

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 201

THURSDAY, 25 AUGUST 2016

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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. Petition

Hon Lynn MacLaren presented a petition from 539 petitioners requesting the Legislative Council to support a ban on greyhound racing in Western Australia, prohibit the transfer of dogs overseas and interstate, and support adoption programmes for current racing dogs. (Tabled Paper 4429).

### 3. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Reports —*

Western Power — Statement of Corporate Intent (2016–2017) ..... 4426

*Response to Reports —*

Joint Standing Committee on Delegated Legislation — Access to Australian  
Standards in Delegated Legislation in WA (Report No. 84)..... 4427

#### Attorney General

*Response to Reports —*

Standing Committee on Public Administration — Report into the Transport of Persons  
in Custody (Report No. 26) (Minister for Corrective Services)..... 4428

### 4. Standing Committee on Estimates and Financial Operations — Report No. 65 — Agency Annual Report Hearings 2014–2015

Hon Ken Travers presented Report No. 65 of the Standing Committee on Estimates and Financial Operations, *Agency Annual Report Hearings 2014–2015*. (Tabled Paper 4430).

### 5. Joint Standing Committee on Audit — Report No. 7 — Review of the operation and effectiveness of the Auditor General Act 2006

Hon Ken Travers presented Report No. 7 of the Joint Standing Committee on Audit, *Review of the operation and effectiveness of the Auditor General Act 2006*. (Tabled Paper 4431).

### 6. Standing Committee on Legislation — Report No. 33 — Pilbara Port Assets (Disposal) Bill 2015

Hon Robyn McSweeney presented Report No. 33 of the Standing Committee on Legislation, *Pilbara Port Assets (Disposal) Bill 2015*. (Tabled Paper 4432).

**7. Joint Standing Committee on the Corruption and Crime Commission — Report No. 29 — A suppression order in regard to two former officers of the Corruption and Crime Commission**

Hon Nick Goiran presented Report No. 29 of the Joint Standing Committee on the Corruption and Crime Commission, *A suppression order in regard to two former officers of the Corruption and Crime Commission*. (Tabled Paper 4433).

**8. Joint Standing Committee on the Corruption and Crime Commission — Report No. 30 — Annual Report 2015–2016**

Hon Nick Goiran presented Report No. 30 of the Joint Standing Committee on the Corruption and Crime Commission, *Annual Report 2015–2016*. (Tabled Paper 4434).

**9. Motor Vehicle (Catastrophic Injuries) Regulations 2016 — Disallowance**

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Motor Vehicle (Catastrophic Injuries) Regulations 2016* published in the *Gazette* on 13 May 2016 and tabled in the Legislative Council on 17 May 2016 under the *Motor Vehicle (Catastrophic Injuries) Act 2016*, be and are hereby disallowed. (Tabled Paper 4095).

**10. Opposing the Marriage Equality Plebiscite**

Non-Government Business No. 1 having been called, Hon Sally Talbot moved, without notice —

That the Legislative Council supports the Premier of Western Australia in his call for the marriage equality plebiscite to be scrapped and for changes to the Marriage Act to legislate for marriage equality to be decided by a vote in the Federal Parliament.

Debate ensued.

*Motion lapsed.*

**11. Supporting Marriage Equality Plebiscite**

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

That this House —

- (a) acknowledges the undertaking given by the Turnbull Coalition Government that if re-elected it would instigate a plebiscite on the definition of marriage;
- (b) notes the overwhelming vote of Western Australians for the Turnbull Coalition at the 2016 Federal election;
- (c) commends the Turnbull Coalition for its public statements since its re-election recommitting to fulfil its undertaking; and
- (d) calls on the Parliament of the Commonwealth of Australia to facilitate the fulfilment of the undertaking by giving to the people of this State a say on the definition of marriage and approve a plebiscite.

Debate ensued.

Hon Nick Goiran, by leave, tabled a *Hansard* transcript from the House of Representatives on 15 September 2015 and a transcript of an interview given by the Prime Minister, Hon Malcolm Turnbull, on the 7.30 program on the Australian Broadcasting Corporation on 18 July 2016 in relation to the marriage equality plebiscite. (Tabled Paper 4435).

Debate resumed.

*Motion lapsed.*

**12. Order of Business**

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

### 13. Swan Valley Protection Bill 2016

The Minister for Planning, pursuant to notice, moved —

That a Bill for “An Act to —

- provide for a Swan Valley Development Plan with the object of protecting the rural character of the Swan Valley; and
- repeal the *Swan Valley Planning Act 1995*; and
- make consequential amendments to the *Planning and Development Act 2005* and the *Swan and Canning Rivers Management Act 2006*,

and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Planning moved, That the Bill be read a second time.

The Minister for Planning tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4436).

Debate stands adjourned.

### 14. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016 — Disallowance*, be taken after Order of the Day No. 20, *Marketing of Potatoes Amendment and Repeal Bill 2016*. (Leader of the House).

### 15. Biodiversity Conservation Bill 2015

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

The Acting President left the Chair.

#### In Committee

(Hon Brian Ellis in the Chair)

Clause 47.

Debate resumed.

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

New Clause 47.

Hon Lynn MacLaren moved —

Page 40, line 3 — To insert —

#### 47. Parliament’s approval required for certain proposals

- (1) In this section *proposal* means —
  - (a) a proposal to give an authorisation under section 45; or
  - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened ecological community to which the proposal relates becoming eligible for listing as a collapsed ecological community in the near future.
- (3) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
  - (a) has been laid before each House of Parliament; and

- (b) has been approved by a resolution passed by both Houses of Parliament.

Debate ensued.

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

Question — put and passed.

The 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.

**16. Distinguished Visitors — Hon Cheryl Davenport — Hon Ljiljanna Ravlich — Professor Barry Marshall**

The President made the following Statement —

I welcome into the President's gallery Hon Cheryl Davenport and Hon Ljiljanna Ravlich, former Members of this Chamber, and family and friends of Hon Ken Travers. I also acknowledge the presence of one of Western Australia's favourite famous sons, Professor Barry Marshall, of course the winner of the 2005 Nobel Prize in Physiology or Medicine.

**17. Appropriation (Recurrent 2016–17) Bill 2016 and Appropriation (Capital 2016–17) Bill 2016**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills. Debate resumed.

Question — That the *Appropriation (Recurrent 2016–17) Bill 2016* be read a second time — put and passed.

Bill read a second time.

Question — That the *Appropriation (Capital 2016–17) Bill 2016* be read a second time — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Attorney General representing the Treasurer moved, That the *Appropriation (Recurrent 2016–17) Bill 2016* be read a third time.

Question — put and passed.

Bill read a third time and passed.

The Attorney General representing the Treasurer moved, That the *Appropriation (Capital 2016–17) Bill 2016* be read a third time.

Question — put and passed.

Bill read a third time and passed.

**18. Hon Ken Travers MLC — Valedictory Remarks**

Hon Sue Ellery, by leave, moved, without notice —

That this House expresses its appreciation to the retiring Hon Ken Travers for his significant contribution to the Legislative Council and the State of Western Australia over the last nineteen years as a Member for the North Metropolitan Region.

Debate ensued.

Question — put and passed.

**19. Biodiversity Conservation Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 15 above*).  
The President left the Chair.

**In Committee**

(Hon Liz Behjat in the Chair)

New Clause 47.

Debate resumed on the amendment of Hon Lynn MacLaren as follows —

Page 40, line 3 — To insert —

**47. Parliament's approval required for certain proposals**

- (1) In this section *proposal* means —
  - (a) a proposal to give an authorisation under section 45; or
  - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened ecological community to which the proposal relates becoming eligible for listing as a collapsed ecological community in the near future.
- (3) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
  - (a) has been laid before each House of Parliament; and
  - (b) has been approved by a resolution passed by both Houses of Parliament.

New Clause — put.

The Committee divided.

**Ayes (19)**

Hon Ken Baston  
Hon Liz Behjat  
Hon Jacqui Boydell  
Hon Robin Chapple  
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 Lynn MacLaren  
Hon Robyn McSweeney  
Hon Michael Mischin  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Phil Edman (*Teller*)

**Noes (8)**

Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina

Hon Martin Pritchard  
Hon Amber-Jade Sanderson  
Hon Sally Talbot  
Hon Samantha Rowe (*Teller*)

New Clause thus passed.

Clauses 48 to 53 agreed to.

Clause 54.

Debate ensued.

## 20. Questions Without Notice

Questions without notice were taken.

The Minister for Planning representing the Minister for Child Protection, by leave incorporated into *Hansard*, information in relation to Aboriginal children in the care of the Department for Child Protection and Family Support, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to daily ambulance ramping hours at metropolitan hospitals, in response to a question without notice asked by Hon Martin Pritchard.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to liabilities associated with the eight new schools being built under the Western Australian Schools Public Private Partnership, in response to a question without notice asked by Hon Ken Travers.

The Minister for Commerce, by leave incorporated into *Hansard*, information in relation to disciplinary complaints against residential builders under investigation by the Building Commission, in response to a question without notice asked by Hon Kate Doust.

The Minister for Planning representing the Minister for Lands, by leave incorporated into *Hansard*, information in relation to land currently being offered for sale in Mather Drive, Neerabup, in response to a question without notice asked by Hon Ken Travers.

The Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to assistance or compensation to be offered to taxi plate owners following the commencement of the *Taxi Amendment Bill 2016*, in response to a question without notice asked by Hon Samantha Rowe.

## 21. Biodiversity Conservation Bill 2015

Resumption of consideration of this Bill in Committee of the Whole House (*see item 19 above*).

The President left the Chair.

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### In Committee

(Hon Brian Ellis in the Chair)

Clause 54.

Debate resumed.

Clause agreed to.

Clause 55 agreed to.

Clause 56.

Debate ensued.

Clause agreed to.

Clauses 57 to 63 agreed to.

Clause 64.

Debate ensued.

The Minister for Planning moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

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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.

**22. Adjournment**

There being no Members' Statements the Council adjourned at 5.20pm until Tuesday, 6 September 2016 at 2.00pm.

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

Attendance: Present all Members except Hon Martin Aldridge, Hon Nigel Hallett, Hon Rick Mazza and Hon Darren West.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON BARRY HOUSE**

President of the Legislative Council