

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 90

THURSDAY, 18 SEPTEMBER 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. Ministerial Statement — South West Trawl Fishery Zone D Buyout

The Minister for Fisheries made a Ministerial Statement with respect to the South West Trawl Fishery Zone D Buyout.

3. Papers

The following Papers were laid on the Table by —

Minister for Agriculture and Food

Annual Reports -

Perth Market Authority (2014) (Date received 17/09/2014) 1898

Parliamentary Secretary representing the Minister for Transport

Annual Reports -

Albany Port Authority (2013-2014) (Date received 17/09/2014) 1899

Bunbury Port Authority (2013-2014) (Date received 17/09/2014) 1900

Fremantle Port Authority (2013-2014) (Date received 17/09/2014)..... 1901

Parliamentary Secretary representing the Minister for Regional Development

Proposals -

Land Administration Act 1997 - Proposal No. 6/2014 – Excision of land from Class A
Reserve 47956 for road dedication to facilitate the construction of a bypass
road around Margaret River 1902

4. Joint Standing Committee on Delegated Legislation — Report No. 75 — Identifying a Systemic Issue Arising out of Nine Court and Tribunal Instruments

Hon Robin Chapple presented Report No. 75 of the Joint Standing Committee on Delegated Legislation, *Identifying a Systemic Issue Arising out of Nine Court and Tribunal Instruments*. (Tabled Paper 1903).

5. TAB — Privatisation

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

That this House calls on the Government to rule out any proposed privatisation of the TAB due to the —

- (a) adverse implications for regional and metropolitan racing, pacing and greyhound clubs;
- (b) adverse implications for community sport and recreation organisations; and
- (c) money being wasted investigating such a clearly flawed action.

Debate ensued.

Motion lapsed.

6. Universities — Deregulation

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

That this House discuss the effect of the Federal Government's recent decision to deregulate universities, and debate strategies for the State and Federal Government to ensure university placements are available to all Australians, including those in regional Western Australia.

Debate ensued.

Motion lapsed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Regulation 11(3)(o) as inserted into the Retirement Villages Regulations 1992 by Regulation 6 of the Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 — Disallowance*, 2, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, 3, *Firearms Amendment Regulations 2014 — Disallowance*, 4, *Shire of Ashburton Fencing Local Law 2014 — Disallowance*, 5, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance*, 6, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, and 7, *City of Greater Geraldton Animals, Environment and Nuisance Local Law — Disallowance*, be taken after Order of the Day No. 14, *Statutes (Repeals) Bill 2013*. (Leader of the House).

8. Mental Health Bill 2013 and Mental Health Legislation Amendment Bill 2013

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Mental Health Bill 2013

Clause 179.

Debate resumed.

Clause agreed to.

Clause 180 agreed to.

Clause 181.

Debate ensued.

Clause agreed to.

Clauses 182 to 188 agreed to.

Clause 189.

Debate ensued.

Clause agreed to.

Clauses 190 and 191 agreed to.

Clause 192.

Debate ensued.

Clause agreed to.

Clause 193 agreed to.

Clause 194.

Hon Stephen Dawson moved —

Page 145, line 15 — To delete “14” and insert —

16

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (10)

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

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Amber-Jade Sanderson
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills
Hon Nigel Hallett

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

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clauses 195 to 200 agreed to.

Clause 201.

Debate ensued.

Clause agreed to.

Clause 202.

Debate ensued.

Clause agreed to.

Clauses 203 and 204 agreed to.

Clause 205.

Debate ensued.

Clause agreed to.

Clause 206.

Debate ensued.

Clause agreed to.

Clause 207.

Hon Stephen Dawson moved —

Page 153, lines 17 and 18 — To delete “child under 16 years of age” and insert —

person under 18 years of age

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (9)

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

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (18)

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

Hon Nigel Hallett
Hon Alyssa Hayden
Hon Col Holt
Hon Rick Mazza
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

The Minister for Mental Health moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Forestry tabled a document in relation to the results of the desktop survey of flora and fauna carried out for Mowen 1 and Mowen 2, in response to question on notice No. 1458 asked by Hon Lynn MacLaren. (Tabled Paper 1904).

The Minister for Agriculture and Food representing the Minister for Forestry tabled a document in relation to the latest coupe maps for Mowen 1 and Mowen 2, in response to question on notice No. 1460 asked by Hon Lynn MacLaren. (Tabled Paper 1905).

10. Environmental Protection Amendment (Validation) Bill 2014

The President reported the receipt of Message No. 75 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Mental Health representing the Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1906).

The Minister for Mental Health representing the Minister for Environment tabled a list of projects identified by the Environmental Protection Authority as being at significant risk of legal challenge. (Tabled Paper 1887).

Debate stands adjourned.

11. Adjournment

The Council adjourned at 5.18pm until Tuesday, 23 September 2014 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Brian Ellis, Hon Mark Lewis and Hon Sally Talbot.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council