

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 138

TUESDAY, 11 AUGUST 2015

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. Message from the Deputy of the Governor — Assent to Bills

The President reported the receipt of a Message from the Deputy of the Governor assenting to the following Bills —

25 June 2015 — Message No. 32

Act No.

Electricity Corporations Amendment Bill 2015

16 of 2015

Loan Bill 2015

17 of 2015

3. Statement by President — Usher of the Black Rod

The President made the following Statement —

Following Dr Paul Lobban's departure from the Legislative Council, Grant Hitchcock has been acting in the role of Usher of the Black Rod. As this role and the position of Advisory Officer (Procedure) were established on a rotational basis, I am pleased to advise that Grant has now been formally rotated into the role of Usher of the Black Rod, effective from 13 July 2015. Grant is the seventeenth permanent Usher of the Black Rod since the establishment of responsible government in 1890.

For the interest of Members, the Usher of the Black Rod dates back to fourteenth century Britain. The Usher was appointed to serve the monarch in the British House of Lords and was originally an officer of the Most Noble Order of the Garter, a British order of knighthood. The garter, or "belt", forms part of the royal coat of arms, which members can see on top of the dais behind me. The Black Rod was used to discipline anyone who offended the order. Under our Parliament's inherited privileges, the Usher retains the power of arrest and serves as the personal attendant to the Governor when on the parliamentary precincts. On behalf of all Members, I congratulate Grant on his appointment, and wish him every success in his new role.

4. Petitions

Hon Robin Chapple presented a petition from 13 petitioners requesting the Legislative Council to oppose the *Aboriginal Heritage Amendment Bill 2014*. (Tabled Paper 3064).

Hon Robin Chapple presented a petition from 975 petitioners requesting the Legislative Council to support the protection of Aboriginal heritage sites. (Tabled Paper 3065).

Hon Robin Chapple presented a petition from 4425 petitioners requesting the Legislative Council to oppose exploration tenements being converted into mining licenses in Morangup. (Tabled Paper 3066).

Hon Lynn MacLaren presented a petition from 1424 petitioners requesting the Legislative Council to inquire into an outer harbour development as an alternative to the Perth Freight Link. (Tabled Paper 3067).

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Regulation of Training Organisations (Report No. 11) (June 2015) (Deemed tabled 24/06/2015)	3017
Opinions on Ministerial Notifications (Report No. 12) (June 2015) (Deemed tabled 25/06/2015)	3018
Managing the Accuracy of Leave Records (Report No. 13) (June 2015) (Deemed tabled 30/06/2015)	3019
Management of Pesticides in Western Australia (Report No. 14) (June 2015) (Deemed tabled 30/06/2015)	3020

Reports —

Office of the Inspector of Custodial Services — Report of an Announced Inspection of Bunbury Regional Prison (Report No. 98) (June 2015).....	3021
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Leader of the House

Reports —

Economic Regulation Authority — 2014 Report to the Minister on the Effectiveness of the Electricity Generation and Retail Corporation Regulatory Scheme (March 2015).....	3022
Lotterywest — Statement of Corporate Intent (2015–2016) (Deemed tabled 06/08/2015)	3023
Overseas Air Travel undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (For the three months ended 31 December 2014)	3024
Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (23 June 2015).....	3025

Response to Reports —

Joint Select Committee on Aboriginal Constitutional Recognition — Towards a True and Lasting Reconciliation — Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia (Report No. 1)	3026
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Minister for Mental Health

Leases —

CALM Lease No. 1749/97 — Between the Conservation and Land Management Executive Body and Marcus Frank Fortescue for a dam site for domestic purposes in part of State Forest No. 23	3027
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Plans —

Western Australian Planning Commission — Improvement Plan No. 43 — Shenton Park Rehabilitation Hospital (April 2015) (Deemed tabled 8/07/2015).....	3028
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Proposals —

Conservation and Land Management Act 1984 — Proposal for the Partial Revocation of Portions of State Forest No. 14, 22, 23, 39, 49 and 65	3029
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Regulations —

Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations (No. 2) 2015 G.G. 19/06/2015).....	3030
Litter Act 1979 (Litter Amendment Regulations 2015 G.G. 19/06/2015)	3031
State Superannuation Act 2000 (State Superannuation Amendment Regulations (No. 2) 2015 G.G. 19/06/2015).....	3032
Swan and Canning Rivers Management Act 2006 (Swan and Canning Rivers Management Amendment Regulations 2015 G.G. 19/06/2015)	3033

Reports —

State of Cockburn Sound Report (2014) (June 2015)	3034
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Attorney General*Annual Reports —*

Terrorism (Extraordinary Powers) Act 2005 (2014–2015) (Date received 05/08/2015)	3035
Surveillance Devices Act 1998 (2014–2015) (Date received 05/08/2015)	3036

Regulations —

Children's Court of Western Australia Act 1988 (Children's Court (Fees) Amendment Regulations 2015 G.G. 19/06/2015).....	3037
Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations (No. 2) 2015 G.G. 19/06/2015)	3038
Community Protection (Offender Reporting) Act 2004 (Community Protection (Offender Reporting) Amendment Regulations 2015 G.G. 16/06/2015)	3039
Coroners Act 1996 (Coroners Amendment Regulations 2015 G.G. 19/06/2015).....	3040
District Court of Western Australia Act 1969 (District Court (Fees) Amendment Regulations (No. 2) 2015 G.G. 19/06/2015).....	3041
Evidence Act 1906 (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2015 G.G. 19/06/2015).....	3042
Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 4) 2015 G.G. 19/06/2015).....	3043
Magistrates Court Act 2004 (Magistrates Court (Fees) Amendment Regulations (No. 2) 2015 G.G. 19/06/2015).....	3044
Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations (No. 2) 2015 G.G. 16/06/2015).....	3045
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations (No. 2) 2015 G.G. 19/06/2015)	3046
Supreme Court Act 1935 (Supreme Court (Fees) Amendment Regulations (No. 2) 2015 G.G. 19/06/2015).....	3047

Reports —

Commissioner for Children and Young People — Listen to Us (August 2015) (Deemed tabled 04/08/2015)	3048
Terrorism (Preventative Detention) Act 2006 Quarterly Report (30 June 2015).....	3049

Response to Reports —

Joint Standing Committee on the Corruption and Crime Commission — Improving the Working Relationship between the Corruption and Crime Commission and Western Australia Police (Report No. 18) (Minister for Police)	3050
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Minister for Agriculture and Food*Regulations —*

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Agriculture Standards) Amendment Regulations 2015 G.G. 16/06/2015 and Biosecurity and Agriculture Management (Infringement Notices) Amendment Regulations 2015 G.G. 16/06/2015).....	3051
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Minister for Housing*Annual Reports —*

Land Surveyors Licensing Board of Western Australia (2014) (Date received 05/08/2015).....	3052
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Proposals —

Land Administration Act 1997 – Proposal No. 2/2015 – Excision of Land from Class A Reserve 27575	3053
Land Administration Act 1997 – Proposal No. 4/2015 – Excision of Land from Class A Reserve 9868	3054

Regulations —

Housing Act 1980 (Housing Amendment Regulations 2015 G.G. 16/06/2015)	3055
Registration of Deeds Act 1856 (Registration of Deeds Amendment Regulations 2015 G.G. 19/06/2015).....	3056
Strata Titles Act 1985 (Strata Titles General Amendment Regulations 2015 G.G. 19/06/2015)	3057
Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2015 G.G. 19/06/2015)	3058
Valuation of Land Act 1978 (Valuation of Land Amendment Regulations 2015 G.G. 19/06/2015)	3059

Reports —

Landgate — Statement of Corporate Intent (2015–2016) (Deemed tabled 07/08/2015)	3060
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Parliamentary Secretary representing the Minister for Transport*Directions —*

Pilbara Ports Authority — Ministerial Direction concerning pre-divestment process of the Utah Point Bulk Handling Facility under section 72 of the <i>Port Authorities Act 1999</i>	3061
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Parliamentary Secretary representing the Minister for Health*Addendums —*

Department of Health Annual Report (2013 – 2014).....	3062
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By-laws —

Hospitals and Health Services Act 1927 (Fiona Stanley Hospital Amendment By-laws (No. 2) 2015 G.G. 19/06/2015, Fremantle Hospital Amendment By-laws (No. 2) 2015 G.G. 19/06/2015, Royal Perth Hospital Amendment By-laws (No. 2) 2015 G.G. 19/06/2015 and Women's and Children's Hospitals Amendment By-laws (No. 2) 2015 G.G. 19/06/2015).....	3063
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6. Standing Committee on Environment and Public Affairs — Report No. 41 — Petition 42: Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005

Hon Simon O'Brien presented Report No. 41 of the Standing Committee on Environment and Public Affairs, *Petition 42: Request to repeal the Environmental Protection (Environmentally Sensitive Areas) Notice 2005*. (Tabled Paper 3068).

7. Appropriation (Recurrent 2015–16) Bill 2015

The President reported the receipt of Message No. 110 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 3069).

Debate stands adjourned.

8. Appropriation (Capital 2015–16) Bill 2015

The President reported the receipt of Message No. 111 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 3070).

Debate stands adjourned.

9. Order of Business

Ordered — That Orders of the Day Nos. 1, *Shire of Trayning Public Places and Local Government Property Local Law 2014 — Disallowance*, and 2, *City Of Fremantle Plastic Bag Reduction Local Law 2015 — Disallowance*, be taken after Order of the Day No. 16, *Fire and Emergency Services Amendment Bill 2015*. (Leader of the House).

10. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2015–2016

The Order of the Day having been read for the adjourned debate on the motion of Minister for Mental Health representing the Treasurer, as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2877A–E (2015–2016 Budget Statements), laid upon the Table of the House on Thursday, 14 May 2015.

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health, by leave incorporated into *Hansard*, documents in relation to WA Health funding provided to each of the women's health services in 2013–14 and 2014–15, in response to a question without notice asked by Hon Amber-Jade Sanderson.

The Minister for Mental Health tabled documents in relation to the North Metropolitan Health Service mental health staff details as at 1 January 2015 and 1 April 2015, in response to question on notice No. 3048 asked by Hon Stephen Dawson. (Tabled Paper 3071).

The Parliamentary Secretary representing the Minister for Transport tabled documents in relation to details of electronic school zone signs at regional schools, in response to question on notice No. 3167 asked by Hon Stephen Dawson. (Tabled Paper 3072).

12. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2015–2016

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 10 above*).

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

13. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015

The Acting President reported the receipt of Message No. 109 from the Legislative Assembly forwarding the Bill for concurrence.

The Attorney General moved, That the Bill be 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 3073).

Debate stands adjourned.

14. Special Adjournment

The Leader of the House moved, without notice —

That the Council at its rising adjourn until Wednesday, 12 August 2015 at a time to be fixed by the President.

Question — put and passed.

15. Order of Business

Ordered — That Order of the Day No. 3, *Estimates of Revenue and Expenditure – Consolidated Fund Estimates 2015–2016*, be taken forthwith. (Leader of the House).

16. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2015–2016

Debate resumed on the motion of the Minister for Mental Health representing the Treasurer (*see item 12 above*).

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 9.52 p.m. until Wednesday, 12 August 2015 at a time to be fixed by the President.

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