincknell Hon Nick Goiran Hon Alison Xamon Hon Colin Holt Hon Ken Baston (Teller)

Hon Rick Mazza

Noes (12)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Darren West
Hon Alanna Clohesy
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Darren West

Hon Alannah MacTiernan Hon Martin Pritchard (Teller)

Question thus passed.

Debate stands adjourned and the Bill referred to the Standing Committee on Legislation.

42. Order of Business

Ordered — That Order of the Day No. 6, *Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017*, be taken forthwith. (Leader of the House).

43. Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017

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

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

The Minister for Environment representing the Minister for Police tabled a letter from the Director of Public Prosecutions to the Attorney General regarding mandatory sentencing for methylamphetamine offences (5 May 2017). (Tabled paper 349).

Debate resumed.

44. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to agricultural education, in response to a question without notice asked by Hon Martin Aldridge.

The Minister for Environment representing the Minister for Aboriginal Affairs tabled a list of heritage places and minutes of the ordinary meeting of the Aboriginal Cultural Material Committee, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 350).

The Minister for Education and Training tabled a Heads of Agreement between the Education Department and the International School of Western Australia, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 351).

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled documents in relation to WorkSafe's investigation programs for 2016-17, in response to question on notice No. 43 asked by Hon Alison Xamon. (Tabled Paper 352).

The Minister for Environment representing the Minister for Planning, by leave, incorporated into *Hansard* information in relation to details of meetings by the Minister for Planning during her recent visit to Scarborough Beach and a letter addressed to the City of Stirling, in response to a question without notice asked by Hon Peter Collier.

45. Statement by President — Joint Sitting — Senate Vacancy

The President made the following Statement —

With reference to the motion this House passed earlier today in respect of the fixing of the day and place for a joint sitting of the Legislative Council and the Legislative Assembly to fill the Senate vacancy, I advise that I have conferred with the Speaker of the Legislative Assembly and have received agreement that the Houses will meet in the Legislative Council Chamber at 11.00am on Wednesday, 16 August 2017.

46. Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017

Resumption of consideration of this Bill in Committee of the Whole House (*see item 43 above*). The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 1.

Debate resumed.

The Minister for Environment representing the Minister for Police tabled a media release from WA Labor regarding tougher penalties for methylamphetamine traffickers. (Tabled paper 353)

Debate resumed.

The Minister for Environment representing the Minister for Police moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

47. Port Kennedy Development Bill 2017

The Acting President reported the receipt of Message No. 14 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Planning moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Planning moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Planning tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 354).

Debate stands adjourned.

48. First Home Owner Grant Amendment Bill 2017

The Acting President reported the receipt of Message No. 16 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Environment representing Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Environment representing Minister for Finance moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Environment representing Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 355).

Debate stands adjourned.

49. Child Support (Adoption of Laws) Amendment Bill 2017

The Acting President reported the receipt of Message No. 17 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time. The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 356).

Debate stands adjourned.

50. Order of Business

Ordered — That Order of the Day No. 6, *Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017*, be taken forthwith. (Leader of the House).

51. Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017

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

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Hon Charles Smith moved —

Page 5, line 25 — To delete "life; or" and substitute:

life, and must be sentenced to a term of imprisonment of no less than 5 years; or

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (14)

Hon Martin Aldridge
Hon Michael Mischin
Hon Peter Collier
Hon Colin de Grussa
Hon Robin Scott
Hon Donna Faragher
Hon Nick Goiran
Hon Colin Holt
Hon Colin Tincknell
Hon Rick Mazza
Hon Ken Baston (Teller)

Noes (14)

Hon Robin ChappleHon Alannah MacTiernanHon Tim CliffordHon Kyle McGinnHon Stephen DawsonHon Matthew SwinbournHon Sue ElleryHon Darren WestHon Diane EversHon Alison XamonHon Adele FarinaHon Pierre Yang

Hon Laurie Graham Hon Martin Pritchard (Teller)

The votes being equal, the question was resolved in the negative.

Question, That the clause stand as printed — put and passed.

Clauses 8 and 9 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Environment representing the Attorney General 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.

Bill read a third time and passed.

52. Order of Business

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

53. Members' Statements

Statements were taken.

Hon Peter Collier, by leave, tabled a copy of the answers to question without notice No. 165 from the Minister for Regional Development. (Tabled paper 357).

54. Adjournment

Council adjourned at 9.14pm until Wednesday, 16 August 2017 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council