

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 212**

**WEDNESDAY, 12 OCTOBER 2016**

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**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. Petition**

Hon Robin Chapple presented a petition from nine petitioners requesting the Legislative Council to investigate the culture and operations of the Port Hedland and South Hedland police stations. (Tabled Paper 4761).

**3. Papers**

The following Papers were laid on the Table by —

**Leader of the House**

*Annual Reports —*

Gold Corporation (2015–2016) (Date received 11/10/2016) ..... 4732

*Regulations —*

Electricity Industry Act 2004 (Electricity Industry (Customer Contracts) Amendment  
Regulations 2016 G.G. 20/09/2016) ..... 4733

*Rules —*

Lotteries Commission Act 1990 (Lotteries Commission (Authorised Lotteries)  
Rules 2016 G.G. 07/10/2016) ..... 4734

**Attorney General**

*Annual Reports —*

Acacia Prison Services Agreement (2015–2016) (Date received 11/10/2016) ..... 4735

CBD Courts Project Contract (2015–2016) (Date received 11/10/2016) ..... 4736

Commission for Occupational Safety and Health (2015–2016) (Date received 11/10/2016).... 4737

Contract for the Provision of Court Security and Custodial Services (2015–2016)  
(Date received 11/10/2016) ..... 4738

Director of Public Prosecutions, Office of the (2015–2016) (Date received 11/10/2016) ..... 4739

Equal Opportunity Commission (2015–2016) (Date received 11/10/2016) ..... 4740

Supervised Release Review Board (2015–2016) (Date received 11/10/2016) ..... 4741

Young Adult Facility Contract (2015–2016) (Date received 11/10/2016) ..... 4742

*Codes —*

Settlement Agents Act 1981 (Settlement Agents Code of Conduct 2016 G.G. 04/10/2016) ..... 4743

*Management Plans —*

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| Fish Resources Management Act 1994 (South Coast Purse Seine Limited Entry Fishery Notice Amendment 2016 [1271] G.G. 23/09/2016 and West Coast Rock Lobster Managed Fishery Management Plan Amendment (No. 4) 2016 G.G. 07/10/2016)..... | 4744 |
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*Orders —*

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| Retail Trading Hours Act 1987 (Retail Trading Hours (Small Retail Shops) Amendment Order 2016 G.G. 23/09/2016)..... | 4745 |
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*Regulations —*

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| Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2016 G.G. 30/09/2016).....  | 4746 |
| Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 4) 2016 G.G. 04/10/2016 and Fish Resources Management Amendment Regulations (No. 5) 2016 G.G. 07/10/2016)..... | 4747 |
| Fishing Industry Promotion Training and Management Levy Act 1994 (Fishing Industry Promotion Training and Management Levy Regulations 2016 G.G. 04/10/2016) .....                                       | 4748 |
| Settlement Agents Act 1981 (Settlement Agents Amendment Regulations 2016 G.G. 04/10/2016) ....  | 4749 |
| Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations (No. 2) 2016 G.G. 04/10/2016) .....   | 4750 |

*Rules —*

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| Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules 2016 G.G. 30/09/2016 and Magistrates Court (Minor Cases Procedure) Amendment Rules 2016 G.G. 30/09/2016) ..... | 4751 |
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**Minister for Planning***Local Laws —*

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| Dog Act 1976 (Shire of Chapman Valley Dogs Local Law 2016 G.G. 21/09/2016) .....   | 4752 |
| Health Act 1911 (Shire of Kondinin Health Local Law 2016 G.G. 05/10/2016) .....  | 4753 |
| Local Government Act 1995 (City of Cockburn Standing Orders Local Law 2016 G.G. 22/09/2016, City of Kalgoorlie-Boulder Cat Local Law 2016 G.G. 27/09/2016, City of Nedlands Repeals Local Law 2016 G.G. 04/10/2016, Shire of Chapman Valley Activities in Thoroughfares and Public Places and Trading Local Law 2016 G.G. 21/09/2016, Shire of Chapman Valley Repeal Local Law 2016 G.G. 21/09/2016, Shire of Chapman Valley Standing Orders Local Law 2016 G.G. 21/09/2016 and Shire of Dundas Activities on Thoroughfares and Public Places and Trading Local Law 2016 G.G. 29/09/2016)..... | 4754 |

*Orders —*

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| Conservation and Land Management Act 1984 (Yawuru Nagulagun / Roebuck Bay Marine Park Order 2016 G.G. 04/10/2016) ..... | 4755 |
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*Regulations —*

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| Radiation Safety Act 1975 (Radiation Safety (General) Amendment Regulations 2016 G.G. 20/09/2016)..... | 4756 |
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**Parliamentary Secretary to the Minister for Transport***Regulations —*

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| Road Traffic (Administration) Act 2008 (Road Traffic (Administration) Amendment Regulations 2016 G.G. 20/09/2016).....                         | 4757 |
| Road Traffic (Authorisation to Drive) Act 2008 (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2016 G.G. 20/09/2016)..... | 4758 |
| Road Traffic (Vehicles) Act 2012 (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2016 G.G. 20/09/2016).....                             | 4759 |

**Parliamentary Secretary to the Minister for Housing***Regulations —*

Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees)  
 Amendment Regulations 2016 G.G. 04/10/2016) ..... 4760

**4. Education Portfolio**

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

That this Council congratulates the Liberal–National Government on its excellent performance in the education portfolio.

Motion — put.

The Council divided.

**Ayes (19)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Jim Chown  
 Hon Peter Collier  
 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 Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O’Brien  
 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 Laine McDonald  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

Motion thus passed.

**5. Royalties for Regions — Pilbara Cities**

Motion No. 2 having been called, Hon Jacqui Boydell, pursuant to notice, moved —

That this Council congratulates the Liberal–National alliance government on its investment through the Royalties for Regions program into the Pilbara Cities initiative, further developing the interests and opportunities for the people and communities of the Mining and Pastoral Region.

Debate ensued.

*Interruption pursuant to order.*

**6. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Adele Farina in the Chair)

**Joint Standing Committee on Audit — Report No. 7 — Review of the Operation and Effectiveness of the Auditor General Act 2006**

Hon Alanna Clohesy moved, That consideration be postponed until the next sitting.

Question — put and passed.

**Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)**

The Leader of the House moved, That consideration be postponed until the next sitting.

Question — put and passed.

**Joint Standing Committee on Delegated Legislation — Report No. 88 — Review of the Government Response to Report 84 — Access to Australian Standards adopted in delegated legislation**

Hon Martin Pritchard moved, That the Report be noted.

Debate ensued.

Question — put and passed.

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

Hon Liz Behjat moved, That the Report be noted.

Debate ensued.

On the motion of Hon Liz Behjat the debate was adjourned to the next sitting.

**Standing Committee on Public Administration — Report No. 26 — Transport of Persons in Custody**

Hon Amber-Jade Sanderson moved, That the Report be noted.

Question — put and passed.

**Standing Committee on Estimates and Financial Operations — Report No. 67 — Budget Estimates Hearings 2016–17**

Hon Alanna Clohesy 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) Joint Standing Committee on Audit — Report No. 7 — *Review of the Operation and Effectiveness of the Auditor General Act 2006* and postponed consideration to the next sitting.
- (2) Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — *Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)* and postponed consideration to the next sitting.
- (3) Joint Standing Committee on Delegated Legislation — Report No. 88 — *Review of the Government Response to Report 84 — Access to Australian Standards adopted in delegated legislation* and had noted same.
- (4) Standing Committee on Public Administration — Report No. 27 — *Government Response to Report 26: Transport of Persons in Custody*, made progress, and seeks to sit again.
- (5) Standing Committee on Public Administration — Report No. 26 — *Transport of Persons in Custody* and had noted same.
- (6) Standing Committee on Estimates and Financial Operations — Report No. 67 — *Budget Estimates Hearings 2016–17*, made progress, and seeks to sit again.

Report adopted.

## **7. Order of Business**

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

## 8. Biological Control Amendment Bill 2016

The Minister for Agriculture and Food, pursuant to notice, moved —

That a Bill for “An Act to amend the *Biological Control Act 1986*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4762).

Debate stands adjourned.

## 9. Questions Without Notice

Questions without notice were taken.

The Attorney General representing the Minister for Police, by leave incorporated into *Hansard*, information in relation to assaults and burglaries in Mount Lawley, Menora, Coolbinia, Dianella, Yokine and Inglewood in 2014–15 and 2015–16, in response to a question without notice asked by Hon Alanna Clohesy.

The Minister for Planning representing the Minister for Environment tabled documents in relation to quarantine at Barrow Island, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4763).

The Minister for Education, by leave incorporated into *Hansard*, information in relation to the Targeted Initiatives component of the Student Centred Funding Model, in response to a question without notice asked by Hon Sue Ellery.

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to registered training providers operating in the South West region, in response to question on notice No. 4345 asked by Hon Adele Farina. (Tabled Paper 4764).

The Leader of the House representing the Minister for Regional Development tabled documents in relation to funding paid to consultants to develop the *Regional Centres Development Plan* for the Greater Bunbury region, in response to question on notice No. 4348 asked by Hon Adele Farina. (Tabled Paper 4765).

The Leader of the House representing the Minister for Regional Development tabled documents in relation to WA Country Health Service projects funded by Royalties for Regions in the past five years, in response to question on notice No. 4394 asked by Hon Stephen Dawson. (Tabled Paper 4766).

The Attorney General representing the Treasurer tabled documents in relation to the title and level of staff in the Strategic Projects and the Asset Sales Unit, and projects overseen since establishment of the unit, in response to question on notice No. 4395 asked by Hon Stephen Dawson. (Tabled Paper 4767).

The Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to modelling or planning for works to be undertaken at Geraldton Port that would enable cruise ships to dock, in response to a question without notice asked by Hon Darren West.

## 10. Residential Tenancies Amendment Bill 2015

The President reported the receipt of Message No. 180 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be read a second time.

The Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4768).

Debate stands adjourned.

**11. Disposal of Uncollected Goods Amendment Bill 2015**

The Acting President reported the receipt of Message No. 181 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Commerce moved, That the Bill be read a second time.

The Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4769).

Debate stands adjourned.

**12. 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. 11, *Aquatic Resources Legislation Amendment Bill 2015*. (Leader of the House).

**13. Pilbara Port Assets (Disposal) Bill 2015**

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

The Acting President left the Chair.

**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 44.

Debate resumed.

Clause agreed to.

Clause 45.

Debate ensued.

Hon Robin Chapple moved —

Page 32, lines 4 to 18 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (10)**

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

Hon Laine McDonald  
Hon Martin Pritchard  
Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Samantha Rowe (*Teller*)

**Noes (17)**

Hon Martin Aldridge  
Hon Liz Behjat  
Hon Jacqui Boydell  
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 Ken Baston (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put.

The Committee divided.

**Ayes (17)**

Hon Martin Aldridge  
Hon Liz Behjat  
Hon Jacqui Boydell  
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 Ken Baston (*Teller*)

**Noes (10)**

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

Hon Laine McDonald  
Hon Martin Pritchard  
Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 46.

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.

**14. Members' Statements**

Statements were taken.

**15. Adjournment**

The Council adjourned at 6.31pm until Thursday, 13 October 2016 at 10.00am.

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

Attendance: Present all Members except Hon Brian Ellis, Hon Lynn MacLaren and Hon Rick Mazza.

**NIGEL PRATT**  
Clerk of the Legislative Council

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