

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 136

THURSDAY, 27 JUNE 2019

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 133

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019* without amendment.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 26 June 2019

3. Statement by President — Parliamentary Delegation to Saskatchewan and British Columbia, Western Canada

The President made the following Statement —

I have a statement about the parliamentary delegation to Saskatchewan and British Columbia, western Canada in April 2019.

In April this year, a parliamentary delegation travelled to western Canada as part of an ongoing exchange program with the Parliament of Saskatchewan. The aim of this exchange program is to encourage practical professional development through a sharing of information and experiences amongst Members and parliamentary staff in the respective legislatures. The program commenced in 2013 when a delegation from Saskatchewan visited the Western Australian Parliament. The April visit was the fourth exchange to take place. A feature of the exchange program is the pairing of each visiting Member with a host Member, so that the visiting Member spends time in the host Member's constituency. On the return journey, the delegation also visited the British Columbian Legislative Assembly in Victoria.

This year's delegation to Saskatchewan comprised: Hon Martin Aldridge, MLC, Member for Agricultural Region; Hon Diane Evers, MLC, Member for South West Region; Mr Shane Love, MLA, Member for Moore; Mr Scott Nalder, Deputy Clerk of the Legislative Assembly; and Ms Christine Kain, Clerk Assistant (Committees) of the Legislative Council. I thank the legislatures of Saskatchewan and British Columbia and their staff for arranging interesting and informative programs for the delegation, and I table that report. (Tabled Paper 2828).

4. Petitions

Hon Diane Evers presented a petition from 862 petitioners requesting the Legislative Council to recommend the State Government discontinue the Southern Forest Irrigation Scheme. (Tabled Paper 2831).

Hon Alison Xamon presented a petition from 1,186 petitioners requesting the Legislative Council to recommend to the Government the repeal of legislation requiring non-racing greyhounds to be muzzled in public in Western Australia. (Tabled Paper 2832).

5. Ministerial Statement — Final Report of the Ministerial Expert Panel on Voluntary Assisted Dying

The Parliamentary Secretary to the Minister for Health; Mental Health made a Ministerial Statement with respect to the tabling of the *Final Report of the Ministerial Expert Panel on Voluntary Assisted Dying*.

The Parliamentary Secretary to the Minister for Health; Mental Health tabled the *Final Report of the Ministerial Expert Panel on Voluntary Assisted Dying*. (Tabled Paper 2833).

6. Papers

The following Papers were laid on the Table by —

Minister for Environment

Reports —

AQWEST — Statement of Corporate Intent (2019-20)..... 2829

Busselton Water — Statement of Corporate Intent (2019-20)..... 2830

7. Joint Standing Committee on Delegated Legislation — Report 16 — Title City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018

Hon Robin Chapple presented Report 16 of the Joint Standing Committee on Delegated Legislation, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018*. (Tabled Paper 2834).

8. Standing Committee on Legislation — Report 40 — Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018

Hon Dr Sally Talbot presented Report 40 of the Joint Standing Committee on Delegated Legislation, *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018*. (Tabled Paper 2835).

9. Joint Standing Committee on the Corruption and Crime Commission — Report 11 — Parliamentary Inspector's report on 'a saga of persistence'

Hon Jim Chown presented Report 11 of the Joint Standing Committee on the Corruption and Crime Commission, *Parliamentary Inspector's report on 'a saga of persistence'*. (Tabled Paper 2836).

10. Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019 — 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 *Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019* published in the *Gazette* on 18 April 2019 and tabled in the Legislative Council on 7 May 2019 under the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 2639).

11. Town of Bassendean Dust and Building Waste Local Law 2018 — 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 *Town of Bassendean Dust and Building Waste Local Law 2018* published in the *Gazette* on 30 April 2019 and tabled in the Legislative Council on 7 May 2019 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 2631).

12. Transparency and the Provision of Information

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

That this House condemns the McGowan Labor Government for its continuing lack of transparency and its persistent refusal to give full, frank, timely and correct information to Members, this Parliament and the people of Western Australia.

Debate ensued.

Motion lapsed.

13. Ticket Scalping Bill 2018

The Acting President reported the receipt of Message No. 131 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2837).

Debate stands adjourned.

14. Ticket Scalping Bill 2018

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

- (1) That the *Ticket Scalping Bill 2018* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 5 September 2019; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Question — put and passed.

Bill discharged and referred to the Standing Committee on Legislation.

15. Order of Business

Ordered — That Order of the Day No. 1, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 15, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

16. Local Government Legislation Amendment Bill 2019

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

The Leader of the House representing the Minister for Local Government moved —

Page 3, lines 11 to 13 — To delete “be given in accordance with the requirements prescribed for the purposes of this section.” and insert:

be —

- (a) published on the official website of the local government concerned in accordance with the regulations; and
- (b) given in at least 3 of the ways prescribed for the purposes of this section.

Debate ensued.

Amendment — put and passed.

The Leader of the House representing the Minister for Local Government moved —

Page 3, line 17 — To insert after “in accordance with”:

section 1.7(a) and (b) and

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 19 agreed to.

Clause 20.

Debate ensued.

Clause agreed to.

Clause 21.

Debate ensued.

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

Clause 22 agreed to.

Clause 23.
Debate ensued.
Question, That the clause stand as printed — put and negatived.
Clause 24.
Debate ensued.
Clause agreed to.
Clause 25.
Debate ensued.
Question, That the clause stand as printed — put and negatived.
Clauses 26 and 27 agreed to.
Clause 28.
Debate ensued.
Clause agreed to.
Clauses 29 to 31 agreed to.
Clause 32.
Debate ensued.
Clause agreed to.
Clauses 33 to 35 agreed to.
Clause 36.
Debate ensued.
Clause agreed to.
Clauses 37 to 40 agreed to.
Clause 41.
Debate ensued.
Clause agreed to.
Clauses 42 to 46 agreed to.
Clause 47.
Debate ensued.
Clause agreed to.
Clauses 48 to 52 agreed to.
Clause 53.
Debate ensued.
Clause agreed to.
Clause 54 agreed to.
Clause 55.
Debate ensued.
Clause agreed to.
Clauses 56 and 57 agreed to.
Clause 58.
Debate ensued.
Clause agreed to.
Clause 59 agreed to.
Clause 60.
Debate ensued.
Clause agreed to.
Clause 61 agreed to.

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Clause 62.
 Debate ensued.
 Clause agreed to.
 Clause 63.
 Debate ensued.
 Clause agreed to.
 Clause 64.
 Debate ensued.
 Clause agreed to.
 Clauses 65 to 114 agreed to.
 Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Leader of the House representing the Minister for Local Government, by leave, moved, That the report be adopted.

Report adopted.

The Leader of the House representing the Minister for Local Government moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Local Government Legislation Amendment Bill 2019* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Deputy President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Leader of the House representing the Minister for Local Government moved, That the Bill be read a third time.

The Deputy 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.

Question — put and passed.

Bill read a third time and passed.

17. Bail Amendment (Persons Linked to Terrorism) Bill 2018

The Order of the Day having been read for the consideration, in Committee of the Whole House, of Message No. 124 from the Legislative Assembly.

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

The Message was as follows —

Madam President

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Bail Amendment (Persons Linked to Terrorism) Bill 2018*, has agreed to Amendment No. 2; and has disagreed to Amendment No. 1 and substituted a new amendment in its place, as set forth in the Schedule annexed.

Mr T.J. Healy

Acting Speaker

Legislative Assembly Chamber

Perth, 9 May 2019

Schedule showing the amendment substituted by the Legislative Assembly for the amendment made by the Legislative Council in the Bail Amendment (Persons Linked to Terrorism) Bill 2018

No. 1

Amendment disagreed to and the following amendment substituted –

Clause 11, page 8, after line 6 — To insert:

66D. Annual report to include information about application of s. 66C

- (1) In this section —
- accountable authority*** means the accountable authority, as defined in the *Financial Management Act 2006* section 3, of the department of the Public Service principally assisting in the administration of this Act;
- protected information*** means information the disclosure of which would contravene a written law or an order of a court;
- sensitive information*** means information the disclosure of which could reasonably be expected —
- (a) to prejudice national security; or
 - (b) to endanger a person's life or physical safety; or
 - (c) to threaten significant damage to infrastructure or property; or
 - (d) to prejudice a criminal investigation; or
 - (e) to reveal intelligence-gathering methodologies, investigative techniques or technologies or covert practices; or
 - (f) to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.
- (2) Subject to subsections (7) and (8), the accountable authority must, in each annual report submitted under the *Financial Management Act 2006* Part 5 Division 2, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates (***reportable information***).
- (3) Reportable information must, without disclosing terrorist intelligence information, specify —
- (a) the number of proceedings in which action was taken under section 66C(1); and
 - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether —
 - (i) evidence by or on behalf of the accused was received; and
 - (ii) argument by or on behalf of the accused was heard.
- (4) Prior to submitting an annual report, the accountable authority must give a copy of the reportable information they propose to include in the annual report to the Attorney General and the Commissioner of Police.
- (5) The Commissioner of Police must advise the Attorney General whether any of the reportable information, in the Commissioner's opinion, is or is likely to be sensitive information.
- (6) A judicial officer may advise the Attorney General of any reportable information that, in the judicial officer's opinion, is or is likely to be protected information.

- (7) If the Attorney General is, on advice provided under subsection (5) or (6), satisfied that some or all of the reportable information is sensitive information or protected information, the Attorney General must direct the accountable authority to —
- (a) exclude the information from the annual report; and
 - (b) insert a statement in the annual report to the effect that information has been excluded from the report under this section.
- (8) The accountable authority must comply with a direction under subsection (7).

Clerk of the Legislative Assembly

Date: 9 May 2019

The Leader of the House representing the Attorney General moved without notice —

That the Council does not insist on its Amendment No. 1, and agrees to Legislative Assembly substitute Amendment No. 1.

Debate ensued.

Motion — put and passed.

The President resumed the Chair.

The Deputy Chair reported, That the Committee of the Whole House had considered Message No. 124 from the Legislative Assembly, and had agreed to same.

Report adopted.

Legislative Assembly acquainted accordingly.

18. Police Amendment (Medical Retirement) Bill 2019

The Acting President reported the receipt of Message No. 130 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2838).

Debate stands adjourned.

19. Criminal Appeals Amendment Bill 2019

The Acting President reported the receipt of Message No. 132 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2839).

Debate stands adjourned.

20. Road Traffic Amendment (Blood Alcohol Content) Bill 2019

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 the Leader of the House the debate was adjourned to the next sitting.

The Acting President left the Chair at 3.57pm

The Acting President resumed the Chair at 4.30pm

21. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the McGowan Government aged care election commitment on track joint press statement (10 March 2018), working group meeting details, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2840).

The Leader of the House representing the Minister for Local Government, by leave, incorporated into *Hansard* information in relation to the amount of correspondence that has been received from members of the public, in response to a question without notice asked by Hon Aaron Stonehouse.

The Minister for Agriculture and Food tabled documents in relation to Regenerative Agriculture Network, funded project summary, in response to a question without notice asked by Hon Colin Tincknell. (Tabled Paper 2841).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answers to questions on notice 2128 and 2154 asked by Hon Nick Goiran and Hon Martin Aldridge will be provided on 6 August 2019.

22. Local Government Legislation Amendment Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 134

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 2019*.

Acting Speaker

Ms M.M. Quirk

Legislative Assembly Chamber

Perth, 27 June 2019

23. Order of Business

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

24. Members' Statements

Statements were taken.

25. Adjournment

The Council adjourned at 5.28pm until Tuesday, 6 August 2019 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Stephen Dawson, Hon Colin Holt, Hon Martin Pritchard and Hon Tjorn Sibma.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council