

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 205

TUESDAY, 13 SEPTEMBER 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. Petition

Hon Robin Chapple presented a petition from 3 petitioners requesting the Legislative Council to investigate the culture and operations at Port Hedland and South Hedland police stations. (Tabled Paper 4491).

3. Ministerial Statement — Department of Commerce — Building Commission Division — Interim Report on Asbestos at Perth Children's Hospital

The Minister for Commerce made a Ministerial Statement with respect to the release of an interim report of the Building Commission Division of the Department of Commerce following the discovery of asbestos at the Perth Children's Hospital.

4. Standing Committee on Procedure and Privileges — Report No. 41 — Recall of the Legislative Council

The President presented Report No. 41 of the Standing Committee on Procedure and Privileges, *Recall of the Legislative Council*. (Tabled Paper 4479).

Hon Adele Farina moved, without notice —

That Recommendation 1 contained in Report No. 41 of the Standing Committee on Procedure and Privileges, *Recall of the Legislative Council*, be adopted and agreed to.

Hon Adele Farina sought leave to continue her remarks at the next sitting.

Leave granted.

Debate stands adjourned pursuant to order.

5. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Premier and Cabinet, Department of (2015–2016) (Date received 9/09/2016) 4480

Attorney General

Addendums —

Equal Opportunity Commission — Annual Report (2014–2015)..... 4481

Regulations —

District Court of Western Australia Act 1969 (District Court (Fees) Amendment Regulations (No. 2) 2016 G.G. 09/09/2016).....	4482
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Minister for Planning*Leases —*

CALM Lease No. 1092/100 — Between the Conservation and Land Management Executive Body and Mr Peter Della-Pona for a dam site for commercial purposes in Beelu National Park (Reserve No. 47880) near Kalamunda.....	4483
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Local Laws —

Local Government Act 1995 (Shire of York Local Government (Council Meetings) Local Law 2016 G.G. 07/09/2016)	4484
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Orders —

Environmental Protection Act 1986 (Environmental Protection (National Paint Product Stewardship Scheme) Exemption Order 2016 G.G. 09/09/2016).....	4485
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Regulations —

Botanic Gardens and Parks Authority Act 1998 (Botanic Gardens and Parks Amendment Regulations 2016 G.G. 09/09/2016).....	4486
Health Act 1911 (Blood and Tissue (Transmissible Diseases) Amendment Regulations (No. 2) 2016 G.G. 09/09/2016).....	4487
Land Administration Act 1997 (Land Administration Amendment Regulations 2016 G.G. 06/09/2016 and Land Administration Regulations Amendment Regulations 2016 G.G. 06/09/2016).....	4488

Parliamentary Secretary to the Minister for Housing*Regulations —*

Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations 2016 G.G. 06/09/2016).....	4489
Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 4) 2016 G.G. 06/09/2016, Liquor Control Amendment Regulations (No. 7) 2016 G.G. 06/09/2016 and Liquor Control Regulations Amendment (Restricted Area) Regulations 2016 G.G. 09/09/2016)	4490

6. Standing Committee on Public Administration — Report No. 27 — Government Response to Report No. 26: Transport of Persons in Custody

Hon Liz Behjat presented Report No. 27 of the Standing Committee on Public Administration, *Government Response to Report No. 26: Transport of Persons in Custody*. (Tabled Paper 4492).

7. Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend the following —

- the *Restraining Orders Act 1997*;
- the *Bail Act 1982*;
- the *Children and Community Services Act 2004*;
- the *Community Protection (Offender Report) Act 2004*;
- *The Criminal Code*;
- the *Criminal Investigation Act 2006*;
- the *Prisons Act 1981*;
- the *Sentence Administration Act 2003*.” be introduced and read a first time.

8. Sentencing Legislation Amendment Bill 2016

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to amend the following Acts —

- the Sentencing Administration Act 2003;
- the Sentencing Act 1995;
- The Criminal Code.” be introduced and read a first time.

9. Taxi Amendment Bill 2016

The President reported the receipt of Message No. 170 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Transport moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4493).

Debate stands adjourned.

10. Order of Business

Ordered — That Order of the Day No. 1, *Motor Vehicle (Catastrophic Injuries) Regulations 2016 — Disallowance*, be taken after Order of the Day No. 20, *Swan Valley Protection Bill 2016*. (Leader of the House).

11. Local Government Legislation Amendment Bill 2014

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

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

The 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.

12. Bush Fires 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 Acting President left the Chair.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

The Attorney General representing the Minister for Emergency Services moved —

Page 3, after line 22 — To insert —

- (7) The *Interpretation Act 1984* section 42 applies to and in relation to the bush fire risk treatment standards as if they were regulations.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 5.

The Attorney General representing the Minister for Emergency Services moved —

Page 4, lines 27 to 29 — To delete “35(1), a local law made under section 33(5a) or bush fire risk treatment standards published under section 35AA(5);” and insert —

35(1) or a local law made under section 33(5a);

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

Leave was granted to adopt the report.

Report adopted.

The Attorney General representing the Minister for Emergency Services moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Bush Fires Amendment Bill 2016* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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.

The Attorney General representing the Minister for Emergency Services moved, That the Bill be read a third time.

The Acting 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.

13. Cognate Debate — Aquatic Resources Legislation Amendment Bill 2015 and Aquatic Resources Management Bill 2015

The Attorney General representing the Minister for Fisheries sought leave of the Council to debate Order of the Day No. 14, *Aquatic Resources Legislation Amendment Bill 2015*, and Order of the Day No. 15, *Aquatic Resources Management Bill 2015*, cognately [SO 127].

Leave granted.

14. Aquatic Resources Legislation Amendment Bill 2015 and Aquatic Resources Management Bill 2015

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to mental health services in the Pilbara Region, in response to a question without notice asked by Hon Stephen Dawson.

The Minister for Planning representing the Minister for Environment tabled a report by the Waste Authority entitled *Local Government Waste and Recycling Census, as reported by local governments, 2013–14*, in response to a question without notice asked by Hon Sally Talbot. (Tabled Paper 4494).

The Attorney General tabled documents in relation to criminal and civil cases lodged at each court in the South West region in 2014–15 and 2015–16, in response to question on notice No. 4279 asked by Hon Adele Farina. (Tabled Paper 4495).

The Minister for Commerce tabled documents in relation to complex long-term policy projects of the Department of Commerce, in response to question on notice No. 4240 asked by Hon Kate Doust. (Tabled Paper 4496).

The Minister for Commerce, by leave incorporated into *Hansard*, information in relation to the statutory review of the *Residential Parks (Long-stay Tenants) Act 2006*, in response to a question without notice asked by Hon Kate Doust.

The Minister for Planning representing the Minister for Health tabled documents in relation to patients of the Karratha Health Campus assessed with chemical exposure, in response to question on notice No. 4261 asked by Hon Robin Chapple. (Tabled Paper 4497).

The Minister for Planning representing the Minister for Environment tabled documents in relation to the clearing of vegetation at lot 535, plan 73704, Roebuck Bay, Broome, in response to question on notice No. 4263 asked by Hon Robin Chapple. (Tabled Paper 4498).

The Minister for Planning representing the Minister for Environment tabled documents in relation to Burrup Peninsula Aboriginal Petroglyphs colour differences from 2004 to 2014, in response to question on notice No. 4315 asked by Hon Robin Chapple. (Tabled Paper 4499).

The Minister for Planning representing the Minister for Child Protection tabled documents in relation to child psychiatrists in Western Australia, in response to question on notice No. 4209 asked by Hon Stephen Dawson. (Tabled Paper 4500).

The Minister for Planning representing the Minister for Child Protection tabled documents in relation to regional offices of the Department for Child Protection and Family Support, in response to question on notice No. 4211 asked by Hon Stephen Dawson. (Tabled Paper 4501).

The Parliamentary Secretary to the Minister for Housing tabled documents in relation to the size of vacant lots owned and held by the Housing Authority in the South West region, in response to question on notice No. 4271 asked by Hon Adele Farina. (Tabled Paper 4502).

16. Aquatic Resources Legislation Amendment Bill 2015 and Aquatic Resources Management Bill 2015

Cognate debate resumed on the second reading of these Bills (*see item 14 above*).

Question — That the *Aquatic Resources Legislation Amendment Bill 2015* be read a second time — put and passed.

Bill read a second time.

Question — That the *Aquatic Resources Management Bill 2015* be read a second time — put and passed.

Bill read a second time.

The Acting President left the Chair.

(Hon Simon O'Brien in the Chair)

Aquatic Resources Legislation Amendment Bill 2015

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Title agreed to.

Aquatic Resources Management Bill 2015

Clause 1 agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 and 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 46 agreed to.

Clause 47.

Debate ensued.

Clause agreed to.

Clause 48.

Debate ensued.

Clause agreed to.

Clauses 49 to 167 agreed to.

Clause 168.

Debate ensued.

Clause agreed to.

Clauses 169 to 265 agreed to.

Clause 266.

The Attorney General representing the Minister for Fisheries moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting President resumed the Chair.

Aquatic Resources Legislation Amendment Bill 2015

Bill reported without amendment.

Leave was granted to adopt the report.

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

Aquatic Resources Management Bill 2015

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. Classification (Publications, Films and Computer Games) Enforcement 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.

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

The Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

18. Biodiversity Conservation Bill 2015

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 172

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council to the *Biodiversity Conservation Bill 2015*.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 13 September 2016

19. Evidence Amendment 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 Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

20. Road Traffic Legislation Amendment Bill (No. 2) 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 Attorney General representing the Minister for Road Safety moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

21. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

22. Members' Statements

Statements were taken.

23. Adjournment

The Council adjourned at 10.03pm until Wednesday, 14 September 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paul Brown and Hon Kate Doust.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council