

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 223

TUESDAY, 22 NOVEMBER 2016

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

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

### 2. Petitions

Hon Helen Morton presented a petition from 60 petitioners requesting the Legislative Council to support the original plan of allowing vehicles access to Lightning Park via Della Road only, and to egress via Mathews Close, Maxwell Avenue and Cardwell Avenue in Noranda. (Tabled Paper 4928).

Hon Lynn MacLaren presented a petition from 264 petitioners requesting the Legislative Council to support a Royal Commission into the use of pesticides and their effects on public health. (Tabled Paper 4929).

### 3. Ministerial Statement — Aboriginal Education

The Minister for Education made a Ministerial Statement with respect to new developments to improve the learning and wellbeing of Aboriginal students in public schools.

### 4. Ministerial Statement — Law Reform Commission of Western Australia — Review of the Firearms Act 1973

The Attorney General made a Ministerial Statement with respect to the Law Reform Commission of Western Australia's review of the *Firearms Act 1973*.

The Attorney General tabled the *Review of the Firearms Act 1973 (WA) — Project 105 Final Report (October 2016)*. (Tabled Paper 4930).

### 5. Ministerial Statement — Department of Commerce — EnergySafety — eNotice Application

The Minister for Commerce made a Ministerial Statement with respect to the launch of the web-based application *eNotice* by the EnergySafety Division of the Department of Commerce.

### 6. Ministerial Statement — Agricultural Sector Achievements

The Minister for Agriculture and Food made a Ministerial Statement with respect to recent achievements in the agricultural sector.

## 7. Papers

The following Papers were laid on the Table by —

### President

#### *Letters —*

Rachel Turnseck — Apology to the Legislative Council (14 November 2016) .....	4909
Stephen Home — Apology to the Legislative Council (22 November 2016).....	4910

#### *Reports —*

Report of the Legislative Council Delegation to Hyogo Prefecture and Tokyo, Japan (October 2016) .....	4911
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### Leader of the House

#### *Addendums —*

School Curriculum and Standards Authority (2015–2016) — Annual Report .....	4912
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#### *Directions —*

Ministerial direction from the Minister for Energy — Modification of Synergy generation capacity cap .....	4913
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### Attorney General

#### *Annual Reports —*

Criminal Investigation (Covert Powers) Act 2012 — Australian Crime Commission Assumed Identities (2015–2016) (Date received 17/11/2016).....	4914
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#### *Local Laws —*

Bush Fires Act 1954 (Shire of Gnowangerup Bush Fire Brigades Local Law 2016 G.G. 15/11/2016) ...	4915
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#### *Management Plans —*

Fish Resources Management Act 1994 (West Coast Demersal Scalefish (Interim) Management Plan Amendment 2016 [1309] G.G. 18/11/2016) .....	4916
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#### *Notices —*

Financial Management Act 2006 — Notice from the Minister for Police in respect to Legislative Council Question on Notice 4548 .....	4917
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#### *Regulations —*

Road Traffic Act 1974 (Road Traffic (Breath Analysis) Amendment Regulations 2016 G.G. 15/11/2016 and (Road Traffic Code Amendment Regulations 2016 G.G. 15/11/2016) .....	4918
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#### *Reports —*

Court Security and Custodial Services Contract — Between the State and Broadspectrum (Australia) PTY LTD.....	4919
Court Security and Custodial Services Contract — Project Summary Report (November 2016) .....	4920

#### *Rules —*

Supreme Court Act 1935 (Supreme Court Amendment Rules 2016 G.G. 16/11/2016).....	4921
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### Minister for Planning

#### *Local Laws —*

Dog Act 1976 (Shire of Gnowangerup Dogs Local Law 2016 G.G. 15/11/2016).....	4922
Health Act 1911 (Shire of Gnowangerup Health Local Law 2016 G.G. 15/11/2016) .....	4923
Local Government Act 1995 (Shire of Gnowangerup Animals, Environment and Nuisance Local Law 2016 G.G. 15/11/2016, Shire of Gnowangerup Local Government Property Local Law 2016 G.G. 15/11/2016 and Shire of Gnowangerup Standing Orders Local Law 2016 G.G. 15/11/2016).....	4924

*Regulations —*

Health Act 1911 (Health (Notification of Lead Poisoning) Amendment Regulations 2016 G.G. 15/11/2016).....	4925
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**Parliamentary Secretary to the Minister for Transport***Regulations —*

Road Traffic (Administration) Act 2008 (Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 G.G. 15/11/2016) .....	4926
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**Parliamentary Secretary to the Minister for Housing***Notices —*

Financial Management Act 2006 — Notice from the Minister for Forestry in relation to the Standing Committee on Estimates and Financial Operations Annual Report Hearings — Question (F6) .....	4927
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**8. Pilbara Port Assets (Disposal) Bill 2015**

The following Message from the Legislative Assembly was reported —

Mr President Message No. 197

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Pilbara Port Assets (Disposal) Bill 2015*.

Hon. M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 17 November 2016

**9. Aquatic Resources Management Bill 2015**

The following Message from the Legislative Assembly was reported —

Mr President Message No. 198

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Aquatic Resources Management Bill 2015*.

Hon. M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 17 November 2016

**10. Limited Partnerships Bill 2016**

The following Message from the Legislative Assembly was reported —

Mr President Message No. 199

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Limited Partnerships Bill 2016* without amendment.

Hon. M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 17 November 2016

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

The Order of the Day having been read on the notice of Hon Robin Chapple, the following motion was moved *pro forma* pursuant to Standing Order 67(3) —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 2016* published in the *Gazette* on 28 June 2016 and tabled in the Legislative Council on 17 August 2016 under the *Energy Operators (Powers) Act 1979*, be and are hereby disallowed.

Hon Robin Chapple pursuant to notice, moved —

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

Debate ensued.

Question — put and passed.

Debate resumed.

Question — put and passed.

Motion, as amended, agreed to.

**12. Construction Contracts 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 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 Small Business moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

**13. Special Adjournment**

The Leader of the House moved, without notice —

That the Council at its rising adjourn until a date and time to be fixed by the President.

Debate ensued.

*Interruption pursuant to order.*

**14. Order of Business**

The Leader of the House moved, without notice —

That questions without notice be taken after the completion of valedictory speeches.

Question — put and passed.

**15. Special Adjournment**

Debate resumed on the motion of the Leader of the House (*see item 13 above*).

*The President left the Chair at 4.09pm*

*The President resumed the Chair at 4.24pm*

Question — put and passed.

## 16. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Transport tabled documents in relation to shore tension trials and applications to cruise ships in the Port of Geraldton, in response to a question without notice asked by Hon Darren West. (Tabled Paper 4931).

The Minister for Commerce tabled documents in relation to complaints lodged with the Building Commission, in response to a question without notice asked by Hon Kate Doust. (Tabled Paper 4932).

The Parliamentary Secretary to the Minister for Transport tabled documents in relation to the hourly volume of vehicles on the Mitchell Freeway, in response to a question without notice asked by Hon Laine McDonald. (Tabled Paper 4933).

The Minister for Education, by leave incorporated into *Hansard*, information in relation to the relocation of the International School of Western Australia to Doubleview Primary School, in response to a question without notice asked by Hon Sue Ellery.

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to TAFE training across the Goldfields region in 2014–15, in response to question on notice No. 4573 asked by Hon Stephen Dawson. (Tabled Paper 4934).

The Leader of the House representing the Minister for Training and Workforce Development tabled documents in relation to TAFE training across the Pilbara region in 2014–15, in response to question on notice No. 4574 asked by Hon Stephen Dawson. (Tabled Paper 4935).

The Leader of the House representing the Minister for Regional Development tabled documents in relation to acquittal reports for funding grants provided under the Withers Urban Renewal Project, in response to question on notice No. 4499 asked by Hon Adele Farina. (Tabled Paper 4936).

The Leader of the House representing the Minister for Regional Development tabled documents in relation to the tender to provide a public environmental review of the Koombana Bay Marine Structures, in response to question on notice No. 4515 asked by Hon Adele Farina. (Tabled Paper 4937).

The Attorney General representing the Minister for Mines and Petroleum, by leave incorporated into *Hansard*, information in relation to BHP Billiton and Rio Tinto's State Agreements, in response to a question without notice asked by Hon Robin Chapple.

The Attorney General representing the Minister for Mines and Petroleum tabled documents in relation to applications made by Fortescue Metals Group Ltd for tenure of mining and exploration tenements, in response to question on notice No. 4530 asked by Hon Robin Chapple. (Tabled Paper 4938).

The Attorney General representing the Minister for Corrective Services tabled documents in relation to retrospective numbers of children in care at Banksia Hill Detention Centre, in response to question on notice No. 4553 asked by Hon Stephen Dawson. (Tabled Paper 4939).

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to patients presenting at Joondalup Health Campus with drug and alcohol related conditions, in response to a question without notice asked by Hon Laine McDonald.

The Minister for Planning representing the Minister for Health tabled documents in relation to services at the Busselton Hospital and Bunbury Hospital in 2015 and 2016, in response to question on notice No. 4524 asked by Hon Adele Farina. (Tabled Paper 4940).

The Minister for Planning representing the Minister for Health tabled documents in relation to services at each hospital in the South West region, in response to question on notice No. 4525 asked by Hon Adele Farina. (Tabled Paper 4941).

The Minister for Planning representing the Minister for Health tabled documents in relation to community health centres in the South West region, in response to question on notice No. 4526 asked by Hon Adele Farina. (Tabled Paper 4942).

The Minister for Planning representing the Minister for Health tabled documents in relation to paramedics at each country sub-centre, in response to question on notice No. 4533 asked by Hon Adele Farina. (Tabled Paper 4943).

The Minister for Planning representing the Minister for Health tabled documents in relation to St John Ambulance Emergency Management Capability Development Plan and Emergency Management Plan, in response to question on notice No. 4535 asked by Hon Adele Farina. (Tabled Paper 4944).

The Parliamentary Secretary to the Minister for Mental Health tabled, and by leave incorporated into *Hansard*, documents in relation to methamphetamine rehabilitation in the Kimberley, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 4945).

**17. Order of Business**

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

**18. Members' Statements**

Statements were taken.

**19. Adjournment**

The Council adjourned at 6.06pm until a date and time to be fixed by the President.

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

Attendance: Present all Members except Hon Martin Aldridge and Hon Nigel Hallett.

**NIGEL PRATT**  
Clerk of the Legislative Council

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