



WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 25

THURSDAY, 7 SEPTEMBER 2017

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Statement by President — David Driscoll — Parliamentary Service — Retirement

The President made the following Statement —

We are very fortunate in this Parliament, and particularly in this Legislative Council, to be blessed with wonderful staff who look after us and ensure that everything we do looks and sounds very good. On Friday one of our stalwarts of the Legislative Council will have his last day with us and I want to acknowledge his service. David Driscoll from our committee office will draw to a close his working life after a 21-year parliamentary career. David has been an institution at the Parliament since starting in joint-house services as a security officer in March 1996. He then commenced his long association with Legislative Council in April 1999 as a committee clerk. I first met David when I was elected to the Council in 2001 and wandered down to the committee offices at 1110 Hay Street as a Member of the Standing Committee on Legislation.

Over the years David progressed to being a senior committee clerk and to his current position as a parliamentary officer of committees. He has provided outstanding support to many committees during his parliamentary career, including ones that I have served on. Last year I enjoyed his company at a committee hearing in Kalgoorlie. As the manager of our committee clerks, David has ensured that committees had high-quality support for the inquiries and he has also reprised his role as committee clerk when workload demands required his services.

On the social side, his co-stewardship of the Parliament House wine club and the many memorable bus tours and tastings have introduced and fortified—if that is the correct word! many a staff member's and Member of Parliament's appreciation of wine. David will now have more time to devote to, hopefully add to and also, no doubt, subtract from his extensive and very personal wine cellar.

On behalf of all Members of the Legislative Council that you have assisted, both past and present, I thank you, David, for your service to this House and to the Parliament. I am sure that all Members will join with me to wish you all the best for the coming years as you enjoy the fruits of your labour with your wife, Nora, and your two sons, Cameron and Christopher. Good luck and good wishes from all of us.

3. Statement by President — 2017-18 Budget Speech

The President made the following Statement —

As Members would be aware, today the Budget will be delivered and I remind you that at 2.00 pm today the Budget speech will be read into this Chamber by the Minister for Environment in his representative capacity.

4. President's Ruling — Health Practitioner Regulation National Law (WA) Amendment Bill 2017

The President ruled as follows —

Last night Hon Nick Goiran sought a ruling on whether the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017* was a Bill to which Standing Order 126 applies. Standing Order 126 relevantly states —

- (1) During the second reading speech of a Member in charge of a Bill, the Member shall advise the Council whether or not the Bill is a Uniform Legislation Bill and shall give reasons as to why.

...

- (3) The Council may order that a Bill is a Uniform Legislation Bill notwithstanding contrary advice from the Member in charge of the Bill.

Standing Order 126 was one of many Standing Orders that were amended from the start of 2012. The subcommittee of the Procedure and Privileges Committee that reviewed the Standing Orders set out its recommendations in its twenty-second report of 2011. Pages 11 and 12 of that report set out the new arrangements under Standing Order 126 and made the following points, which I summarise. Standing Order 126 was to replace the practice of the Clerk advising the President on whether a Bill should be referred and the President ruling accordingly. It was appropriate that the decision-making process regarding which Bills are referred to a committee should be a matter exclusively for the House, and in first instance the Member in charge of a Bill shall identify whether Standing Order 126 applies. The one or two-week period in which the second reading debate on a Bill is adjourned following introduction provides an opportunity for each Member to review the Bill and explanatory memorandum, take advice and to make their own inquiries. Standing Order 126 provides that the House may order that a Bill is a uniform legislation Bill, notwithstanding the contrary advice of the Member in charge of the Bill. A Member may move a referral motion in accordance with Standing Order 126(3) without notice upon resumption of the second reading debate on the Bill. The 45-day period for the Standing Committee on Uniform Legislation and Statutes Review consideration of any Bill does not commence until the Bill is referred by the House.

I therefore make no ruling about whether the Bill should be referred under Standing Order 126. It is a matter for the House itself to determine. I will, however, provide some guidance to Members. I note that in the Parliamentary Secretary's second reading speech on the Bill she acknowledges that the Bill amends a national scheme established in 2010 in accordance with the Council of Australian Governments Health Council intergovernmental agreement. In its fifty-second report of June 2010 the Standing Committee on Uniform Legislation and Statutes Review scrutinised the original national scheme. Under both previous Standing Order 230 and the current Standing Order 126 it has been the practice of this House not to refer Bills to the committee that make only minor amendments to existing schemes that have been previously scrutinised. As to what amounts to a minor amendment, that is, at least initially, a matter of judgement for the Member in charge of the Bill. It may then subsequently become a matter for determination by the House upon a motion without notice by any Member seeking to refer the Bill under Standing Order 126(3). I remind Members that the appropriate time for moving a motion without notice under Standing Order 126(3) is when the order of the day is called for the resumption of the second reading debate on the Bill.

5. Ministerial Statement — Ms Emma White — Resignation

The Leader of the House made a Ministerial Statement with respect to the resignation of Ms Emma White.

6. Shire of Donnybrook-Balingup Waste Local Law 2017 — 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 *Shire of Donnybrook-Balingup Waste Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995* and *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper 282).

7. Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017 — 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 *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 282).

8. City of Nedlands Waste Local Law 2016 — 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 *City of Nedlands Waste Local Law 2016* published in the *Gazette* on 7 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 246).

9. Electoral Amendment (Access to Ministers) Bill 2017

Non-Government Business No. 1 having been called, Hon Alison Xamon moved, with notice —

That a Bill for “An Act to amend the *Electoral Act 1907*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Hon Alison Xamon moved, That the Bill be read a second time.

The Hon Alison Xamon tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 470).

Debate stands adjourned.

10. Pilbara Ports Assets (Disposal) Repeal Bill 2017

Non-Government Business No. 2 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to order.

11. Casualisation of the Western Australia workforce

Private Members’ Business No. 1 having been called, Hon Kyle McGinn moved, with notice —

That this House expresses concern at the increasing casualisation of Western Australia’s workforce and the adverse effects of this on Western Australian people’s security and certainty of employment.

Debate ensued.

Motion lapsed.

12. 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*. (Minister for Environment).

13. First Home Owner Grant Amendment Bill 2007

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate resumed.

The Minister for Environment representing the Minister for Finance moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

14. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018 — Tabling of Papers

The following Papers were laid on the Table by —

Minister for Environment representing the Treasurer

Budget Papers and Related Papers —

2017-2018 Budget — Treasurers Speech — Budget Paper No. 1469A

2017-2018 Budget — Budget Statements — Budget Paper No. 2 (Volume 1)469B

2017-2018 Budget — Budget Statements — Budget Paper No. 2 (Volume 2)469C

2017-2018 Budget — Economic and Fiscal Outlook — Budget Paper No. 3469D

The Minister for Environment representing the Treasurer moved, without notice —

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.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

15. Order of Business

Ordered — That Order of the Day No. 31, *First Home Owner Grant Amendment Bill 2017*, be taken forthwith. (Leader of the House).

16. First Home Owner Grant Amendment Bill 2017

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 to 8 agreed to.

Clause 9.

Hon Dr Steve Thomas moved —

Page 4, line 6 — To delete “30 June 2017” and substitute:

31 December 2017

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (12)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran

Hon Colin Holt
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Ken Baston (*Teller*)

Noes (21)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Diane Evers
 Hon Laurie Graham
 Hon Alannah MacTiernan
 Hon Rick Mazza
 Hon Kyle McGinn
 Hon Samantha Rowe

Hon Robin Scott
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Colin Tincknell
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

Amendment thus negatived.

Debate resumed.

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

Clauses 10 to 13 agreed to.

Clause 14.

Debate ensued.

Interruption pursuant to order.

17. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table in relation to the job classifications and titles of the 15 full-time equivalent public servants employed in the secretariat of the Service Priority Review, in response to a question without notice asked by Hon Peter Collier.

The Minister for Child Protection, by leave, incorporated into *Hansard* information in relation to Hardship Utility Grant Scheme payments for the months January to July 2017, in response to a question without notice asked by Hon Peter Collier.

18. Statement by President — 2017-18 Budget Estimates — Electronic Lodgement of Questions prior to Hearings

The President made the following Statement —

I have a letter that reads —

Dear Madam President

2017–18 Budget Estimates—Electronic lodgement of questions prior to hearings

As you are aware, the Legislative Council 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.

In its 71st Report, the Committee advised the Legislative Council that Members may submit a number of Questions Prior to Hearings to any agency through the recently developed Electronic Lodgement System (ELS). I am advised that there is a possibility that the ELS may not initially be available to receive questions from Members.

The Committee requests that you advise the Council that Committee staff will e-mail Members at 8.30am on Friday, 8 September 2017. The e-mail will confirm the status of the ELS and instructions for its use. Instructions will also be provided on how to submit questions if the ELS is not operational.

Yours sincerely
 Hon Alanna Clohesy MLC
 Chair

19. Petroleum Legislation Amendment Bill 2017

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 22

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Petroleum Legislation Amendment Bill 2017* without amendment.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 7 September 2017

20. Members' Statements

Statements were taken.

21. Adjournment

The Council adjourned at 5.46pm until Tuesday, 12 September 2017 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin de Grussa.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council