

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 130

WEDNESDAY, 13 MAY 2015

1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

The President, Hon Barry House, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by —

President

Financial Statements —

Members of Parliament (Financial Interest) Act 1992 — Primary Return
(Hon Martin Pritchard)..... 2875

Minister for Mental Health

Response to Reports —

Standing Committee on Environment and Public Affairs — Petition Number 23 –
Increase Number of Mental Health Beds in New Perth Children’s Hospital
(Report No. 40) (Minister for Mental Health) 2876

3. Review of the RSPCA

Motion No. 1 having been called, debate resumed on the motion of Hon Rick Mazza as follows —

- (1) That the Council establishes a Select Committee to inquire into the Operations of the Western Australian Royal Society for the Prevention of Cruelty to Animals (the ‘RSPCA’), including an examination of —
 - (a) its funding from the Government;
 - (b) its objectives; and
 - (c) the use of its powers.
- (2) The membership of the Select Committee is to be five Members, and is to include the Member from the Shooters and Fishers Party.
- (3) The Member from the Shooters and Fishers Party shall be the Chair.
- (4) The Select Committee is to report to the Council by no later than Thursday, 3 December 2015.

Hon Lynn MacLaren moved, without notice, to amend the motion as follows —

To insert after paragraph (1) the following paragraph —

- (1) That the Select Committee also inquire into the use of the powers of the Department of Agriculture and Food Western Australia and, in particular, its administration of the *Animal Welfare Act 2002*.

Debate ensued.

Amendment put and negatived.

Debate resumed.

Motion — put.

The Council divided.

Ayes (20)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 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 Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Phil Edman (*Teller*)

Noes (11)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina

Hon Lynn MacLaren
 Hon Martin Pritchard
 Hon Sally Talbot
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Motion thus passed.

4. Crop Risk Mitigation Product

Motion No. 2 having been called, Hon Darren West, pursuant to notice, moved —

That this Council calls on the Barnett Government to support the introduction of a Crop Risk Mitigation Product into Western Australia.

Interruption pursuant to order.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Environment and Public Affairs — Report No. 40 — Petition No. 23 — Increase Number of Mental Health beds in New Perth Children's Hospital

Hon Stephen Dawson continued his introductory remarks in moving, That the Report be noted.

Debate ensued.

Pursuant to Temporary Order No. 5, consideration of the report was postponed until the next sitting.

Joint Standing Committee on Audit – Report No. 3 – Review of the Auditor General Act 2006 — Appointment of a Reviewer

Hon Peter Katsambanis moved, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Environment and Public Affairs — Report No. 40 — *Petition No. 23 — Increase Number of Mental Health beds in New Perth Children’s Hospital*, made progress, and postponed further consideration to the next sitting day.
- (2) Joint Standing Committee on Audit — Report No. 3 — *Review of the Auditor General Act 2006 — Appointment of a Reviewer*, made progress, and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Orders of the Day Nos 5, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, 6, *Shire of Trayning Public Places and Local Government Property Local*, and 7, *City of Gosnells Cat Local Law 2014 — Disallowance*, be taken after Order of the Day No. 11, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House)

7. Cognate Debate — Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance, Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance, Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance and Shire of Kellerberrin Fencing Local Law 2014 — Disallowance

The Leader of the House moved, without notice —

That Orders of the Day Nos. 1, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 2, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, and 4, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, be debated cognately.

Question — put and passed.

8. Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance, Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance, Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance and Shire of Kellerberrin Fencing Local Law 2014 — Disallowance

Pursuant to SO 67(3) the following motions were moved *pro forma* by Hon Robin Chapple —

- (1) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Cemeteries Local Law 2014* published in the *Gazette* on 15 October 2014 and tabled in the Legislative Council on 21 October 2014 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled paper 2172);
- (2) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014* published in the *Gazette* on 15 October 2014 and tabled in the Legislative Council on 21 October 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 2173);

- (3) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014* published in the *Gazette* on 15 October 2014 and tabled in the Legislative Council on 21 October 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 2173); and
- (4) That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kellerberrin Fencing Local Law 2014* published in the *Gazette* on 15 October 2014 and tabled in the Legislative Council on 21 October 2014 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 2173).

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Environment, by leave incorporated into *Hansard*, documents in relation to the Department of Parks and Wildlife's annual prescribed burning activities, in response to a question without notice asked by Hon Lynn MacLaren.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to student numbers for each of the years 10, 11 and 12 at Denmark Senior High School, 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 staff-to-student ratios at primary schools in the Kalamunda electorate, in response to a question without notice asked by Hon Alanna Clohesy.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to employees of the Department of Education who had been offered a voluntary severance under the Targeted Voluntary Severance Scheme, in response to a question without notice asked by Hon Darren West.

The Minister for Education representing the Minister for Training and Workforce Development, by leave incorporated into *Hansard*, documents in relation to private contracted training course providers, in response to a question without notice asked by Hon Stephen Dawson.

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to Transperth, Regional and School bus services, in response to question on notice No. 2583 asked by Hon Robin Chapple. (Tabled Paper 2878).

10. Leave of Absence — Hon Ken Travers

Hon Sue Ellery moved, without notice —

That leave be granted to Hon Ken Travers for five sitting days due to urgent personal business.

Question — put and passed.

11. Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance, Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance, Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance and Shire of Kellerberrin Fencing Local Law 2014 — Disallowance

Debate resumed on the motions moved *pro forma* by Hon Robin Chapple (*see item 8 above*).

Question — That the *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance* be agreed to — put and passed.

Question — That the *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance* be agreed to — put and passed.

Question — That the *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance* be agreed to — put and passed.

Question — That the *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance* be agreed to — put and passed.

12. Taxation 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 on the motion of Hon Adele Farina, as follows —

- (1) That the *Taxation Legislation Amendment Bill 2015* be discharged and referred to the Standing Committee on Legislation to inquire into the Bill generally, and in particular to examine the potential impact of the Bill on—
 - (a) the ability of Western Australian businesses to invest, expand, employ and innovate; and
 - (b) Western Australia's tax competitiveness relative to other state and regional economies.
- (2) That the Committee report not later than 16 June 2015.

Question — put.

The Council 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 Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Noes (19)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 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 Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Phil Edman (*Teller*)

Question thus negatived.

Debate resumed.

Question — put and passed.

Bill read a second time.

Interruption pursuant to order.

13. Adjournment

The Council adjourned at 6.20pm until Thursday, 14 May 2015 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher, Hon Simon O'Brien and Hon Ken Travers (*leave of absence*).

NIGEL PRATT
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council