

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 27

WEDNESDAY, 13 SEPTEMBER 2017

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

2. Message from Her Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bill —

12 September 2017 — Message No. 12

Statutes (Minor Amendments) Bill 2017

Act No.

6 of 2017

3. Statement by President — Members' Annual Returns

The President made the following Statement —

I remind any Members who have not already done so, to lodge with the Deputy Clerk their annual returns for the 2016–17 financial year under the *Members of Parliament (Financial Interests) Act 1992*. I understand that 18 are still outstanding. I note that Thursday this week—that is tomorrow—is the last sitting day before the 30 September statutory deadline for the lodgement of returns. I encourage those Members who have not already done so, to fill out the paperwork and lodge it please. It is in your own best interest.

4. Statement by President — Interpreting the Law — Presentation for Members

The President made the following Statement —

My next statement is about a training session for Members on interpreting the law, an introduction for non-lawyers. I advise that tomorrow between 1.00pm and 2.00pm in the Centenary Room, Assistant Professor Jacinta Dharmananda from the Law School at the University of Western Australia will be giving a presentation to Members on statutory interpretation. The focus will be on the fundamental principles and key tools that may assist Members in understanding and interpreting Statutes and the Bills that come before the House. This will include discussion on the role of the courts, key aspects of Western Australian interpretation legislation and how explanatory memoranda, second reading speeches, *Hansard* and other parliamentary materials may or may not be used. I encourage Members, particularly newly elected Members, to attend. I understand that currently the quota from the Legislative Council is very low, so if you do not have anything else to do during that break between 1.00pm and 2.00pm tomorrow, I would encourage you to avail yourself of this opportunity.

5. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Director of Equal Opportunity in Public Employment (2016-2017) (Date received 12/09/2017).....	503
Heritage Council (2016-2017) (Date received 12/09/2017).....	504
Institute of Sport (WAIS) (2016-2017) (Date received 12/09/2017)	505
Local Government Advisory Board (2016-2017) (Date received 12/09/2017).....	506
Local Governments Standards Panel (2016-2017) (Date received 12/09/2017)	507
Lotterywest (2016-2017) (Date received 12/09/2017)	508
Metropolitan Cemeteries Board (2016-2017) (Date received 12/09/2017).....	509
Public Sector Commission (2016-2017) (Date received 12/09/2017).....	510
ScreenWest (2016-2017) (Date received 12/09/2017)	511
State Heritage Office (2016-2017) (Date received 12/09/2017)	512
State Training Board (2016-2017) (Date received 12/09/2017).....	513
Swan Bells Foundation (2016-2017) (Date received 12/09/2017).....	514

Minister for Environment

Annual Reports —

Building Management Authority (2016-2017) (Date received 12/09/2017).....	515
Coastal Shipping Commission (2016-2017) (Date received 12/09/2017).....	516
Emergency Management, Office of (2016-2017) (Date received 12/09/2017).....	517
Fire and Emergency Services, Department of (2016-2017) (Date received 12/09/2017)	518
Land Surveyors Licensing Board (2016-2017) (Date received 12/09/2017)	519
Main Roads (2016-2017) (Date received 12/09/2017).....	520
Rule Change Activities (2016-2017) (Date received 12/09/2017).....	521
Supervised Release Review Board (2016-2017) (Date received 12/09/2017)	522
Treasury Corporation (2016-2017) (Date received 12/09/2017).....	523

Minister for Environment on behalf of the Minister for Regional Development

Annual Reports —

Great Southern Development Commission (2016-2017) (Date received 12/09/2017)	524
Peel Development Commission (2016-2017) (Date received 12/09/2017).....	525
State Development, Department of (2016-2017) (Date received 12/09/2017).....	526
State Supply Commission (2016-2017) (Date received 12/09/2017).....	527

Parliamentary Secretary to the Minister for Health

Addendums —

Queen Elizabeth II Medical Centre Trust (2015-2016)	528
---	-----

6. Select Committee on Elder Abuse

Motion No. 1 having been called, Hon Nick Goiran continued his introductory remarks in moving the motion as follows —

- (1) A Select Committee into Elder Abuse in Western Australia is established;
- (2) The Select Committee is to inquire into elder abuse with particular reference to —
 - (a) determine an appropriate definition of elder abuse;
 - (b) identify its prevalence;
 - (c) identify the forms of elder abuse, including but not limited to neglect;
 - (d) identify the risk factors;
 - (e) assess and review the legislative and policy frameworks;
 - (f) assess and review service delivery and agency responses;
 - (g) the capacity of the Western Australia Police to identify and respond to allegations of elder abuse;
 - (h) identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age;
 - (i) consider new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse; and
 - (j) consider any other relevant matter.
- (3) The Select Committee is to report by no later than 12 months after the motion is agreed to.
- (4) The Select Committee shall comprise of the following Members —
 - (a) Hon Nick Goiran, Chair;
 - (b) Hon Alison Xamon, Deputy Chair;
 - (c) Hon Matthew Swinbourn; and
 - (d) Hon Tjorn Sibma.

Debate ensued.

Motion — put and passed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance*, 2, *Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance*, 3, *Town of Cambridge Private Property Local Law 2016 — Disallowance*, 4, *Town of Cambridge Waste Local Law 2016 — Disallowance*, 5, *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 6, *Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 7, *Shire of Gingin — Waste Local Law 2016 — Disallowance*, 8, *Shire of Narrogin — Public Places and Local Government Property Local Law 2016 — Disallowance*, 9, *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 10, *City of Busselton Waste Local Law 2016 — Disallowance*, 11, *Legal Profession (Law Library Fees) Rules 2017 — Disallowance*, 12, *Shire of Narambeen Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 13, *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 14, *Shire of Capel Waste Local Law 2016 — Disallowance*, 15, *Shire of Murray Waste Local Law 2016 — Disallowance*, 16, *Shire of Chittering Waste Local Law 2017 — Disallowance*, 17, *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 18, *City of Gosnells Waste Local Law 2016 — Disallowance*, 19, *Shire of Moora Dogs Local Law 2016 — Disallowance*, 20, *Shire of Moora Waste Local Law 2016 — Disallowance*, 21, *Town of East Fremantle Waste Local Law 2017 — Disallowance*, 22, *City of Joondalup Animals Amendment Local Law 2016 — Disallowance*, 23, *Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance*, 24, *City of South Perth Waste Local Law 2017*, 25, *Electricity (Licensing) Amendment Regulations 2017*, 26, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, 27, *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance*, 28, *Town of East Fremantle Plastic Bag Reduction Local*

Law 2017 — Disallowance, and 29, *City of Nedlands Waste Local Law 2016 — Disallowance*, be taken after Order of the Day No. 39, *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament*. (Leader of the House).

8. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

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

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 469A-D (2017–2018 Budget Statements), laid upon the Table of the House on Thursday, 7 September 2017.

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Treasurer tabled documents in relation to tariff fees and charges detailed in Budget Paper No. 2 (2017) for Coastal Infrastructure, Driver and Vehicle Services, Marine Safety, Passenger Services and Ports and Maritime, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 529).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to access to sexual assault services in regional and rural Western Australia, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 530).

The Minister for Regional Development, by leave, incorporated into *Hansard* information in relation to the Shark Monitoring Network and shark tagging, in response to a question without notice asked by Hon Rick Mazza.

The Minister for Regional Development tabled documents in relation to regional local projects and local jobs that received funding through Royalties for Regions as at 13 September 2017, in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 531).

The Minister for Education and Training, by leave, incorporated into *Hansard* a table of secondary schools with funding approval for works in 2016-17, in response to a question without notice No. 429 asked by Hon Donna Faragher.

The Minister for Education and Training, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 123 asked by Hon Tjorn Sibma will be provided on 14 September 2017.

The Minister for Education and Training tabled the *Department of Education Landscape Brief* (November 2015), in response to question on notice No. 214 asked by Hon Alison Xamon. (Tabled Paper 532).

The Minister for Education and Training tabled a list of staff not holding a valid Working with Children Check Card with no application pending due to their extended leave, in response to question on notice No. 266 asked by Hon Nick Goiran. (Tabled Paper 533).

The Minister for Environment representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 168 asked by Hon Alison Xamon will be provided on 12 October 2017.

The Minister for Environment representing the Minister for Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 255 asked by Hon Tjorn Sibma will be provided on 12 October 2017.

The Minister for Environment representing the Minister for Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 254 asked by Hon Tjorn Sibma will be provided on 12 October 2017.

The Leader of the House representing the Premier, in accordance with Standing Order 108(2), advised that an answer to questions on notice Nos 153 and 262 asked by Hon Tjorn Sibma will be provided on 14 September 2017.

The Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 248 asked by Hon Tjorn Sibma will be provided on 14 September 2017.

The Minister for Regional Development representing the Minister for Water, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 145 asked by Hon Robin Chapple will be provided on 30 November 2017.

The Minister for State Development, Jobs and Trade, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 263 asked by Hon Tjorn Sibma will be provided on 14 September 2017.

The Minister for Agriculture and Food, in accordance with Standing Order 108(2), advised that an answer to question on notice No. 149 asked by Hon Robin Chapple will be provided on 14 September 2017.

The Parliamentary Secretary to the Minister for Health tabled a status update on the Implementation of Recommendations from the Corruption and Crime Commission's Report on the Supply and Management of Schedule and Controlled Drugs at Certain Public Hospitals, and Public Hospitals that have been the subject of misconduct allegations, in response to question on notice No. 137 asked by Hon Tjorn Sibma. (Tabled Paper 534).

10. Personal Explanation

The Minister for Regional Development, by leave, made a personal explanation in relation to the correction of information given during her contribution to the debate on the Estimates and Revenue Expenditure — Consolidated Account Estimates 2017–2018.

11. Statement by President — Estimates Hearings

The President made the following Statement —

I have a letter that I have been asked to read from the Standing Committee on Estimates and Financial Operations. It reads —

Dear Madam President

2017–18 Budget Estimates hearings — Agencies to be called in for a hearing

As you are aware, the Standing Committee on Estimates and Financial Operations (Committee) is holding the 2017–18 Budget Estimates hearings from Monday, 16 October 2017 to Friday, 20 October 2017 inclusive.

I advise that at its meeting on 13 September 2017, the Committee resolved to call the following agencies in for a hearing:

- Department of Biodiversity, Conservation and Attractions
- Department of Communities
- Department of Education
- Department of Fire and Emergency Services
- Department of Justice
- Department of Local Government, Sport and Cultural Industries
- Department of Primary Industries and Regional Development
- Department of Training and Workforce Development
- Department of Treasury
- Department of the Premier and Cabinet
- Commissioner of Main Roads
- Mental Health Commission
- Public Transport Authority of Western Australia
- Racing and Wagering Western Australia
- WA Health

- Western Australia Police

If time permits, the Committee will also invite the Department of Jobs, Tourism, Science and Innovation to appear. Committee staff will seek to finalise the timetable as soon as possible. The timetable will be e-mailed to Members of the Legislative Council once it is finalised. The Committee retains the ability to revise agency attendance if timetabling issues arise.

The Committee requests that you advise the Council of the above at your earliest convenience. Committee staff will also e-mail Members accordingly.

Yours sincerely
Hon Alanna Clohesy MLC
Chair

I also advise Members that the Standing Committee on Estimates and Financial Operations has been given permission to hold its hearings in this Chamber from 16 October to 20 October 2017.

12. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 8 above*).

Want of Quorum

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Interruption pursuant to order.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 6.58pm until Thursday, 14 September 2017 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council