

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 66

THURSDAY, 10 APRIL 2014

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. Petition

Hon Sue Ellery presented a petition from 3,619 petitioners requesting the Legislative Council to investigate the Metro Central Joint Development Assessment Panel regarding planning approval for the site at 94 Kitchener Road, Alfred Cove. (Tabled Paper 1396).

3. Paper

The following Papers was laid on the Table by —

Minister for Mental Health

Reports -

State of Cockburn Sound (2013)..... 1395

4. Joint Standing Committee on the Corruption and Crime Commission — Report No. 10 — WA Police's use of Part 4 'exceptional powers' in the Corruption and Crime Commission Act 2003

Hon Nick Goiran presented Report No. 10 of the Joint Standing Committee on the Corruption and Crime Commission, *WA Police's use of Part 4 'exceptional powers' in the Corruption and Crime Commission Act 2003*. (Tabled Paper 1397).

5. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment

Hon Robyn McSweeney presented Report No. 2 of the Joint Standing Committee on the Commissioner for Children and Young People, *Review of Selected Reports by the Commissioner for Children and Young People: Changing priorities in the post-Blaxell environment*. (Tabled Paper 1398).

6. Joint Standing Committee on Delegated Legislation — Report No. 71 — Resolution of the Committee to commence an inquiry into a Systemic Issue Arising out of Nine Court and Tribunal Instruments

Hon Robin Chapple presented Report No. 71 of the Joint Standing Committee on Delegated Legislation, giving notice to the Council, pursuant to Standing Order No. 179(2), of a resolution of the Committee to commence an inquiry into a Systemic Issue Arising out of Nine Court and Tribunal Instruments. (Tabled Paper 1399).

7. Standing Committee on Estimates and Financial Operations — Report No. 44 — Resolution of the Committee to commence an inquiry into the Provision of Information to Parliament

Hon Ken Travers presented Report No. 44 of the Standing Committee on Estimates and Financial Operations, giving notice to the Council, pursuant to Standing Order No. 179(2), of a resolution of the Committee to commence an inquiry into the Provision of Information to Parliament. (Tabled Paper 1400).

8. Shire of Shark Bay Dog Local Law 2013 — 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 Shark Bay Dog Local Law 2013* published in the *Gazette* on 30 January 2014 and tabled in the Legislative Council on 25 February 2014 under the *Dog Act 1976*, be and is hereby disallowed.

9. Shire of Shark Bay Repeal and Amendment Local Law 2013 — 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 Shark Bay Repeal and Amendment Local Law 2013* published in the *Gazette* on 30 January 2014 and tabled in the Legislative Council on 25 February 2014 under the *Local Government Act 1995*, be and is hereby disallowed.

10. Shire of Laverton Fencing Local Law 2013 — 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 Laverton Fencing Local Law 2013* published in the *Gazette* on 21 January 2014 and tabled in the Legislative Council on 25 February 2014 under the *Local Government Act 1995*, be and is hereby disallowed.

11. Agriculture Biosecurity

Non-Government Business No. 1 having been called, Hon Ken Travers moved, without notice —

That this House expresses its concern at the failure of the Barnett Government to properly manage agriculture biosecurity issues in Western Australia and in particular its failure to —

- (a) fund and implement a proper area-wide management plan for Mediterranean fruit fly in Perth hills and other high risk areas; and
- (b) protect Western Australian grape growers from disease by allowing imported grapes.

Debate ensued.

Motion lapsed.

12. Euthanasia

Private Members' Business No. 1 having been called, Hon Nick Goiran moved, without notice —

That this House —

- (a) noting that:
 - (i) the Belgium Parliament has recently authorised the direct killing of children through euthanasia;
 - (ii) euthanasia or assisted suicide is now routinely performed in Belgium and the Netherlands on persons with no terminal illness but with psychiatric disorders such as anorexia or depression or with disabilities such as blindness; and
 - (iii) Dr Philip Nitschke during a recent visit to Perth offered instruction in methods of suicide including how to illegally obtain pentobarbitone, a

Schedule 8 poison, and how to use nitrogen as an undetectable means of ending life;

- (b) condemns the practice of child euthanasia;
- (c) commends palliative care as an appropriate response to terminal and chronic illness;
- (d) affirms the value of every human life including those with mental illness or disability; and
- (e) endorses suicide prevention as the appropriate response to all those who for whatever reason may think life is not worth living.

Debate ensued.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Motion lapsed.

13. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 – Disallowance*, 2, *Children’s Court (Fees) Amendment Regulations 2013 – Disallowance*, 3, *Civil Judgments Enforcement Amendment Regulations 2013 – Disallowance*, 4, *Coroners Amendment Regulations 2013 – Disallowance*, 5, *District Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 6, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 – Disallowance*, 7, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, 8, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 – Disallowance*, 9, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 – Disallowance*, and 10, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 – Disallowance* be taken after Order of the Day No. 18, *Ports Legislation Amendment Bill 2013*. (Minister for Mental Health).

14. Taxi Drivers Licensing Bill 2013

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

The Parliamentary Secretary representing the Minister for Transport 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.

15. Workforce Reform Bill 2013

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

The Minister for Mental Health on behalf of the Minister for Commerce 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.

Debate ensued.

Question — put.

The Council divided.

Ayes (19)

Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boyde
 Hon Paul Brown
 Hon Jim Chown
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett

Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery

Hon Adele Farina
 Hon Lynn MacLaren
 Hon Ken Travers
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

16. Sunset Reserve Transformation 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.

The Council divided.

Ayes (27)

Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boyde
 Hon Paul Brown
 Hon Jim Chown
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Adele Farina
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett

Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Robyn McSweeney
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Ljiljanna Ravlich
 Hon Samantha Rowe
 Hon Amber-Jade Sanderson
 Hon Ken Travers
 Hon Phil Edman (*Teller*)

Noes (2)

Hon Robin Chapple

Hon Lynn MacLaren (*Teller*)

Question thus passed.

Bill read a second time.

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

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

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

17. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to cab inspections for the last three months, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 1401).

The Minister for Mental Health on behalf of the Leader of the House representing the Premier tabled documents in relation to the Public Sector Wages Policy 2009 and Bargaining Process Guidelines, Key Milestones, Responsibilities and Timeframes, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 1402).

The Minister for Child Protection tabled documents in relation to applications to the Hardship Utility Grant Scheme in January 2014, in response to question on notice No. 865 asked by Hon Stephen Dawson. (Tabled Paper 1403).

The Minister for Child Protection tabled documents in relation to applications to the Hardship Utility Grant Scheme processed in February 2014, in response to question on notice No. 878 asked by Hon Stephen Dawson. (Tabled Paper 1404).

The Minister for Agriculture and Food representing Minister for Housing tabled documents in relation to Building, Valuation, and Condition Assessment Reports for the Churchill Park Guesthouse in Busselton, in response to question on notice No. 887 asked by Hon Sally Talbot. (Tabled Paper 1405).

18. Sentencing Legislation Amendment Bill 2013

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 54

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Sentencing Legislation Amendment Bill 2013* without amendment.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 10 April 2014

19. Ports Legislation 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.

Ordered — That consideration of the Bill, in Committee of the Whole House, be made an Order of the Day for the next sitting.

20. Members' Statements

Statements were taken.

21. Adjournment

The Council adjourned at 5.33pm until Tuesday, 6 May 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Peter Collier, Hon Michael Mischin and Hon Sally Talbot.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council