

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 69**

**THURSDAY, 8 MAY 2014**

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**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. Statement by President — Mental Health Bill 2013 — Second Reading Speech**

The President made the following Statement —

I would like to make an observation about the second reading speech on the *Mental Health Bill 2013*, given last night. The speech ran to some 21 pages and took around 60 minutes for the Minister for Mental Health to deliver. It was one of the longest second reading speeches I have experienced in my time in this Chamber, probably the longest. No-one in this place could question the quality and detail of the information contained in the speech, it was very thorough. However, the intent of a second reading speech should be to give Members a summary of the major initiatives contained in the Bill. The introduction in Standing Order 121(3) of the requirement for the Member in charge of a Bill to table an explanatory memorandum was intentionally designed to provide the clause-by-clause detail that Members need to assist them in an understanding of the policy and effect of a Bill. I would not like to see the length and detail of the speech given last night to become common practice. If this were to become the case, changes to Standing Orders may have to be contemplated.

**3. Petition**

Hon Stephen Dawson presented a petition from 212 petitioners requesting the Legislative Council to support a judicial inquiry into the affairs of the Shire of Carnarvon. (Tabled Paper 1454).

**4. Papers**

The following Papers were laid on the Table by —

**Minister for Agriculture and Food**

*Reports* —

Minerals and Energy Research Institute of Western Australia  
(July 2013 January 2014)..... 1451

**Parliamentary Secretary representing the Minister for Regional Development**

*Reports* —

Operating requirements under the Electronic Conveyancing Act 2014..... 1452  
Participation rules under the Electronic Conveyancing Act 2014..... 1453

**5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 11 — Emails between staff of the Department of Corrective Services and the Corruption and Crime Commission: Supplementary Report**

Hon Nick Goiran presented Report No. 11 of the Joint Standing Committee on the Corruption and Crime Commission, *Emails between staff of the Department of Corrective Services and the Corruption and Crime Commission: Supplementary Report*. (Tabled Paper 1455).

**6. Joint Standing Committee on the Corruption and Crime Commission — Report No. 12 — WA Police Union complaint in regard to the partiality of the Parliamentary Inspector of the Corruption and Crime Commission**

Hon Nick Goiran presented Report No. 12 of the Joint Standing Committee on the Corruption and Crime Commission, *WA Police Union complaint in regard to the partiality of the Parliamentary Inspector of the Corruption and Crime Commission*. (Tabled Paper 1456).

**7. Asbestos Diseases Compensation Bill 2013**

Non-Government Business No. 1 having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

*Interruption pursuant to order.*

**8. Hyogo Prefectural Government and Japan — Sister State Relationship**

Private Members' Business No. 1 having been called, Hon Phil Edman moved, without notice —

That the Legislative Council commend the Barnett Government on enhancing and strengthening trade relationships and cultural links between the Hyogo Prefectural Government and Japan, and acknowledges with gratitude our 30 year sister State relationship.

Debate ensued.

*Motion lapsed.*

**9. Order of Business**

Ordered — That Orders of the Day Nos 1, *Children's Court (Fees) Amendment Regulations 2013 — Disallowance*, 2, *Civil Judgments Enforcement Amendment Regulations 2013 — Disallowance*, 3, *Coroners Amendment Regulations 2013 — Disallowance*, 4, *District Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 5, *Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 — Disallowance*, 6, *Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, 7, *State Administrative Tribunal Amendment Regulations (No. 4) 2013 — Disallowance*, 8, *Supreme Court (Fees) Amendment Regulations (No. 2) 2013 — Disallowance*, and 9, *State Administrative Tribunal Amendment Regulations (No. 2) 2013 — Disallowance*, be taken after Order of the Day No. 19, *Medicines, Poisons and Therapeutic Goods Bill 2013*. (Leader of the House).

**10. Shire of Shark Bay Dog Local Law 2013 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 10, *Shire of Shark Bay Dog Local Law 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**11. Shire of Shark Bay Repeal and Amendment Local Law 2013 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 11, *Shire of Shark Bay Repeal and Amendment Local Law 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**12. Shire of Laverton Fencing Local Law 2013 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Ljiljanna Ravlich moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 12, *Shire of Laverton Fencing Local Law 2013 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**13. Ports Legislation 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 Deputy President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 9.

Debate resumed.

The Parliamentary Secretary representing the Minister for Transport moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

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The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

**14. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2014–2015 — Tabling of Papers**

The following Papers were laid on the Table by —

**Minister for Mental Health representing the Treasurer**

*Budget Papers and Related Papers —*

2014–2015 Budget — Budget Statements — Budget Paper No. 2 (Volume 1).....No. 1449A

2014–2015 Budget — Budget Statements — Budget Paper No. 2 (Volume 2).....No. 1449B

2014–2015 Budget — Compact Disc.....No. 1449C

2014–2015 Budget Economic and Fiscal Outlook — Budget Paper No. 3 .....No. 1449D

2014–2015 Budget Speech — Budget Paper No. 1 .....No. 1449E

The Minister for Mental Health representing the Treasurer moved, without notice —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1449A–E (2014–2015 Budget Statements), laid upon the Table of the House on Thursday, 8 May 2014.

On the motion of the Hon Samantha Rowe the debate was adjourned to the next sitting.

**15. Ports Legislation Amendment Bill 2013**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).  
The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 9.

Debate resumed.

Clause agreed to.

Clause 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clauses 12 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 34 agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Clauses 36 to 45 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Minister for Transport moved, That the Bill be read a third time.

Debate ensued.

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.

The Council divided.

**Ayes (20)**

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

**Noes (11)**

Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Lynn MacLaren  
 Hon Ljiljana Ravlich

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

Question thus passed.

Bill read a third time and passed.

**16. 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.

**17. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Tourism tabled a document in relation to the location of public toilet facilities on the Indian Ocean Road, in response to a question without notice asked by Hon Rick Mazza. (Tabled Paper 1457).

The Minister for Mental Health representing the Minister for Environment tabled a document in relation to a review of the vulnerable status of the Great White Shark pursuant to the *Wildlife Conservation Act 1950* and *Endangered Species Protection Act 1992*, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 1458).

The Minister for Child Protection tabled a document in relation to the bilateral schedule between the Department of Child Protection and Family Support and the Department of Housing, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1459).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled a document in relation to accidents and injuries in the mineral industry for 2012–13 and 2013–14 to date, in response to question on notice No. 978 asked by Hon Kate Doust. (Tabled Paper 1460).

**18. Custodial Legislation (Officers Discipline) Amendment Bill 2013**

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

*Interruption pursuant to order.*

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 5.50pm until Tuesday, 13 May 2014 at 3.00pm.

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

Attendance: Present all Members except Hon Robin Chapple.

**NIGEL PRATT**  
Clerk of the Legislative Council

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