

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 221

WEDNESDAY, 16 NOVEMBER 2016

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

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

### 2. Petitions

Hon Laine McDonald presented a petition from 5,070 petitioners requesting the Legislative Council to support the *Asbestos Diseased Compensation Bill 2013*. (Tabled Paper 4886).

Hon Lynn MacLaren presented a petition from 1,476 petitioners requesting the Legislative Council to oppose the Bassendean Activity Centre Plan prepared by LandCorp. (Tabled Paper 4887).

Hon Lynn MacLaren presented a petition from 266 petitioners requesting the Legislative Council to introduce legislation to compensate farmers economically affected by genetically modified crop contamination. (Tabled Paper 4888).

### 3. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Reports* —

Ministerial Office Resourcing Report (as at 20 October 2016)..... 4883

#### Attorney General

*Notices* —

Financial Management Act 2006 — Notice from the Attorney General in respect to the Legislative Council Standing Committee on Estimates and Financial Operations hearing on 27 October 2016..... 4884

Financial Management Act 2006 — Notice from the Minister for Commerce in respect to the Legislative Council Standing Committee on Estimates and Financial Operations hearing on 27 October 2016..... 4885

### 4. Joint Standing Committee on the Corruption and Crime Commission — Report No. 32 — Annual Reports prepared by the Corruption and Crime Commission on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission

Hon Nick Goiran presented Report No. 32 of the Joint Standing Committee on the Corruption and Crime Commission, *Annual Reports prepared by the Corruption and Crime Commission on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission*. (Tabled Paper 4889).

## 5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Adele Farina in the Chair)

#### **Joint Standing Committee on Audit — Report No. 7 — Review of the Operation and Effectiveness of the Auditor General Act 2006**

The Chair of Committees moved, That the Report be noted.

Question — put and passed.

#### **Standing Committee on Public Administration — Report No. 27 — Government Response to Report 26: Transport of Persons in Custody**

On the motion of Hon Liz Behjat the debate was adjourned to a later stage of this day's sitting.

Question — put and passed.

#### **Standing Committee on Environment and Public Affairs — Report No. 45 — Petition Number 59 – Bio-Organics composting facility, Oakford**

Hon Samantha Rowe moved, That the Report be noted.

Debate ensued.

Question — put and passed.

#### **Standing Committee on Public Administration — Report No. 27 — Government Response to Report 26: Transport of Persons in Custody**

The Leader of the House on behalf of the Attorney General representing the Minister for Corrective Services tabled the Government's Response to Report No. 27, *Government Response to Report 26: Transport of Persons in Custody*. (Tabled Paper 4890).

Debate resumed on the motion of Hon Liz Behjat, That the Report be noted.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on Audit — Report No. 7 — *Review of the Operation and Effectiveness of the Auditor General Act 2006* and had noted same.
- (2) Standing Committee on Environment and Public Affairs — Report No. 45 — *Petition Number 59 – Bio-Organics composting facility, Oakford* and had noted same.
- (3) Standing Committee on Public Administration — Report No. 27 — *Government Response to Report 26: Transport of Persons in Custody*, made progress, and seeks to sit again.

Report adopted.

## 6. Order of Business

Ordered — That Order of the Day No. 1, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016 — Disallowance*, be taken after Order of the Day No. 25, *Construction Contracts Amendment Bill 2016*. (Leader of the House).

## 7. Pilbara Port Assets (Disposal) Bill 2015

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

The Attorney General 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.

Debate ensued.

Question — put.  
The Council divided.

**Ayes (18)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills

Hon Nigel Hallett  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Phil Edman (*Teller*)

**Noes (10)**

Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina

Hon Lynn MacLaren  
Hon Laine McDonald  
Hon Martin Pritchard  
Hon Amber-Jade Sanderson  
Hon Samantha Rowe (*Teller*)

Question thus passed.  
Bill read a third time and passed.

**8. Aquatic Resources Management Bill 2015**

The Order of the Day having been read for the third reading of this Bill.  
The Attorney General representing the Minister for Fisheries moved, That the Bill be read a third time.  
The Acting 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.

**9. Aquatic Resources Legislation Amendment Bill 2015**

The Order of the Day having been read for the third reading of this Bill.  
The Attorney General representing the Minister for Fisheries moved, That the Bill be read a third time.  
The Acting 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.

**10. Obsolete Legislation Repeal 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.  
The Acting President left the Chair.

**In Committee**

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.  
Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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.

Question — put and passed.

Bill read a third time and passed.

### **11. Limited Partnerships Bill 2016**

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

Question — put and passed.

Bill read a third time and passed.

### **12. School Boarding Facilities Legislation Amendment and Repeal Bill 2016**

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

Question — put and passed.

Bill read a third time and passed.

### **13. Standing Committee on Procedure and Privileges — Report No. 41 — Recall of the Legislative Council**

The Order of the Day having been read for the adjourned debate on the motion of Hon Adele Farina, as follows —

That Recommendation 1 contained in Report No. 40 of the Standing Committee on Procedure and Privileges, *Recall of the Legislative Council*, be adopted and agreed to.

Debate resumed.

Hon Colin Holt moved, without notice, to amend recommendation No. 1 as follows —

To delete “Leader of the Opposition” and insert —

leaders of all parties

Amendment — put and passed.

Debate resumed on the motion, as amended.

Question — put and passed.

Motion, as amended, agreed to.

#### **14. Residential Tenancies 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 Minister for Commerce moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

#### **15. Questions Without Notice**

Questions without notice were taken.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to enrolment projections for various schools in 2017, 2018, 2019 and 2020, in response to a question without notice asked by Hon Sue Ellery.

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to Vocational Education and Training courses offered to schools in Bunbury in 2015 and 2016, in response to question on notice No. 4458 asked by Hon Adele Farina. (Tabled Paper 4891).

The Minister for Education tabled documents in relation to student participation in certificate courses at Trade Training Centres in 2015 and 2016, in response to question on notice No. 4453 asked by Hon Adele Farina. (Tabled Paper 4892).

The Minister for Planning representing the Minister for Health tabled documents in relation to call-outs and patient transfers conducted in the South West region by St John Ambulance in 2009, 2013 and 2015, in response to question on notice No. 4485 asked by Hon Adele Farina. (Tabled Paper 4893).

The Minister for Planning representing the Minister for Health tabled documents in relation to the review of the Country Ambulance Service conducted by the WA Country Health Service in February 2011, in response to question on notice No. 4487 asked by Hon Adele Farina. (Tabled Paper 4894).

#### **16. Disposal of Uncollected Goods 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.

The Acting President left the Chair.

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#### **In Committee**

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 10 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting 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.

### **17. Licensing Provisions 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.

The President left the Chair.

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### **In Committee**

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 43 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Attorney General representing the Minister for Finance moved, That the Bill be read a third time.

The 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.

### **18. Members' Statements**

Statements were taken.

### **19. Adjournment**

The Council adjourned at 6.27pm until Thursday, 17 November 2016 at 10.00am.

### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Martin Aldridge, Hon Jim Chown, Hon Alanna Clohesy and Hon Alyssa Hayden.

**NIGEL PRATT**  
Clerk of the Legislative Council

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