

# 132

# Business Program



**LEGISLATIVE COUNCIL**

**WEDNESDAY, 12 JUNE 2019**

**1.00pm**

Prayers

Acknowledgement of Country

**ORDER OF BUSINESS**

Condolence Motions

Petitions

Statements by Ministers and Parliamentary Secretaries

Minister for Agriculture and Food

Papers for Tabling

President

Leader of the House

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Hon Simon O'Brien

Motions without Notice

Leader of the House x 2

1.15pm	Motions on Notice
3.15pm	Committee Reports
4.30pm	Questions without Notice
5.00pm	Orders of the Day
6.20pm	Members' Statements
7.00pm	House adjourns

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**MOTIONS ON NOTICE**

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**2. Private Property Rights** (*Notice given 4 June 2019*)

Hon Rick Mazza to move —

That the House —

- (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
- (b) recognises the threat to the probity of the Torrens Title system, that guarantees disclosure, and re-establish the necessity for registration of all encumbrances that affect land including Environmentally Sensitive Areas (ESAs), bushfire prone areas and implied easements for Western Power which currently sit behind the certificate of title;
- (c) recognises the property rights of government issued licenses and authorities including commercial fishing;
- (d) asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit; and
- (e) directs the Public Administration Committee to conduct an inquiry into the matters described above (as its terms of reference) and to report to the House within nine months of the date of the referral.

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**CONSIDERATION OF COMMITTEE REPORTS**

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**1. Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material** (*Tabled 14 February 2019*)

Continuation of remarks Hon Dr Steve Thomas — 8 mins (Wednesday, 10 April 2019) on the motion of Hon Matthew Swinbourn that the report be noted. *See Tabled paper 2399.*

*(After 57 minutes Temporary Order 4 applies).*

**2. Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken** (*Tabled 13 September 2018*)

Continuation of remarks Hon Nick Goiran — 9 mins (Wednesday, 15 May 2019) on the motion of Hon Nick Goiran that the report be noted. *See Tabled paper 1787.*

Government Response tabled 20 November 2018 (Tabled paper 2182).

*(After 43 minutes Temporary Order 4 applies).*

**3. Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings** (*Tabled 4 April 2019*)

Continuation of remarks Hon Diane Evers — 5 mins (Wednesday, 15 May 2019) on the motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 2560.*

*(Temporary Order 4 applied Wednesday, 15 May 2019).*

**4. Joint Standing Committee on Audit — Report No. 1 — Second review of the Financial Management Act 2006** (*Tabled 16 May 2019*)

Consideration. *See Tabled paper No. 2708.*

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**ORDERS OF THE DAY**

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**1. Tobacco Products Control Amendment Regulations 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 3 April 2019 on the motion of Hon Aaron Stonehouse (Days remaining 2 after today (Indicative date — 25 June 2019))

That the *Tobacco Products Control Amendment Regulations 2019* published in the *Gazette* on 12 March 2019 and tabled in the Legislative Council on 19 March 2019 under the *Tobacco Products Control Act 2006*, be and is hereby disallowed. (Tabled paper 2489).

**2. City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 11 April 2019 on the motion of Hon Robin Chapple (Days remaining 6 after today (Indicative date — 7 August 2019))

That the *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018* published in the *Gazette* on 18 January 2019 and tabled in the Legislative Council on 12 February 2019 under the *Bush Fires Act 1954*, be and is hereby disallowed. (Tabled paper 2353).

**3. Transport (Road Passenger Services) Regulations 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 14 May 2019 on the motion of Hon Dr Steve Thomas (Days remaining 9 after today (Indicative date — 15 August 2019))

That the *Transport (Road Passenger Services) Regulations 2019* published in the *Gazette* on 26 February 2019 and tabled in the Legislative Council on 12 March 2019 under the *Transport (Road Passenger Services) Act 2018*, be and is hereby disallowed. (Tabled Paper 2445).

**4. Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 16 May 2019 on the motion of Hon Robin Chapple (Days remaining 12 after today (Indicative date — 21 August 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019* published in the *Gazette* on 15 March 2019 and tabled in the Legislative Council on 19 March 2019 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 2477).

**5. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020**

*(Moved 9 May 2019) Minister for Environment representing the Treasurer*

Resumption of debate adjourned Hon Ken Baston (Tuesday, 11 June 2019) on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order No. 69(1) the Legislative Council take note of Tabled Paper No. 2664A-D (2019–2020 Budget Statements), laid upon the Table of the House on 9 May 2019.

(Days remaining 2 after today – SO 69(2))

**23. [Infrastructure Western Australia Bill 2019](#) [LA 118–2] *Leader of the House representing the Premier***

Committee progress Long Title (Tuesday, 11 June 2019).

**22. [\\*Public Health Amendment \(Immunisation Requirements for Enrolment\) Bill 2019](#) [LC 127–1] *Minister for Education and Training***

Second reading continuation of remarks Hon Aaron Stonehouse (Tuesday, 11 June 2019).  
*cf SNP 127 Issue 4 – 11 June 2019.*

21. \*[Local Government Legislation Amendment Bill 2019](#) [LA 119–1] Leader of the House representing the Minister for Local Government

Second reading adjourned (Thursday, 11 April 2019).  
cf SNP 119 Issue 2 – 11 June 2019.

26. [Bail Amendment \(Persons Linked to Terrorism\) Bill 2018](#) [LA 112–1] Leader of the House representing the Attorney General (9 May 2019)

Consideration in committee of Legislative Assembly Message No. 124 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.

Acting Speaker

Mr T.J. Healy

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).

**18. [Road Traffic Amendment \(Blood Alcohol Content\) Bill 2019](#) [LA 117-1] Minister for Environment representing the Minister for Road Safety**

Second reading continuation of remarks Hon Charles Smith — 43 mins (Wednesday, 5 June 2019).

**19. [\\*Consumer Protection Legislation Amendment Bill 2018](#) [LA 96-2] Minister for Regional Development representing the Minister for Commerce**

Second reading continuation of remarks in reply Minister for Regional Development representing the Minister for Commerce (Thursday, 9 May 2019).

*cf SNP 96 Issue 3 – 14 May 2019.*

\* For amendments see Supplementary Notice Paper and/or Committee Report

**NIGEL PRATT**

Clerk of the Legislative Council