

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 220

TUESDAY, 15 NOVEMBER 2016

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. Ministerial Statement — Office of the Commissioner for Victims of Crime

The Attorney General made a Ministerial Statement with respect to the initiatives and achievements of the Office of the Commissioner for Victims of Crime.

3. Ministerial Statement — Wild Dog Action Plan

The Minister for Agriculture and Food made a Ministerial Statement with respect to the implementation of the Wild Dog Action Plan.

4. Papers

The following Papers were laid on the Table by —

Attorney General

Response to Reports —

Standing Committee on Estimates and Financial Operations — Budget Estimates

Hearings 2016–17 (Report No. 67) (Treasurer) 4866

Minister for Planning

Response to Reports —

Standing Committee on Environment and Public Affairs — Petition No. 59 — Bio-

Organics Composting Facility Oakford (Report No. 45)

(Minister for Environment) 4867

Minister for Agriculture and Food

Management Plans —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture

Management (Newcastle Disease) Management Plan 2016 G.G. 11/11/2016) 4868

5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 31 — The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC

Hon Nick Goiran presented Report No. 31 of the Joint Standing Committee on the Corruption and Crime Commission, *The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC*. (Tabled Paper 4869).

6. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so as to enable a variation to the order of business on Wednesday, 16 November 2016 as follows —
no Motions on Notice.

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.

7. 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. 26, *Construction Contracts Amendment Bill 2016*. (Leader of the House).

8. Standing Committee on Procedure and Privileges — Report No. 44 — A Matter of Privilege raised by Hon Sue Ellery MLC

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

That the Recommendations contained in Report No. 44 of the Standing Committee on Procedure and Privileges, *A Matter of Privilege raised by Hon Sue Ellery MLC*, be adopted and agreed to.

Hon Adele Farina moved, without notice —

Pursuant to Recommendation 1, That Mr Stephen Home be adjudged guilty of a contempt of the Legislative Council.

Debate ensued.

Question — put and passed.

Hon Adele Farina moved, without notice —

Pursuant to Recommendation 2, That Mr Stephen Home do within 7 days unreservedly apologise in writing to the Legislative Council for providing incomplete and misleading information in answer to Question without Notice No. 176 (C 192) which rendered part 2 of the answer false in a material particular.

Question — put and passed.

Hon Adele Farina moved, without notice —

Pursuant to Recommendation 3, That Ms Rachael Turnseck be adjudged guilty of a contempt of the Legislative Council.

Question — put and passed.

Hon Adele Farina moved, without notice —

Pursuant to Recommendation 4, That Ms Rachael Turnseck do within 7 days unreservedly apologise in writing to the Legislative Council for providing incomplete and misleading information in answer to Question without Notice No. 176 (C 192) which rendered part 2 of the answer false in a material particular.

Debate ensued.

Question — put and passed.

Hon Adele Farina moved, without notice —

Pursuant to Recommendation 5, That a Memorandum of Understanding be developed between the Houses of the Parliament of Western Australia and the Corruption and Crime Commission to ensure that —

- (a) in forming an opinion of misconduct against a public officer the CCC does not breach the privileges of the Parliament;

- (b) conduct of public officers which constitutes a contempt or breach of privilege of the Houses of Parliament is dealt with by the relevant House of Parliament under the powers provided to the Houses by the *Parliamentary Privileges Act 1891*; and
- (c) the CCC, where practicable, provide evidence in its custody, control or power to assist a House of Parliament to investigate and determine offences of contempt or breach of privilege.

Question — put and passed.

9. Standing Committee on Procedure and Privileges — Report No. 43 — Standing Order 5: Days and Times of Meeting; and other miscellaneous matters

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

That Recommendations 1A, 2 and 3 contained in Report No. 43 of the Standing Committee on Procedure and Privileges, *Standing Order 5: Days and Times of Meeting; and other miscellaneous matters*, be adopted and agreed to.

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

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

The Parliamentary Secretary to the Minister for Mental Health tabled documents in relation to funding for the State Meth Strategy in the South West region, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 4870).

The Minister for Education, by leave incorporated into *Hansard*, information in relation to “Other School Facilities Projects” listed in the *2015–16 Department of Education Annual Report*, in response to a question without notice asked by Hon Sue Ellery.

The Leader of the House representing the Premier tabled documents in relation to the Public Sector Commission’s payments to Stanton International in 2014–15 and 2015–16, in response to a question without notice asked by Hon Martin Pritchard. (Tabled Paper 4871).

The Minister for Education tabled documents in relation to projected enrolments at various schools for 2017, 2018, 2019 and 2020, in response to question on notice No. 4420 asked by Hon Sue Ellery. (Tabled Paper 4872).

The Minister for Education tabled documents in relation to projected enrolments at various schools for 2017, 2018, 2019 and 2020, in response to question on notice No. 4421 asked by Hon Sue Ellery. (Tabled Paper 4873).

The Minister for Education tabled documents in relation to staffing and student information for each of the public schools in the South West region, in response to question on notice No. 4455 asked by Hon Adele Farina. (Tabled Paper 4874).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to Vocational Education and Training courses offered at schools in the Capes region in 2015 and 2016, in response to question on notice No. 4457 asked by Hon Adele Farina. (Tabled Paper 4875).

The Attorney General representing the Minister for Police tabled documents in relation to the number of people charged with various drug category crimes in the South West Police District in 2013–14, 2014–15 and 2015–16, in response to question on notice No. 4450 asked by Hon Adele Farina. (Tabled Paper 4876).

The Attorney General representing the Minister for Mines and Petroleum tabled documents in relation to a gas leak at Yulleroo 2 in January 2015, in response to question on notice No. 4424 asked by Hon Robin Chappell. (Tabled Paper 4877).

The Minister for Planning representing the Minister for Health tabled documents in relation to elective surgery waiting times at hospitals in the South West region in 2014–15 and 2015–16, in response to question on notice No. 4436 asked by Hon Adele Farina. (Tabled Paper 4878).

The Minister for Planning representing the Minister for Health tabled documents in relation to emergency department attendances and admissions at South West region hospitals in 2014–15 and 2015–16, in response to question on notice No. 4441 asked by Hon Adele Farina. (Tabled Paper 4879).

The Minister for Planning representing the Minister for Health tabled documents in relation to staffing at school dental therapy centres in the South West region, as at 1 July 2015 and 1 July 2016, in response to question on notice No. 4442 asked by Hon Adele Farina. (Tabled Paper 4880).

The Minister for Planning representing the Minister for Health tabled documents in relation to midwives employed at South West region hospitals, as at 1 July 2015 and 1 July 2016, in response to question on notice No. 4444 asked by Hon Adele Farina. (Tabled Paper 4881).

The Parliamentary Secretary to the Minister for Sport and Recreation tabled documents in relation to KidSport funding to East Metropolitan region sporting clubs in 2015–16, in response to question on notice No. 4472 asked by Hon Alanna Clohesy. (Tabled Paper 4882).

11. Standing Committee on Procedure and Privileges — Report No. 43 — Standing Order 5: Days and Times of Meeting; and other miscellaneous matters

Debate resumed on the motion of Hon Adele Farina (*see item 9 above*).

Question — put and passed.

12. Standing Committee on Procedure and Privileges — Report No. 41 — Recall of the Parliament

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.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

13. Pilbara Port Assets (Disposal) Bill 2015

The Order of the Day having been read for the consideration of the Committee of the Whole House's report upon this Bill.

The Attorney General representing the Treasurer moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

14. Aquatic Resources Management Bill 2015

The Order of the Day having been read for the consideration of the Committee of the Whole House's report upon this Bill.

The Attorney General representing the Minister for Fisheries moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

15. Aquatic Resources Legislation Amendment Bill 2015

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

On the motion of Attorney General representing the Minister for Fisheries the debate was adjourned to the next sitting.

16. Restraining Orders and Related Legislation Amendment (Family Violence) 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.

The Deputy President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1 agreed to.

Clauses 2 to 60 agreed to.

Clause 61.

Debate ensued.

Clause agreed to.

Clauses 62 to 72 agreed to.

New Clause 72A.

The Attorney General moved —

Page 69, after line 13 — To insert —

72A. Section 64 amended

Delete section 64(1)(b) and insert:

- (b) to do any of the following —
 - (i) make, vary or cancel a final order;
 - (ii) refuse to make, vary or cancel a final order;
 - (iii) make any other order in relation to a final order,

Debate ensued.

New Clause — put and passed.

Clauses 73 and 74 agreed to.

Clause 75.

The Attorney General moved —

Page 70, after line 6 — To insert —

- (1) In section 70(1) delete “subsection (3),” and insert:

subsection (1A) or (3),

- (2) After section 70(1) insert:

(1A) Subsection (1) does not apply to a disclosure of information to a person who is, or who is in a class of persons that is, prescribed in the regulations for the purposes of this subsection.

(1B) If the information is disclosed to a person referred to in subsection (1A) —

- (a) no civil or criminal liability is incurred in respect of the disclosure of the information; and

- (b) the disclosure of the information is not to be regarded as a breach of any duty of confidentiality or secrecy imposed by any written or other law; and
- (c) the disclosure of the information is not to be regarded as a breach of professional ethics or standards or as unprofessional conduct.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 76 to 79 agreed to.

Clause 80.

Debate ensued.

Clause agreed to.

Clauses 81 to 96 agreed to.

Clause 97.

Debate ensued.

Clause agreed to.

Clauses 98 to 101 agreed to.

New Clause 101A.

The Attorney General moved —

Page 78, after line 23 — To insert —

101A. Section 135 amended

In section 135(2):

- (a) in paragraph (b) delete “place.” and insert:

place; or

- (b) after paragraph (b) insert:

- (c) the person is complying with an order under the *Restraining Orders Act 1997* section 62F(1)(c) or (2)(a).

Debate ensued.

New Clause — put and passed.

Clauses 102 to 110 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

The Attorney General, by leave, moved, That the report be adopted.

Report adopted.

The Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice the Acting President ordered the Council to divide.

Ayes (27)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Robin Chapple
Hon Peter Collier
Hon Kate Doust
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Adele Farina
Hon Nigel Hallett
Hon Col Holt

Hon Peter Katsambanis
Hon Mark Lewis
Hon Lynn MacLaren
Hon Rick Mazza
Hon Laine McDonald
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Martin Pritchard
Hon Samantha Rowe
Hon Sally Talbot
Hon Phil Edman (*Teller*)

Noes (1)

Hon Nick Goiran (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met Standing Orders suspended.

The Attorney General 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. Statutes (Repeals) 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 Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

18. 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.

Interruption pursuant to order.

19. Adjournment

There being no Members' Statements the Council adjourned at 9.45pm until Wednesday, 16 November 2016 at 1.00pm.

Members present during the day's proceedings

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

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council