

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 174

TUESDAY, 15 MARCH 2016

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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. Messages from Her Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from Her Excellency the Governor assenting to the following Bills —

<b>28 February 2016 — Message No. 1</b>	<b>Act No.</b>
Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015	1 of 2016
<b>3 March 2016 — Message No. 2</b>	<b>Act No.</b>
City of Perth Bill 2015	2 of 2016

### 3. Statement by President — Commonwealth Day

The President made the following Statement —

On Monday, 14 March 2016, Commonwealth Day was celebrated in nations around the Commonwealth. Commonwealth Day is an annual event held on the second Monday in March each year that celebrates the work of its 53 constituent countries and the Commonwealth organisation in promoting parliamentary democracy, multilateral trade and development, the rule of law, sustainable and inclusive social progress and the common good. This year's theme—An inclusive Commonwealth—celebrates the diversity of the Commonwealth, which is made up of more than two billion people around the globe. The Charter of the Commonwealth asserts that everyone is equal and deserves to be treated fairly, whether they are rich or poor, without regard to their race, age, gender, belief or other identity. The Commonwealth seeks to build a better world by including and respecting everybody.

The theme informs events organised by governments, schools, community groups and individuals to celebrate Commonwealth Day and helps to guide activities by Commonwealth organisations throughout the year. In Western Australia a multi-faith service was held at St George's Cathedral and next Monday, 21 March 2016, a Commonwealth Day youth event, aimed at inspiring the next generation of Commonwealth leaders, will be hosted by Her Excellency the Governor at Government House.

The head of the Commonwealth, Her Majesty Queen Elizabeth II, sends a message to all Commonwealth nations to mark the day and this is available to Members in hard copy at the back of the Chamber or can be viewed on the Commonwealth Parliamentary Association's website.

#### 4. **Statement by President — International Women’s Day 2016**

The President made the following Statement —

On 8 March, International Women’s Day was celebrated around the world. The day recognises the social, economic, cultural and political achievements of women, while highlighting that in many places across the world, urgent action is needed to accelerate gender parity. The theme for Western Australia’s International Women’s Day celebrations in 2016 is Breaking Through. This theme recognises the progress that is being made towards gender equality in Western Australia and acknowledges the ongoing work that supports women to reach their potential.

A number of events have been held in Western Australia to celebrate International Women’s Day, including the induction of 10 women into the Western Australian Women’s Hall of Fame, the Chamber of Minerals and Energy’s Women in Resources Awards and the United Nations women’s breakfast.

As Members know, I have had a close association with the Commonwealth Parliamentary Association over many years. This Chamber compares very favourably with other Commonwealth Parliaments in the number of female representatives. Very recently, this Chamber came very close to achieving 50 per cent female membership, with 17 of the 36 Members of the Legislative Council comprising women in the years leading up to 2013. The numbers are currently 14 out of 36, which is still one of the highest proportions of female representation in a Commonwealth Parliament.

As part of International Women’s Day, I acknowledge the women Members of the Legislative Council, past and present, for all they have done to contribute to the work of the Parliament and build a better society for all of us.

#### 5. **Ministerial Statement — Collection of Carrolup Native Settlement Artwork**

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the Collection of Carrolup Native Settlement Artwork, and transfer of the collection from the Department of Aboriginal Affairs to the Curtin University Herbert Mayer Collection.

#### 6. **Ministerial Statement — Disability Access and Inclusion Plans (DAIPS) Progress Report 2014–2015**

The Minister for Disability Services made a Ministerial Statement with respect to the *Disability Access and Inclusion Plans (DAIPS) Progress Report 2014–2015*.

The Minister for Disability Services tabled the *Disability Access and Inclusion Plans (DAIPS) Progress Report 2014-2015*. (Tabled Paper 3887).

#### 7. **Ministerial Statement — Addition of Newly Identified Synthetic Drugs to the Poisons Act**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the addition of newly identified synthetic drugs to the *Poisons Act 1964*.

#### 8. **Papers**

The following Papers were laid on the Table by —

##### **Leader of the House**

*By-laws* —

University of Western Australia Act 1911 (University of Western Australia Lands By-Laws Amendment 2015 G.G. 1/03/2016)..... 3869

*Response to Reports* —

Joint Standing Committee on the Commissioner for Children and Young People — Listen to this, a Review of Listen to Us — A Report by the Commissioner for Children and Young People (Report No. 6)..... 3870

*Statutes* —

Edith Cowan University Act 1984 (Edith Cowan University - Amending Statute No. 1 of 2015 G.G. 26/02/2016).....	3871
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**Minister for Mental Health***Leases* —

CALM Lease 2348/97 — Between the Conservation and Land Management Executive Body and Coalfields Firewood for the purpose of a firewood processing and sawyard located at the eastern end of Collie in State Forest No. 4.....	3872
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*Local Laws* —

Cemeteries Act 1986 (Shire of Cunderdin Cemetery Amendment Local Law 2016 G.G. 11/03/2016)...	3873
Local Government Act 1995 (City of Mandurah Fencing Amendment Local Law 2015 G.G. 8/03/2016, City of Wanneroo Public Places and Local Government Property Local Law 2015 G.G. 29/02/2016, Shire of Collie Extractive Industries Local Law 2015 G.G. 26/02/2016, Shire of Cunderdin Local Government Property Amendment Local Law 2016 G.G. 11/03/2016, Shire of Cunderdin Thoroughfares and Public Places Amendment Local Law 2016 G.G. 11/03/2016, Shire of Halls Creek Standing Orders Local Law 2016 G.G. 4/03/2016; and, Town of Port Hedland Repeal Local Law 2016 G.G. 1/03/2016) .....	3874

*Regulations* —

Cat Act 2011 (Cat Amendment Regulations 2016 G.G. 11/03/2016) .....	3875
Dog Act 1976 (Dog Amendment Regulations 2016 G.G. 11/03/2016).....	3876
Local Government Act 1995 (Local Government (Administration) Amendment Regulations 2016 G.G. 4/03/2016; and, Local Government (Rules of Conduct) Amendment Regulations 2016 G.G. 4/03/2016).....	3877
Swan and Canning Rivers Management Act 2006 (Swan and Canning Rivers Management Amendment Regulations 2016 G.G. 4/03/2016).....	3878

**Attorney General***Notices* —

Financial Management Act 2006 — Section 82 — Notice from the Minister for Police in respect to (additional question 30) asked by the Standing Committee on Estimates and Financial Operations in the 2014/15 Annual Report hearings .....	3879
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**Minister for Agriculture and Food***Reports* —

Travel Report for the Minister for Agriculture and Food for an official visit to the United Arab Emirates, Qatar, Saudi Arabia and Egypt (from 27 October 2015 to 10 November 2015).....	3880
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**Minister for Housing***Regulations* —

Betting Control Act 1954 (Betting Control Amendment Regulations (No. 2) 2016 G.G. 8/03/2016)....	3881
Liquor Control Act 1988 (Liquor Control (Wangkatjunga Restricted Area) Amendment Regulations 2016 G.G. 4/03/2016; and, Liquor Control Amendment Regulations (No. 2) 2016 G.G. 4/03/2016) .....	3882
Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations (No. 2) 2016 G.G. 8/03/2016; and, Racing and Wagering Western Australia Amendment Regulations 2016 G.G. 4/03/2016).....	3883

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

Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2016 G.G. 11/03/2016).....	3884
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*Reports —*

Port Hedland Air Quality Health Risk Assessment for Particulate Matter Report  
(January 2016)..... 3885

*Reviews —*

Review of the Health Professionals (Special Events Exemption) Act 2000  
(February 2016)..... 3886

**9. Standing Committee on Environment and Public Affairs — Report No. 44 — Overview of Petitions 1 July 2015 to 31 December 2015**

Hon Stephen Dawson presented Report No. 44 of the Standing Committee on Environment and Public Affairs, *Overview of Petitions 1 July 2015 to 31 December 2015*. (Tabled Paper 3888).

**10. Constitution and Electoral Amendment Bill 2016**

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

That a Bill for “An Act to amend the *Constitution Acts Amendment Act 1899* and the *Electoral Act 1907*.” be introduced and read a first time.

**11. Special Adjournment**

The Leader of the House moved, without notice —

That the House at its rising on Thursday, 19 May 2016, adjourn until 2.00pm on Tuesday, 21 June 2016.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

**12. Order of Business**

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 15, *Dangerous Sexual Offenders Legislation Amendment Bill 2015*. (Leader of the House).

**13. Western Australian Health Promotion Foundation 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.

The Council divided.

**Ayes (21)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown  
Hon Peter Collier  
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 Michael Mischin  
Hon Helen Morton  
Hon Phil Edman (*Teller*)

**Noes (12)**

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

Hon Lynn MacLaren  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

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**In Committee**

(Hon Amber-Jade Sanderson in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 9 agreed to.

Clause 10 agreed to.

Clause 11.

Debate ensued.

*Interruption pursuant to order.*

Progress reported and report adopted.

**14. Distinguished Visitors**

The President drew attention to the presence in the gallery of Mr Brad Battin, Member for Gembrook in the Victorian Parliament, and, on behalf of Honourable Members, extended a warm welcome to him.

**15. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled a report on the opening, closures and water quality issues of the BHP Billiton Water Park – Elizabeth Quay, in response to a question without notice asked by Hon Martin Pritchard. (Tabled Paper 3889).

The Minister for Agriculture and Food tabled a communication in relation to the Board of the Perth Market Authority, in response to question on notice No. 3770 asked by Hon Sue Ellery. (Tabled Paper 3890).

The Minister for Agriculture and Food representing the Minister for Water tabled documents in relation to the depths of bores in the Broome Water Reserve, in response to question on notice No. 3768 asked by Hon Robin Chapple. (Tabled Paper 3891).

The Minister for Agriculture and Food representing the Minister for Water tabled documents in relation to events in regional Western Australia that have received sponsorship from the Water Corporation, in response to question on notice No. 3776 asked by Hon Darren West. (Tabled Paper 3892).

**16. Statement by President — Seminar on Statutory Interpretation**

The President made the following Statement —

As part of our attempts to provide professional development opportunities and assistance for Members and staff of the Legislative Council, I remind Members of the short seminar on statutory interpretation for Members tomorrow. This will start at 11.00 am in the Members' Lounge. As Members will be aware, Assistant Professor Jacinta Dharmananda from the University of Western Australia law school will be presenting on tools for reading a statute; primacy of text versus the purpose of the statute; key aspects of Western Australian interpretation legislation; and the weight of extrinsic material, such as *Hansard*, in the interpretation task.

**17. Western Australian Health Promotion Foundation Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 11.

Debate resumed.

Question — put.

The Committee divided.

**Ayes (17)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher

Hon Nick Goiran  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Phil Edman (*Teller*)

**Noes (9)**

Hon Robin Chapple  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 12 to 42 agreed to.

Clause 43.

Debate ensued.

Question — put.

The Committee divided.

**Ayes (17)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher

Hon Nick Goiran  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Phil Edman (*Teller*)

**Noes (10)**

Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 44 to 77 agreed to.

Long Title.

Question — put.

The Committee divided.

**Ayes (17)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher

Hon Nick Goiran  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Phil Edman (*Teller*)

**Noes (10)**

Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a third time.

The Acting President announced that the 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.

The Council divided.

**Ayes (17)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher

Hon Nick Goiran  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Phil Edman (*Teller*)

**Noes (10)**

Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

**18. Cognate Debate — Anzac Day Amendment Bill 2015 and Anzac Day Amendment Bill (No. 2) 2015**

The Attorney General representing the Minister for Veterans sought leave of the Council to debate Order of the Day No. 20, *Anzac Day Amendment Bill 2015*, and Order of the Day No. 21, *Anzac Day Amendment Bill (No. 2) 2015*, cognately [SO 127].

Leave granted.

**19. Anzac Day Amendment Bill 2015 and Anzac Day Amendment Bill (No. 2) 2015**

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

*Want of Quorum*

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

A quorum being formed, the debate continued.

*Interruption pursuant to order.*

**20. Members' Statements**

Statements were taken.

**21. Adjournment**

The Council adjourned at 9.52pm until Wednesday, 16 March 2016 at 1.00pm.

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

Attendance: Present all Members except Hon Simon O'Brien.

**NIGEL PRATT**  
 Clerk of the Legislative Council

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