

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 156

TUESDAY, 20 OCTOBER 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. Statement by President — Deputy Clerk — Paul Grant — Appointment**

The President made the following Statement —

It is with great pleasure that I announce my intention to formally recommend to Her Excellency, the Governor, the appointment of Mr Paul Antony Grant as Deputy Clerk of the Legislative Council. Paul has served as an officer of the Legislative Council for the past 16 years having been initially appointed as Advisory Officer to the Standing Committee on Estimates and Financial Operations in January 2000. Prior to commencing with the Legislative Council, Paul worked as a lawyer in private practice and for the Department of Fisheries.

In June 2007, Paul was appointed Clerk Assistant (Committees) and managed the operations of the committee office. Since January 2010 he has held the position of Clerk Assistant (Procedure) of the House. Paul was the successful applicant in the appointment process for the office of Deputy Clerk, which commenced with advertising the position in August and was followed by interviews with shortlisted candidates, which concluded yesterday. I thank the Deputy President, Hon Adele Farina, and our Clerk for being part of the interview panel.

I congratulate Paul on his success and wish him well in his role as Deputy Clerk of the Legislative Council. Well done, Paul.

**3. Ministerial Statement — Parliamentary Sitting Schedule 2016**

The Leader of the House made a Ministerial Statement with respect to an amendment to the Parliamentary Sitting Dates for 2016.

The Leader of the House tabled the amended Parliamentary Sitting Dates for 2016. (Tabled Paper 3535).

**4. Ministerial Statement — Removal of Asbestos at a Construction Site near the Horseshoe Bridge**

The Attorney General made a Ministerial Statement with respect to removal of asbestos at a construction site near the Horseshoe Bridge.

**5. Ministerial Statement — Branding in Meat Processing**

The Parliamentary Secretary representing the Minister for Health made a Ministerial Statement with respect to new regulations that have been introduced for the branding of animal carcasses.

## 6. Papers

The following Papers were laid on the Table by —

### Minister for Mental Health

#### *Leases —*

CALM Lease No. 2434/100 — Between the Conservation and Land Management Executive Body and Canopy Adventure Pty Ltd for the purpose of developing and operating a high ropes course at Lane Poole Reserve near Dwellingup ..... 3523

#### *Plans —*

Metropolitan Redevelopment Authority Operational Plan (2015–2016) ..... 3524

#### *Reports —*

Bank of Western Australia Act 1995 — Annual Certificate of Compliance (2015) ..... 3525

### Attorney General

#### *Regulations —*

Legal Profession Act 2008 (Legal Profession Amendment Regulations (No. 3) 2015 G.G. 16/10/2015) ..... 3526

Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 3) 2015 G.G. 16/10/2015) .. 3527

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations (No. 2) 2015 G.G. 16/10/2015)..... 3528

### Minister for Agriculture and Food

#### *Management Plans —*

Fish Resources Management Act 1994 (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2015 [1257] G.G. 16/10/2015 and West Coast Estuarine Managed Fishery Management Plan Amendment (No. 2) 2015 [1258] G.G. 16/10/2015) ..... 3529

### Minister for Housing

#### *Notices —*

Electronic Conveyancing Act 2014 (Electronic Conveyancing Act (Making and Publication of Participation Rules and Operating Requirements) Notice 2015 G.G. 16/10/2015) ..... 3530

#### *Regulations —*

Land Administration Act 1997 (Land Administration Amendment Regulations 2015 G.G. 13/10/2015) ..... 3531

#### *Reports —*

Busselton Water — Statement of Corporate Intent (2015–2016) ..... 3532

### Parliamentary Secretary representing the Minister for Transport

#### *Regulations —*

Rail Safety National Law (WA) Act 2015 (Rail Safety National Law (WA) (Alcohol and Drug Testing) Regulations 2015 G.G. 16/10/2015 and Rail Safety National Law (WA) Regulations 2015 G.G. 16/10/2015) ..... 3533

### Parliamentary Secretary representing the Minister for Health

#### *Regulations —*

Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 4) 2015 G.G. 16/10/2015) ..... 3534

## 7. Mining Legislation Amendment Bill 2015

The President reported the receipt of Message No. 124 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Minister for Agriculture and Food representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3536).

Debate stands adjourned.

## 8. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Ravensthorpe Fencing Local Law 2015 — Disallowance*, 2, *City of Mandurah Fencing Local Law 2015 — Disallowance*, and 3, *Shire of Halls Creek Standing Orders Local Law 2015 — Disallowance*, be taken after Order of the Day No. 14, *Railway (Forrestfield-Airport Link) Bill 2015*. (Leader of the House).

## 9. Associations Incorporation Bill 2014

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 Minister for Commerce moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

## 10. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015

The Order of the Day having been read for the adjourned debate on the second reading of this Bill, debate resumed on the motion of Hon Robin Chapple, as follows —

That the *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 20 August 2015.

## 11. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health tabled documents in relation to the number of pensioner households by Local Government Area impacted by the Local Government rates cap, in response to a question without notice asked by Hon Ken Travers. (Tabled Paper 3537).

The Minister for Aboriginal Affairs tabled documents in relation to a Main Roads Section 18 application relating to the Roe 8 Extension through the Beeliar Wetlands, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 3538).

The Minister for Fisheries, by leave incorporated into *Hansard*, documents in relation to the total number of blue swimmer crabs recorded over the past 10 years at each of the six sites sampled by the Department of Fisheries, in response to a question without notice asked by Hon Lynn MacLaren.

### Point of Order

Minister for Mental Health raised the following Point of Order —

I think the Member should withdraw that statement. He made the statement: “You are criminals”. I think that is unparliamentary.

### *President's Ruling*

The President ruled as follows —

I did not actually specifically hear those words. If they were uttered, I give the Member the opportunity to withdraw them.

Hon Ken Travers withdrew his remark.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to all primary schools in the Perth Metropolitan area where the school site is less than 3.5 hectares, in response to a question without notice asked by Hon Ken Travers.

The Minister for Education tabled documents in relation to transportable classrooms in use in each Western Australia primary and secondary school, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 3539).

The Minister for Education tabled documents in relation to staff and staff funding for every Western Australian public school in 2015, in response to question on notice No. 3391 asked by Hon Sue Ellery. (Tabled Paper 3540).

The Minister for Mental Health, by leave incorporated into *Hansard*, information in relation to the Alma Street Mental Health Unit, in response to a question without notice asked by Hon Stephen Dawson.

The Attorney General representing the Minister for Corrective Services tabled documents in relation to the provision of services to the Department of Corrective Services, in response to question on notice No. 3416 asked by Hon Kate Doust. (Tabled Paper 3541).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to speech pathologist services in the South West Region as at 1 July 2011, 2012, 2013, 2014 and 2015, in response to question on notice No. 3405 asked by Hon Adele Farina. (Tabled Paper 3542).

## **12. Statement by President — Seventh Annual Heritage Open Day 2015**

The President made the following Statement —

I wish to inform the House that Parliament House was open last Sunday, 18 October, for the seventh annual Perth Heritage Days, celebrating the people who shaped Perth. Parliament commemorated Edith Cowan and many of its members who have shaped this city and state. Both the Speaker and I attended, and we were extremely pleased as an estimated 633 people took the opportunity to explore Parliament House. Parliament came alive with life-size cut-outs of chanting suffragettes on the ground floor, regular performances and presentations in both chambers, as well as colourful displays in the Aboriginal People's Gallery, the Parliamentary Library and many of the corridors. To add to the atmosphere, many of the staff and performers who worked on the day also dressed in period costume.

The Parliament was supported on the day by the generous involvement of Heritage Perth itself; the Western Australian International Women's Day Collaboration, who spoke on women's firsts in Parliament; plus Edith Cowan University and the Peter Cowan Writers Centre, which were integral in compiling a display of Edith Cowan memorabilia displayed in the Aboriginal People's Gallery.

This event would not have been possible without the hard work, passion and commitment of parliamentary staff, particularly those from the Education and Community Engagement Unit. A number of staff willingly gave up their Sunday to act as tour guides, while a lot of work was completed prior to the event in developing the displays and coordinating the logistics. Congratulations and thank you to everyone who was involved. I extend appreciation to all those Members, former Members and staff who came along to support the event.

## **13. Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015**

Debate resumed on the motion of Hon Robin Chapple, as follows (*see item 10 above*) —

That the *Criminal Code Amendment (Prevention of Lawful Activity) Bill 2015* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 20 August 2015.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

**14. Alumina Refinery (Mitchell Plateau) Agreement (Termination) 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 Acting President left the Chair.

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**In Committee**

(Hon Liz Behjat in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Debate ensued.

Hon Robin Chapple moved —

Page 4, line 23 to page 5, line 19 — To delete the lines and insert —

**5C. Prohibition on tenement applications in respect of Mitchell Plateau area**

(1) In this section —

***relevant area*** means the Mitchell Plateau area or that area modified to the extent necessary to reflect any changes to the boundaries of land contiguous to that area resulting from survey or cadastral information.

(2) Despite anything in the *Mining Act 1978*, a tenement application cannot be made in respect of land wholly or partly within the Mitchell Plateau area.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (2)**

Hon Robin Chapple

Hon Lynn MacLaren (*Teller*)

**Noes (30)**

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 Alyssa Hayden  
 Hon Col Holt  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Rick Mazza  
 Hon Robyn McSweeney  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Darren West  
 Hon Phil Edman (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clauses 7 to 9 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 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.

## **15. Railway (Forrestfield-Airport Link) Bill 2015**

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

Debate resumed.

*Interruption pursuant to order.*

## **16. Members' Statements**

Statements were taken.

**17. Adjournment**

The Council adjourned at 10.03pm until Wednesday, 21 October 2015 at 1.00pm.

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

Attendance: Present all Members except Hon Nigel Hallett and Hon Amber-Jade Sanderson (*leave of absence*).

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council