

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 222

THURSDAY, 17 NOVEMBER 2016

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Petition

Hon Stephen Dawson presented a petition from 696 petitioners requesting the Legislative Council oppose fluoridation of the public water supply in Kununurra. (Tabled Paper 4902).

3. Ministerial Statement — Aboriginal Affairs Cabinet Sub-Committee

The Minister for Aboriginal Affairs made a Ministerial Statement with respect to the establishment of the Aboriginal Affairs Cabinet Sub-Committee.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Public Sector Commission — State of the Sector 2016..... 4895

Minister for Planning

Annual Reports —

Administrator National Funding Pool (2015–2016) (Date received 16/11/2016)..... 4896

Australian Health Practitioner Regulation Agency (2015–2016) (Date received 16/11/2016).. 4897

National Health Funding Body (2015–2016) (Date received 16/11/2016) 4898

National Health Practitioner Ombudsman and Privacy Commissioner (2015–2016)
(Date received 16/11/2016)..... 4899

Reports —

LandCorp — Statement of Corporate Intent (2016–2017)..... 4900

Parliamentary Secretary to the Minister for Housing

Notices —

Financial Management Act 2006 — Notice from the Minister for Water in respect to
Legislative Council Question on Notice No. 4396 (3) 4901

5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 33 — The ability of the Corruption and Crime Commission to charge and prosecute

Hon Nick Goiran presented Report No. 33 of the Joint Standing Committee on the Corruption and Crime Commission, *The ability of the Corruption and Crime Commission to charge and prosecute*. (Tabled Paper 4903).

6. Standing Committee on Estimates and Financial Operations — Report No. 70 — Annual Report Hearings 2015–16

Hon Rick Mazza presented Report No. 70 of the Standing Committee on Estimates and Financial Operations, *Annual Report Hearings 2015–16*. (Tabled Paper 4904).

7. Joint Standing Committee on Delegated Legislation — Report No. 89 — Annual Report 2016

Hon Robin Chapple presented Report No. 89 of the Joint Standing Committee on Delegated Legislation, *Annual Report 2016*. (Tabled Paper 4905).

8. Joint Standing Committee on Delegated Legislation — Report No. 90 — Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016

Hon Robin Chapple presented Report No. 90 of the Joint Standing Committee on Delegated Legislation, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2016*. (Tabled Paper 4906).

9. Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016 — Disallowance

Hon Robin Chapple: To move on the calling of Order of the Day No. 1 — That the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016* be amended as follows —

To insert after ‘Delegated Legislation,’ –

row 4 of the table in by-law 5 containing ‘Sch 4 it. 10’, ‘\$4.75’ and ‘\$5.50’, of

10. Asbestos Diseases Compensation Bill 2013

Non-Government Business No. 1 having been called 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.

In Committee

(Hon Liz Behjat in the Chair)

Clause 1.

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.

11. Order of Business

Ordered — That Order of the Day No. 1, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016 — Disallowance*, be taken before Order of the Day No. 17, *Construction Contracts Amendment Bill 2016*. (Leader of the House).

12. Sentencing Legislation Amendment Bill 2016

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 194

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Sentencing Legislation Amendment Bill 2016* without amendment.

Mr N.W. Morton

Acting Speaker

Legislative Assembly Chamber

Perth, 16 November 2016

13. Executive Officer Remuneration (Government Entities) 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.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Leader of the House representing the Premier moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

14. Misuse of Drugs Amendment (Search Powers) Bill 2016

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General representing the Minister for Police moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

15. Oil Refinery (Kwinana) Agreement Amendment Bill 2016

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

Debate resumed.

Question — put.

The Council divided.

Ayes (29)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Jim Chown
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Brian Ellis
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Dave Grills
 Hon Nigel Hallett

Hon Peter Katsambanis
 Hon Mark Lewis
 Hon Rick Mazza
 Hon Laine McDonald
 Hon Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Darren West
 Hon Phil Edman (*Teller*)

Noes (2)

Hon Lynn MacLaren

Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Brian Ellis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 7 agreed to.

Title agreed to.

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 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.

16. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

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

Debate resumed.

The Attorney General representing the Minister for Police tabled a letter from the Recreational Trailbike Riders' Association in relation to the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016*. (Tabled Paper 4907).

Debate resumed.

17. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to cycling infrastructure funding, in response to a question without notice asked by Hon Martin Pritchard.

The Attorney General representing the Minister for Mines and Petroleum, by leave incorporated into *Hansard*, information in relation to mines that have exceeded the accepted time-weighted average exposure standard, in response to a question without notice asked by Hon Robin Chapple.

The Minister for Planning representing the Minister for Health tabled documents in relation to WA Country Health Service projects funded by Royalties for Regions, in response to question on notice No. 4489 asked by Hon Stephen Dawson. (Tabled Paper 4908).

18. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

Debate resumed on the second reading of this Bill (*see item 16 above*).

The Attorney General representing the Minister for Police sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Leader of the House the debate was adjourned to a later stage of this day's sitting.

19. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing and Temporary Orders be suspended so as to enable the following variations to sitting times and the Order of Business on Tuesday, 22 November 2016 —

- (a) the Council to meet at 1.00pm; and
- (b) that Questions without Notice be taken at 3.30pm, or at an earlier time on the motion appointed by the Council.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

20. Order of Business

Ordered — That Order of the Day No. 19, *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016*, be taken forthwith. (Leader of the House).

21. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

Debate resumed on the second reading of this Bill (*see item 18 above*).

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Attorney General representing the Minister for Police moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

22. 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 —

16 November 2016 — Message No. 32	Act No.
Retail Trading Hours Amendment Bill 2015	35 of 2016
Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016	36 of 2016
Royal Perth Hospital Protection Bill 2013	37 of 2016

23. Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016

The following Message from the Legislative Assembly was reported —

Mr President Message No. 195
 The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016* without amendment.
 Ms W.M. Duncan
 Deputy Speaker
 Legislative Assembly Chamber
 Perth, 17 November 2016

24. Statutes (Repeals) Bill 2016

The following Message from the Legislative Assembly was reported —

Mr President Message No. 196
 The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Statutes (Repeals) Bill 2016* without amendment.
 Ms W.M. Duncan
 Deputy Speaker
 Legislative Assembly Chamber
 Perth, 17 November 2016

25. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

26. Members' Statements

Statements were taken.

27. Adjournment

The Council adjourned at 5.24pm until Tuesday, 22 October 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alanna Clohesy and Hon Alyssa Hayden.

NIGEL PRATT
 Clerk of the Legislative Council

HON BARRY HOUSE
 President of the Legislative Council