

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 171

TUESDAY, 23 FEBRUARY 2016

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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. Petitions

Hon Brian Ellis presented a petition from 455 petitioners requesting the Legislative Council to support the upgrade of the electricity service to the town of Kalbarri by Western Power. (Tabled Paper 3849).

Hon Simon O'Brien presented a petition from 167 petitioners requesting the Legislative Council to oppose the incorporation of Kings Park into part of the proposed City of Perth District. (Tabled Paper 3850).

### 3. Ministerial Statement — Tourism Ministers' Meeting

The Parliamentary Secretary to the Minister for Tourism made a Ministerial Statement with respect to the 68<sup>th</sup> Tourism Ministers' Meeting held in Perth on 19 February 2016.

### 4. Papers

The following Papers were laid on the Table by —

#### **President**

##### *Letters —*

Joint Standing Committee on the Commissioner for Children and Young People —  
Extension of time of Inquiry into the Review of Functions Exercised by the  
Commissioner for Children and Young People to Thursday 19 May 2016 ..... 3843

#### **Leader of the House**

##### *Reports —*

Overseas Travel Undertaken by Members of Parliament funded by the Parliamentary  
Allowance (for the three months ended 31 December 2015) ..... 3844

#### **Minister for Mental Health**

##### *Leases —*

CALM Lease 2429/97 — Between the Conservation and Land Management  
Executive Body and the Shire of Manjimup for the purpose of establishing a  
bushfire brigade site in a portion of State Forest No. 36 near Pemberton ..... 3845

##### *Local Laws —*

Local Government Act 1995 (City of Perth Fencing Local Law 2015 G.G. 16/02/2016) ..... 3846

**Attorney General***Rules —*

Legal Profession Act 2008 (Legal Profession Amendment Rules 2016 G.G. 19/02/2016)..... 3847

**Parliamentary Secretary to the Minister for Health***Notices —*

Financial Management Act 2006 — Section 82 — Notice from the Minister for Health  
in respect to Question on Notice No. A21 of the Legislative Council Standing  
Committee on Estimates and Financial Operations..... 3848

**5. Mining Legislation Amendment Bill 2015 — Discharge from Notice Paper**

The Leader of the House moved, without notice —

That —

- (1) The Order of the Day relating to the Mining Legislation Amendment Bill 2015, be discharged and the Bill be referred to the Standing Committee on Legislation for consideration and report by no later than Tuesday, 10 May 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and passed.

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

**6. Order of Business**

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 9, *Western Australian Health Promotion Foundation Bill 2015*. (Leader of the House).

**7. Natural Gas (Canning Basin Joint Venture) Agreement 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 President left the Chair.

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**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 1 agreed to

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Title agreed to.

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The 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 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.

## 8. City of Perth Bill 2015

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

Debate resumed.

Hon Alanna Clohesy moved, without notice —

That —

- (1) Order of the Day No. 15, the *City of Perth Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report, including on the following specific matters, by no later than Wednesday, 30 March 2016 —
  - (a) the extent and adequacy of consultation undertaken by the Minister for Local Government and the Government with the City of Subiaco regarding the transfer of electors to the new City of Perth;
  - (b) the details and adequacy of employment provisions for staff affected by the transfers proposed by this Bill;
  - (c) the effectiveness of the transparency measures contained in the Bill; and
  - (d) the impact and detail of any ‘Henry VIII clause’.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Hon Simon O’Brien moved to amend the motion, as follows —

To delete all words after “referred” and insert —

to the Standing Committee on Environment and Public Affairs for consideration and report by no later than Tuesday, 16 August 2016.

Debate ensued.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled documents in relation to the Department of Education’s Student Behaviour Policy, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3851).

The Parliamentary Secretary to the Premier on behalf of the Parliamentary Secretary to the Minister for Health tabled documents in relation to water samples from the Elizabeth Quay water park, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 3852).

The Minister for Commerce tabled documents in relation to members of the Electrical Licensing Board, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 3853).

The Attorney General, by leave incorporated into *Hansard*, information in relation to the average length of trials conducted in the Bunbury and Busselton Courts, in response to a question without notice asked by Hon Adele Farina.

The Minister for Commerce, by leave incorporated into *Hansard*, information in relation to the amendments to the *Construction Contracts Act 2004* proposed by Professor Phil Evans in his 2015 Review Report, in response to a question without notice asked by Hon Kate Doust.

The Minister for Housing tabled documents in relation to the Keystart Loans Ltd's Internal Capital Adequacy Assessment Process Summary Statement, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 3854).

# **10. City of Perth Bill 2015**

Debate resumed on the amendment of Hon Simon O'Brien to the motion of Hon Alanna Clohesy (*see item 8 above*).

Amendment — put.

The Council divided.

## **Ayes (3)**

Hon Lynn MacLaren  
Hon Simon O'Brien

Hon Robin Chapple (*Teller*)

## **Noes (28)**

Hon Martin Aldridge  
Hon Ken Baston  
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 Col Holt  
Hon Peter Katsambanis  
Hon Mark Lewis  
Hon Rick Mazza  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Martin Pritchard  
Hon Sally Talbot  
Hon Ken Travers  
Hon Darren West  
Hon Samantha Rowe (*Teller*)

Amendment thus negatived.

Debate resumed.

Motion — put.

The Council divided.

## **Ayes (14)**

Hon Robin Chapple  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Nigel Hallett

Hon Lynn MacLaren  
Hon Rick Mazza  
Hon Simon O'Brien  
Hon Martin Pritchard  
Hon Sally Talbot  
Hon Ken Travers  
Hon Samantha Rowe (*Teller*)

**Noes (17)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Brian Ellis  
 Hon Donna Faragher

Hon Nick Goiran  
 Hon Dave Grills  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Phil Edman (*Teller*)

Motion thus negatived.

Debate resumed.

*Statement by Deputy President*

The Deputy President made the following Statement —

I apologise for interrupting the debate, but I have a correction to make. The outcome of the division was 17 noes and 14 ayes, not the 13 called. I just need to correct the record. We have recounted and it was definitely 14 ayes.

Debate resumed.

Hon Robin Chapple, by leave, tabled documents in relation to the financial implications of the *City of Perth Bill 2015*. (Tabled Paper 3855).

Debate resumed.

*Interruption pursuant to order.*

# **11. Adjournment**

There being no Members' Statements the Council adjourned at 9.45pm until Wednesday, 24 February 2016 at 1.00pm.

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

Attendance: Present all Members.

**NIGEL PRATT**  
 Clerk of the Legislative Council

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