

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 20
TUESDAY, 22 AUGUST 2017

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

2. Messages from Her Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from Her Excellency the Governor assenting to the following Bills —

18 August 2017 — Message No. 7	Act No.
Supply Bill 2017	2 of 2017

21 August 2017 — Message No. 8	Act No.
Misuse of Drugs Amendment (Methylamphetamine Offences) Bill 2017	3 of 2017

3. Statement by President — Joint Standing Committee on Audit — Election of Deputy Chair

The President made the following Statement —

I have received a letter from the Clerk advising that on Wednesday, 16 August 2017, Dr Tony Buti MLA was elected as Deputy Chair of the Joint Standing Committee on Audit. Hon Alanna Clohesy MLC is Chair of this Committee by reason of the agreed joint terms of reference.

4. Petition

Hon Tjorn Sibma presented a petition from 2,342 petitioners requesting the Legislative Council to support the argument for adequate compensation for businesses in Scarborough impacted by State Government works in the Scarborough foreshore precinct. (Tabled Paper 429).

5. Ministerial Statement — Secondary Education — Transition of Year 7 Students

The Minister for Education and Training made a Ministerial Statement with respect to the conclusion of the special transitional arrangements that allowed some families in rural and remote areas more time to prepare for the transition of Year 7 students to secondary schools.

6. Papers

The following Papers were laid on the Table by —

President

Reports —

Inspector of Custodial Services, Office of the — 2016 Inspection of Casuarina Prison
(Report No. 110) (July 2017) 419

Leader of the House*Local Laws —*

Local Government Act 1995 (Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 G.G. 17/08/2017).....	420
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Regulations —

Western Australian Sports Centre Trust Act 1986 (Western Australian Sports Centre Trust (Traffic) Regulations 2017 G.G. 18/08/2017).....	421
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Rules —

Supreme Court Act 1935 (Supreme Court Rules Amendment Rules 2017 G.G. 16/08/2017)	422
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Minister for Environment*Annual Reports —*

Surveillance Devices Act 1998 (2016-2017) (Date received 22/08/2017).....	423
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Regulations —

Surveillance Devices Act 1998 (Surveillance Devices Amendment Regulations 2017 G.G. 18/08/2017).....	424
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Minister for Regional Development*Regulations —*

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations (No. 2) 2017 G.G. 18/08/2017).....	425
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Liquor Control Act 1988 (Liquor Control (Bungardi Restricted Area) Regulations 2017 G.G. 18/08/2017, Liquor Control (Woolah Restricted Area) Regulations 2017 G.G. 18/08/2017 and Liquor Control Amendment Regulations (No. 4) 2017 G.G. 18/08/2017).....	426
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Standards —

Fair Trading Act 2010 (Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017 G.G. 16/08/2017).....	427
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Parliamentary Secretary to the Deputy Premier*Regulations —*

Mental Health Act 2014 (Mental Health Amendment Regulations (No. 2) 2017 G.G. 18/08/2017).....	428
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7. Temporary Orders

The Leader of the House: To move on the next day of sitting —

That the Temporary Orders set out in the attached Schedule, and as previously adopted by the House in the last Parliament on the recommendation of the Procedure and Privileges Committee, be adopted and agreed to and shall remain in operation for 12 months from the date on which they are adopted.

SCHEDULE

The Legislative Council makes the following Temporary Orders —

1. Duration of Temporary Orders

These Temporary Orders apply for a period of 12 months from the day of adoption.

2. Time Limits on Speeches

Standing Order 21, debate times for “Consideration of Committee Reports” is suspended and replaced by the following Temporary Order —

Consideration of Committee Reports

All Members unlimited periods of 10 minutes per report

3. Maximum Time Limits for Certain Business Items

Standing Order 23, paragraph (1)(b) is suspended.

4. Consideration of Committee Reports

Standing Order 110 is amended by inserting the following Temporary Order —

- (2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.
- (2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.

8. Coroners Amendment Bill 2017

The President reported the receipt of Message No. 19 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 430).

Debate stands adjourned.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Firearms Amendment Regulations 2017 — Disallowance*, 2, *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance*, 3, *Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance*, 4, *Town of Cambridge Private Property Local Law 2016 — Disallowance*, 5, *Town of Cambridge Waste Local Law 2016 — Disallowance*, 6, *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 7, *Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 8, *Shire of Gingin — Waste Local Law 2016 — Disallowance*, 9, *Shire of Narrogin — Public Places and Local Government Property Local Law 2016 — Disallowance*, 10, *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 11, *City of Busselton Waste Local Law 2016 — Disallowance*, 12, *Legal Profession (Law Library Fees) Rules 2017 — Disallowance*, 13, *Shire of Narambeen Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 15, *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 16, *Shire of Capel Waste Local Law 2016 — Disallowance*, 17, *Shire of Murray Waste Local Law 2016 — Disallowance*, 18, *Shire of Chittering Waste Local Law 2017 — Disallowance*, 19, *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 20, *City of Gosnells Waste Local Law 2016 — Disallowance*, 21, *Shire of Moora Dogs Local Law 2016 — Disallowance*, 22, *Shire of Moora Waste Local Law 2016 — Disallowance*, 23, *Town of East Fremantle Waste Local Law 2017 — Disallowance*, 24, *City of Joondalup Animals Amendment Local Law 2016 — Disallowance*, be taken after Order of the Day No. 26, *Port Kennedy Development Bill 2017*. (Leader of the House).

10. Limited Partnerships Regulations 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 14, *Limited Partnerships Regulations 2017*, be discharged from the Notice Paper.

Question — put and passed.

11. Joint Select Committee on End of Life Choices — Establishment

The Leader of the House moved, without notice —

I move without notice —

- (a) that in response to Legislative Assembly Message No. 15, the Legislative Council agrees to the Legislative Assembly's resolution for the establishment of a Joint Select Committee on End of Life Choices; and
- (b) that the Legislative Assembly be acquainted accordingly.

Debate ensued.

Hon Nick Goiran moved, without notice to amend the motion as follows —

In paragraph (a) after the word "Choices" insert:

, subject to the Legislative Assembly agreeing to the following amendments to the resolution:

- (a) The insertion of a new paragraph (2)(e) in the following terms —
 - “(e) examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention.”; and
- (b) The insertion of a new paragraph (4)(b) in the following terms —
 - “(b) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee its deliberations and proceedings, but may not vote.”

Debate ensued.

Pursuant to SO 74, the President ordered the amendment be divided.

Debate ensued on new paragraph (2)(e) as follows —

In paragraph (a) after the word "Choices" insert:

, subject to the Legislative Assembly agreeing to the following amendments to the resolution:

- (a) The insertion of a new paragraph (2)(e) in the following terms —
 - “(e) examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention.”; and

12. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* a table of capital works in progress at Western Australian government secondary schools, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Regional Development representing the Minister for Water tabled a letter in relation to the National Water Infrastructure Development Fund, outcome of first Expressions of Interest assessment round (17 August 2017), in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 431).

The Minister for Environment representing the Minister for Emergency Services, by leave, incorporated into *Hansard* an answer in relation to the State's aerial firefighting capacity for the 2017-18 fire season, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Environment, by leave, incorporated into *Hansard* an answer in relation to the State's aerial firefighting capacity for the 2017-18 fire season, in response to a question without notice asked by Hon Colin de Grussa.

13. Joint Select Committee on End of Life Choices — Establishment

Debate resumed on the amendment, new paragraph (2)(e) to the motion of the Leader of the House (*see item 11 above*) as follows —

In paragraph (a) after the word “Choices” insert:

, subject to the Legislative Assembly agreeing to the following amendments to the resolution:

- (a) The insertion of a new paragraph (2)(e) in the following terms —
 - “(e) examine the risks of introducing voluntary euthanasia, including the impact on suicide prevention.”; and

Amendment — put.

The Council divided.

Ayes (14)

Hon Jim Chown
Hon Peter Collier
Hon Adele Farina
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin
Hon Martin Pritchard

Hon Robin Scott
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (17)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers

Hon Laurie Graham
Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate ensued on new paragraph (4)(b) as follows —

- (a) The insertion of a new paragraph (4)(b) in the following terms —
 - “(b) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee its deliberations and proceedings, but may not vote.”

Amendment — put.
The Council divided.

Ayes (12)

Hon Jim Chown
Hon Peter Collier
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin
Hon Robin Scott

Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (19)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina

Hon Laurie Graham
Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Amendment thus negatived.
Debate resumed.
Interruption pursuant to order.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 9.57pm until Wednesday, 23 August 2017 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Simon O'Brien.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council