

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 126

TUESDAY, 5 MAY 2015

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### 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. Electoral Commission - Filling of Vacancy

The Clerk of the Legislative Council reported the receipt of a letter from the Electoral Commissioner notifying of the election of Martin Brian Pritchard and read the following attached letter addressed to the Governor —

Her Excellency Ms Kerry Sanderson AO  
Governor of Western Australia  
Government House  
PERTH WA 6000  
Your Excellency

By notice dated Wednesday 1 April 2015 you informed me of a vacancy in the North Metropolitan Region of the Legislative Council.

On Saturday 11 April 2015, I published the notices required by section 156C of the *Electoral Act 1907* in *The West Australian* and *The Australian*. Nominations for the vacancy closed at 12.00 noon on Tuesday 21 April 2015.

At the close of nominations, I had received two formal nominations from qualified persons. A re-count was then conducted in accordance with section 156D(4) of the *Electoral Act 1907*.

Following the re-count and in accordance with section 156D(8)(a) of the *Electoral Act 1907*, I declared Martin Pritchard to be elected as a Member of the Legislative Council to fill the vacancy in the North Metropolitan Region.

I am pleased to inform you of the election of Martin Pritchard, as required by section 156D(8)(b) of the *Electoral Act 1907*.

Yours faithfully

David Kerslake

ELECTORAL COMMISSIONER

21 April 2015

### 3. Swearing of Member — Martin Brian Pritchard

The President read the Commission authorising the President to administer an Oath or Affirmation for Mr Martin Brian Pritchard.

Commission  
authorising

THE HONOURABLE BARRY JOHN HOUSE

President of the Legislative Council

to administer the oath or affirmation of allegiance

to Members of the Legislative Council

WESTERN AUSTRALIA

By His Excellency, Malcolm McCusker,

Companion of the Order of Australia,

Commander of the Royal Governor Victorian Order,

Queen's Counsel,

Governor of the State of Western Australia.

I, the Governor, acting under section 22 of the *Constitution Act 1889*, authorise you, the Honourable Barry John House, while you are the President of the Legislative Council, to administer the oath or affirmation of allegiance in Schedule E to that Act to members of the Legislative Council.

GIVEN under my hand and the Public Seal of the State on 22 May 2013.

GOD SAVE THE QUEEN!

The newly elected Member, Mr Martin Brian Pritchard, made and subscribed the Oath of Allegiance before the President.

### 4. Statement by President — Sir John Kirwan's Bible

The President made the following Statement —

Just to complete the swearing-in ceremony, I bring to the House's attention that the Bible upon which Hon Martin Pritchard was sworn in today formerly belonged to Sir John Kirwan, who Members will know from his period as a Member of the Legislative Council for 38 years, from 1908 to 1946, the last almost 20 years as President. This Bible, which is in now in the collection of the Legislative Council, was given to Sir John upon his swearing-in as a Member of the first Commonwealth Parliament in 1901. Sir John was the federal Member for Kalgoorlie from 1901 to 1903. In an inscription by Sir John inside the Bible, dated January 1905, he notes —

This is one of the Bibles on which Members of the first Commonwealth Parliament were sworn in. Each member received one.

It is also worth noting that the title pages of the Bible contain personal signatures of prominent people in attendance at that inaugural swearing-in. Not least is that of the then Prince George, Duke of Cornwall and York, later King George V, who opened the first Commonwealth Parliament on 9 May 1901. Other signatures collected by Sir John include those of at least four future Prime Ministers, including Sir Edmund Barton and William Morris "Billy" Hughes; the first Speaker of the House of Representatives, Sir Frederick Holder; Senator for Western Australia and future defence minister during World War One, Hon Paddy Glynn; and several other prominent Members who held ministerial positions in the early years of Australian self-government.

The presence of this Bible, and the history it represents, in this ceremony today reminds us of the durability and importance of our parliamentary system of government, and renews the commitment we all share to its continuance as the centrepiece of our strong and successful democracy.

## 5. 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>29 April 2015 — Message No. 20</b>	<b>Act No.</b>
Land Legislation Amendment Bill 2014	11 of 2015
Land Legislation Amendment (Taxing) Bill 2014	12 of 2015

## 6. Petition

Hon Sue Ellery presented a petition from 493 petitioners requesting the Legislative Council to introduce amendments and refer to a committee the *Criminal Law Amendment (Home Burglary and Other Offences) Act 2014*. (Tabled Paper 2832).

## 7. Ministerial Statement — Aboriginal Servicemen at Gallipoli

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the launch of the publication entitled *They Served With Honour: Untold Stories of Western Australian Aboriginal Servicemen at Gallipoli*, which was researched, written and published by the Department of Aboriginal Affairs.

The Minister for Aboriginal Affairs tabled the publication entitled *They Served With Honour: Untold Stories of Western Australian Aboriginal Servicemen at Gallipoli*. (Tabled Paper 2833).

## 8. Papers

The following Papers were laid on the Table by —

### President

#### *Addendums —*

Ombudsman Western Australia — Annual Report (2013–2014) ..... 2813

#### *Auditor General's Papers —*

Official Public Sector Air Travel (Report No. 5) (Deemed Tabled 29/04/2015) ..... 2814

Managing and Monitoring Motor Vehicle Usage (Report No. 6)  
(Deemed tabled 29/04/2015) ..... 2815

#### *Documents —*

Amended Non-Government and Private Members Business Schedules (2015) ..... 2816

#### *Reports —*

Office of the Inspector of Custodial Services — Report of an Announced Inspection  
of West Kimberley and Broome Regional Prisons (Report No. 96)  
(March 2015)..... 2817

### Leader of the House

#### *Reports —*

Overseas Travel undertaken by Members of Parliament funded by the Parliamentary  
Travel Allowance (for the three months ended 31 March 2015) ..... 2818

#### *Standards —*

Public Sector Management Act 1994 (Commissioner's Instruction No. 11 Redeployment  
Standard G.G. 21/04/2015) ..... 2819

### Minister for Mental Health

#### *Annual Reports —*

Local Government Grants Commission of W.A. (2014) ..... 2820

*Leases* —

CALM Lease No. 2437/97 — Between CALM and Cuba 79 PTY LTD for the purpose of a dam site for commercial purposes in State Forest No. 10 near Pemberton.....	2821
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*Local Laws* —

Cemeteries Act 1986 (Shire of Cunderdin Cemetery Local Law 2015 G.G. 28/04/2015) .....	2822
Dog Act 1976 (Shire of Cunderdin Dogs Local Law 2015 G.G. 28/04/2015) .....	2823
Local Government Act 1995 (City of Bayswater Parking and Parking Facilities Local Law 2015 G.G. 24/04/2015 and Shire of Cunderdin Repeal Local Law 2015 G.G. 28/04/2015) .....	2824

**Attorney General***Notices* —

Energy Safety Act 2006 (Energy Safety Levy Notice 2015 G.G. 24/04/2015) .....	2825
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*Regulations* —

Plumbers Licensing Act 1995 (Plumbers Licensing and Plumbing Standards Amendment Regulations 2015 G.G. 24/04/2015) .....	2826
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*Reports* —

Terrorism (Preventative Detention) Act 2006 — Quarterly Report (for the quarter ending 31 March 2015) .....	2827
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**Attorney General on behalf of the Minister for Agriculture and Food***Local Laws* —

Biosecurity and Agriculture Management Act 2007 (Shire of Cunderdin Pest Plants Local Law 2015 G.G. 28/04/2015) .....	2828
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*Management Plans* —

Fish Resources Management Act 1994 (West Coast Rock Lobster Managed Fishery Management Plan Amendment 2015 [1235] G.G. 21/04/2015) .....	2829
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**Parliamentary Secretary representing the Minister for Health***Regulations* —

Cremation Act 1929 (Cremation Amendment Regulations 2015 G.G. 21/04/2015) .....	2830
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 2) 2015 G.G. 21/04/2015) .....	2831

**9. Joint Standing Committee on Audit — Report No. 3 — Review of the Auditor General Act 2006 — Appointment of a Reviewer**

Hon Peter Katsambanis presented Report No. 3 of the Joint Standing Committee on Audit, *Review of the Auditor General Act 2006 — Appointment of a Reviewer*. (Tabled Paper 2834).

**10. Joint Standing Committee on Delegated Legislation — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Martin Pritchard be appointed as a Member to the Joint Standing Committee on Delegated Legislation and that the Legislative Assembly be advised of this appointment.

Question — put and passed.

**11. Parliamentary Services Committee — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Martin Pritchard be appointed as a Member to the Parliamentary Services Committee and that the Legislative Assembly be advised of this appointment.

Question — put and passed.

**12. Non-Government Business — Schedule**

The Leader of the House moved, without notice —

That, pursuant to Standing Order 111(4), the schedule for Non-Government Business tabled by the President be adopted.

Question — put and passed.

**13. Private Members' Business — Schedule**

The Leader of the House moved, without notice —

That, pursuant to Standing Order 112(4), the schedule for Private Members' Business tabled by the President be adopted.

Question — put and passed.

**14. Order of Business**

Ordered — That Orders of the Day Nos 1, *Shire of Kellerberrin Cemeteries Local Law 2014 — Disallowance*, 2, *Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2014 — Disallowance*, 3, *Shire of Kellerberrin Local Government (Council Meetings) Local Law 2014 — Disallowance*, 4, *Shire of Kellerberrin Fencing Local Law 2014 — Disallowance*, and 5, *Regulations 28 to 38 of the Public Sector Management (Redeployment and Redundancy) Regulations 2014 — Disallowance*, be taken after Order of the Day No. 9, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

**15. Barrow Island Amendment Bill 2015**

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

The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for State Development moved, That the Bill be read a third time.

The Acting 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.

The Council divided.

**Ayes (27)**

Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Adele Farina  
 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 Simon O'Brien  
 Hon Samantha Rowe  
 Hon Amber-Jade Sanderson  
 Hon Sally Talbot  
 Hon Phil Edman (*Teller*)

**Noes (2)**

Hon Robin Chapple

Hon Lynn MacLaren (*Teller*)

Question thus passed.

Bill read a third time and passed.

**16. Valuation of Land 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.

The Deputy President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

The Minister for Housing representing the Minister for Lands moved —

Page 3, line 29 to page 4, line 4 — To delete the lines and insert —

- (2) In section 4(1) in the definition of *unimproved value* after paragraph (b)(ii)(I) insert:

or

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendment.

Ordered — That consideration of the Committee's Report be made an Order of the Day for the next sitting.

### **17. Taxation Legislation Amendment Bill 2015**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

### **18. Questions Without Notice**

Questions without notice were taken.

The Minister for Education tabled documents in relation to the annual salary bill for principals, teachers, education assistants, cleaners, gardeners and school administrative officers, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 2835).

The Minister for Education tabled, and by leave incorporated into *Hansard*, documents in relation to school budgets for 2015, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 2836).

The Minister for Aboriginal Affairs, by leave incorporated into *Hansard*, information in relation to Aboriginal sites assessed by the Aboriginal Cultural Materials Committee and found to be 'not a site', in response to a question without notice asked by Hon Robin Chapple.

The Minister for Education tabled documents in relation to State funding per student for Western Australian Government schools, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 2837).

The Minister for Aboriginal Affairs tabled documents in relation to Aboriginal sites assessed by the Aboriginal Cultural Materials Committee and found to be 'not a site', in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2838).

The Minister for Aboriginal Affairs tabled documents in relation to employment at the Department of Aboriginal Affairs, in response to question on notice No. 2884 asked by Hon Robin Chapple. (Tabled Paper 2839).

The Minister for Mental Health representing the Minister for Planning tabled documents in relation to the estimated population of various suburbs, currently and in 2020 and 2031, in response to question on notice No. 2904 asked by Hon Ken Travers. (Tabled Paper 2840).

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to prescribed burns performed in the South West region in 2014 and 2015, in response to question on notice No. 2872 asked by Hon Adele Farina. (Tabled Paper 2841).

The Minister for Housing representing the Minister for Lands tabled documents in relation to satellite photographs depicting the 15 Mile Well area on Quobba Station, in response to question on notice No. 2953 asked by Hon Robin Chapple. (Tabled Paper 2842).

The Attorney General representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 2833 and 2834 asked by Hon Adele Farina will be provided on 6 May 2015.

### **19. Personal Explanation**

The Parliamentary Secretary representing the Premier, by leave, made a personal explanation in relation to the correction of information given at the Committee of the Whole House stage of the Alcohol and Drug Authority Amendment Bill 2014.

### **20. Statement by President — Parliamentary Officer (Procedure)**

The President made the following Statement —

Just before we resume orders of the day, I introduce you to a new face in the Chamber. You will see at the back, John Seal-Pollard. Welcome, John. John is assisting in the Chamber and Procedure Office. He is seconded from Parliamentary Counsel three days per week to the

Legislative Council. He has previously worked down the corridor in the Papers Office of the other place. Welcome, John, and thank you for your assistance.

**21. Taxation Legislation Amendment Bill 2015**

Debate resumed on the second reading of this Bill (*see item 17 above*).

*Interruption pursuant to order.*

**22. Members' Statements**

Statements were taken.

Hon Martin Aldridge, by leave, tabled Freedom of Information documents obtained in relation to the contamination of water at Wannamal Road West, Gingin. (Tabled Paper 2843).

**23. Adjournment**

The Council adjourned at 10.20pm until Wednesday, 6 May 2015 at 1.00pm.

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

Attendance: Present all Members except Hon Ken Travers.

**NIGEL PRATT**  
Clerk of the Legislative Council

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