

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 153

TUESDAY, 13 OCTOBER 2015

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### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Order.  
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>24 September 2015 — Message No. 36</b>	<b>Act No.</b>
Land Tax Amendment Bill 2015	24 of 2015
Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014	25 of 2015
<b>2 October 2015 — Message No. 37</b>	<b>Act No.</b>
Election of Senators Amendment Bill 2015	26 of 2015
Revenue Laws Amendment Bill 2015	27 of 2015

### 3. Ministerial Statement — Local Government Rates for Pensioners Households

The Leader of the House representing the Minister for Finance made a Ministerial Statement with respect to the average local government rates for pensioner households.

The Leader of the House tabled documents relating to the average local government rates for pensioner households by local government area. (Tabled Paper 3485).

### 4. Ministerial Statement — Standing Committee on Environment and Public Affairs — Report No. 41 — Petition No. 42 — Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 — Government Response

The Minister for Mental Health representing the Minister for Environment made a Ministerial Statement with respect to the Government's response to the recommendations contained in the Standing Committee on Environment and Public Affairs — Report No. 41 — *Petition No. 42 — Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005*.

The Minister for Mental Health representing the Minister for Environment tabled the Government's response to the recommendations of the Standing Committee on Environment and Public Affairs — Report No. 41 — *Petition No. 42 — Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005*. (Tabled Paper 3486).

### 5. Ministerial Statement — Retirement of Walter Munyard

The Attorney General made a Ministerial Statement with respect to the recent retirement of Mr Walter Munyard, former Parliamentary Counsel of Western Australia.

## 6. Papers

The following Papers were laid on the Table by —

### President

#### *Annual Reports —*

Corruption and Crime Commission (2014–2015) (Deemed tabled 25/09/2015) ..... 3464

#### *Auditor General's Reports —*

Agency Gift Registers (Report No. 20) (Deemed tabled 8/10/2015) ..... 3465

Opinions on Ministerial Notifications (Report No. 21) (Deemed tabled 8/10/2015)..... 3466

#### *Financial Statements —*

Members of Parliament (Financial Interest) Act 1992 — Annual Returns (2014–2015)  
(Date received 12/10/2015) ..... 3467

#### *Reports —*

Corruption and Crime Commission, Report on an Investigation into Acceptance and  
Disclosure of Gifts and Travel Contributions by the Lord Mayor of the City of  
Perth (Deemed tabled 5/10/2015)..... 3468

### Leader of the House

#### *Regulations —*

Electricity Industry Act 2004 (Australian Energy Market Operator (Functions) Regulations 2015  
G.G. 2/10/2015, Electricity Industry (Independent Market Operator) Amendment  
Regulations 2015 G.G. 2/10/2015 and Electricity Industry (Wholesale Electricity Market)  
Amendment Regulations (No. 2) 2015 G.G. 2/10/2015) ..... 3469

Gas Services Information Act 2012 (Gas Services Information Amendment  
Regulations (No. 2) 2015 G.G. 2/10/2015) ..... 3470

### Minister for Mental Health

#### *Annual Reports —*

Environmental Protection Authority (2014–2015) (Date received 7/10/2015) ..... 3471

Marine Parks and Reserves Authority (2014–2015) (Date received 12/10/2015) ..... 3472

Waste Authority (2014–2015) (Date received 8/10/2015)..... 3473

#### *Local Laws —*

Local Government Act 1995 (City of Greater Geraldton Animals, Environment and Nuisance  
Amendment Local Law 2015 G.G. 2/10/2015) ..... 3474

### Attorney General

#### *Regulations —*

Fair Trading Act 2010 (Fair Trading (Retirement Villages Code) Amendment  
Regulations 2015 G.G. 6/10/2015)..... 3475

### Minister for Agriculture and Food

#### *Codes —*

Department of Mines and Petroleum — Safe Mobile Autonomous Mining in Western  
Australia approved under section 93 of the Mines and Safety and Inspection  
Act 1994 (21 September 2015) ..... 3476

#### *Orders —*

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Marmion Marine  
Park) Amendment Order 2015 [1247] G.G. 25/09/2015 and Prohibition on Recreational Fishing  
(Marmion Marine Park) Amendment Order 2015 [1247] G.G. 25/09/2015) ..... 3477

Water Services Act 2012 — Local Government District of Denmark — Water  
Restrictions..... 3478

*Regulations —*

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 6) 2015 G.G. 30/09/2015).....	3479
Mining Act 1978 (Mining Amendment Regulations (No. 5) 2015 G.G. 6/10/2015 and Mining Amendment Regulations (No. 6) 2015 G.G. 6/10/2015) .....	3480

**Parliamentary Secretary representing the Minister for Transport***Notices —*

Rail Safety Act 2010 (Rail Safety (Australian Railway Historical Society) Exemption Notice 2015 G.G. 22/09/2015).....	3481
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**Parliamentary Secretary representing the Minister for Health***By-laws —*

Hospitals and Health Services Act 1927 (Swan District Hospital (Eveline Road Site) Repeal By-laws 2015 G.G. 6/10/2015) .....	3482
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*Regulations —*

Radiation Safety Act 1975 (Radiation Safety (General) Amendment Regulations (No. 2) 2015 G.G. 9/10/2015) .....	3483
Rottnest Island Authority Act 1987 (Rottnest Island Amendment Regulations (No. 2) 2015 G.G. 22/09/2015).....	3484

**7. Mental Health Amendment Bill 2015**

The Minister for Mental Health: To move on the next day of sitting —

That a Bill for “An Act to amend the *Mental Health Act 2014*.” be introduced and read a first time.

**8. City of Mandurah Fencing Local Law 2015 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Mandurah Fencing Local Law 2015* published in the *Gazette* on 14 July 2015 and tabled in the Council on 12 August 2015 under the *Local Government Act 1995*, be and is hereby disallowed.

**9. Shire of Halls Creek Standing Orders Local Law 2015 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Halls Creek Standing Orders Local Law 2015* published in the *Gazette* on 23 July 2015 and tabled in the Council on 12 August 2015 under the *Local Government Act 1995*, be and is hereby disallowed.

**10. Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2015**

The President reported the receipt of Message No. 123 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a second time.

The Leader of the House representing the Minister for State Development tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3487).

Debate stands adjourned.

# 11. City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance

The Order of the Day having been read.

The Leader of the House moved, without notice —

That the debate on Order of the Day No. 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, be adjourned to a later stage of this day's sitting.

Question — put and passed.

# 12. Order of Business

Ordered — That Orders of the Day Nos 2, *Regulation 6(1) of the Conservation and Land Management Amendment Regulations 2015 — Disallowance*, and 3, *Shire of Ravensthorpe Fencing Local Law 2015 — Disallowance*, be taken after Order of the Day No. 16, *Alumina Refinery (Mitchell Plateau) Agreement (Termination) Bill 2015*. (Leader of the House).

# 13. Conservation and Land Management Amendment Bill 2015

The Order of the Day for the consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

## In Committee

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Hon Adele Farina moved —

Page 4, after line 22 — To insert —

*Scientific Advisory Committee* means the Conservation and Parks Scientific Advisory Committee established by section 26F.

Debate ensued.

Amendment — put.

The Committee divided.

## Ayes (11)

Hon Robin Chapple  
Hon Stephen Dawson  
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 Alanna Clohesy (*Teller*)

**Noes (20)**

Hon Martin Aldridge  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher  
 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 Simon O'Brien  
 Hon Phil Edman (*Teller*)

Amendment thus negatived.

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

Clauses 6 to 22 agreed to.

Clause 23.

Hon Adele Farina moved —

Page 26, lines 1 to 15 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (11)**

Hon Robin Chapple  
 Hon Stephen Dawson  
 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 Alanna Clohesy (*Teller*)

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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 Simon O'Brien  
 Hon Phil Edman (*Teller*)

Amendment thus negatived.

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

Clause 24.

Debate ensued.

Question — put.

The Committee divided.

**Ayes (20)**

Hon Martin Aldridge  
 Hon Liz Behjat  
 Hon Jacqui Boyde  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher  
 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 Simon O'Brien  
 Hon Phil Edman (*Teller*)

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Hon Robin Chapple  
 Hon Stephen Dawson  
 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 Alanna Clohesy (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 25 and 26 agreed to.

Clause 27.

Hon Adele Farina moved —

Page 28, lines 1 to 11 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

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

Clauses 28 to 37 agreed to.

Clause 38.

Hon Adele Farina moved —

Page 32, line 9 — To delete “and 3B”.

Debate ensued.

Amendment — put and negatived.

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

Clauses 39 to 78 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mental Health representing the Minister for Environment 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.

#### **14. Liquor Legislation Amendment Bill 2015**

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

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

Questions without notice were taken.

The Minister for Aboriginal Affairs, by leave incorporated into *Hansard*, documents in relation to the Aboriginal Cultural Material Committee's Resolution 2011/236, in response to a question without notice asked by Hon Robin Chapple.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to proposals for the State Government to fund charter and for-profit schools, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to recent media reports about the "loose part play" program being introduced into selected schools in Western Australia, in response to a question without notice asked by Hon Sally Talbot.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the number of students at severe education risk for each educational region for 2015 to date, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education tabled documents in relation to donations made by parents and citizens groups to public schools in the South West region in 2012, 2013, 2014, and up to 30 June 2015, in response to question on notice No. 3368 asked by Hon Adele Farina. (Tabled Paper 3488).

The Minister for Education tabled documents in relation to details of the number of students who have not met the standard of the online Literacy and Numeracy Assessment, in response to question on notice No. 3375 asked by Hon Sue Ellery. (Tabled Paper 3489).

The Minister for Education tabled documents in relation to the number of substantive principals appointed in the last 24 months, in response to question on notice No. 3376 asked by Hon Sue Ellery. (Tabled Paper 3490).

The Leader of the House representing the Premier tabled documents in relation to the monthly hours accrued for each aircraft currently available under the Ministerial Air Services Contract for 2013–14, 2014–15, and 2015–16 to date, in response to question on notice No. 3379 asked by Hon Martin Aldridge. (Tabled Paper 3491).

The Minister for Mental Health tabled documents in relation to the Bibliography of Native Sandalwood research titles, in response to question on notice No. 3369 asked by Hon Lynn MacLaren. (Tabled Paper 3492).

The Attorney General tabled documents in relation to the details of training courses provided to volunteer fire fighters in the South West region in the past 12 months, in response to question on notice No. 3383 asked by Hon Adele Farina. (Tabled Paper 3493).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to the details of trips taken by the St John Ambulance Multi-Transfer Vehicle located in Bunbury between 7 and 15 September 2015, in response to question on notice No. 3406 asked by Hon Adele Farina. (Tabled Paper 3494).

#### **16. Liquor Legislation Amendment Bill 2015**

Debate resumed on the second reading of this Bill (*see item 15 above*).

Hon Robin Chapple sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Leader of the House the debate was adjourned to a later stage of this day's sitting.

#### **17. Order of Business**

Ordered — That Order of the Day No. 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, be taken forthwith. (Leader of the House).

**18. City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance**

The Order of the Day having been read on the notice of Hon Peter Katsambanis, the following motion was moved *pro forma* pursuant to Standing Order 67(3) —

That the *City of Fremantle Plastic Bag Reduction Local Law 2015* published in the *Gazette* on 24 March 2015 and tabled in the Legislative Council on 21 April 2015 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put.

The Council divided.

**Ayes (18)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Jim Chown  
Hon Peter Collier  
Hon Brian Ellis  
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 Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

**Noes (9)**

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

Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Alanna Clohesy (*Teller*)

Question thus passed.

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 10.05pm until Wednesday, 14 October 2015 at 1.00pm.

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

Attendance: Present all Members except Hon Samantha Rowe and Hon Amber-Jade Sanderson (*leave of absence*).

**NIGEL PRATT**  
Clerk of the Legislative Council

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