

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 196

TUESDAY, 16 AUGUST 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. 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 —

11 July 2016 — Message No. 16

Act No.

Electoral Amendment Bill 2016

14 of 2016

Integrity (Lobbyists) Bill 2014

15 of 2016

Graffiti Vandalism Bill 2015

16 of 2016

Dangerous Sexual Offenders Legislation Amendment Bill 2015

17 of 2016

25 July 2016 — Message No. 17

Act No.

Public Health Bill 2014

18 of 2016

Public Health (Consequential Provisions) Bill 2014

19 of 2016

3. Statement by President — Joint Standing Committee on the Corruption and Crime Commission — Report 23 — Suspension of the Committee's Inquiry into the CCC being able to prosecute its own charges — Reinstatement

The President made the following Statement —

I have a letter I wish to draw to your attention. The letter is from the Joint Standing Committee on the Corruption and Crime Commission and is addressed to me as the President. It reads —

The Joint Standing Committee on the Corruption and Crime Commission's Report 23, *Suspension of the Committee's Inquiry into the CCC being able to prosecute its own charges*, was tabled on 13 August 2015. The Report outlined how the Committee had resolved to cease its inquiry due to a relevant matter being considered by the Court of Appeal. The Report said:

At the conclusion of the case currently before the Court of Appeal, the Committee will re-examine the issue and consider whether to reinstate its Inquiry into this matter with the current, or modified, terms of reference.

The Court of Appeal handed down its decision in the matter of *A v Maughan [2016] WASCA* on 15 July 2016. Given this decision, the Committee resolved on 20 July 2016 to reinstate its inquiry into the Corruption and Crime Commission being able to prosecute its own charges. The Committee will report to Parliament on its inquiry by 17 November 2016.

Due to the need to complete this inquiry by the end of this year, revised terms of reference have been adopted. The Committee will inquire into:

- (a) the operation of the State's prosecution system in relation to Corruption and Crime Commission matters subsequent to the Court of Appeal decision in the case of *A v Maughan [2016] WASCA*;
- (b) arrangements for the prosecution of offences associated with corrupt conduct and misconduct in other jurisdictions; and
- (c) any amendments required to the *Corruption, Crime and Misconduct Act 2003* following the Court of Appeal decision in the case of *A v Maughan [2016] WASCA*.

Should you require any further information about this matter please contact Dr David Worth, Principal Research Officer, on 9222 7469.

Yours sincerely

Hon Nick Goiran, MLC

Chairman

4. Petition

Hon Stephen Dawson presented a petition from 129 petitioners requesting the Legislative Council to undertake an inquiry into the closure to the public of the Main Street floating jetty, Port Hedland. (Tabled Paper 4337).

5. Ministerial Statement — Government Responses to Committee Reports

The Leader of the House made a Ministerial Statement advising that the Government Responses to Report No. 62 of the Standing Committee on Estimates and Financial Operations, *Provision of Information to the Parliament*, and Report No. 63 of the Standing Committee on Estimates and Financial Operations, *Budget Estimates Hearings 2015–16* and the final report of the *Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)*, will be tabled on 23 August 2016.

6. Ministerial Statement — Regional Services Reform Roadmap

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the rollout of the Regional Services Reform Roadmap entitled *Resilient Families, Strong Communities*.

The Minister for Aboriginal Affairs tabled the Regional Services Reform Roadmap *Resilient Families, Strong Communities*. (Tabled Paper 4338).

7. Ministerial Statement — Report on the Operation and Effectiveness of the *Construction Contracts Act 2004*

The Minister for Commerce made a Ministerial Statement with respect to the tabling of the report and the Government's Response to the independent statutory review of the operation and effectiveness of the *Construction Contracts Act 2004* conducted by Professor Phil Evans.

The Minister for Commerce tabled the report, *The Operation and Effectiveness of the Construction Contracts Act 2004 (WA)*. (Tabled Paper 4339).

The Minister for Commerce tabled *The Operation and Effectiveness of the Construction Contracts Act 2004 (WA) — Government Response (May 2016)*. (Tabled Paper 4340).

8. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Auditor General, Department of the (2015–2016) (Date received 16/08/2016) 4305

Auditor General's Papers —

Grant Administration (Report No. 16) (July 2016) (Deemed tabled 7/07/2016) 4306

Financial and Performance Information in Annual Reports (Report No. 17) (July 2016) (Deemed tabled 21/07/2016)	4307
Opinions on Ministerial Notifications (Report No. 18) (August 2016) (Deemed tabled 11/08/2016)	4308
<i>Reports —</i>	
Corruption and Crime Commission — Report on a Matter of Governance at Murdoch University (1 July 2016) (Deemed tabled 1/07/2016)	4309
Inspector of Custodial Services, Office of the — Report of an Announced Inspection of Acacia Prison (Report No. 104) (June 2016)	4310
Inspector of Custodial Services, Office of the — Transitional Services in Western Australian Prisons (May 2016)	4311
Leader of the House	
<i>Addendums —</i>	
Pilbara Development Commission — Annual Report (2014–2015)	4312
<i>Annual Reports —</i>	
Central Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4313
Challenger Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4314
CY O'Connor Institute — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4315
Durack Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4316
Goldfields Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4317
Great Southern Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4318
Kimberley Training Institute — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4319
Pilbara Institute — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4320
Polytechnic West — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4321
South West Institute of Technology — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4322
West Coast Institute of Training — Final Report (1 January 2016 to 10 April 2016) (Deemed tabled 11/07/2016)	4323
<i>Notices —</i>	
Financial Management Act 2006 — Notice from the Minister for Regional Development in respect to question on notice F15 of the Legislative Council Budget Estimates	4324
<i>Reports —</i>	
Gold Corporation — Statement of Corporate Intent (2016–2017) (Deemed tabled 21/07/2016)	4325
Horizon Power — Statement of Corporate Intent (2016–2017) (Deemed tabled 28/07/2016) ..	4326
Attorney General	
<i>Annual Reports —</i>	
Anzac Day Trust (2015) (Date received 12/08/2016)	4327

Notices —

- Financial Management Act 2006 — Notice from the Attorney General in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates .. 4328
- Financial Management Act 2006 — Notice from the Minister for Emergency Services, Fisheries, Corrective Services and Veterans in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates 4329
- Financial Management Act 2006 — Notice from the Minister for Mines and Petroleum and Small Business in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates 4330

Minister for Planning*Annual Reports —*

- Land Surveyors Licensing Board (2015) (Date received 12/08/2016)..... 4331

Notices —

- Financial Management Act 2006 — Notice from the Minister for Environment and Heritage in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates (Deemed tabled 10/08/2016)..... 4332

Proposals —

- Land Administration Act 1997 — Excision of land from Class A Reserve No. 26650 for the alignment of a portion of South Coast Highway and at the Intersection of Cheyne Beach Road..... 4333

Reports —

- ChemCentre — Statement of Corporate Intent (2016–2017) (Deemed tabled 21/07/2016) 4334
- Landgate — Statement of Corporate Intent (2016–2017) (Deemed tabled 11/07/2016) 4335

Parliamentary Secretary to the Minister for Housing*Notices —*

- Financial Management Act 2006 — Notice from the Minister for Housing in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates (Deemed tabled 6/07/2016) 4336

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Albany Cemetery Board By-laws Amendment 2015 — Disallowance*, and 2, *Shire of Kellerberrin Dogs Local Law 2016 — Disallowance*, be taken after Order of the Day No. 12, *Retail Trading Hours Amendment Bill 2015*. (Leader of the House).

10. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2016–2017

The Order of the Day having been read for the adjourned debate on the motion of the Attorney General representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper No. 4085 A-E (2016–2017 Budget Statements), laid upon the Table of the House on Thursday, 12 May 2016.

Debate resumed.

Question — put and passed.

11. Emergency Management Amendment Bill 2016

The President reported the receipt of Message No. 161 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Emergency Services moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Emergency Services moved, That the Bill be read a second time.

The Attorney General representing the Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4341).

Debate stands adjourned.

12. School Boarding Facilities Legislation Amendment and Repeal Bill 2015

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

On the motion of Minister for Education the debate was adjourned to a later stage of this day's sitting.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Planning representing the Minister for Environment tabled documents in relation to the Department of Parks and Wildlife office to be built on Koombana Drive in Bunbury, in response to question on notice No. 4170 asked by Hon Adele Farina. (Tabled Paper 4342).

The Parliamentary Secretary to the Minister for Housing tabled documents in relation to vacant residential dwellings listed for maintenance in the South West region as at 30 June 2016, in response to question on notice No. 4197 asked by Hon Kate Doust. (Tabled Paper 4343).

President's Ruling

The President ruled as follows —

I have reviewed the question asked by Hon Robin Chapple earlier that I ruled out of order. I reaffirm that Ruling. I remind Members that the Standing Orders in the other place allow for questions to Members of political parties in that capacity but our Standing Orders do not, questions have to relate to the portfolio responsibilities of a Minister or a Parliamentary Secretary representing a Minister.

14. Biodiversity Conservation 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.

15. Members' Statements

Statements were taken.

16. Adjournment

The Council adjourned at 10.01pm until Wednesday, 17 August 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council