

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 141

TUESDAY, 18 AUGUST 2015

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

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

### 2. Statement by President — Standing Committee on Estimates and Financial Operations and Joint Standing Committee on Audit — Resignation of Member

The President made the following Statement —

I have a letter addressed to me as President of the Legislative Council. It States —

Dear Mr President,

Subject to Standing Order 159(4) I write to inform you of my resignation from the Standing Committee on Estimates and Financial Operations and by extension the Joint Standing Committee on Audit.

I thank you for the opportunity to serve on these committees and extend my gratitude to the Members and staff I have worked alongside.

Yours sincerely

Hon Martin Aldridge

### 3. Petition

Hon Kate Doust presented a petition from 105 petitioners requesting the Legislative Council to oppose the Roe Highway Extension (eastern end of Perth Freight Link). (Tabled Paper 3178).

### 4. Ministerial Statement — Chevron Workers — Barrow Island

The Minister for Commerce made a Ministerial Statement with respect to the actions taken, and the outcomes of the investigation undertaken by the responsible authorities in response to the allegations raised by unions regarding the risks posed to Barrow Island workers by Cyclone Olwyn in March 2015.

### 5. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Regulations* —

First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations

(No. 2) 2015 G.G. 11/08/2015) ..... 3171

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

Local Government Act 1995 (City of Mandurah Parking and Parking Facilities Local Law 2015 G.G. 14/08/2015) .....	3172
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**Minister for Agriculture and Food***Management Plans —*

Fish Resources Management Act 1994 (Shark Bay Crab Fishery (Interim) Management Plan Amendment 2015 [1259] G.G. 11/08/2015, West Coast Deep Sea Crustacean Managed Fishery Management Plan Amendment 2015 [1246] G.G. 11/08/2015 and West Coast Demersal Scalefish (Interim) Management Plan Amendment 2015 [1242] G.G. 11/08/2015) .....	3173
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**Parliamentary Secretary representing the Minister for Transport***Reports —*

Kimberley Ports Authority — Statement of Corporate Intent (2015-2016) .....	3174
Mid-West Ports Authority — Statement of Corporate Intent (2015-2016) .....	3175

**Parliamentary Secretary representing the Minister for Health***Regulations —*

Food Act 2008 (Food Amendment Regulations (No. 4) 2015 G.G. 11/08/2015) .....	3176
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*Response to Reports —*

Standing Committee on Public Administration — Report on the Patient Assisted Travel Scheme in Western Australia (Report No. 25) (Minister for Health) .....	3177
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**6. Standing Committee on Estimates and Financial Operations — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Liz Behjat be appointed as a Member to the Standing Committee on Estimates and Financial Operations.

Question — put and passed.

**7. Joint Standing Committee on Audit — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Liz Behjat be appointed as a Member to the Joint Standing Committee on Audit and that the Legislative Assembly be advised of this appointment.

Question — put and passed.

**8. Order of Business**

Ordered — That Bills for Introduction No. 2, *Liquor Legislation Amendment Bill 2015*, be taken forthwith. (Leader of the House)

**9. Liquor Legislation Amendment Bill 2015**

The Minister for Racing and Gaming, pursuant to notice, moved —

That a Bill for “An Act to amend the *Liquor Control Act 1988*, to consequentially amend the *Young Offenders Act 1994*, and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Racing and Gaming moved, That the Bill be read a second time.

The Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3179).

Debate stands adjourned.

# **10. Order of Business**

Ordered — That Order of the Day Nos. 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 – Disallowance*, 2, *Regulation 6(1) of the Conservation and Land Management Amendment Regulations 2015 – Disallowance*, 3, *Shire of Mount Marshall Health Local Law 2014 – Disallowance*; and 4, *Shire of Mukinbudin Health Local Law 2014 – Disallowance*, be taken after Order of the Day No. 13, *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014*. (Leader of the House).

# **11. Cognate Debate — Appropriation (Capital 2015–16) Bill 2015 and Appropriation (Recurrent 2015–16) Bill 2015**

The Minister for Mental Health representing the Treasurer sought leave of the Council to debate Order of the Day No. 19, *Appropriation (Recurrent 2015–16) Bill 2015*, and Order of the Day No. 20, *Appropriation (Capital 2015–16) Bill 2015*, cognately [SO 127].

Leave granted.

# **12. Appropriation (Recurrent 2015–16) Bill 2015 and Appropriation (Capital 2015–16) Bill 2015**

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

# **13. Questions Without Notice**

Questions without notice were taken.

The Minister for Housing, by leave incorporated into *Hansard*, documents in relation to reasons for public housing properties being vacant in the South East metropolitan region, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Housing, by leave incorporated into *Hansard*, documents in relation to contractors allocated work on certain projects to improve water quality in remote Aboriginal communities, in response to a question without notice asked by Hon Stephen Dawson.

The Minister for Aboriginal Affairs, by leave incorporated into *Hansard*, documents in relation to 37 heritage places whose status was changed to ‘not a site’, in response to a question without notice asked by Hon Robin Chapple.

# **14. Statement by President — Standing Committee on Public Administration and Standing Committee on Uniform Legislation and Statutes Review — Resignation of Member**

The President made the following Statement —

I have a letter addressed to me as President of the Legislative Council. It States —

August 18, 2015

Dear Mr President,

In accordance with Standing Order 159(4), it is with regret that I resign my position from the Public Administration and Uniform Legislation and Statutes Review Standing Committees.

Yours sincerely,

Hon Amber-Jade Sanderson

Member for East Metropolitan Region

# **15. Standing Committee on Uniform Legislation and Statutes Review — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Samantha Rowe be appointed to the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

# **16. Standing Committee on Public Administration — Membership**

The Leader of the House moved, without notice —

That Hon Sally Talbot be appointed to the Standing Committee on Public Administration.

Question — put and passed.

# **17. Appropriation (Recurrent 2015–16) Bill 2015 and Appropriation (Capital 2015–16) Bill 2015**

Resumption of the debate on the second reading of these Bills (*see item 12 above*).

Debate resumed.

Question — That the *Appropriation (Recurrent 2015–16) Bill 2015* be read a second time — put and passed.

Bill read a second time.

Question — That the *Appropriation (Capital 2015–16) Bill 2015* be read a second time — put and passed.

Bill read a second time

Leave was granted to proceed forthwith to the third reading of these Bills.

The Minister for Mental Health representing the Treasurer moved, That the *Appropriation (Recurrent 2015–16) Bill 2015*, be read a third time.

Question — put and passed.

Bill read a third time and passed.

The Minister for Mental Health representing the Treasurer moved, That the *Appropriation (Capital 2015–16) Bill 2015*, be read a third time.

Question — put and passed.

Bill read a third time and passed.

# **18. Election of Senators Amendment Bill 2015**

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.

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

The Leader of the House representing the Premier moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

# **19. Misuse of Drugs Amendment (Psychoactive Substances) Bill 2015**

The Acting President reported the receipt of Message No. 113 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3180).

Debate stands adjourned.

# **20. Rail Safety National Law (WA) Bill 2014**

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 Acting President left the Chair.

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**In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 3, after line 11 — To insert —

(2) Delete section 7(3).

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 6 to 7 agreed to.

Clause 8.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 6, lines 19 to 23 — To delete the lines and insert —

(1) Except as provided in subsection (2), the *Interpretation Act 1984* does not apply to the *Rail Safety National Law (WA)* or to the instruments made under that Law.

Amendment — put and passed.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 6, after line 30 — To insert —

(ca) the *Freedom of Information Act 1992*;

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 9.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 9, line 6 — To delete “prescribed illicit drugs” and insert —

alcohol

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 10 to 47 agreed to.

Clause 48.

The Parliamentary Secretary representing the Minister for Transport moved —

Page 30, line 19 — To delete “of”

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 49 agreed to.

Clause 50.

Clause put and negatived.

Clause 51 agreed to.

Schedule 1 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported with amendments.

Ordered — That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

**21. Fire and Emergency Services Amendment Bill 2015**

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

Debate resumed.

*Interruption pursuant to order.*

**22. Members’ Statements**

Statements were taken.

**23. Adjournment**

The Council adjourned at 9.47pm until Wednesday, 19 August 2015 at 1.00pm.

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

Attendance: Present all Members Hon Nigel Hallett and Hon Darren West.

**NIGEL PRATT**  
Clerk of the Legislative Council

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