

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 209

WEDNESDAY, 21 SEPTEMBER 2016

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. Petition

Hon Jacqui Boydell presented a petition from 5,677 petitioners requesting the Legislative Council to investigate the fluoridation of public water supplies in Western Australia. (Tabled Paper 4600).

3. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Governor's Establishment (2015–2016) (Date received 21/09/2016)..... 4576

Leader of the House

Annual Reports —

Building Management Authority (2015–2016) (Date received 20/09/2016) 4577

Energy Disputes Arbitrator (2015–2016) (Date received 20/09/2016) 4578

Finance, Department of (2015–2016) (Date received 20/09/2016)..... 4579

State Development, Department of (2015–2016) (Date received 20/09/2016) 4580

State Supply Commission (2015–2016) (Date received 20/09/2016) 4581

Attorney General

Annual Reports —

Attorney General, Department of the (2015–2016) (Date received 20/09/2016)..... 4582

Corruption and Crime Commission of Western Australia Surveillance Devices
Act 1998 (2015–2016) (Date received 20/09/2016)..... 4583

Economic Regulation Authority (2015–2016) (Date received 20/09/2016) 4584

Fire and Emergency Services Superannuation Board (2015–2016)
(Date received 20/09/2016)..... 4585

Gender Reassignment Board (2015–2016) (Date received 20/09/2016)..... 4586

Government Employees Superannuation Board (2015–2016) (Date received 20/09/2016) 4587

Law Reform Commission (2015–2016) (Date received 20/09/2016) 4588

Professional Standards Council (2015–2016) (Date received 20/09/2016) 4589

Treasury Corporation (2015–2016) (Date received 20/09/2016) 4590

WorkCover W.A. (2015–2016) (Date received 20/09/2016)	4591
<i>Reports —</i>	
Professional Standards Council — Financial Statements (for the year ended 30 June 2016)	4592
Minister for Planning	
<i>Annual Reports —</i>	
ChemCentre (2015–2016) (Date received 20/09/2016)	4593
Parliamentary Secretary to the Minister for Housing	
<i>Annual Reports —</i>	
Busselton Water (2015–2016) (Date received 20/09/2016)	4594
Combat Sports Commission (2015–2016) (Date received 20/09/2016)	4595
Forest Products Commission (2015–2016) (Date received 20/09/2016)	4596
Institute of Sport (WAIS) (2015–2016) (Date received 20/09/2016).....	4597
Sport and Recreation, Department of (2015–2016) (Date received 20/09/2016).....	4598
<i>Reports —</i>	
Busselton Water — Statement of Corporate Intent (2016–2017) (Date received 20/09/2016).....	4599

4. Standing Committee on Estimates and Financial Operations — Report No. 68 — 2015–16 Annual Report Hearings — Revised Timetable

Hon Rick Mazza presented Report No. 68 of the Standing Committee on Estimates and Financial Operations, *2015–16 Annual Report Hearings — Revised Timetable*. (Tabled Paper 4601).

5. Education Portfolio

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

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

Interruption pursuant to order.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

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

Debate resumed on the motion of Hon Sally Talbot, 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.

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.

Question — put and passed.

Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)

Debate resumed on the motion of Hon Sue Ellery, That the Report be noted.

On the motion of Hon Rick Mazza the debate was adjourned to the next sitting.

Joint Standing Committee on Delegated Legislation — Report No. 87 — Observations arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015

Hon Martin Pritchard moved, That the Report be noted.

Question — put and passed.

Joint Standing Committee on Delegated Legislation — Report No. 88 — Review of the Government Response to Report 84 – Access to Australian Standards adopted in delegated legislation

Hon Martin Pritchard moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Public Administration — Report No. 27 — Government Response to Report 26: Transport of Persons in Custody

Hon Amber-Jade Sanderson moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 66 — Cancellation of Hearings

Hon Alanna Clohesy moved, That the Report be noted.

Question — put and passed.

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.

Interruption pursuant to order.

The Acting President resumed the Chair.

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

- (1) 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 had noted same.
- (2) 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.
- (3) Standing Committee on Estimates and Financial Operations — Report No. 62 — *Provision of Information to the Parliament* and had noted same.
- (4) Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc) — Report No. 1 — *Select Committee into the Operations of The Royal Society for The Prevention of Cruelty to Animals Western Australia (Inc)*, made progress, and seeks to sit again.
- (5) Joint Standing Committee on Delegated Legislation — Report No. 87 — *Observations arising from the Committee Review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015* and had noted same.
- (6) Joint Standing Committee on Delegated Legislation — Report No. 88 — *Review of the Government Response to Report 84 – Access to Australian Standards adopted in delegated legislation* and postponed consideration to the next sitting.

- (7) Standing Committee on Public Administration — Report No. 27 — *Government Response to Report 26: Transport of Persons in Custody* and postponed consideration to the next sitting.
- (8) Standing Committee on Estimates and Financial Operations — Report No. 66 — *Cancellation of Hearings* and had noted same.
- (9) Standing Committee on Public Administration — Report No. 26 — *Transport of Persons in Custody*, made progress, and seeks to sit again.

Report adopted.

7. Order of Business

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

8. Limited Partnerships Bill 2016

The Minister for Commerce, pursuant to notice, moved —

That a Bill for “An Act to —

- provide for the formation and registration of limited partnerships and incorporated limited partnerships; and
- repeal the Limited Partnerships Act 1909; and
- make consequential amendments to the Partnership Act 1895,

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

Question — put and passed.

Bill read a first time.

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

9. Questions Without Notice

Questions without notice were taken.

The Minister for Planning tabled documents in relation to Metropolitan Region Scheme Amendment No. 1281/41, Mangles Bay Marina, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 4603).

The Minister for Planning representing the Minister for Health, by leave incorporated into *Hansard*, information in relation to the Certificates of Title that make up the land on which Royal Perth Hospital is situated, in response to a question without notice asked by Hon Nick Goiran.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to the construction of the Treendale-Millbridge Bridge, in response to a question without notice asked by Hon Sally Talbot.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to Perth Freight Link, in response to a question without notice asked by Hon Lynn MacLaren.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Transport, by leave incorporated into *Hansard*, information in relation to the Stock Road interchange, in response to a question without notice asked by Hon Sue Ellery.

The Parliamentary Secretary to the Minister for Water, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 4314 asked by Hon Adele Farina will be provided on 11 October 2016.

10. Limited Partnerships Bill 2016

The Minister for Commerce continued his introductory remarks in moving, That the Bill be read a second time (*see item 8 above*).

The Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4602).

Debate stands adjourned.

11. 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. 21, *Sentencing Legislation Amendment Bill 2016*. (Leader of the House).

12. Retail Trading Hours Amendment Bill 2015

The Order of the Day having been read for the adjourned debate on the second reading of this Bill, debate resumed on the motion of Hon Kate Doust, as follows —

- (1) That the *Retail Trading Hours Amendment Bill 2015*, be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than Friday, 11 November 2016.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Question — put and negatived.

Debate resumed on the second reading of this Bill.

Question — put and passed.

Bill read a second time.

The Minister for Commerce moved, without notice —

That it be an Instruction to the Committee of the Whole to divide the Bill into two separate Bills —

- (1) The first to have the title of the *Retail Trading Hours Amendment Bill 2015* and is to consist of —
 - (a) the Long Title; and
 - (b) Clauses 1, 2, 3, 4, 5, 6 (other than subclause (2)), 7, 8, 9, 10, 11, 13 and 14.
- (2) The second to have the title of the *Retail Trading Hours Amendment Bill (No. 2) 2015* and is to consist of —
 - (a) the Long Title amended to delete all words after “1987”; and
 - (b) the following clauses —
 - (i) Clause 1, Short Title —

This is the *Retail Trading Hours Amendment Act (No. 2) 2015*.

- (ii) Clause 2, Commencement —

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) The rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

- (iii) Clause 3, Act amended —

This Part amends the *Retail Trading Hours Act 1987*.

- (iv) Subclause (2) of Clause 6, and Clause 12.

and to do such things as may be necessary to achieve that purpose, and thereafter report the Bills separately to the House.

Debate ensued.

Motion — put and passed.

The Acting President left the Chair.

—————
In Committee

(Hon Simon O'Brien in the Chair)

Pursuant to the instruction to the Committee of the Whole, the Deputy Chair moved —

To divide the Bill into two separate Bills —

- (1) The first to have the title of the *Retail Trading Hours Amendment Bill 2015* and is to consist of —
- (a) the Long Title; and
 - (b) Clauses 1, 2, 3, 4, 5, 6 (other than subclause (2)), 7, 8, 9, 10, 11, 13 and 14.
- (2) The second to have the title of the *Retail Trading Hours Amendment Bill (No. 2) 2015* and is to consist of —
- (a) the Long Title amended to delete all words after “1987”; and
 - (b) the following clauses —
 - (i) Clause 1, Short Title —

This is the *Retail Trading Hours Amendment Act (No. 2) 2015*.

- (ii) Clause 2, Commencement —

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) The rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

- (iii) Clause 3, Act amended —

This Part amends the *Retail Trading Hours Act 1987*.

- (iv) Subclause (2) of Clause 6, and Clause 12.

and to do such things as may be necessary to achieve that purpose, and thereafter report the Bills separately to the House.

Question — put and passed.

Division of Bill agreed to.

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

Question — put and passed.

The Acting President resumed the Chair.

The Deputy Chair reported that the Committee of the Whole House on the *Retail Trading Hours Amendment Bill 2015* had in accordance with the instruction, divided the Bill into two Bills, namely the —

- (1) *Retail Trading Hours Amendment Bill 2015*; and
- (2) *Retail Trading Hours Amendment Bill (No. 2) 2015*.

Report adopted.

The Minister for Commerce moved, without notice —

That the *Retail Trading Hours Amendment Bill 2015* and the *Retail Trading Hours Amendment Bill (No. 2) 2015* be recommitted to the Committee of the Whole and be made Orders of the Day in Committee for the next sitting of the House for the purpose of considering their respective clauses.

Question — put and passed.

13. Taxi Amendment Bill 2016

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

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

New Clause 5A.

Hon Kate Doust moved —

Page 2, after line 14 — To insert —

5A. Part 3AA inserted

After section 30I insert:

Part 3AA — Eligible owner taxi plates buy-back

30JA. Buy-back agreements for taxi plates

The Director General may enter into an agreement, on such terms and conditions as the Minister approves, with a person who is an eligible owner of taxi plates for the payment to the person of an amount of compensation for the surrender and cancellation of the taxi plates that are the subject of the agreement.

Debate ensued.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

I rule that the amendments proposed by Hon Kate Doust are out of order as they are contrary to section 46 of the *Constitution Acts Amendment Act 1899*, which states —

- (3) The Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people.

The proposed amendments would result in the introduction of a compensation scheme and increased payments being paid out of public funds. Proposed new clause 5A is out of order.

Clause 6.

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.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 6.25pm until Thursday, 22 September 2016 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paul Brown, Hon Robin Chapple, Hon Stephen Dawson and Hon Phil Edman.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council