

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 100

TUESDAY, 18 NOVEMBER 2014

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. 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 —

3 November 2014 — Message No. 25	Act No.
Mental Health Bill 2013	24 of 2014
Mental Health Legislation Amendment Bill 2013	25 of 2014
Mandatory Testing (Infectious Diseases) Bill 2014	26 of 2014

3. Petition

Hon Ljiljanna Ravlich presented a petition from 1,813 petitioners requesting the Legislative Council to recommend that the State Government reinstate the financial support given to the Royal Association of Justices of Western Australia. (Tabled Paper 2250).

4. Ministerial Statement — Department for Child Protection and Family Support — David Farnell

The Minister for Child Protection made a Ministerial Statement with respect to the Farnell case and the proceedings before the Family Court of Western Australia.

5. Ministerial Statement — Report on the Review of the Criminal Law and Evidence Amendment Act 2008

The Attorney General made a Ministerial Statement with respect to the Report on the Review of the *Criminal Law and Evidence Amendment Act 2008*.

The Attorney General tabled the *Statutory Review: Amendments to the Criminal Appeals Act 2004 Made by Part 4 of the Criminal Law and Evidence Amendment Act 2008*. (Tabled Paper 2251).

6. Ministerial Statement — Child Support (Adoption of Laws) Amendment Bill 2014 — Amended Explanatory Memorandum

The Attorney General made a Ministerial Statement with respect to the amended explanatory memorandum for the *Child Support (Adoption of Laws) Amendment Bill 2014*.

The Attorney General tabled the amended explanatory memorandum. (Tabled Paper 2252).

7. Ministerial Statement — China Trade Mission

The Minister for Agriculture and Food made a Ministerial Statement with respect to his Trade Mission to China.

8. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report – Annual 2013–2014 Financial Audits (Report No. 18)
(November 2014) (Date received 12/11/2014) 2210

Purchasing Through Common Use Arrangements (Report No. 19) (November 2014)
(Date received 12/11/2014) 2211

Reports —

Corruption and Crime Commission – Report on an Administrative Matter Relating to
the Functions of the Commission Pursuant to Section 88 of the Corruption
and Crime Commission Act 2003 (5 November 2014) (Deemed Tabled 5/11/2014)... 2212

Standing Committee on Legislation —

Custodial Legislation (Officers Discipline) Amendment Bill 2013 (Report No. 25)
(Deemed Tabled 11/11/2014 Pursuant to Standing Order 188) 2213

Leader of the House

Addendums —

Department of the Premier and Cabinet – Annual Report (2013–2014) 2214

Annual Reports —

Greyhound Racing Association (2013–2014) (Date received 23/10/2014) 2215

Racing and Wagering Western Australia (2013–2014) (Date received 23/10/2014) 2216

Notices —

Financial Management Act 2006 – Section 82 – Notice from the Minister for Sport
and Recreation in respect to Legislative Assembly Question on Notice
No. 2885 parts (A), (D), (H) and (K) 2217

Orders —

Casino (Burswood Island) Agreement Act 1985 (Casino (Burswood Island) Agreement Order
2014 G.G. 24/10/2014) 2218

Regulations —

Betting Control Act 1954 (Betting Control Amendment Regulations (No. 2) 2014 G.G. 14/11/2014) .. 2219

Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees)
Amendment Regulations (No. 2) 2014 G.G. 14/11/2014 and Casino Control Amendment
Regulations 2014 G.G. 14/11/2014) 2220

Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission
Amendment Regulations 2014 G.G. 14/11/2014) 2221

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 6) 2014 G.G. 14/11/2014).... 2222

Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia
Amendment Regulations (No. 2) 2014 G.G. 14/11/2014) 2223

Racing Penalties (Appeals) Act 1990 (Racing Penalties (Appeals) Amendment Regulations
2014 G.G. 14/11/2014) 2224

School Education Act 1999 (School Education Amendment Regulations 2014 G.G. 11/11/2014) 2225

Reports —

Interstate and Overseas Air Travel Undertaken by Ministers, Parliamentary
Secretaries and Government Officers on Official Business
(for the three months ended 31 March 2014) 2226

Minister for Mental Health*Addendums —*

Department of Planning – Annual Report (2013–2014) 2227

Annual Reports —

Local Government Advisory Board (2013–2014) (Date received 14/11/2014) 2228

Marine Parks and Reserves Authority (2013–2014) (Date received 23/10/2014) 2229

Waste Authority (2013–2014) (Date received 30/10/2014) 2230

Leases —

CALM Lease No. 2044/97 – Between CALM and Mr Tony Delpaul for the purpose of a dam site for domestic purposes in State Forest No. 21 near Kirup 2231

CALM Lease No. 2399/97 – Between CALM and Western Australia Police for the purpose of a telecommunications facility located on Dual Tenure land – Crown Reserve 11941 (Trigonometrical Station) and State Forest No. 54 2232

Local Laws —

Local Government Act 1995 (City of Perth Local Government Property Amendment Local Law 2014 G.G. 14/11/2014) 2233

Local Government Act 1995 (Shire of Chittering Extractive Industries Local Law 2014 G.G. 24/10/2014 and Shire of Gingin Meeting Procedures Local Law 2014 G.G. 6/11/2014) 2234

Plans —

Western Australian Planning Commission – Improvement Plan No. 40 Middleton Beach Activity Centre 2235

Regulations —

Financial Management Act 2006 (Financial Management (Statutory Authorities) Regulations 2014 G.G. 11/11/2014) 2236

Reports —

Treasury Corporation (Quarterly Report) (for the quarter ended 30 September 2014) 2237

Attorney General*Annual Reports —*

Architects Board of Western Australia (2013–2014) (Date received 18/11/2014) 2238

State Coroner, Office of the (2013–2014) (Date received 18/11/2014) 2239

Response to Reports —

Joint Standing Committee on the Corruption and Crime Commission – Ensuring the timely appointment of New Corruption and Crime Commissioner (Report No. 15) (Attorney General) 2240

Minister for Agriculture and Food*Addendums —*

Department of Fisheries – Annual Report (2013–2014) 2241

Management Plans —

Fish Resources Management Act 1994 (West Coast Demersal Scalefish (Interim) Management Plan Amendment 2014 [1220] G.G. 14/11/2014) 2242

Orders —

Fish Resources Management Act 1994 (Prohibition on Fishing for Rock Lobster (Seven Mile Beach) Order 2014 G.G. 31/10/2014) 2243

Regulations —

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2014 G.G. 24/10/2014) 2244

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 6) 2014 G.G. 22/10/2014, Fish Resources Management Amendment Regulations (No. 7) 2014 G.G. 31/10/2014 and Fish Resources Management Amendment Regulations (No. 8) 2014 G.G. 4/11/2014)	2245
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Reports —

LandCorp – Statement of Corporate Intent (2014–2015).....	2246
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Parliamentary Secretary representing the Minister for Transport

Regulations —

Jetties Act 1926 (Jetties Amendment Regulations (No. 4) 2014 G.G. 4/11/2014)	2247
Motor Vehicle Drivers Instructors Act 1963 (Motor Vehicle Drivers Instructors Amendment Regulations (No. 3) 2014 G.G. 4/11/2014)	2248
Road Traffic Act 1974 (Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2014 G.G. 4/11/2014, Road Traffic (Urine Sampling and Analysis) Amendment Regulations 2014 G.G. 4/11/2014 and Road Traffic Code Amendment Regulations (No. 5) 2014 G.G. 31/10/2014).....	2249

9. Gene Technology (Western Australia) Bill 2014

The Minister for Agriculture and Food: To move on the next day of sitting —

That a Bill for “An Act to apply the *Gene Technology Act 2000* (Commonwealth) and the *Gene Technology (Licence Charges) Act 2000* (Commonwealth) as a law of the State, to repeal the *Gene Technology Act 2006*, and for related purposes.” be introduced and read a first time.

10. Succession to the Crown Bill 2014

The President reported the receipt of Message No. 85 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

The Leader of the House representing the Premier tabled the explanatory memorandum. (Tabled paper 2253).

The Leader of the House moved, without notice —

That the Standing Committee on Uniform Legislation and Statutes Review report to the House on the *Succession to the Crown Bill 2014* by no later than Tuesday, 17 February 2015.

Question — put and passed.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Metropolitan Region Scheme Amendment No. 1239/41 — Giddegannup Urban Precinct — Disallowance*, 2, *Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2014 — Disallowance*, 3, *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014 — Disallowance*, 4, *City of Fremantle Alfresco Dining Local Law 2014 — Disallowance*, 5, *Road Traffic (Drug Driving) Amendment Regulations 2014 — Disallowance*, and 6, *Transport (Country Taxi-Car) Amendment Regulations (No. 2) 2014 — Disallowance*, be taken after Order of the Day No. 13, *Mines Safety and Inspection Amendment Bill 2014*. (Leader of the House).

12. Environmental Protection Amendment (Validation) Bill 2014

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Liz Behjat in the Chair)

Clause 4.

Debate resumed on the amendment of Hon Stephen Dawson as follows —

Page 6, after line 11 — To insert —

- (c) the report and recommendations of the Environmental Protection Authority on the Roe Highway Stage 8 extension (Report 1489, September 2013).

Amendment — put.

The Committee divided.

Ayes (11)

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

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

Noes (20)

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

Hon Dave Grills
Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Hon Stephen Dawson moved —

Page 6, after line 11 — To insert —

138. Reporting validation

- (1) The Minister must cause a report to be laid before each House of Parliament on any project that has received validation under Part X.
- (2) The report is to include —
 - (a) the name of the project;
 - (b) the Authority's report and recommendations; and
 - (c) an explanation as to why the validation is required, including the names of any Authority members who have a conflict of interest and the nature of that conflict.

- (3) If, when a copy of a report mentioned in subsection (1) is to be laid before each House of Parliament and a House of Parliament is not sitting, the Minister must transmit a copy of the report to the Clerk of that House.
- (4) A copy of a report transmitted to the Clerk of a House is to be regarded as having been laid before that House.
- (5) The laying of a copy of a report that is regarded as having occurred under subsection (4) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (11)

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

Hon Lynn MacLaren
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Ken Travers
Hon Samantha Rowe (*Teller*)

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Hon Dave Grills
Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Phil Edman (*Teller*)

Amendment thus negatived.

Hon Lynn MacLaren moved —

Page 3, line 16 — To delete the line.

Debate ensued.

Amendment — put and negatived.

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

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mental Health representing the Minister for Environment 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.

13. Child Support (Adoption of Laws) Amendment Bill 2014

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

14. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health, by leave incorporated into Hansard, information in relation to the hardship utility grant scheme and the number of approved grants made in relation to the Water Corporation accounts for each month during 2014 to date, in response to a question without notice asked by Hon Amber-Jade Sanderson.

The Minister for Mental Health representing the Minister for Environment tabled documents in relation to Declarations of Interest in EPA Assessments – July 2002 to 16 August 2012 (other than Dr Whitaker and Mr Glenon), in response to question on notice No. 1704 asked by Hon Lynn MacLaren. (Tabled Paper 2254).

The Minister for Agriculture and Food representing the Minister for Housing tabled documents in relation to Keystart standard loans information, in response to question on notice No. 1699 asked by Hon Lynn MacLaren. (Tabled Paper 2255).

The Minister for Agriculture and Food representing the Minister for Housing tabled documents in relation to SharedStart (shared equity loans), Aboriginal Home Loans, and Disability Home Loans information since their commencement, in response to question on notice No. 1700 asked by Hon Lynn MacLaren. (Tabled Paper 2256).

The Minister for Agriculture and Food representing the Minister for Housing tabled documents in relation to Shared Start Home Loan, Sole Parent Home Loan, and the GoodStart Home Loan quarterly data since their commencement, in response to question on notice No. 1701 asked by Hon Lynn MacLaren. (Tabled Paper 2257).

The Minister for Agriculture and Food tabled a correction to an answer in relation to timber mill contracts for various grades and types of sawlogs, in response to question on notice No. 742 asked by Hon Lynn MacLaren. (Tabled Paper 2258).

15. Child Support (Adoption of Laws) Amendment 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 Attorney General moved, That the Bill be read a third time.

Question — put and 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.

Question, That the Bill be read a second time — put.
The Council divided.

Ayes (19)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boydell
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Dave Grills

Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Mark Lewis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Simon O'Brien
Hon Brian Ellis (*Teller*)

Noes (10)

Hon Robin Chapple
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery

Hon Adele Farina
Hon Lynn MacLaren
Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Samantha Rowe (*Teller*)

Question thus passed.
Bill read a second time.
The Acting President left the Chair.

In Committee

(Hon Simon O'Brien 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.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 9.45pm until Wednesday, 19 November 2014 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Nigel Hallett and Hon Robyn McSweeney.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council