

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 101

WEDNESDAY, 19 NOVEMBER 2014

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

2. Petition

Hon Lynn MacLaren presented a petition from 480 petitioners requesting the Legislative Council to protect farms from GM contamination and retain the Western Australian *Genetically Modified Crops Free Areas Act 2003*. (Tabled Paper 2263).

3. Standing Committee on Procedure and Privileges — Report No. 33 — Temporary Orders – 2015

The President presented Report No. 33 of the Standing Committee on Procedure and Privileges, *Temporary Orders – 2015*. (Tabled Paper 2264).

Hon Adele Farina moved, without notice —

That Recommendation 1 contained in Report No. 33 of the Standing Committee on Procedure and Privileges, *Temporary Orders – 2015*, be adopted and agreed to.

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

Leave granted.

Debate stands adjourned.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Ensuring Compliance with Conditions on Mining – Follow-up (Report No. 20)
(November 2014) (Date received 19/11/2014)..... 2259

Leader of the House

Response to Reports —

Response to the recommendations of the Independent Review of the Vocational
Education and Training Sector in Western Australia
(Minister for Training and Workforce Development)..... 2260

Reviews —

Independent Review of the Vocational Education and Training Sector in Western
Australia (2013–2014)..... 2261

Parliamentary Secretary representing the Minister for Health

Annual Reports —

Administrator National Health Funding Pool (2013–2014) (Date received 18/11/2014) 2262

5. School Education Amendment Regulations 2014 — Disallowance

Hon Sue Ellery on behalf of Hon Stephen Dawson gave notice: To move on the next day of sitting —

That the *School Education Amendment Regulations 2014* published in the *Gazette* on 11 November 2014 and tabled in the Legislative Council on 18 November 2014 under the *School Education Act 1999*, be and are hereby disallowed. (Tabled paper 2225).

6. DisabilityCare

Hon Alanna Clohesy, pursuant to Standing Order 62(a), amended Motion No. 2 to read as follows —

That this Council condemns the Barnett Government for its lack of leadership in the area of Disability Services and calls on the Government to put people before politics and adequately and sustainably fund services and operate trials and evaluations in a transparent and accountable way.

7. Marine Parks in Western Australia

Motion No. 1 having been called, Hon Rick Mazza, pursuant to notice, moved —

That the Council supports —

- (a) a moratorium on the creation of any further marine parks in Western Australia; and
- (b) an investigation into the access to and management of the current marine parks in Western Australia, including allowing shore based fishing in sanctuary zones.

Debate ensued.

Interruption pursuant to order.

8. 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. 36 — Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia

Debate resumed on the motion of Hon Brian Ellis, That the Report be noted.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave incorporated into Hansard, a table of projected enrolment figures for 2015 for each Education support school or centre, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary representing the Minister for Health, by leave incorporated into Hansard, a table of positions transferring from Fremantle Hospital and Health Service to Fiona Stanley Hospital in relation to chronic pain management services, in response to a question without notice asked by Hon Lynn MacLaren.

The Parliamentary Secretary representing the Minister for Regional Development tabled documents in relation to a Memorandum of Understanding between the South West Development Commission, the City of Bunbury and the joint venture partners; the Vine Group and Shanghai Hippo, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 2265).

The Minister for Education tabled documents in relation to time allocated for school psychologists in the South West education region, in response to question on notice No. 1845 asked by Hon Adele Farina. (Tabled Paper 2266).

The Minister for Agriculture and Food on behalf of the Attorney General representing the Minister for Police tabled documents in relation to police officer injury statistics for the South West Police District for 2012–13, 2013–14 and 2014 to date, in response to question on notice No. 2058 asked by Hon Adele Farina. (Tabled Paper 2267).

The Minister for Agriculture and Food on behalf of the Attorney General representing the Minister for Police tabled documents in relation to events in the South West that have required police attendance for 2013–14 and 2014 to date, in response to question on notice No. 2062 asked by Hon Adele Farina. (Tabled Paper 2268).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to Simcoa Operations Pty Ltd and Western Australia Chip and Pulp Co. Pty Ltd contracts of sale with the Forest Products Commission for the purchase of native forest products, in response to question on notice No. 1517 asked by Hon Lynn MacLaren. (Tabled Paper 2269).

The Minister for Agriculture and Food representing the Minister for Forestry tabled documents in relation to contracts of sale for native forest products entered into by the Forest Products Commission after 31 March 2014, in response to question on notice No. 1518 asked by Hon Lynn MacLaren. (Tabled Paper 2270).

The Parliamentary Secretary representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1703 and 1705 asked by Hon Ken Travers will be provided on Thursday, 4 December 2014.

10. School Education Amendment Bill 2014

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 86

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *School Education Amendment Bill 2014* without amendment.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 19 November 2014

11. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 8 above*).

In Committee

(Hon Adele Farina in the Chair)

Standing Committee on Environment and Public Affairs — Report No. 36 — Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia

Debate resumed on the motion of Hon Brian Ellis, That the Report be noted.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 50 — 2013–14 Agency Annual Report Hearings – November Timetable

Hon Ken Travers moved, That the Report be noted.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 37 — Overview of Petitions

Hon Simon O'Brien moved, That the Report be noted.

Debate ensued.

Question — put and passed.

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. 36 — *Review of the Government Response to Report 35: Inquiry into the Sandalwood Industry in Western Australia* and had noted same.
- (2) Standing Committee on Estimates and Financial Operations — Report No. 50 — *2013-14 Agency Annual Report Hearings – November Timetable* and had noted same.
- (3) Standing Committee on Environment and Public Affairs — Report No. 37 — *Overview of Petitions* and had noted same.

Report adopted.

12. Order of Business

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

13. Gene Technology (Western Australia) Bill 2014

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

That a Bill for “An Act to apply the *Gene Technology Act 2000* (Commonwealth) and the *Gene Technology (License Charges) Act 2000* (Commonwealth) as a law of the State, to repeal the *Gene Technology Act 2006*, and for related purposes”. 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 2271).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

The Leader of the House moved, without notice —

That the Standing Committee on Uniform Legislation and Statutes Review report to the House on the *Gene Technology (Western Australia) Bill 2014* by no later than Tuesday, 10 March 2015.

Question — put and passed.

14. Order of Business

Ordered — That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct — Disallowance*, 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 5, *Road Traffic (Drug Driving) Amendment Regulations 2014 — Disallowance*, and 6, *Transport (Country Taxi-Car) Amendment Regulations (No. 2) 2014 — Disallowance*, be taken after Order of the Day No. 12, *Mines Safety and Inspection Amendment Bill 2014*. (Leader of the House).

15. Custodial Legislation (Officers Discipline) Amendment Bill 2013

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 Liz Behjat in the Chair)

Clause 1.

Debate resumed.

Question — put.

The Committee divided.

Ayes (16)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Nick Goiran
 Hon Dave Grills

Hon Alyssa Hayden
 Hon Col Holt
 Hon Peter Katsambanis
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (9)

Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Lynn MacLaren

Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Ken Travers
 Hon Samantha Rowe (*Teller*)

Clause thus passed.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Hon Kate Doust moved —

Page 5, lines 30 to 33 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 6, lines 7 to 9 — To delete the lines and insert —

- (a) the chief executive officer has formed the opinion on reasonable grounds that the officer —
 - (i) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
 - (ii) is no longer a fit and proper person to hold a position as a prison officer; and

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 7, lines 8 to 10 — To delete the lines and insert —

- (3) The chief executive officer shall conduct any investigation to determine that a prison officer —
 - (a) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
 - (b) is no longer a fit and proper person to hold a position as a prison officer.

Debate ensued.

Amendment — put and negatived.

Hon Kate Doust moved —

Page 7, after line 19 — To insert —

- (4A) The prison officer must be advised of —
 - (a) the implications of giving information, answering any question or producing a document when required to do so under subsection (4); and
 - (b) the relevance of the information or document that is required for the purpose of the investigation.

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.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 9.58pm until Thursday, 20 November 2014 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council