

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 173

THURSDAY, 25 FEBRUARY 2016

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. Statement by President — Standing Committee on Legislation — Substitution of Committee Members

The President made the following Statement —

I have a letter addressed to me as follows —

Dear Mr President

I am writing to you in relation to the Committee's inquiry into the *Mining Legislation Amendment Bill 2015* referred to the Committee on 23 February 2016.

The Committee met on 24 February 2016 and, pursuant to Standing Order 163, resolved:

- (a) to order the substitution of the Hon Robin Chapple MLC in place of the Hon Lynn MacLaren MLC as a Member of the Committee for the duration of the inquiry; and
- (b) to order the substitution of the Hon Kate Doust MLC in place of the Hon Sally Talbot MLC as a Member of the Committee for the duration of the inquiry.

Yours sincerely

Hon Robyn McSweeney MLC

Chair

Just by way of explanation, Members, the Standing Orders strictly allow for that notification to be placed on the notice paper, which sometimes goes unnoticed by a lot of people, and it is more appropriate that the House is informed in this manner by a letter from the Committee so that everybody knows who the substitutions are and so on.

3. Ministerial Statement — Australasian Oil and Gas Exhibition and Conference 2016

The Minister for Commerce made a Ministerial Statement with respect to the 2016 Australasian Oil and Gas Exhibition and Conference.

4. Ministerial Statement — Building Ministers' Forum

The Minister for Commerce made a Ministerial Statement with respect to reforms proposed at the Building Ministers' Forum held on 16 February 2016.

5. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Ministerial Office Resourcing Report (as at 28 January 2016)..... 3858

Minister for Mental Health

Reports —

Government of Western Australia — 2015–2016 Quarterly Financial Results Report
(December 2015)..... 3859

Treasury Corporation — Quarterly Report (for the quarter ending 31 December 2015)... 3860

6. Joint Standing Committee on the Corruption and Crime Commission — Report No. 26 — Public hearing with the Police Commissioner on the CCC's report on an incident at the East Perth Watch House

Hon Nick Goiran presented Report No. 26 of the Joint Standing Committee on the Corruption and Crime Commission, *Public hearing with the Police Commissioner on the CCC's report on an incident at the East Perth Watch House*. (Tabled Paper 3861).

7. Standing Committee on Uniform Legislation and Statutes Review — Report No. 96 — Co-operatives Amendment Bill 2015

Hon Brian Ellis presented Report No. 96 of the Standing Committee on Uniform Legislation and Statutes Review, *Co-operatives Amendment Bill 2015*. (Tabled Paper 3862).

8. Mental Health Regulations 2015 — 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 *Mental Health Regulations 2015* published in the *Gazette* on 13 November 2015 and tabled in the Legislative Council on 17 November 2015 under the *Mental Health Act 2014*, be and are hereby disallowed. (Tabled Paper 3580).

9. Review of the Firearms Act 1973 — Fox and Wild Dog Bounty — Fishing Rules in Western Australia — Withdrawn from Notice Paper

Hon Rick Mazza withdrew Motion Nos 4, *Review of the Firearms Act 1973*, 10, *Fox and Wild Dog Bounty*, and 18, *Fishing Rules in Western Australia*, from the Notice Paper.

10. Housing Authority — Income Eligibility Changes

Non-Government Business No. 1 having been called, Hon Amber-Jade Sanderson moved, without notice —

That this House condemns the Liberal-National Government for the decision to place extra financial burden on Housing Authority tenants with the proposed changes to the income eligibility assessment and calls on the Government to reverse the decision.

Debate ensued.

The Minister for Housing tabled a letter from the Western Australian Council of Social Service to the Minister for Housing in relation to the Housing Authority's rent calculation changes. (Tabled Paper 3863).

Debate resumed.

Motion lapsed.

11. Non-immunisation of Children

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

That the Legislative Council —

- (a) notes that 10,400 Western Australian children aged five years and under have not been immunised; and
- (b) notes the reasons why parents may not be immunising their children.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Order of the Day No. 1, *Planning and Development Amendment Regulations 2015 — Disallowance*, be taken after Order of the Day No. 9, *Western Australian Health Promotion Foundation Bill 2015*. (Leader of the House).

13. City of Perth Bill 2015

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.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Mental Health representing the Minister for Local Government tabled letters of correspondence from the City of Subiaco to the Premier and the Minister for Local Government. (Tabled Paper 3864).

Debate resumed.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 11 agreed to.

Clause 12.

Hon Robin Chapple moved —

Page 9, lines 8 to 14 — To delete the lines and insert —

- (c) the Lord Mayor, who is the Deputy Chair of the Committee;
- (d) the Deputy Lord Mayor of Perth;
- (e) the Minister for Planning;
- (f) the Minister for Transport;
- (g) a Councillor of the City of Perth nominated by the Perth City Council.

(2A) The Lord Mayor may invite the chief executive officer, or any other senior officer, of the City of Perth to attend a meeting of the Committee.

Debate ensued.

Amendment — put and negatived.

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

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14.

Hon Robin Chapple moved —

Page 10, line 21 — To insert after “Premier” —

, or the Lord Mayor,

Debate ensued.

Amendment — put and negatived.

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

Clause 15.

Hon Robin Chapple moved —

Page 10, line 24 — To insert after “fit” —

, but shall maintain minutes as a record of its proceedings

Debate ensued.

Amendment — put and negatived.

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

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 21 agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 to 25 agreed to.

Clause 26.

Hon Robin Chapple moved —

Page 19, after line 4 — To insert —

- (2) Nothing in this section shall have any effect on the status of the City of Vincent, the Town of Victoria Park or the Town of Cambridge as districts under the *Local Government Act 1995*.

Debate ensued.

Amendment — put and negatived.

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

Clause 27 agreed to.

Clause 28.

Debate ensued.

Clause agreed to.

Clauses 29 to 36 agreed to.

Clause 37.

Debate ensued.

Clause agreed to.

Clauses 38 and 39 agreed to.

Schedule 1.

Debate ensued.

Schedule agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Mental Health representing the Minister for Local Government moved, That the Bill be read a third time.

The Acting President announced that the Deputy 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.

Debate ensued.

Question — put.

The Council divided.

Ayes (22)

Hon Ken Baston
Hon Liz Behjat
Hon Jim Chown
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Brian Ellis
Hon Donna Faragher
Hon Nick Goiran

Hon Alyssa Hayden
Hon Peter Katsambanis
Hon Robyn McSweeney
Hon Michael Mischin
Hon Helen Morton
Hon Martin Pritchard
Hon Samantha Rowe
Hon Amber-Jade Sanderson
Hon Sally Talbot
Hon Ken Travers
Hon Phil Edman (*Teller*)

Noes (9)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Paul Brown
 Hon Dave Grills
 Hon Col Holt

Hon Lynn MacLaren
 Hon Rick Mazza
 Hon Simon O'Brien
 Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a third time and passed.

14. Pilbara Port Assets (Disposal) Bill 2015

The Acting President reported the receipt of Message No. 138 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Treasurer moved, That the Bill be read a second time.

The Minister for Mental Health representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3865).

Debate stands adjourned.

15. Anzac Day Amendment Bill 2015

The Acting President reported the receipt of Message No. 139 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of Attorney General representing the Minister for Veterans moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of Attorney General representing the Minister for Veterans moved, That the Bill be read a second time.

The Leader of the House on behalf of Attorney General representing the Minister for Veterans tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3866).

Debate stands adjourned.

16. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave incorporated into *Hansard*, information in relation to the Minister for Transport's financial interest in private companies, 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 student suspensions and staffing at Kalgoorlie public schools, in response to a question without notice asked by Hon Sue Ellery.

The Attorney General representing the Minister for Emergency Services tabled documents in relation to emergency services levy payments to local governments in 2010–2011, 2011–2012, 2013–2014, 2014–2015 and 2015–2016, in response to question on notice No. 3765 asked by Hon Sally Talbot. (Tabled Paper 3867).

17. Anzac Day Amendment Bill (No. 2) 2015

The President reported the receipt of Message No. 140 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General representing the Minister for Veterans moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Attorney General representing the Minister for Veterans moved, That the Bill be read a second time.

The Attorney General representing the Minister for Veterans tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3868).

Debate stands adjourned.

18. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

19. Members' Statements

Statements were taken.

20. Adjournment

The Council adjourned at 5.31pm until Tuesday, 15 March 2015 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council