

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 108

TUESDAY, 17 FEBRUARY 2015

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. Death of Hon Robert Hetherington — Motion of Condolence

Hon Sue Ellery moved, without notice —

That this Council expresses its deep regret at the death of Hon Robert Hetherington, a former Member of the Legislative Council for the East Metropolitan Province and the South-East Metropolitan province; and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by several Members, including the President, and carried in silence; Members standing in their places.

3. 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 —

9 December 2014 — Message No. 31

Act No.

Corruption and Crime Commission Amendment (Misconduct) Bill 2014

35 of 2014

4. Petitions

Hon Robin Chapple presented a petition from 20 petitioners requesting the Legislative Council to investigate proposed changes to the *Aboriginal Heritage Act 1972*. (Tabled Paper 2450).

Hon Robin Chapple presented a petition from 60 petitioners requesting the Legislative Council to ensure the establishment of a transparent, high level process and review of the Western Australian Aboriginal Stolen Wages Reparation Scheme. (Tabled Paper 2451).

Hon Robin Chapple presented a petition from 515 petitioners requesting the Legislative Council to oppose hydraulic fracturing and unconventional gas extraction in the Gascoyne Region. (Tabled Paper 2452).

Hon Michael Mischin presented a petition from 2 petitioners requesting the Legislative Council to amend the *Taxation Legislation Amendment Bill (No. 2) 2014* and, if required, the *Duties Act 2008* to allow for land tax exemptions for land-owners who lease or farm-share properties for primary production business purposes. (Tabled Paper 2453).

5. Ministerial Statement — Year Seven Transition to Secondary School

The Minister for Education made a Ministerial Statement with respect to the transition of year seven students to secondary schools.

6. Ministerial Statement — Mental Health Delegation — European Visit

The Minister for Mental Health made a Ministerial Statement with respect to her recent visit to Italy, Finland and the United Kingdom, as part of a delegation comprising of representatives from the Mental Health Network and the Mental Health Commission.

The Minister for Mental Health tabled the itinerary from her visit to Italy, Finland and the United Kingdom. (Tabled Paper 2454).

7. Statement by President — January Parliament

The President made the following Statement —

In June this year, the world will celebrate 800 years since the signing of the *Magna Carta*. Moves are afoot for the Parliament of Western Australia to mark this historic event. However, 2015 is also the anniversary of another important, and less well known, milestone in the development of parliamentary democracy and the Westminster system of representative government. Almost exactly 750 years ago, an extraordinary Parliament opened in Westminster. The January Parliament met on 20 January 1265 and for the very first time elected representatives from every county and major town in England were invited to Parliament on behalf of their local communities.

Parliaments had, of course, existed long before 1265, but they were traditionally elite gatherings between the king and his chosen advisors. Knights, too, had been summoned to Parliament before, in 1254, but only to discuss taxation. At the January Parliament of 1265, however, both the counties and boroughs of England were represented, and the Parliament was concerned with the wider business of the realm, not just taxation. This was therefore a landmark moment in England's political evolution, which led directly to our system of government, and is worthy of mention in today's proceedings.

8. Statement by President — Hansard — Electronic Speech Duplicates

The President made the following Statement —

In relation to *Hansard* electronic duplicates, as of today, all speech duplicates will be delivered by email with the provision of hard copy duplicates ceasing. The transition to sole reliance on electronic delivery of speech duplicates will achieve improvements in sustainability and operational efficiencies for the Parliament while ensuring greater accessibility and convenience for Members in the delivery and correction of their speeches.

9. Statement by President — Legislative Council Sitting Times

The President made the following Statement —

In relation to sitting times, Members, this is just a reminder that Tuesday sitting times start at 2.00pm and Wednesday's at 1.00pm. Members' statements will be taken on Tuesday at 9.45pm and on Wednesday at 6.20pm. Thursday sitting times remain unchanged. Perhaps, importantly, a reminder that afternoon tea for Members on Tuesday will be available in the Legislative Council Members' Lounge from 4.00pm. As previously, the sitting will not be interrupted on Tuesday for the taking of afternoon tea.

10. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

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Joint Standing Committee on Delegated Legislation —

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Office of the Inspector of Custodial Services — Report of an Announced Inspection of Wandoo Reintegration Facility (Report No. 94) (November 2014) (Deemed tabled 7/01/2015)	2402
Parliamentary Inspector of the Corruption and Crime Commission — Report on the West Australian Newspaper Article Titled CCC in the Line of Fire (10 December 2014) (Deemed tabled 10/12/2014)	2403

Leader of the House*Annual Reports —*

Australian Children's Education and Care Quality Authority (2014) (Date received 27/01/2015)	2404
Electoral Commission (Political Finance) (for the period ended 30 June 2013) (Date received 5/02/2015)	2405

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Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations 2014 G.G. 12/12/2014, Vocational Education and Training (General) Amendment Regulations (No. 3) 2014 G.G. 12/12/2014 and Vocational Education and Training (General) Amendment Regulations 2014 G.G. 5/12/2014)	2407

Minister for Mental Health*Leases —*

CALM Lease 850/97 Between CALM and Ms Catherine Lois Atkinson and Mr Neville Ainsley Atkinson for the purpose of a dam site for domestic purposes in State Forest No. 54 near Kalamunda	2408
CALM Lease 1277/97 Between CALM and Mr Robert Tassone and Ms Julie Tassone for the purpose of a dam site for domestic purposes in State Forest No. 49 near Kirup	2409
CALM Lease 2277/97 Between CALM and Lions Districts 201-W2 Myalup Pines Project for the purpose of restoring, maintaining and operating Lions Myalup Pines Project cottages within a portion of State Forest No. 16	2410

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Local Government Act 1995 (City of Busselton Dogs Local Law 2014 G.G. 26/11/2014, City of Joondalup - Extension of Area of Application of Local Government and Public Property Local Law 2014 G.G. 2/12/2014, City of Melville Activities in Thoroughfares, Public Places and Trading Local Law 2014 G.G. 2/12/2014, Shire of Dalwallinu Dogs Local Law 2014 G.G. 10/12/2014, Shire of Dalwallinu General Amendment Local Law 2014 G.G. 10/12/2014, Shire of Dalwallinu Local Government (Council Meetings) Local Law 2014 G.G. 10/12/2014 and Shire of Serpentine Jarrahdale Parking and Parking Facilities Local Law 2014 G.G. 5/12/2014)	2412

Plans —

Metropolitan Redevelopment Authority Operational Plan 2014–2015 (Deemed tabled 17/12/2014)	2413
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Regulations —

Caravan Parks and Camping Grounds Act 1995 (Caravan Parks and Camping Grounds Amendment Regulations (No. 2) 2014 G.G. 12/12/2014)	2414
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Panel Review of the Chemistry Centre (WA) Act 2007 (September 2013)
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**Parliamentary Secretary representing the Minister for Science on behalf of the
Parliamentary Secretary representing the Minister for Transport***Notices —*

Notice under section 82 of the Financial Management Act 2006 in respect to
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Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations (No. 4)
2014 G.G. 12/12/2014) 2449

**11. Standing Committee on Uniform Legislation and Statutes Review — Report No. 88 —
Succession to the Crown Bill 2014**

Hon Kate Doust presented Report No. 88 of the Standing Committee on Uniform Legislation and
Statutes Review, *Succession to the Crown Bill 2014*. (Tabled Paper 2455).

12. Non-Government Business — Schedule

The Leader of the House moved, without notice —

That, pursuant to Standing Order 111(4), the schedule for Non-Government Business tabled by the President be adopted.

Question — put and passed.

13. Private Members' Business — Schedule

The Leader of the House moved, without notice —

That, pursuant to Standing Order 112(4), the schedule for Private Members' Business tabled by the President be adopted.

Question — put and passed.

14. Standing Committee on Procedure and Privileges — Membership

The President made the following Statement —

I have received a letter addressed to me from Hon Colin Holt, which reads as follows —

Dear Mr President

As a result of my appointment on 8 December 2014 to the office of Minister for Housing; Racing and Gaming, I hereby tender my resignation as a member of the above committee.

I take this opportunity to thank you, the other members of the committee and its staff for their advice and support during the two years I have served.

It has been an educational and enjoyable experience and one that I would recommend to all Members of the Legislative Council.

Yours sincerely

Hon Colin Holt MLC

On behalf of all Members, I congratulate Hon Colin Holt on his elevation to the Ministry and his additional responsibilities as a Member of the Executive and wish him all the best.

The Leader of the House moved, without notice —

That Hon Martin Aldridge be appointed as a Member to the Standing Committee on Procedure and Privileges.

Question — put and passed.

15. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 2, *Shire of Dardanup Keeping and Control of Cats Local Law 2014 — Disallowance*, and 3, *School Education Amendment Regulations 2014 — Disallowance*, be taken after Order of the Day No. 10, *Declared Places (Mentally Impaired Accused) Bill 2013*. (Leader of the House).

16. Taxation Legislation Amendment Bill (No. 2) 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 Deputy President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

The Leader of the House representing the Minister for Finance moved, That the Chair of Committees report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The Acting President resumed the Chair.

The 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.

17. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Treasurer tabled documents in relation to advice on the implementation and operation of the public sector workforce renewal policy, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2456).

Point of Order

Hon Adele Farina raised the following Point of Order —

I lodged in the normal process a question without notice numbered C027 relating specifically to the Maritime Archaeology Act and the Minister's powers under that Act. The Minister responsible for that Act is the Minister for Culture and the Arts, and I directed the question to him. The Government has redirected that question to the Minister for Environment, which makes a nonsense out of the question, because it specifically relates to the exercise of the Minister responsible for the Act's powers under the Act. I think it is totally inappropriate for the Government to simply redirect the question to another Minister when an Act of Parliament has already determined which Minister is responsible for the administration of the Minister's powers under that Act. I seek that the President make a ruling that that question be directed to the Minister for Culture and the Arts, as I originally requested.

President's Ruling

The President ruled as follows —

I note in passing that the Minister for Environment is also the Minister for Heritage, and I am not sure whether that comes into the picture or not. I will investigate the answer, but Members should keep in mind that that is the Minister's answer. Sometimes Members do not agree with the answers to their questions and sometimes members do not like the answers, but that is the Minister's answer. If there is a problem with jurisdiction, I will investigate it and report back to the House.

The Minister for Education tabled documents in relation to school suspensions in the South West region in 2012, 2013 and 2014, in response to question on notice No. 1846 asked by Hon Adele Farina. (Tabled Paper 2457).

The Minister for Education tabled documents in relation to school enrolment figures in the South West region in 2012, 2013 and 2014, in response to question on notice No. 1847 asked by Hon Adele Farina. (Tabled Paper 2458).

The Minister for Education tabled documents in relation to funding for each school in the South West region in 2012, 2013 and 2014, in response to question on notice No. 2143 asked by Hon Adele Farina. (Tabled Paper 2459).

The Minister for Mental Health tabled, and by leave incorporated into *Hansard*, documents in relation to older adult mental health care statistics, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 2461).

The Minister for Mental Health tabled documents in relation to the number of residents, location and management of psychiatric hostels in Western Australia, in response to question on notice No. 2000 asked by Hon Stephen Dawson. (Tabled Paper 2462).

The Minister for Mental Health tabled documents in relation to funding and patient presentations to the Child and Adolescent Health Services, in response to question on notice No. 2115 asked by Hon Stephen Dawson. (Tabled Paper 2463).

The Minister for Mental Health tabled documents in relation to staffing at the North Metropolitan Health Service, in response to question on notice No. 2169 asked by Hon Stephen Dawson. (Tabled Paper 2464).

The Minister for Mental Health tabled the Memorandum of Understanding in relation to the Assertive Community Intervention Program, in response to question on notice No. 2141 asked by Hon Adele Farina. (Tabled Paper 2465).

The Minister for Child Protection tabled documents in relation to the bilateral schedule between the Department for Child Protection and Family Support and the Department of Housing, in response to question on notice No. 2093 asked by Hon Adele Farina. (Tabled Paper 2466).

The Minister for Child Protection tabled documents in relation to the country attraction and retention survey conducted by the Department for Child Protection and Family Support, in response to question on notice No. 2097 asked by Hon Adele Farina. (Tabled Paper 2467).

The Minister for Child Protection tabled documents in relation to the twelve month critical review of Operation Deagon, in response to question on notice No. 2157 asked by Hon Stephen Dawson. (Tabled Paper 2468).

The Minister for Disability Services tabled documents in relation to the National Disability Insurance Scheme My Way Trial in the lower South West, in response to question on notice No. 2147 asked by Hon Adele Farina. (Tabled Paper 2469).

The Minister for Mental Health representing the Minister for Community Services tabled documents in relation to the distribution, by postcode, of applicants to the Stolen Wages Scheme and the Redress Scheme Western Australia, in response to question on notice No. 2152 asked by Hon Stephen Dawson. (Tabled Paper 2470).

The Minister for Mental Health representing the Minister for Environment tabled maps of old growth karri and jarrah forests, in response to question on notice No. 2212 asked by Hon Lynn MacLaren. (Tabled Paper 2460).

The Attorney General representing the Minister for Small Business tabled documents in relation to supplies and services expenditure in 2013-14 by the Small Business Development Corporation, in response to question on notice No. 2265 asked by Hon Kate Doust. (Tabled Paper 2471).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to contracts of sale for plantation products entered into by the Forest Products Commission, in response to question on notice No. 2211 asked by Hon Lynn MacLaren. (Tabled Paper 2472).

The Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2005 asked by Hon Stephen Dawson will be provided on 24 February 2015.

The Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 2008 asked by Hon Stephen Dawson will be provided on 19 February 2015.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to anti-social behaviour on public transport, in response to question on notice No. 2181 asked by Hon Ken Travers. (Tabled Paper 2473).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to 2013-14 link travel times in the metropolitan region, as monitored by Main Roads, in response to question on notice No. 2203 asked by Hon Ken Travers. (Tabled Paper 2474).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to operations of the Royal Flying Doctor Service in 2013-2014, in response to question on notice No. 2238 asked by Hon Robin Chapple. (Tabled Paper 2475).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to daily ambulance rampings at Perth hospitals in December 2013 to December 2014, in response to question on notice No. 2276 asked by Hon Sue Ellery. (Tabled Paper 2476).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to the service agreement between the State and St John Ambulance Western Australia, in response to question on notice No. 2240 asked by Hon Adele Farina. (Tabled Paper 2477).

The Parliamentary Secretary representing the Minister for Tourism tabled documents prepared by TNS Australia for the Rottnest Island Authority and the summary of public submissions made in response to the draft management plan, in response to question on notice No. 2170 asked by Hon Lynn MacLaren. (Tabled Paper 2478).

18. Order of Business

Ordered — That Order of the Day No. 12, *Taxation Legislation Amendment Bill (No. 2) 2014*, be taken forthwith. (Leader of the House).

19. Taxation Legislation Amendment Bill (No. 2) 2014

Resumption of consideration of this Bill in Committee of the Whole House (*see item 16 above*).

The President left the Chair.

In Committee

(Hon Alanna Clohesy in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7 agreed to.

Clauses 8 to 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 to 28 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for Finance 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.

20. Road Traffic Amendment (Alcohol Interlocks and Other Matters) 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.

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

The Attorney General representing the Minister for Police moved, That the Bill be read a third time.
 Question — put and passed.
 Bill read a third time and passed.

21. Road Traffic Legislation Amendment 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.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clauses 2 to 16 agreed to.

New Clause 17.

Debate ensued.

The Attorney General representing the Minister for Road Safety moved —
 Page 7, after line 26 — To insert —

17. Section 21 replaced

Delete section 21 and insert:

21. Section 78A amended

- (1) In section 78A in the definition of *impounding offence (driver's licence)* delete paragraph (b) and insert:
 - (b) an offence against the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1)(a); or
- (2) In section 78A in the definition of *senior police officer* delete “person appointed under the *Police Act 1892* Part I to be a member of the Police Force of Western Australia” and insert:

police officer

Debate ensued.

Amendment — put and passed.

New Clause 18.

The Attorney General representing the Minister for Road Safety moved —
 Page 7, after line 26 — To insert —

18. Section 37 amended

In section 37 in the Table in the 4th row delete “s.59B(3)(c)”.

Debate ensued.

Amendment — put and passed.

New Clause 19.

The Attorney General representing the Minister for Road Safety moved —

Page 7, after line 26 — To insert —

19. Section 232 amended

In section 232 in the Table in the 2nd row delete “s.12(1) def. of *permit*”.

Debate ensued.

Amendment — put and passed.

New Part 7

The Attorney General representing the Minister for Road Safety moved —

Page 7, after line 26 — To insert —

Part 7 — *Road Traffic (Miscellaneous Amendments) Act 2012* amended

20. Act amended

This Part amends the *Road Traffic (Miscellaneous Amendments) Act 2012*.

21. Section 12 amended

In section 12 delete “49AB(1)(c), 53(1) and (2A), 60(1c)(a)(i)” and insert —

49AB(1)(c)

Debate ensued.

Amendment — put and passed.

Title agreed to.

The Acting 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.

22. Alcohol and Drug Authority Amendment Bill 2014

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.

23. Adjournment

The Council adjourned at 9.45pm until Wednesday, 18 February 2015 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell and Hon Amber-Jade Sanderson.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council