

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 206**

**WEDNESDAY, 14 SEPTEMBER 2016**

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**1. Meeting of Council**

The Council assembled at 1.00pm pursuant to Temporary Orders.  
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 —

<b>12 September 2016 — Message No. 26</b>	<b>Act No.</b>
Marketing of Potatoes Amendment and Repeal Bill 2016	22 of 2016
Terrorism (Preventative Detention) Amendment Bill 2016	23 of 2016

**3. Papers**

The following Papers were laid on the Table by —

**Attorney General**

*Annual Reports —*

Industrial Relations Commission, Department of Registrar (2015–2016) (Date received 13/09/2016).....	4503
Legal Costs Committee (2015–2016) (Date received 13/09/2016).....	4504
Legal Profession Complaints Committee of Western Australia (2015–2016) (Date received 13/09/2016).....	4505

*Documents —*

Deed of Indemnity between the Treasurer of Western Australia and Australian Energy Market Operator Limited .....	4506
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**4. Standing Committee on Estimates and Financial Operations — Report No. 66 —  
Cancellation of Hearings**

Hon Peter Katsambanis presented Report No. 66 of the Standing Committee on Estimates and Financial Operations, *Cancellation of Hearings*. (Tabled Paper 4507).

## 5. Statutes (Repeals) Bill 2016

The Attorney General: To move on the next day of sitting —

That a Bill for “An Act to repeal the following Acts —

- the *Coal Industry Tribunal of Western Australia Act 1992*;
- the Labour Relations Reform Act 2002;
- the Spear-guns Control Act 1955;
- the Western Australian Marine (Sea Dumping) Act 1981;
- the Escheat and forfeiture of real and personal property (1834) (Imp),

and to amend several Acts as a consequence of those repeals.” be introduced and read a first time.

## 6. Great Southern Region

Motion No. 1 having been called, debate resumed on the motion of Hon Colin Holt as follows —

That this Council commends the Liberal–National Government on recognising the importance of the Great Southern Region of Western Australia and applauds the work done by this Government to support the communities of that region.

Question — put.

The Council divided.

### Ayes (19)

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

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 Adele Farina  
 Hon Lynn MacLaren

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

Motion thus passed.

## 7. Education Portfolio

Motion No. 2 having been called, Hon Liz Behjat, pursuant to notice, moved —

That this Council congratulates the Liberal–National Government on its excellent performance in the education portfolio.

Debate ensued.

*Interruption pursuant to order.*

## 8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

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### In Committee

(Hon Adele Farina in the Chair)

#### **Standing Committee on Public Administration — Report No. 26 — Transport of Persons in Custody**

Debate resumed on the motion of Hon Amber-Jade Sanderson, That the Report be noted.

Pursuant to Temporary Order No. 5, consideration of the Report was postponed until the next sitting.

#### **Joint Standing Committee on the Commissioner for Children and Young People — Report No. 7 — Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse**

Hon Stephen Dawson moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 28 — The outcome of allegations of misconduct made against officers of the Corruption and Crime Commission**

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Question — put and passed.

#### **Standing Committee on Estimates and Financial Operations — Report No. 64 — 2015–16 Annual Report Hearings — Timetable**

Hon Alanna Clohesy moved, That the Report be noted.

Question — put and passed.

#### **Standing Committee on Estimates and Financial Operations — Report No. 65 — Agency Annual Report Hearings 2014–15**

Hon Alanna Clohesy moved, That the Report be noted.

Question — put and passed.

#### **Joint Standing Committee on Audit — Report No. 7 — Review of the Operation and Effectiveness of the Auditor General Act 2006**

Hon Alanna Clohesy moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **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 moved, That the Report be noted.

Debate ensued.

Question — put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 30 — Annual Report 2015–16**

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

#### **Standing Committee on Estimates and Financial Operations — Report No. 62 — Provision of Information to the Parliament**

Debate resumed on the motion of Hon Alanna Clohesy, That the Report be noted.

*Interruption pursuant to order.*

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The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Public Administration — Report No. 26 — *Transport of Persons in Custody*, made progress, and seeks to sit again.
- (2) Joint Standing Committee on the Commissioner for Children and Young People — Report No. 7 — *Everybody's Business. An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse* and postponed consideration to the next sitting.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report No. 28 — *The outcome of allegations of misconduct made against officers of the Corruption and Crime Commission* and had noted same.
- (4) Standing Committee on Estimates and Financial Operations — Report No. 64 — *2015–16 Annual Report Hearings — Timetable* and had noted same.
- (5) Standing Committee on Estimates and Financial Operations — Report No. 65 — *Agency Annual Report Hearings 2014–15* and had noted same.
- (6) Joint Standing Committee on Audit — Report No. 7 — *Review of the Operation and Effectiveness of the Auditor General Act 2006* and postponed consideration to the next sitting.
- (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* and had noted same.
- (8) Joint Standing Committee on the Corruption and Crime Commission — Report No. 30 — *Annual Report 2015–16* and had noted same.
- (9) Standing Committee on Estimates and Financial Operations — Report No. 62 — *Provision of Information to the Parliament*, made progress and seeks to sit again.

Report adopted.

#### **9. Local Government Legislation Amendment Bill 2014**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 173

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Local Government Legislation Amendment Bill 2014*.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 September 2016

#### **10. Bush Fires Amendment Bill 2016**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 174

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Bush Fires Amendment Bill 2016*.

Ms W.M. Duncan

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 September 2016

## 11. Constitution and Electoral Amendment Bill 2016

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 175

I have ruled the *Constitution and Electoral Amendment Bill 2016*, forwarded from the Legislative Council to the Legislative Assembly on 8 September 2016, out of order, as it contains a clear appropriation provision contrary to section 46(1) of the *Constitution Acts Amendment Act 1889*.

I ask that the Legislative Council ensures that it strictly observes this section in relation to all future Bills.

Hon. M.W. Sutherland

Speaker

Legislative Assembly Chamber

Perth, 14 September 2016

The Leader of the House moved, without notice —

That Legislative Assembly Message No. 175 be made an Order of the Day for the next day's sitting.

Question — put and passed.

## 12. Sale of Land Amendment Bill 2016

The Acting President reported the receipt of Message No. 171 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Planning representing the Minister for Lands moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

## 13. Questions Without Notice

Questions without notice were taken.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to position titles of staff employed in the mental health unit at the Kalgoorlie Regional Hospital, in response to a question without notice asked by Hon Stephen Dawson.

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to paramedics and country paramedics employed by St John's Ambulance in regional areas, in response to a question without notice asked by Hon Adele Farina.

The Minister for Planning representing the Minister for Environment tabled documents in relation to conditions of the license issued to Alcoa of Australia Ltd for the Wagerup Cogeneration Plant, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 4509).

The Minister for Education, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 4227, 4229 and 4233 asked by Hon Adele Farina will be provided on 15 September 2016.

The Minister for Education tabled documents in relation to Trade Training Centres in the South West region, in response to question on notice No. 4226 asked by Hon Adele Farina. (Tabled Paper 4510).

The Minister for Education tabled documents in relation to students enrolled in vocational education training studies in the South West region in 2015 and 2016, in response to question on notice No. 4228 asked by Hon Adele Farina. (Tabled Paper 4511).

The Minister for Education tabled documents in relation to education assistants in schools in the South West region, from January to August 2016, in response to question on notice No. 4231 asked by Hon Adele Farina. (Tabled Paper 4512).

The Minister for Education tabled documents in relation to headcount and full time equivalent positions at schools in the South West region, in response to question on notice No. 4234 asked by Hon Adele Farina. (Tabled Paper 4513).

The Minister for Education tabled documents in relation to education and special needs education assistants in schools in the South West region, in response to question on notice No. 4235 asked by Hon Adele Farina. (Tabled Paper 4514).

The Minister for Education tabled documents in relation to teaching award and education assistant staff in schools under the South West Development Commission region, in response to question on notice No. 4237 asked by Hon Adele Farina. (Tabled Paper 4515).

The Minister for Education tabled documents in relation to a headcount of teachers in the South West region in 2015 and 2016, in response to question on notice No. 4238 asked by Hon Adele Farina. (Tabled Paper 4516).

The Minister for Education tabled documents in relation to the enrolment-linked base allocation for 2016 under the Student-Centred Funding Model, in response to question on notice No. 4424 asked by Hon Sue Ellery. (Tabled Paper 4517).

The Minister for Education tabled documents in relation to the teacher to student ratios for each public school from 2013 to 2016, in response to question on notice No. 4293 asked by Hon Sue Ellery. (Tabled Paper 4518).

The Minister for Planning representing the Minister for Mental Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 4267 asked by Hon Adele Farina will be provided on 20 September 2016.

The Minister for Planning representing the Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 4272, 4273, 4274, 4275, 4276, 4277 and 4278 asked by Hon Adele Farina will be provided on 20 September 2016.

The Minister for Planning representing the Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 4285 asked by Hon Adele Farina will be provided on 20 September 2016.

The Minister for Planning representing the Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 4288 asked by Hon Samantha Rowe will be provided on 20 September 2016.

The Minister for Planning representing the Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 4280, 4281, 4284, 4289, 4290, 4291 and 4292 asked by Hon Stephen Dawson will be provided on 20 September 2016.

The Attorney General representing the Minister for Police, by leave incorporated into *Hansard*, information in relation to proceedings and actions taken by Licensing Services against licensees, in response to a question without notice asked by Hon Kate Doust.

The Attorney General representing the Minister for Emergency Services, by leave incorporated into *Hansard*, information in relation to the Government's response to the Ferguson report on the Waroona bush fires, in response to a question without notice asked by Hon Nigel Hallett.

The Parliamentary Secretary to the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 4250 asked by Hon Adele Farina will be provided on 15 September 2016.

#### **14. Sale of Land Amendment Bill 2016**

The Minister for Planning representing the Minister for Lands continued her introductory remarks in moving, That the Bill be read a second time (*see item 12 above*).

The Minister for Planning representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4508).

Debate stands adjourned.

#### **15. Order of Business**

Ordered — That Bills for Introduction be taken forthwith. (Attorney General).

## **16. Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016**

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the following —

- the *Restraining Orders Act 1997*;
- the Bail Act 1982;
- the Children and Community Services Act 2004;
- the Community Protection (Offender Report) Act 2004;
- The Criminal Code;
- the Criminal Investigation Act 2006;
- the Prisons Act 1981;
- the Sentence Administration Act 2003.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4519).

Debate stands adjourned.

## **17. Sentencing Legislation Amendment Bill 2016**

The Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the following Acts —

- the Sentencing Administration Act 2003;
- the Sentencing Act 1995;
- The Criminal Code.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General moved, That the Bill be read a second time.

The Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4520).

Debate stands adjourned.

## **18. Order of Business**

Ordered — That Members’ Statements be taken forthwith. (Attorney General).

## **19. Adjournment**

There being no Member’s Statements the Council adjourned at 6.13pm until Thursday, 15 September 2016 at 10.00am.

### **Members present during the day’s proceedings**

Attendance: Present all Members except Hon Kate Doust.

**NIGEL PRATT**  
Clerk of the Legislative Council

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