

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 144

TUESDAY, 8 SEPTEMBER 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. Distinguished Visitors

The President drew attention to the presence in the gallery of important guests from the Japanese Okabe Company Ltd, and, on behalf of Honourable Members, extended a warm welcome to members of the delegation.

### 3. Statement by President — Advisory Officer (Procedure)

The President made the following Statement —

In late July this year a selection process commenced to fill the vacant position of Advisory Officer (Procedure) in the Legislative Council. Today, I am pleased to announce that I have appointed Mr John Seal-Pollard to this position. As Members would be aware, Mr Seal-Pollard has for the past five months been assisting us as a Parliamentary Officer on secondment from the Office of Parliamentary Counsel.

Mr Seal-Pollard comes to us with a diverse work experience having worked previously in the papers office of the other place, the UK Electoral Commission and most recently as the Manager, Legislation and Publications at the Office of Parliamentary Counsel. On behalf of all Members, I congratulate John on his appointment, welcome him to our small and dedicated staff, and wish him every success in his new role.

### 4. 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>26 August 2015 — Message No. 33</b>	<b>Act No.</b>
Appropriation (Recurrent 2015–16) Bill 2015	18 of 2015
Appropriation (Capital 2015–16) Bill 2015	19 of 2015
Fire and Emergency Services Amendment Bill 2015	20 of 2015

### 5. Petition

Hon Robin Chapple presented a petition from 957 petitioners requesting the Legislative Council to recommend and initiate a judicial inquiry into the affairs of the Serpentine-Jarrahdale Shire Council. (Tabled Paper 3222).

## 6. Ministerial Statement — Reforms to infrastructure and services for Aboriginal communities

The Minister for Child Protection made a Ministerial Statement with respect to progress of reforms that were announced on 7 May 2015 to the way infrastructure and services are delivered to Aboriginal communities in Western Australia.

## 7. Ministerial Statement — Statutory Review of the Prohibited Behaviour Orders Act 2010

The Attorney General made a Ministerial Statement with respect to the statutory review of the operation and effectiveness of the *Prohibited Behaviour Orders Act 2010*.

The Attorney General tabled the *Statutory review of the Prohibited Behaviour Orders Act 2010*. (Tabled Paper 3223).

## 8. Papers

The following Papers were laid on the Table by —

### President

#### *Annual Reports —*

Auditor General, Office of the (2014-2015) (Date received 28/08/2015)..... 3191

#### *Auditor General's Papers —*

Controls over Employee Termination (Report No. 18) (August 2015)  
(Deemed tabled 27/08/2015) ..... 3192

Opinions on Ministerial Notifications (Report No. 19) (August 2015)  
(Deemed tabled 27/08/2015) ..... 3193

#### *Reports —*

Office of the Inspector of Custodial Services — Report of an Announced Inspection  
of the Albany Regional Prison (Report No. 99) (July 2015)..... 3194

### Leader of the House

#### *Annual Reports —*

Electoral Commission (Political Finance) (for the period ended June 2014)  
(Date received 07/09/2015)..... 3195

#### *Regulations —*

Vocational Education and Training Act 1996 (Vocational Education and Training (General)  
Amendment Regulations (No. 2) 2015 G.G. 28/08/2015)..... 3196

#### *Reports —*

Economic Regulation Authority — 2014 Wholesale Electricity Market Report to the  
Minister for Energy (February 2015) ..... 3197

Ministerial Staffing Report (as at 30 July 2015) ..... 3198

Report of Overseas Travel undertaken by Members of Parliament funded by the  
Parliamentary Travel Allowance for the three months ended 30 June 2015 ..... 3199

### Minister for Mental Health

#### *Annual Reports —*

Local Government Advisory Board (2014-2015) (Date received 07/09/2015)..... 3200

#### *Leases —*

CALM Lease No. 1602/97 between the Conservation and Land Management  
Executive Body and the Simmons Family Trust for the purpose of a dam site  
for commercial purposes in State Forest No. 22 near Jarrahdale ..... 3201

#### *Local Laws —*

Local Government Act 1995 (City of Joondalup Parking Amendment Local Law 2015  
G.G. 4/09/2015 and Shire of Collie Repeal Local Law 2015 G.G. 4/09/2015)..... 3202

*Regulations —*

Environmental Protection Act 1986 (Environmental Protection Amendment Regulations 2015 G.G. 21/08/2015) .....	3203
Planning and Development Act 2005 (Planning and Development (Local Planning Schemes) Regulations 2015 G.G. 25/08/2015 and Planning and Development Amendment Regulations 2015 G.G. 25/08/2015) .....	3204

*Reports —*

Treasury Corporation — Statement of Corporate Intent (2015-2016) (Date received 07/09/2015) .....	3205
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*Reviews —*

Department of Treasury — Review of the Financial Management Act 2006 (March 2014) .....	3206
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**Attorney General***Regulations —*

Family Court Act 1997 (Family Court Amendment Regulations (No. 3) 2015 G.G. 18/08/2015) .....	3207
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations (No. 3) 2015 G.G. 21/08/2015) .....	3208
Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations (No. 3) 2015 G.G. 4/09/2015) .....	3209
Prisons Act 1981 (Prisons Amendment Regulations 2015 G.G. 21/08/2015) .....	3210
Residential Tenancies Act 1987 (Residential Tenancies Amendment Regulations 2015 G.G. 21/08/2015) .....	3211
Young Offenders Act 1994 (Young Offenders Amendment Regulations 2015 G.G. 21/08/2015) .....	3212

*Rules —*

Supreme Court Act 1935 (Supreme Court Amendment Rules (No. 4) 2015 G.G. 4/09/2015) .....	3213
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*Schemes —*

Professional Standards Act 1997 (Institute of Chartered Accountants in Australia Professional Standards Scheme (WA) (Amendment) G.G. 1/09/2015 .....	3214
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**Minister for Agriculture and Food***Annual Reports —*

Department of Fisheries (Pursuant to section 76(1) of the Criminal Investigation (Covert Powers) Act 2012 – Assumed Identities) (2014–2015) (Date received 02/09/15) .....	3215
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*Codes —*

Dangerous Goods Safety Act 2004 (Approved Codes of Practice in accordance with section 20 of the Dangerous Goods Safety Act 2004 (2015) G.G. 18/08/2015 .....	3216
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*Management Plans —*

Fish Resources Management Act 1994 (Gascoyne Demersal Scalefish Management Plan Amendment 2015 [1245] G.G. 25/08/2015) .....	3217
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*Reports —*

Department of Fisheries — Report pursuant to section 103(1) of the Criminal Investigation (Covert Powers) Act 2012 – Witness Identity Protection Certificates 1 July 2014 to 30 June 2015 .....	3218
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**Minister for Housing***Proposals —*

Land Administration Act 1997 — Proposal No. 3/2015 — Excision of land from Class A Reserve 7214 .....	3219
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Land Administration Act 1997 — Proposal No. 5/2015 — Excision of land from Class A Reserve 9997 .....	3220
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### **Parliamentary Secretary representing the Minister for Health**

#### *Regulations —*

Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations (No. 4) 2015 G.G. 25/08/2015).....	3221
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### **9. Standing Committee on Uniform Legislation and Statutes Review — Report No. 93 — Review of the Planning and Development (Development Assessment Panels) Regulations 2011**

Hon Kate Doust presented Report No. 93 of the Standing Committee on Uniform Legislation and Statutes Review, *Review of the Planning and Development (Development Assessment Panels) Regulations 2011*. (Tabled Paper 3224).

### **10. Order of Business**

Ordered — That Orders of the Day Nos 1, *City of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, 2, *Regulation 6(1) of the Conservation and Land Management Amendment Regulations 2015 — Disallowance*, 3, *Shire of Mount Marshall Health Local Law 2014 — Disallowance*, and 4, *Shire of Mukinbudin Health Local Law 2014 — Disallowance*, be taken after Order of the Day No. 8, *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015*. (Leader of the House).

### **11. Constitution Amendment (Recognition of Aboriginal People) Bill 2015**

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

### **12. Questions Without Notice**

Questions without notice were taken.

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the total full-time enrolments at Western Australian non-government schools as at the second semester census for 2015, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to the services agreement between the State of Western Australia and St John Ambulance, in response to a question without notice asked by Hon Adele Farina. (Tabled Paper 3225).

The Minister for Education, by leave incorporated into *Hansard*, documents in relation to the amount in percentage and dollar terms that debt collectors collected on behalf of schools and the Education Department in Term 1 for 2013 and 2015, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education tabled documents in relation to schools participating in the Kidsmatter Initiative, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3226).

The Minister for Mental Health tabled documents in relation to drug counselling services in regional Western Australia, in response to question on notice No. 3240 asked by Hon Darren West. (Tabled Paper 3227).

The Minister for Child Protection tabled documents in relation to Safety and Wellbeing Assessments undertaken by the Department as at 31 May 2015, in response to question on notice No. 3245 asked by Hon Stephen Dawson. (Tabled Paper 3228).

The Minister for Child Protection tabled documents in relation to applications to the Hardship Utilities Grant Scheme, in response to question on notice No. 3246 asked by Hon Stephen Dawson. (Tabled Paper 3229).

The Minister for Child Protection tabled documents in relation to full-time equivalent employee allocation at the Department for Child Protection and Family Support, as at 1 June 2015, in response to question on notice No. 3248 asked by Hon Stephen Dawson. (Tabled Paper 3230).

The Minister for Child Protection tabled documents in relation to the number of registered foster carers as at 31 May 2015, in response to question on notice No. 3249 asked by Hon Stephen Dawson. (Tabled Paper 3231).

The Minister for Child Protection tabled documents in relation to the number of children under the care of the Department for Child Protection and Family Support during May 2015, in response to question on notice No. 3250 asked by Hon Stephen Dawson. (Tabled Paper 3232).

The Minister for Commerce tabled documents in relation to increases in Department of Commerce fees and charges for 2012-13, 2013-14, 2014-15 and 2015-16, in response to question on notice No. 3277 asked by Hon Kate Doust. (Tabled Paper 3233).

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled documents in relation to direct Government assistance available to the mining industry, in response to question on notice No. 3215 asked by Hon Robin Chapple. (Tabled Paper 3234).

The Minister for Housing representing the Minister for Regional Development tabled documents in relation to the annual funding of the Community Resource Centre Network, in response to question on notice No. 3241 asked by Hon Darren West. (Tabled Paper 3235).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to the breakdown of types of commercial vehicles, in response to a question without notice asked by Hon Samantha Rowe. (Tabled Paper 3236).

### **13. Constitution Amendment (Recognition of Aboriginal People) Bill 2015**

Debate resumed on the second reading of this Bill (*see item 11 above*).

Question — put and passed.

Bill read a second time.

Ordered — That consideration in committee be made an Order of the Day for the next sitting.

### **14. Order of Business**

Ordered — That Order of the Day No. 12, *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014*, be taken forthwith. (Leader of the House).

### **15. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014**

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

Debate resumed.

Hon Lynn MacLaren moved, without notice —

That the *Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 31 December 2015.

Debate ensued.

*Point of Order*

The Attorney General raised the following Point of Order —

I am getting a sense of déjà vu; we have been through these dot points as part of Hon Robin Chapple's speech during the second reading debate.

*Interruption pursuant to order.*

### **16. Members' Statements**

Statements were taken.

**17. Adjournment**

The Council adjourned at 10.04pm until Wednesday, 9 September 2015 at 1.00pm.

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

Attendance: Present all Members except Hon Mark Lewis, Hon Robyn McSweeney and Hon Amber-Jade Sanderson (leave of absence).

**NIGEL PRATT**  
Clerk of the Legislative Council

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