

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 217

TUESDAY, 8 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. Genetically Modified Crops Free Areas Repeal Bill 2015

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 185

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Genetically Modified Crops Free Areas Repeal Bill 2015* without amendment.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 20 October 2016

3. Message from Her Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bills —

27 October 2016 — Message No. 31

Act No.

Loan Bill 2016

33 of 2016

Genetically Modified Crops Free Areas Repeal Bill 2015

34 of 2016

4. Ministerial Statement — Independent Public Schools Initiative

The Minister for Education made a Ministerial Statement with respect to the Independent Public Schools initiative incorporating access to a minor works and faults management program.

5. Ministerial Statement — Housing Direct Award — 2016 Auscontact Awards

The Parliamentary Secretary to the Minister for Housing made a Ministerial Statement with respect to awards won by Housing Direct, the Housing Authority's centralised contact centre, at the 2016 National and Western Australian State Auscontact Awards.

6. Paper

The following Paper was laid on the Table by —

President

Annual Reports —

Inspector of Custodial Services, Office of the (2015–2016) (Date received 29/09/2016) 4806

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

The President presented Report No. 44 of the Standing Committee on Procedure and Privileges, *A Matter of Privilege raised by Hon Sue Ellery MLC*. (Tabled Paper 4807).

The Deputy President moved, without notice —

That the Recommendations contained in Report 44 of the Procedure and Privileges Committee, *A Matter of Privilege raised by Hon Sue Ellery MLC*, be adopted and agreed to.

Question — put and passed.

The Deputy President sought leave to continue her remarks at the next sitting.

Leave granted.

The Leader of the House moved, without notice —

That the following procedure shall be followed for debating and voting on the Recommendations contained in Report 44 of the Procedure and Privileges Committee, *A Matter of Privilege raised by Hon Sue Ellery MLC* —

- (a) each Recommendation is to be put as a separate question; and
- (b) pursuant to Standing Order 22(2), the time limits relating to Committee of the Whole House apply.

Question — put and passed.

8. **Papers**

The following Papers were laid on the Table by —

Leader of the House

Reports —

Report on Consultants Engaged by Government (for the six months ended 31 December 2015) 4808

Response to Reports —

Joint Standing Committee on the Commissioner for Children and Young People —
Everybody's Business: An Examination into how the Commissioner for
Children and Young People can Enhance WA's Response to Child Abuse
(Report No. 7) 4809

Attorney General

Annual Reports —

Architects Board (2015–2016) (Date received 7/11/2016) 4810

Directions —

Workers' Compensation and Injury Management Act 1981 (WorkCover WA Guidelines for
the Evaluation of Permanent Impairment - Fourth Edition G.G. 17/10/2016) 4811

Regulations —

Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment
Regulations 2016 G.G. 21/10/2016) 4812

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and
Injury Management (Scales of Fees) Amendment Regulations 2016 G.G. 21/10/2016) 4813

Reports —

Report to Parliament in accordance with section 135 of the Taxation Administration
Act 2003 — Review of the Operation and Effectiveness of the Interim
Assessment Provisions 4814

State Emergency Management Committee — 2016 Emergency Preparedness Report 4815

Response to Reports —

Joint Standing Committee on Audit — Review of the Operations and Effectiveness of the Auditor General Act 2006 (Report No. 7).....	4816
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Schemes —

Professional Standards Act 1997 (The RICS Valuers Limited Scheme (Amendment) G.G. 18/10/2016).....	4817
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Minister for Planning*Addendums —*

Department of Health — Annual Report (2015–2016).....	4818
Department of Environment Regulation — Annual Report (2015–2016)	4819

Annual Reports —

Marine Parks Reserves Authority — (2015–2016) (Date received 27/10/2016)	4820
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Leases —

CALM Lease No. 2438/100 — Between the Conservation and Land Management Executive Body and the City of Busselton for the purpose of construction and maintenance of a public swimming enclosure and public swimming in a portion of the Ngari Capes Marine Park next to the Historic Busselton Jetty.....	4821
CALM Lease No. 2483/97 — Between the Conservation and Land Management Executive Body and Forest Adventures South West PTY LTD for the purpose of developing and operating a high ropes course at Ludlow State Forest near Busselton	4822
CALM Lease No. 2489/100 — Between the Conservation and Land Management Executive Body and the City of Joondalup for the purpose of a public swimming enclosure and associated shark barrier in a portion of the Marmion Marine Park next to Hillarys Boast Harbour.....	4823

Local Laws —

Cat Act 2011 (City of South Perth Cats Local Law 2016 G.G. 04/11/2016).....	4824
Local Government Act 1995 (City of Melville Parking Local Law 2016 G.G. 03/11/2016 and Shire of Capel Extractive Industries Local Law 2016 G.G. 02/11/2016).....	4825

Notices —

Revocation of Improvement Plan 30 — Clayton Street Bellevue.....	4826
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Orders —

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order 2016 G.G. 21/10/2016).....	4827
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Plans —

Metropolitan Redevelopment Authority — Operation Plan (2016–2017) (Deemed tabled 26/10/2016)	4828
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Proposals —

Land Administration Act 1997 — Proposal No. 6/2016 — Excision of Land from Class A Reserve 18735	4829
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Regulations —

Local Government Act 1995 (Local Government (Employee Superannuation) Regulations 2016 G.G. 25/10/2016).....	4830
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Parliamentary Secretary to the Minister for Transport*Regulations —*

Road Traffic (Authorisation to Drive) Act 2008 (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 4) 2016 G.G. 28/10/2016).....	4831
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Taxi Act 1994 (Taxi Amendment Regulations (No. 2) 2016 G.G. 28/10/2016)	4832
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Parliamentary Secretary to the Minister for Tourism

Addendums —

Rottnest Island Authority (2015–2016) Annual Report	4833
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Regulations —

Rottnest Island Authority Act 1987 (Rottnest Island Amendment Regulations (No. 3) 2016 G.G. 25/10/2016)	4834
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Parliamentary Secretary to the Minister for Mental Health

Annual Reports —

Chief Psychiatrist (2015–2016) (Date received 21/10/2016)	4835
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Mental Health Advocacy Service (2015–2016) (Date received 21/10/2016)	4836
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Parliamentary Secretary to the Minister for Housing

Annual Reports —

Greyhound Racing Association (2015–2016) (Date received 28/10/2016)	4837
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Racing and Wagering (2015–2016) (Date received 28/10/2016)	4838
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Regulations —

Betting Control Act 1954 (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 28/10/2016)	4839
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Liquor Control Act 1988 (Liquor Control (Bayulu Restricted Area) Amendment Regulations (No. 2) 2016 G.G. 28/10/2016, Liquor Control (Irrungadji Restricted Area) Amendment Regulations 2016 G.G. 28/10/2016 and Liquor Control (Punmu Restricted Area) Amendment Regulations 2016 G.G. 28/10/2016)	4840
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9. Construction Contracts Amendment Bill 2016

The President reported the receipt of Message No. 184 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Attorney General representing the Minister for Small Business tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4841).

Debate stands adjourned.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Motor Vehicle (Catastrophic Injuries) Regulations 2016 — Disallowance*, 2, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016 — Disallowance*, and 3, *Retail Trading Hours (Small Retail Shops) Amendment Order 2016 — Disallowance*, be taken after Order of the Day No. 30, *Licensing Provisions Amendment Bill 2015*. (Leader of the House).

11. Sentencing Legislation Amendment Bill 2016

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

Debate resumed.

12. Questions Without Notice

Questions without notice were taken.

The Attorney General representing the Minister for Police tabled, and by leave incorporated into *Hansard*, information in relation to assaults and burglaries in Mt Lawley, Menora, Coolbinia, Dianella, Yokine and Inglewood, for the period 1 July 2016 to date, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 4842).

The Attorney General representing the Minister for Corrective Services tabled documents in relation to the Department of Corrective Services report on the effects on rates of imprisonment following the sentencing legislation reforms of 2003, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 4843).

The Leader of the House representing the Minister for Training and Workforce Development, by leave incorporated into *Hansard*, information in relation to individuals and businesses who were overcharged during the 2014 and 2015 academic year by the Great Southern Institute, in response to a question without notice asked by Hon Sally Talbot.

The Parliamentary Secretary to the Minister for Transport tabled documents in relation to the reform of the Taxi User Subsidy Scheme, in response to a question without notice asked by Hon Alanna Clohesy. (Tabled Paper 4844).

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to reduced services arrangements for hospitals in Western Australia during the Christmas to New Year period, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to the number of students considered to be at severe education risk (attends school less than 60 per cent) for each educational region for 2016, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to the Department of Health's fleet vehicles assigned to the Joondalup Health Centre and Campus, in response to a question without notice asked by Hon Laine McDonald.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to the average wait times for refugees to access the Department of Health's Humanitarian Entrant Health Service, in response to a question without notice asked by Hon Martin Pritchard.

The Minister for Planning representing the Minister for Environment tabled documents in relation to the Barrow Island Nature Reserve Quarantine Incident Register, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4845).

13. Sentencing Legislation Amendment Bill 2016

Debate resumed on the second reading of this Bill (*see item 11 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 18 agreed to.

Clause 19.

Debate ensued.

The Attorney General moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The Deputy 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 at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

14. Biological Control Amendment 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 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 7 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Agriculture and Food moved, That the Bill be read a third time.

The Acting President announced that the 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.

15. Order of Business

Ordered — That Order of the Day No. 22, *Sentencing Legislation Amendment Bill 2016*, be resumed.
(Leader of the House).

16. Sentencing Legislation Amendment Bill 2016

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The Acting President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 19.

Debate resumed.

Clause agreed to.

Clauses 20 to 24 agreed to.

Clause 25.

Debate ensued.

Clause agreed to.
 Clauses 26 to 48 agreed to.
 Clause 49.
 Debate ensued.
 Clause agreed to.
 Clauses 50 to 52 agreed to.
 Clause 53.
 Debate ensued.
 Clause agreed to.
 Clauses 54 and 55 agreed to.
 Clause 56.
 Debate ensued.
 Clause agreed to.
 Clauses 57 to 60 agreed to.
 Clause 61.
 Debate ensued.
 Clause agreed to.
 Clause 62 agreed to.
 Clause 63.
 Debate ensued.
Interruption pursuant to order.

The 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.

17. Members' Statements

Statements were taken.

18. Retail Trading Hours Amendment Bill 2015

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 188

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Retail Trading Hours Amendment Bill 2015* without amendment.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 8 November 2016

19. Adjournment

The Council adjourned at 9.50pm until Wednesday, 9 November 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust.

NIGEL PRATT
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council