

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 210

THURSDAY, 22 SEPTEMBER 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. 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>21 September 2016 — Message No. 27</b>	<b>Act No.</b>
Biodiversity Conservation Bill 2015	24 of 2016
Road Traffic Legislation Amendment Bill 2014	25 of 2016
Local Government Legislation Amendment Bill 2014	26 of 2016
Bush Fires Amendment Bill 2016	27 of 2016
Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016	28 of 2016

### 3. Papers

The following Papers were laid on the Table by —

#### **President**

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#### **Attorney General on behalf of the Leader of the House**

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**Attorney General**

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**Minister for Planning**

*Annual Reports —*

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**4. Standing Committee on Uniform Legislation and Statutes Review — Report No. 103 — National Electricity (Western Australia) Bill 2016, National Gas Access (WA) Amendment Bill 2016 and Energy Legislation Amendment and Repeal Bill 2016**

Hon Kate Doust presented Report No. 103 of the Standing Committee on Uniform Legislation and Statutes Review, *National Electricity (Western Australia) Bill 2016, National Gas Access (WA) Amendment Bill 2016 and Energy Legislation Amendment and Repeal Bill 2016*. (Tabled Paper 4653).

Hon Kate Doust moved, without notice —

That the Legislative Council refer clause 30 of the *Energy Legislation Amendment and Repeal Bill 2016* to the Standing Committee on Legislation or another Committee and that that Committee have the power to inquire into and report on the policy of that clause.

Hon Kate Doust sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned.

**5. Liberal-National Government's Ongoing Dysfunction**

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

That this House expresses its concern at the impact on the community of the Liberal-National Government's ongoing dysfunction.

Debate ensued.

*Motion lapsed.*

**6. Loan Bill 2016**

The President reported the receipt of Message No. 177 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Attorney General representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4654).

Debate stands adjourned.

**7. 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. 10, *Retail Trading Hours Amendment Bill (No. 2) 2015*. (Attorney General).

**8. Health Services (Conduct and Traffic) Regulations 2016 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Martin Pritchard moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Health Services (Conduct and Traffic) Regulations 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**9. Retail Trading Hours Amendment Bill 2015**

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

The President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 13 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

Debate ensued.

The Acting President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

**10. Taxi Amendment Bill 2016**

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

The Deputy President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary to the Minister for Transport moved, That the Bill be read a third time.

The Acting President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

**11. Pilbara Port (Assets) Disposal Bill 2016**

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

The Deputy President left the Chair.

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**In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

The Attorney General representing the Treasurer tabled a document in relation to the amended access and pricing regime for the *Pilbara Port Assets (Disposal) Bill 2015*. (Tabled Paper 4698).

Debate resumed.

Question — put.

The Committee divided.

**Ayes (15)**

Hon Martin Aldridge  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Nick Goiran  
 Hon Dave Grills  
 Hon Alyssa Hayden

Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Brian Ellis (*Teller*)

**Noes (10)**

Hon Alanna Clohesy  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Nigel Hallett  
 Hon Lynn MacLaren

Hon Rick Mazza  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 10 agreed to.

Clause 11.

Debate ensued.

Hon Lynn MacLaren, on behalf of Hon Robin Chapple, moved —

Page 9, after line 8 — To insert —

- (1A) Without limiting anything in (1), prior to giving effect to a section 10 disposal order, the Minister is to cause to be laid before each House of Parliament a report detailing the retention value of port assets and associated assets.
- (1B) Prior to giving effect to a section 10 disposal order, the Minister shall order the publication of all source documents upon which the retention values referred to at (1A) are based.

Amendment — put.

The Committee divided.

**Ayes (10)**

Hon Alanna Clohesy  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Nigel Hallett  
 Hon Lynn MacLaren

Hon Rick Mazza  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

**Noes (15)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Nick Goiran  
 Hon Alyssa Hayden

Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Brian Ellis (*Teller*)

Amendment thus negatived.

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

Clause 12.

Debate ensued.

Hon Lynn MacLaren, on behalf of Hon Robin Chapple, by leave, moved —

Page 10, line 6 — To delete “99 years;” and insert —

50 years;

Page 10, line 8 — To delete “99 years.” and insert —

50 years.

Page 10, line 14 — To delete “99 years;” and insert —

50 years;

Page 10, line 16 — To delete “99 years.” and insert —

50 years.

Debate ensued.

Amendments — put.

The Committee divided.

**Ayes (10)**

Hon Alanna Clohesy  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Nigel Hallett  
 Hon Lynn MacLaren

Hon Rick Mazza  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

**Noes (14)**

Hon Martin Aldridge  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Nick Goiran  
 Hon Alyssa Hayden

Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Brian Ellis (*Teller*)

Amendments thus negatived.

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

Clause 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19 agreed to.

Clause 20.

Debate ensued.

**12. Questions Without Notice**

Questions without notice were taken.

**13. Highways (Liability for Straying Animals) Amendment Bill 2016**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 178

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Highways (Liability for Straying Animals) Amendment Bill 2016* without amendment.

Mr I.M. Britza

Acting Speaker

Legislative Assembly Chamber

Perth, 22 September 2016

**14. Evidence Amendment Bill 2015**

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 179

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Evidence Amendment Bill 2015* without amendment.

Mr P. Abetz

Acting Speaker

Legislative Assembly Chamber

Perth, 22 September 2016

**15. Papers**

The following Papers were, by leave, laid on the Table by —

**Attorney General on behalf of the Leader of the House***Annual Reports —*

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**16. Statement by President — Standing Committee on Uniform Legislation and Statutes Review and the Joint Standing Committee on Delegated Legislation — Resignation of Member**

The President made the following Statement —

I have received the following letter —

Dear Mr President

Due to my recent appointment I advise you that I resign from both the Legislative Council’s Standing Committee on Uniform Legislation and Statutes Review and the Joint Standing Committee on Delegated Legislation.

Yours sincerely

Hon Mark Lewis MLC

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

The Attorney General on behalf of the Leader of the House moved, without notice —

That Hon Brian Ellis be appointed as a Member of the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

**18. Pilbara Port Assets (Disposal) Bill 2015**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).

The Deputy President left the Chair.

—————  
**In Committee**

(Hon Adele Farina in the Chair)

Clause 20.

Debate resumed.

Hon Lynn MacLaren on behalf of Hon Robin Chapple, by leave, moved —

Page 15, line 2 — To delete “*Gazette*.” and insert —

*Gazette*; and

Page 15, after line 2 — To insert —

(c) the Minister must cause to be laid before each House of Parliament.

Amendments — put.

The Committee divided.

**Ayes (11)**

Hon Alanna Clohesy  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Nigel Hallett  
 Hon Lynn MacLaren

Hon Rick Mazza  
 Hon Martin Pritchard  
 Hon Amber-Jade Sanderson  
 Hon Darren West  
 Hon Samantha Rowe (*Teller*)

**Noes (14)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Liz Behjat  
 Hon Jacqui Boydell  
 Hon Paul Brown  
 Hon Jim Chown  
 Hon Nick Goiran

Hon Alyssa Hayden  
 Hon Peter Katsambanis  
 Hon Mark Lewis  
 Hon Robyn McSweeney  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Brian Ellis (*Teller*)

Amendments thus negatived.

*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 Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

**19. Adjournment**

There being no Members' Statements the Council adjourned at 5.25pm until Tuesday, 11 October 2016 at 2.00pm.

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

Attendance: Present all Members except Hon Robin Chapple, Hon Peter Collier, Hon Stephen Dawson, Hon Phil Edman, Hon Col Holt and Hon Sally Talbot.

**NIGEL PRATT**  
 Clerk of the Legislative Council

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