

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 211

TUESDAY, 11 OCTOBER 2016

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. Electoral Commission — Filling of Vacancy

The Clerk of the Legislative Council reported the receipt of a letter from the Electoral Commissioner notifying of the election of Laine McDonald and read the following attached letter addressed to the Governor —

Her Excellency Ms Kerry Sanderson AO
Governor of Western Australia
Government House
PERTH WA 6000
Your Excellency

By notice dated Tuesday 13 September 2016 you informed me of a vacancy in the North Metropolitan Region of the Legislative Council.

On Saturday 17 September 2016, I published the notices required by section 156C of the *Electoral Act 1907* in *The West Australian* and *The Australian*. Nominations for the vacancy closed at 12.00 noon on Tuesday 27 September 2016.

At the close of nominations, I had received one formal nomination from a qualified person. Therefore in accordance with section 156D(4) of the *Electoral Act 1907* a re-count was not required.

I am pleased to inform you of the election of Laine McDonald, as required by section 156D(8)(b) of the *Electoral Act 1907*.

Yours faithfully

Chris Avent

DEPUTY ELECTORAL COMMISSIONER

27 September 2016

3. Swearing of Member — Laine McDonald

The President read the Commission authorising the President to administer an Oath or Affirmation for Ms Laine McDonald.

Commission
authorising

THE HONOURABLE BARRY JOHN HOUSE

President of the Legislative Council

to administer the oath or affirmation of allegiance

to Members of the Legislative Council

WESTERN AUSTRALIA

By His Excellency, Malcolm McCusker,

Companion of the Order of Australia,

Commander of the Royal Governor Victorian Order,

Queen's Counsel,

Governor of the State of Western Australia.

I, the Governor, acting under section 22 of the *Constitution Act 1889*, authorise you, the Honourable Barry John House, while you are the President of the Legislative Council, to administer the oath or affirmation of allegiance in Schedule E to that Act to members of the Legislative Council.

GIVEN under my hand and the Public Seal of the State on 22 May 2013.

GOD SAVE THE QUEEN!

The newly elected Member, Ms Laine McDonald, made and subscribed the Affirmation of Allegiance before the President.

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 —

3 October 2016 — Message No. 28	Act No.
Taxi Amendment Bill 2016	29 of 2016
Highways (Liability for Straying Animals) Amendment Bill 2016	30 of 2016
Evidence Amendment Bill 2015	31 of 2016

5. Ministerial Statement — Western Suburbs Secondary Schooling Plan

The Minister for Education made a Ministerial Statement with respect to the western suburbs secondary schooling plan.

6. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Parliamentary Commissioner for Administrative Investigations (Ombudsman)
(2015–2016) (Deemed tabled 27/09/2016)..... 4699

Auditor General's Papers —

Opinion on Ministerial Notification (Report No. 21) (October 2016)
(Deemed tabled 6/10/2016)..... 4700

Financial Statements —

Members of Parliament (Financial Interest) Act 1992 — Annual Returns (2015–2016)
(Date received 11/10/2016)..... 4701

Reports —

Corruption and Crime Commission — Report on a Matter of Governance at the Shire
of Dowerin (10 October 2016) (Deemed tabled 10/10/2016)..... 4702

Standing Committee on Estimates and Financial Operations —

2015-16 Annual Report Hearings — Schedule of Hearings (Report No. 69) (October 2016) (Deemed tabled 6/10/2016).....	4703
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Leader of the House*Annual Reports —*

Education, Department of (2015–2016) (Date received 27/09/2016)	4704
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Reports —

Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 31 March 2016)	4705
Synergy — Statement of Corporate Intent (2015–16)	4706
Synergy — Statement of Corporate Intent (2016–17) (Deemed tabled 29/09/2016)	4707

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Commissioner for Children and Young People (2015–2016) (Date received 7/10/2016).....	4708
Mentally Impaired Accused Review Board (2015–2016) (Date received 7/10/2016).....	4709
Prisoners Review Board (2015–2016) (Date received 7/10/2016)	4710
State Administrative Tribunal (2015–2016) (Date received 6/10/2016)	4711
State Coroner, Office of the (2015–2016) (Date received 7/10/2016).....	4712

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Bank of Western Australia Act 1995 — Annual Certificate of Compliance as at 30 June 2016.....	4713
Criminal Injuries Compensation, Office of (Chief Assessor's Report 2015–2016).....	4714
Treasury Corporation — Statement of Corporate Intent (2016–17) (Deemed tabled 29/09/2016)	4715

Minister for Planning*Annual Reports —*

Conservation and Parks Commission (2016) (for the period 7 May 2016 to 30 June 2016) (Date received 6/10/2016)	4716
Conservation Commission (2015–2016) (for the period 1 July 2015 to 6 May 2016) (Date received 6/10/2016).....	4717
Environmental Protection Authority (2015–2016) (Date received 10/10/2016).....	4718

Leases —

CALM Lease No. 1263/97 Between the Conservation and Land Management Executive Body and Mr Darren James Currie for the purpose of a waterhole for domestic purposes in State Forest No. 36 near Pemberton.....	4719
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Proposals —

Land Administration Act 1997 — Proposal No. 6/2016 — Extension of Easement Affecting Class A Reserve 27529, Beachlands, City of Greater Geraldton.....	4720
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Parliamentary Secretary to the Minister for Tourism*Annual Reports —*

Rottnest Island Authority (2015–2016) (Date received 27/09/2016).....	4721
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Parliamentary Secretary to the Minister for Housing*Agreements —*

Casino (Burswood Island) Agreement — Fourteenth Supplementary Agreement (6 October 2016)	4722
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Reports —

Forest Products Commission — Statement of Corporate Intent (2016–2017)..... 4723

7. Biological Control Amendment Bill 2016

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

That a Bill for “An Act to amend the *Biological Control Act 1986*.” be introduced and read a first time.

8. Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-Laws 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 *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. (Tabled paper No. 4345).

9. Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 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 *Shire of Bridgetown-Greenbushes Extractive Industries Repeal Local Law 2016* published in the *Gazette* on 5 August 2016 and tabled in the Legislative Council on 17 August 2016 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 4370).

10. Statement by President — Standing Committee on Uniform Legislation and Statutes Review — Resignation of Member

The President made the following Statement —

I have a letter addressed to me as follows —

11 October 2016

Dear Mr President

I hereby tender my resignation from the Standing Committee on Uniform Legislation and Statutes Review, effective immediately.

Yours sincerely

Hon Amber-Jade Sanderson MLC

11. Standing Committee on Uniform Legislation and Statutes Review — Appointment of Member

The Leader of the House moved, without notice —

That Hon Laine McDonald be appointed as a Member to the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

12. Order of Business

Ordered — That Order of the Day No. 1, *Motor Vehicle (Catastrophic Injuries) Regulations 2016 — Disallowance*, be taken after Order of the Day No. 11, *Aquatic Resources Legislation Amendment Bill 2015*. (Leader of the House).

13. Pilbara Port Assets (Disposal) Bill 2015

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 20.

Debate resumed.

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

Clause 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 to 26 agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clause 28 agreed to.

Clause 29.

Debate ensued.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to residential operations of the Western Australian College of Agriculture in 2015, in response to a question without notice asked by Hon Sue Ellery.

The Minister for Education, by leave incorporated into *Hansard*, information in relation to staff-to-student ratios at primary schools in the Belmont electorate, in response to a question without notice asked by Hon Samantha Rowe.

The Minister for Education tabled documents in relation to the costs for the total annual salary of various positions within the Department of Education, in response to question on notice No. 4340 asked by Hon Sue Ellery. (Tabled Paper 4724).

The Attorney General representing the Minister for Corrective Services, by leave incorporated into *Hansard*, information in relation to part 9 of the *Young Offenders Regulations 1995* which relates to the confinement of detainees, in response to a question without notice asked by Hon Sally Talbot.

The Attorney General representing the Minister for Corrective Services, by leave incorporated into *Hansard*, information in relation to the Broome Police and Community Youth Centre Learning Centre, in response to a question without notice asked by Hon Darren West.

The Attorney General representing the Minister for Mines and Petroleum tabled documents in relation to co-funded drilling refunds made during 2015–16, in response to question on notice No. 4342 asked by Hon Robin Chapple. (Tabled Paper 4725).

The Attorney General representing the Minister for Police tabled documents in relation to incidents of domestic violence in 2015-16, in response to question on notice No. 4341 asked by Hon Stephen Dawson. (Tabled Paper 4726).

The Attorney General tabled documents in relation to Department for Child Protection and Family Support funded FTE allocation as at 1 September 2016, in response to question on notice No. 4339 asked by Hon Stephen Dawson. (Tabled Paper 4727).

The Minister for Planning representing the Minister for Environment tabled documents in relation to the Environmental Protection Authority's environmental impact assessment of proposals and schemes for the past five years, in response to question on notice No. 4343 asked by Hon Robin Chapple. (Tabled Paper 4728).

The Parliamentary Secretary to the Minister for Child Protection tabled documents in relation to the Department for Child Protection and Family support funded FTE allocation as at 1 June 2016, in response to question on notice No. 4280 asked by Hon Stephen Dawson. (Tabled Paper 4729).

The Parliamentary Secretary to the Minister for Child Protection tabled documents in relation to the Department for Child Protection and Family Support funded FTE allocation as at 1 March 2016, in response to question on notice No. 4281 asked by Hon Stephen Dawson. (Tabled Paper 4730).

The Parliamentary Secretary to the Minister for Child Protection tabled documents in relation to a review of Best Beginnings as part of a Child Protection Strategy focused on engaging earlier with vulnerable families, in response to question on notice No. 4294 asked by Hon Stephen Dawson. (Tabled Paper 4731).

15. Pilbara Port Assets (Disposal) Bill 2015

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 29.

Debate resumed.

Clause agreed to.

Clauses 30 to 33 agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clause 35.

Debate ensued.

Question — put.

The Committee divided.

Ayes (18)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Jacqui Boydell
 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 Robyn McSweeney
 Hon Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (10)

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

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

Question thus passed.

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

Clause 36.

Debate ensued.

Clause agreed to.

Clause 37 agreed to.

Clause 38.

Hon Robin Chapple moved —

Page 25, lines 27 and 28 — To delete “despite any law or rule to the contrary”.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (11)

Hon Robin Chapple
 Hon Alanna Clohesy
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Laine McDonald

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

Noes (18)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Phil Edman
 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 Michael Mischin
 Hon Helen Morton
 Hon Simon O’Brien

Amendment thus negated.

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

Clauses 39 and 40 agreed to.

Clause 41.

Debate ensued.

Clause agreed to.

Clause 42.

Debate ensued.

Question — put.

The Committee divided.

Ayes (18)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 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 Michael Mischin
 Hon Helen Morton
 Hon Simon O’Brien
 Hon Phil Edman (*Teller*)

Noes (11)

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

Hon Laine McDonald
 Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 43.

Debate ensued.

Question — put.

The Committee divided.

Ayes (18)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Liz Behjat
 Hon Jacqui Boydell
 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 Michael Mischin
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Phil Edman (*Teller*)

Noes (11)

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

Hon Laine McDonald
 Hon Amber-Jade Sanderson
 Hon Sally Talbot
 Hon Darren West
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clause 44.

Debate ensued.

The Attorney General representing the Treasurer moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

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.

16. Joint Standing Committee on Delegated Legislation — Appointment of Member

The Leader of the House moved, without notice —

That Hon Alyssa Hayden be appointed to the Joint Standing Committee on Delegated Legislation and that the Legislative Assembly be advised of this appointment.

Question — put and passed.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 9.45pm until Wednesday, 12 October 2016 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paul Brown, Hon Lynn MacLaren and Hon Rick Mazza.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council

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