

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 106

TUESDAY, 2 DECEMBER 2014

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### 1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

### 2. 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 —

<b>27 November 2014 — Message No. 29</b>	<b>Act No.</b>
Environmental Protection Amendment (Validation) Bill 2014	27 of 2014
School Education Amendment Bill 2014	28 of 2014

### 3. Petition

Hon Stephen Dawson presented a petition from 43 petitioners requesting the Legislative Council to investigate funding cuts to the Pilbara Institute (TAFE). (Tabled Paper 2353).

### 4. Ministerial Statement — Disability Awareness Week

The Minister for Disability Services made a Ministerial Statement with respect to Disability Awareness Week.

### 5. Ministerial Statement — Margaret River Gourmet Escape

The Parliamentary Secretary representing the Minister for Tourism made a Ministerial Statement with respect to the Margaret River Gourmet Escape weekend.

### 6. Papers

The following Papers were laid on the Table by —

#### **Minister for Mental Health**

*Reports* —

Government of Western Australia, Quarterly Financial Results Report (2013–2014)  
(September 2014) (Date received 27/11/2014) ..... 2346

#### **Attorney General**

*Annual Reports* —

Director of Public Prosecutions for the State of Western Australia (2013–2014)  
(Date received 1/12/2014)..... 2347

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

Bunbury Port Authority – Statement of Corporate Intent (2014–2015).....	2348
Esperance Port Authority – Statement of Corporate Intent (2014–2015) .....	2349
Geraldton Port Authority – Statement of Corporate Intent (2014–2015).....	2350

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

Financial Management Act 2006 – Section 82 – Notice from the Minister for Tourism in respect to Legislative Assembly Question on Notice No. 3135.....	2351
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**Parliamentary Secretary representing the Minister for Regional Development***Notices —*

Financial Management Act 2006 – Section 82 – Notice from the Minister for Lands in Respect to Legislative Council Question without Notice No. 1148.....	2352
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**7. Standing Committee on Environment and Public Affairs — Report No. 39 — Petition No. 17 – Opposing Fee for 457 Visa Holders**

Hon Simon O'Brien presented Report No. 39 of the Standing Committee on Environment and Public Affairs, *Petition No. 17 – Opposing Fee for 457 Visa Holders*. (Tabled Paper 2354).

**8. Perth Theatre Trust Amendment Bill 2014**

The President reported the receipt of Message No. 92 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Culture and the Arts moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Minister for Culture and the Arts moved, That the Bill be read a second time.

The Minister for Mental Health representing the Minister for Culture and the Arts tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2355).

Debate stands adjourned.

**9. Order of Business**

Ordered — That Orders of the Day Nos 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 5, *Shire of Dardanup Dogs Local Law 2014 — Disallowance*, 6, *Shire of Dardanup Keeping and Control of Cats Local Law 2014 — Disallowance*, and 7, *School Education Amendment Regulations 2014 – Disallowance*, be taken after Order of the Day No. 17, *Taxation Legislation Amendment Bill 2014*. (Leader of the House).

**10. Metropolitan Region Scheme Amendment No. 1239/41 – Gidgegannup Urban Precinct — Disallowance**

The Order of the Day having been read for the motion moved *pro forma* by Hon Alanna Clohesy, as follows —

That the *Metropolitan Region Scheme Amendment No. 1239/41 – Gidgegannup Urban Precinct* published in the *Gazette* on 6 June 2014 and tabled in the Legislative Council on 19 June 2014 under the *Planning and Development Act 2005*, be and is hereby disallowed. (Tabled papers 1566 and 1567)

Debate ensued.

## 11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, documents in relation to the number of staff at the Fremantle Renal Clinic and the Renal Clinic at Fiona Stanley Hospital, in response to a question without notice asked by Hon Amber-Jade Sanderson. (Tabled Paper 2356).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to South West Institute of Technology courses, in response to question on notice No. 2073 asked by Hon Adele Farina. (Tabled Paper 2357).

The Minister for Education tabled documents in relation to primary schools that are projected to have more than 450 students in 2015, in response to question on notice No. 2014 asked by Hon Sue Ellery. (Tabled Paper 2358).

The Minister for Mental Health tabled documents in relation to suicide prevention programs in the South West Region for 2012–13 and 2013–14, in response to question on notice No. 2028 asked by Hon Adele Farina. (Tabled Paper 2359).

The Minister for Mental Health tabled documents in relation to Individualised Community Living Strategy plans for 2010–11, 2011–12 and 2013–14 and preferred provider organisations and recipients of packages living in State Housing for 2010–11 to 2014–15 inclusive, in response to question on notice No. 2009 asked by Hon Stephen Dawson. (Tabled Paper 2360).

The Minister for Agriculture and Food representing the Minister for Water tabled documents in relation to Hardship Utility Grant Scheme payments, funding and bad debts, in response to question on notice No. 1992 asked by Hon Stephen Dawson. (Tabled Paper 2361).

The Minister for Agriculture and Food representing the Minister for Housing tabled documents in relation to affordable housing dwellings built in the South West since 2008, in response to question on notice No. 1804 asked by Hon Adele Farina. (Tabled Paper 2362).

The Minister for Agriculture and Food representing the Minister for Housing tabled documents in relation to 200,000 additional affordable houses by 2020 from the Affordable Housing Strategy – Number and locations in the South West Region, in response to question on notice No. 1900 asked by Hon Adele Farina. (Tabled Paper 2363).

The Minister for Agriculture and Food tabled documents in relation to the viability of pastoral leases in the Northern and Southern Rangelands region based on biophysical assessment, in response to a question without notice asked by Hon Darren West. (Tabled Paper 2364).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to the number of patients discharged and total number of discharges for hospitals in the South West electoral region in 2013–14, in response to question on notice No. 1818 asked by Hon Adele Farina. (Tabled Paper 2365).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to the details of all hospitals in the South West region as at 1 July 2014, in response to question on notice No. 1862 asked by Hon Adele Farina. (Tabled Paper 2366).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to full time equivalent health professional positions allocations and locations in the South West Region from the 2014–15 Budget, in response to question on notice No. 1891 asked by Hon Adele Farina. (Tabled Paper 2367).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Bunbury Port Authority – Design brief for the realignment of Preston River, in response to question on notice No. 1778 asked by Hon Adele Farina. (Tabled Paper 2368).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Bunbury CBD free Wi-Fi network, in response to question on notice No. 1782 asked by Hon Adele Farina. (Tabled Paper 2369).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Local Government Active Aging Strategies, in response to question on notice No. 1787 asked by Hon Adele Farina. (Tabled Paper 2370).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to acquittal reports in relation to funding provided by the South West Development Commission for the establishment of infrastructure for the Australian Centre for Digital Innovation in Bunbury, in response to question on notice No. 1795 asked by Hon Adele Farina. (Tabled Paper 2371).

The Parliamentary Secretary representing the Minister for Regional Development tabled a memorandum of understanding between the South West Development Commission and Shanghai Hippo Animation Co. Ltd, Vue DC Pty Ltd, and the City of Bunbury, in response to question on notice No. 1798 asked by Hon Adele Farina. (Tabled Paper 2372).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Department of Regional Development with details of the number and total value of projects acquitted in 2009–10, 2010–11, 2011–12, 2012–13 and 2013–14, in response to question on notice No. 1946 asked by Hon Adele Farina. (Tabled Paper 2373).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to the Rural, Remote and Regional Women's Network Survey and Strategic Directions Paper, in response to question on notice No. 1948 asked by Hon Adele Farina. (Tabled Paper 2374).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Royalties for Regions funding in the South West Region in 2013–14, in response to question on notice No. 1950 asked by Hon Adele Farina. (Tabled Paper 2375).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to community and cultural related projects in the South West and their reported expenditure in 2013–14, in response to question on notice No. 1954 asked by Hon Adele Farina. (Tabled Paper 2376).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Royalties for Regions Fund details, in response to question on notice No. 1956 asked by Hon Adele Farina. (Tabled Paper 2377).

The Parliamentary Secretary representing the Minister for Regional Development tabled the Department of Regional Development Strategic Plan in relation to the South West Region, in response to question on notice No. 1957 asked by Hon Adele Farina. (Tabled Paper 2378).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Royalties for Regions recipients in 2013–14, in response to question on notice No. 2103 asked by Hon Adele Farina. (Tabled Paper 2379).

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to Department of Regional Development agreements in 2011–12, 2012–13 and 2013–14, in response to question on notice No. 2108 asked by Hon Adele Farina. (Tabled Paper 2380).

## **12. Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance**

Debate resumed on the motion of Hon Alanna Clohesy (*see item 10 above*).

Hon Alanna Clohesy sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

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

## **13. Suspension of Standing Orders — Business of the House — 3 December 2014**

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable —

- (1) The following variations to the order of business for Wednesday, 3 December 2014 —
  - (a) no Motions on Notice; and
  - (b) no Consideration of Committee Reports.
- (2) The *Taxation Legislation Amendment Bill 2014* to proceed through all stages by no later than 9.45pm on Wednesday, 3 December 2014.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

**14. Metropolitan Region Scheme Amendment No. 1239/41 – Gidgegannup Urban Precinct — Disallowance**

Debate resumed on the motion of Hon Alanna Clohesy (*see item 12 above*).

Pursuant to order the President put the question.

Question — put.

The Council divided.

**Ayes (13)**

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

Hon Ljiljanna Ravlich  
Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

**Noes (22)**

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

Question thus negatived.

**15. Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance**

The Order of the Day having been read for the motion moved *pro forma* by Hon Ken Travers, as follows —

That the *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014* published in the *Gazette* on 13 June 2014 and tabled in the Legislative Council on 18 June 2014 under the *Road Traffic Act 1974*, be and are hereby disallowed. (Tabled paper 1551).

Debate ensued.

Pursuant to order the President put the question.

Question — put.  
The Council divided.

**Ayes (11)**

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

Hon Lynn MacLaren  
Hon Ljiljanna Ravlich  
Hon Ken Travers  
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 Donna Faragher  
Hon Nick Goiran  
Hon Dave Grills

Hon Alyssa Hayden  
Hon Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Nigel Hallett (*Teller*)

Question thus negatived.

**16. Corruption and Crime Commission Amendment (Misconduct) 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.

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**In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 39 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Attorney General 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.

### 17. Partial Revocation of State Forest No. 56

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Minister for Environment, as follows —

That the proposal for the Partial Revocation of State Forest No. 56, laid on the Table of the Legislative Council on Wednesday, 15 October 2014, by command of His Excellency be carried out.

Debate ensued.

Question — put and passed.

### 18. Joint Select Committee on Aboriginal Constitutional Recognition — Establishment

The Order of the Day having been read for the consideration of Message No. 89 from the Legislative Assembly as follows —

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council be established to consider and report on the appropriate wording to recognise Aboriginal people in the constitution of Western Australia.
- (2) That the Joint Select Committee consist of seven members —
  - (a) three will be members of the Council; and
  - (b) four will be members of the Assembly.
 and of those seven members —
  - (a) two will be members of the Liberal Party;
  - (b) two will be members of the National Party;
  - (c) three will be members of the Australian Labor Party.
- (3) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
- (4) That the Joint Select Committee report to both Houses by 26 March 2015.

and requests the Legislative Council to agree to a similar resolution.

The Leader of the House moved, without notice —

That in response to Legislative Assembly Message No. 89, the Legislative Council agrees to the following resolution —

- (1) That a Joint Select Committee of the Legislative Council and Legislative Assembly be established to consider and report on the appropriate wording to recognise Aboriginal people in the constitution of Western Australia.
- (2) That the Joint Select Committee consist of seven members —
  - (a) three will be members of the Council; and
  - (b) four will be members of the Assembly.
 and of those seven members —
  - (a) two will be members of the Liberal Party;
  - (b) two will be members of the National Party;
  - (c) three will be members of the Australian Labor Party.
- (3) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
- (4) That the Joint Select Committee report to both Houses by 26 March 2015.

(5) That the following Members are appointed to the Joint Select Committee on Aboriginal Constitutional Recognition —

- Hon Attorney General;
- Hon Jacqui Boydell; and
- Hon Sally Talbot.

and that the Legislative Assembly be acquainted accordingly.

Debate ensued.

Question — put and passed.

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 10.14pm until Wednesday, 3 December 2014 at 2.00pm.

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

Attendance: Present all Members.

**NIGEL PRATT**  
Clerk of the Legislative Council

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