

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 85

TUESDAY, 9 SEPTEMBER 2014

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. Messages from the Administrator — Assent to Bills

The President reported the receipt of Messages from the Administrator assenting to the following Bills —

| 25 August 2014 — Message No. 21 | Act No. |
|---|------------|
| Appropriation (Consolidated Account) Recurrent 2014–15 Bill 2014 | 19 of 2014 |
| Appropriation (Consolidated Account) Capital 2014–15 Bill 2014 | 20 of 2014 |
| 29 August 2014 — Message No. 22 | |
| Travel Agents Amendment and Expiry Bill 2014 | 21 of 2014 |
| Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2013 | 22 of 2014 |

3. Partial Revocation of State Forest Nos 6, 22, 23, 28, 32, 33 and 65

The following Message from the Legislative Assembly was reported —

Mr President Message No. 72
The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That the proposal for the partial revocation of State Forest Nos 6, 22, 23, 28, 32, 33 and 65, laid on the Table of the Legislative Assembly on Wednesday, 13 August 2014, by command of His Excellency the Governor be carried out.

Mr N.W. Morton
Acting Speaker
Legislative Assembly Chamber
Perth, 21 August 2014

4. Petitions

Hon Alanna Clohesy presented a petition from 311 petitioners requesting the Legislative Council to disallow the Metropolitan Region Scheme Amendment No. 1239/41 — Gidgegannup Urban Precinct. (Tabled Paper 1826).

Hon Mark Lewis presented a petition from 314 petitioners requesting the Legislative Council to investigate fluoridation of the public water supplies in Western Australia. (Tabled Paper 1827).

Hon Robin Chapple presented a petition from 878 petitioners requesting the Legislative Council to investigate the costs of the Pilbara Underground Power Project being levied on residents and businesses of Karratha. (Tabled Paper 1828).

5. Ministerial Statement — National Child Protection Week and International Foetal Alcohol Spectrum Disorders Awareness Day

The Minister for Child Protection made a Ministerial Statement with respect to National Child Protection Week and International Foetal Alcohol Spectrum Disorders Awareness Day.

6. Papers

The following Papers were laid on the Table by —

Minister for Mental Health on behalf of the Leader of the House

By-laws —

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| Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws (No. 2) 2014 G.G. 22/08/2014 and Energy Operators (Regional Power Corporation) (Charges) Amendment By laws (No. 2) 2014 G.G. 22/08/2014)..... | 1803 |
| University of Western Australia Act 1911 (University of Western Australia Lands By-laws Amendment 2014 G.G. 26/08/2014) | 1804 |

Documents —

| | |
|---------------------------------------|------|
| Parliamentary Sitting Dates 2015..... | 1805 |
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Regulations —

| | |
|--|------|
| Public Sector Management Act 1994 (Public Sector Management (General) Amendment Regulations 2014 G.G. 19/08/2014) | 1806 |
| School Curriculum and Standards Authority Act 1997 (School Curriculum and Standards Authority Amendment Regulations 2014 G.G. 26/08/2014)..... | 1807 |

Minister for Mental Health

Annual Reports —

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| Local Government Standards Panel (2013–2014) (Date received 9/09/2014) | 1808 |
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Leases —

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| CALM Lease No. 2334/97 Between CALM and Revolutionary Engineering Design as Trustee for the Burns Barber Family Trust for the purpose of a dam site for domestic water consumption within a portion of State Forest No. 20 | 1809 |
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Local Laws —

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|---|------|
| Cat Act 2011 (Shire of Dardanup Keeping and Control of Cats Local Law 2014 G.G. 22/08/2014) | 1810 |
| Dog Act 1976 (Shire of Dardanup Dogs Local Law 2014 G.G. 22/08/2014) | 1811 |
| Local Government Act 1995 (Shire of Laverton Fencing Amendment Local Law 2014 G.G. 2/09/2014) | 1812 |

Regulations —

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|--|------|
| Environmental Protection Act 1986 (Environmental Protection (Goldfields Residential Areas) (Sulfur Dioxide) Amendment Regulations 2014 G.G. 22/08/2014 and Environmental Protection (Kwinana) (Atmospheric Wastes) Amendment Regulations 2014 G.G. 22/08/2014) | 1813 |
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Attorney General

Annual Reports —

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|---|------|
| Surveillance Devices Act 1998 (Date received 3/09/2014) | 1814 |
| Terrorism (Extraordinary Powers) Act 2005 Section 30(1) (Date received 3/09/2014) | 1815 |

Regulations —

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|---|------|
| Criminal Investigation (Covert Powers) Act 2012 (Criminal Investigation (Covert Powers) Amendment Regulations 2014 G.G. 19/08/2014) | 1816 |
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Reports —

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| Western Australia Police — Report pursuant to section 103 of the Criminal Investigation (Covert Powers) Act 2012 — Witness Identity Protection Certificates (1 March 2013 to 30 June 2013) | 1817 |
| Western Australia Police — Report pursuant to section 103 of the Criminal Investigation (Covert Powers) Act 2012 — Witness Identity Protection Certificates (1 July 2013 to 30 June 2014) | 1818 |

Minister for Agriculture and Food*Annual Reports —*

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|---|------|
| Coal Miners Welfare Board (2013-2014) (Date received 8/09/2014) | 1819 |
|---|------|

Management Plans —

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|---|------|
| Fish Resources Management Act 1994 (Shark Bay Crab Fishery (Interim) Management Plan Amendment 2014 [1203] G.G. 26/08/2014) | 1820 |
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Orders —

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| Fish Resources Management Act 1994 (Recreational Fishing (Permitted Fishing Methods) Revocation Order 2014 [1204] G.G. 26/08/2014) | 1821 |
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Regulations —

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|--|------|
| Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 4) 2014 G.G. 26/08/2014) | 1822 |
| Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations (No. 3) 2014 G.G. 3/09/2014) | 1823 |

Parliamentary Secretary representing the Minister for Transport*Regulations —*

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|---|------|
| Port Authorities Act 1999 (Port Authorities Amendment Regulations (No. 4) 2014 G.G. 5/09/2014)... | 1824 |
| Shipping and Pilotage Act 1967 (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 3) 2014 G.G. 5/09/2014) | 1825 |

7. Child Support (Adoption of Laws) Amendment Bill 2014

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

That a Bill for “An Act to amend the *Child Support (Adoption of Laws) Act 1990*.” be introduced and read a first time.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Regulation 11(3)(o) as inserted into the Retirement Villages Regulations 1992 by Regulation 6 of the Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 — Disallowance*, 2, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, 3, *Firearms Amendment Regulations 2014 — Disallowance*, and 4, *Shire of Ashburton Fencing Local Law 2014 — Disallowance*, be taken after Order of the Day No. 12, *Statutes (Repeals) Bill 2013*. (Minister for Mental Health).

9. Custodial Legislation (Officers Discipline) Amendment Bill 2013

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 Ken Travers, as follows —

That the *Custodial Legislation (Officers Discipline) Amendment Bill 2013* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 21 October 2014.

The Minister for Mental Health moved, without notice —

To delete “21 October” and insert —

28 October

Amendment — put and passed.

Motion, as amended, agreed to.

Debate stands adjourned and the Bill referred to the Standing Committee on Legislation.

10. Mental Health Bill 2013 and Mental Health Legislation Amendment Bill 2013

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

11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled a document in relation to the Memorandum of Understanding between the Department of Education and the Department of Health for the provision of School Health Services for public schools for the period 1 July 2013 to 30 June 2014, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1829).

The Minister for Mental Health representing the Minister for Community Services tabled a document in relation to child care service providers currently approved to operate outside of school hours, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1830).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to the Metropolitan Region Scheme Amendment No. 1270/41, Ocean Reef Marina Development, Statement of Reasons and Public Advice from the Environmental Protection Authority, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 1831).

12. Mental Health Bill 2013 and Mental Health Legislation Amendment Bill 2013

Cognate debate resumed on the second reading of these Bills (*see item 10 above*).

Interruption pursuant to order.

13. Members' Statements

Statements were taken.

The Hon Phil Edman, by leave, tabled a letter from Hon Phil Edman to the directors of the commercial business City Beach, condemning the accessibility of synthetic cannabis. (Tabled Paper 1832).

The Hon Phil Edman, by leave, tabled a follow-up letter to the directors of the commercial business City Beach, condemning the accessibility of synthetic cannabis. (Tabled Paper 1833).

14. Adjournment

The Council adjourned at 10.21pm until Wednesday, 10 September 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paul Brown and Hon Peter Collier.

NIGEL PRATT

Clerk of the Legislative Council

HON BARRY HOUSE

President of the Legislative Council