

WESTERN AUSTRALIA

## LEGISLATIVE COUNCIL

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### MINUTES OF PROCEEDINGS

No. 198

THURSDAY, 18 AUGUST 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. Statement by President — Vietnam Veterans Day — Battle of Long Tan — Fiftieth Anniversary**

The President made the following Statement —

Today is Vietnam Veterans' Day. The day also marks the fiftieth anniversary of the Battle of Long Tan, one of the most well known conflicts of the Vietnam War involving the ANZACs.

On 18 August 1966, 108 young men, 105 from D Company, 6<sup>th</sup> Royal Australian Regiment, and three from a New Zealand artillery team, resisted an attack of up to 2,500 North Vietnamese and Viet Cong troops. The battle was fought in the late afternoon in a rubber plantation called Long Tan, where the men withstood intense mortar and machine gun fire and a torrential monsoonal downpour. After three to four hours of intense fighting, troop reinforcements arrived from other Australian, New Zealand and American supporting units, and the battle ended in the early evening. Eighteen Australian soldiers were killed, including Corporal Peter Clements and Private Richard Aldersea from Western Australia, with a further 24 men wounded. There were 245 confirmed Viet Cong and North Vietnamese fatalities, with more than 1,000 wounded.

To commemorate this historic day and the valiant and selfless efforts of those who served their country, the Speaker and I have arranged for Parliament House to be illuminated in red tonight.

**3. Petition**

Hon Darren West presented a petition from 268 petitioners requesting the Legislative Council to inquire into and investigate the proposed location of the Telstra Mobile/NBN Co. telecommunications tower planned for Bindoon and investigate the relocation from the Bell Hill Reserve to Parkinson's Hill. (Tabled Paper 4394).

**4. Ministerial Statement — NAPLAN 2016 — Summary Information**

The Minister for Education made a Ministerial Statement with respect to the 2016 NAPLAN summary information and the high performance of students in Western Australia.

## 5. Papers

The following Papers were laid on the Table by —

### **Leader of the House on behalf of the Attorney General**

*Notice —*

Financial Management Act 2006 — Notice from the Minister Police, Road Safety, Training and Workforce Development and Women's Interests in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates... 4393

### **Parliamentary Secretary to the Minister for Housing**

*Notices —*

Financial Management Act 2006 — Notice from the Minister for Water, Sport and Recreation and Forestry in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates ..... 4390

### **Parliamentary Secretary to the Minister for Agriculture and Food**

*Notices —*

Financial Management Act 2006 — Notice from the Minister for Agriculture and Food in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates..... 4391

Financial Management Act 2006 — Notice from the Minister for Transport in respect to question 1.9 of generic questions of the Legislative Council Budget Estimates ..... 4392

## 6. **Joint Standing Committee on Audit — Report No. 6 — Review of the Minister's Report on the Financial Management Act 2006**

Hon Ken Travers presented Report No. 6 of the Joint Standing Committee on Audit, *Review of the Minister's Report on the Financial Management Act 2006*. (Tabled Paper 4395).

## 7. **Joint Standing Committee on Delegated Legislation — Report No. 85 — Albany Cemetery Board By-Laws Amendment**

Hon Robin Chapple presented Report No. 85 of the Joint Standing Committee on Delegated Legislation, *Albany Cemetery Board By-Laws Amendment*. (Tabled Paper 4396).

## 8. **Joint Standing Committee on Delegated Legislation — Report No. 86 — Shire of Kellerberrin Dogs Local Law 2015**

Hon Robin Chapple presented Report No. 86 of the Joint Standing Committee on Delegated Legislation, *Shire of Kellerberrin Dogs Local Law 2015*. (Tabled Paper 4397).

## 9. **Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016 — 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 Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016* published in the *Gazette* on 19 April 2016 and tabled in the Legislative Council on 10 May 2016 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4040).

## 10. **Dysfunctional Relationships within Government**

Non-Government Business No. 1 having been called, Hon Sue Ellery moved, without notice —

That this House notes the dysfunctional relationships within the Government, the resulting disruption to the processes of good government and its adverse effect on the confidence of the Western Australian people in their government.

Debate ensued.

*Motion lapsed.*

# **11. Distribution of GST Revenue — Floor Level**

Private Members' Business No. 1 having been called, Hon Peter Katsambanis moved, without notice —

That this House:

- (a) welcomes recent statements by the Prime Minister of Australia, Hon Malcolm Turnbull, that Western Australia is unfairly treated in the distribution of GST revenue and that he intends to address this issue by introducing a minimum percentage 'floor' level below which no State's GST can fall in the future;
- (b) calls on all Western Australian Senators and Members of the House of Representatives to support the introduction of the minimum percentage 'floor' level as soon as possible to enhance the best interests of our State; and
- (c) calls on the Federal Government and all State governments, immediately upon the introduction of the minimum percentage 'floor' level, to investigate through the COAG process how best to move from the current flawed GST distribution system to a population-based distribution system.

Debate ensued.

*Motion lapsed.*

# **12. 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. 11, *Retail Trading Hours Amendment Bill 2015*. (Leader of the House).

# **13. 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 on the motion of Hon Sue Ellery as follows —

That the *Biodiversity Conservation Bill 2015* be discharged and referred to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Friday, 4 November 2016.

Question — put.

The Council divided.

## **Ayes (10)**

Hon Robin Chapple  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Adele Farina  
Hon Lynn MacLaren

Hon Martin Pritchard  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

## **Noes (17)**

Hon Martin Aldridge  
Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Paul Brown  
Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Brian Ellis (*Teller*)

Question thus negatived.

Debate resumed on the second reading of this Bill.

Question — put and passed.

Bill read a second time.

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

#### **14. 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.

Question — put and passed.

Bill read a second time.

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

The Minister for Education moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

#### **15. Order of Business**

Ordered — That Order of the Day No. 21, *Biodiversity Conservation Bill 2015*, be taken forthwith. (Leader of the House).

#### **16. Biodiversity Conservation Bill 2015**

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

The Acting President left the Chair.

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#### **In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

#### **17. Questions Without Notice**

Questions without notice were taken.

The Minister for Planning tabled documents in relation to the proposal to build a cemetery in Whiteman Park in the *Whiteman Park Strategic Plan*, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 4398).

The Minister for Disability Services tabled documents in relation to the Disability Services Commission planned respite facility in Port Hedland, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 4399).

#### **18. Biodiversity Conservation Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 16 above*).

The President left the Chair.

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#### **In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate resumed.

*Interruption pursuant to order.*

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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.

# **19. Members' Statements**

Statements were taken.

# **20. Adjournment**

The Council adjourned at 5.46pm until Tuesday, 23 August 2016 at 2.00pm.

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

Attendance: Present all Members except Hon Phil Edman, Hon Rick Mazza and Hon Michael Mischin.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council