

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 204

THURSDAY, 8 SEPTEMBER 2016

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**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. Petition**

Hon Stephen Dawson presented a petition from 870 petitioners requesting the Legislative Council to support the exemption of the Department for Child Protection and Family Support from budget cuts. (Tabled Paper 4473).

**3. Joint Standing Committee on Delegated Legislation — Report No. 87 — Observations arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015**

Hon Robin Chapple presented Report No. 87 of the Joint Standing Committee on Delegated Legislation, *Observations arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015*. (Tabled Paper 4474).

**4. Joint Standing Committee on Delegated Legislation — Report No. 88 — Review of the Government Response to Report 84 — Access to Australian Standards adopted in delegated legislation**

Hon Robin Chapple presented Report No. 88 of the Joint Standing Committee on Delegated Legislation, *Review of the Government Response to Report 84 — Access to Australian Standards adopted in delegated legislation*. (Tabled Paper 4475).

**5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 29 — A suppression order in regard to two former officers of the Corruption and Crime Commission**

Hon Nick Goiran presented Report No. 29 of the Joint Standing Committee on the Corruption and Crime Commission, *A suppression order in regard to two former officers of the Corruption and Crime Commission*. (Tabled Paper 4476).

**6. Royal Perth Hospital Protection Bill 2013**

Non-Government Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

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**In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Hon Nick Goiran withdrew his remark.

Debate resumed.

Clause agreed to.

Clause 4.

Hon Sue Ellery moved —

Page 2, lines 22 and 23 — To delete “*Hospitals and Health Services Act 1927*.” and insert —

*Health Services Act 2016.*

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Hon Sue Ellery moved —

Page 3, line 5 — To delete “*Hospitals and Health Services Act 1927*” and insert —

*Health Services Act 2016*

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 7 to 9 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendments.

Hon Sue Ellery, by leave, moved, That the report be adopted.

Report adopted.

Hon Sue Ellery moved, without notice —

That so much of Standing Orders be suspended so as to enable the Royal Perth Hospital Protection Bill 2013 to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Deputy 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.

Hon Sue Ellery 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.

## **7. Constitution and Electoral Amendment Bill 2016**

Private Members' Business No. 1 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put.

The Bill requiring the concurrence of an absolute majority and there being a dissentient voice the Deputy President ordered the Council to divide.

### **Ayes (21)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boyde  
Hon Robin Chapple  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

### **Noes (8)**

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

Hon Adele Farina  
Hon Martin Pritchard  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

The Deputy President having counted the Council, and there being an absolute majority present, declared the question carried with the concurrence of an absolute majority.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

Hon Martin Aldridge moved, That the Bill be read a third time.

Debate ensued.

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

### **Ayes (21)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boyde  
Hon Robin Chapple  
Hon Peter Collier  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills  
Hon Alyssa Hayden

Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

**Noes (8)**

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

Hon Adele Farina  
 Hon Martin Pritchard  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

The Deputy President having counted the Council, and there being an absolute majority present, declared the question carried with the concurrence of an absolute majority.

Bill read a third time and passed.

**8. Order of Business**

Ordered — That Orders of the Day Nos 2, *Motor Vehicle (Catastrophic Injuries) Regulations 2016 — Disallowance*, and 12, *Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016*, be taken after Order of the Day No. 10, *Retail Trading Hours Amendment Bill 2015*. (Leader of the House).

**9. Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016*, be discharged from the Notice Paper.

Question — put and passed.

**10. Biodiversity Conservation Bill 2015**

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

The Minister for Planning representing the Minister for Environment moved, That the Bill be read a third time.

Debate ensued.

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.

The Council divided.

**Ayes (16)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Nick Goiran

Hon Dave Grills  
 Hon Alyssa Hayden  
 Hon Col Holt  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Phil Edman (*Teller*)

**Noes (9)**

Hon Robin Chapple  
 Hon Alanna Clohesy  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Lynn MacLaren

Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Sally Talbot  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Bill read a third time and passed.

# **11. Local Government Legislation Amendment Bill 2014**

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 Acting President left the Chair.

## **In Committee**

(Hon Liz Behjat in the Chair)

Clause 1 agreed to.

Clauses 2 to 25 agreed to.

Clause 26.

Debate ensued.

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

Clause 27.

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

Clause 28.

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

Clause 29.

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

Clauses 30 to 52 agreed to.

Clause 53.

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

Clause 54.

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

Clauses 55 to 58 agreed to.

New Division 14A.

The Minister for Planning representing the Minister for Local Government moved —

Page 29, after line 20 — To insert —

## **Division 14A — *Graffiti Vandalism Act 2016* amended**

### **58A. Act amended**

This Division amends the *Graffiti Vandalism Act 2016*.

### **58B. Section 4 amended**

In section 4 in the definition of *public property* delete paragraph (c) and insert:

- (c) a local government, regional local government or regional subsidiary;

Debate ensued.

Question — put and passed.

New Division agreed to.

Clauses 59 to 62 agreed to.

New Division 16A.

The Minister for Planning representing the Minister for Local Government moved —

Page 30, after line 22 — To insert —

**Division 16A — *Health Services Act 2016* amended**

**62A. Act amended**

This Division amends the *Health Services Act 2016*.

**62B. Section 6 amended**

In section 6 in the definition of *public authority* delete paragraph (c) and insert:

- (c) a local government, regional local government or regional subsidiary;

Debate ensued.

Question — put and passed.

New Division agreed to.

Clauses 63 to 82 agreed to.

New Division 26A.

The Minister for Planning representing the Minister for Local Government moved —

Page 34, after line 24 — To insert —

**Division 26A — *Public Health Act 2016* amended**

**82A. Act amended**

This Division amends the *Public Health Act 2016*.

**82B. Section 4 amended**

In section 4(1) in the definition of *public authority* after paragraph (d) insert:

- (da) a regional subsidiary; or

Debate ensued.

Question — put and passed.

New Division agreed to.

Clauses 83 to 98 agreed to.

Long Title

The Minister for Planning representing the Minister for Local Government moved —

Page 1, the 2<sup>nd</sup> bullet point — To delete “**Acts; and**” and insert —

**Acts.**

Amendment — put and passed.

The Minister for Planning representing the Minister for Local Government moved —

Page 1, lines 13 to 15 — To delete the 3<sup>rd</sup> bullet point.

Amendment — put and passed.

Long Title, as amended, agreed to.

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The Acting President resumed the Chair.

Bill reported with amendments, and amendments to the Long Title.

The Minister for Planning representing the Minister for Local Government, by leave, moved, That the report be adopted.

Report adopted.

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

## **12. Retail Trading Hours Amendment 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 Hon Kate Doust, as follows —

- (1) That the *Retail Trading Hours Amendment Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than Friday, 11 November 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

## **13. Questions Without Notice**

Questions without notice were taken.

The Minister for Planning tabled, and by leave incorporated into *Hansard*, documents in relation to properties excluded from the *Swan Valley Protection Bill 2016*, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 4477).

The Parliamentary Secretary to the Minister for Tourism tabled documents in relation to State Government funds spent on tourism in the Swan Valley and Margaret River regions, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 4478).

The Parliamentary Secretary to the Minister for Racing and Gaming, by leave incorporated into *Hansard*, information in relation to luring and baiting offences in the training of greyhounds, in response to a question without notice asked by Hon Lynn MacLaren.

The Parliamentary Secretary to the Minister for Housing, by leave incorporated into *Hansard*, information in relation to the inspection of electrical safety devices in public housing and other properties, in response to a question without notice asked by Hon Samantha Rowe.

## **14. Retail Trading Hours Amendment Bill 2015**

Debate resumed on the motion of Hon Kate Doust (*see item 12 above*).

*Interruption pursuant to order.*

## **15. Members' Statements**

Statements were taken.

**16. Adjournment**

The Council adjourned at 5.30pm until Tuesday, 13 September 2016 at 2.00pm.

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

Attendance: Present all Members except Hon Paul Brown, Hon Jim Chown and Hon Nigel Hallett.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council