

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 39

WEDNESDAY, 29 NOVEMBER 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. Statement by President — Asbestos Awareness

The President made the following Statement —

Members, I just want to remind you that this afternoon, when you have an afternoon tea break, you will have an opportunity to support the Asbestos Diseases Society of Australia when you donate and purchase a blue lamington. This is Asbestos Awareness Month, and I encourage you all to participate and support that very important organisation in Western Australia.

3. Ministerial Statement — International Education Delegation to China

The Minister for Education and Training made a Ministerial Statement with respect to her recent visit to China with the Premier Mark McGowan and Ministers Bill Johnston and Paul Papalia, and Hon Pierre Yang from this House.

4. Ministerial Statement — Rebuilding Agricultural Research and Development Capabilities

The Minister for Agriculture and Food made a Ministerial Statement with respect to the progress that has been made in rebuilding the capabilities in agricultural research and development within the Department of Primary Industries and Regional Development.

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Planning and Management of Bus Services (Report No. 23) (November 2017) 912

Leader of the House

Reports —

Public Sector Commission — PathWest's management of a complaint about disclosure of confidential personal information (Investigation Report) (November 2017) 913

Minister for Environment

Annual Reports —

Australian Criminal Intelligence Commission — Surveillance Devices Act 1998
(Date received 28/11/2017)..... 914

Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act 2012 (2016-2017) (Date received 28/11/2017)	915
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Leases —

CALM Lease No. 2254/100 — Between the Department of Conservation and Land Management Executive Body and Aeromodellers WA Inc for the purpose of model aircraft flying and quarter scale speedway racing within Beeliar Regional Park (Reserve No. 39584)	916
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Reports —

Economic Regulation Authority — 2016 Report to the Minister on the Effectiveness of the Electricity Generation and Retail Corporation Regulatory Scheme (September 2017)	917
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Terrorism (Preventative Detention) Act 2006 — Quarterly Report (30 September 2017)	918
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Reviews —

Review of the Land Information Authority Act 2006 — 2017 Review Report for the Minister for Lands	919
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6. Temporary Order — Recall of the House

Hon Martin Aldridge: To move on the next day of sitting —

Pursuant to Standing Order 62(a), I give notice of an amended form of Motion No. 9 — *Temporary Order Recall of the House* as follows —

- (1) That Standing Order 6(3) is suspended and the following Temporary Order is substituted:
 - 3) When the Council is adjourned the President:
 - a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or
 - b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.
 - 4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.
 - 5) For the purposes of (3)(b):
 - a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.
 - b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
 - c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.
- (2) That the Temporary Order is referred to the Standing Committee on Procedure and Privileges for consideration and report on or before Thursday, 29 March 2018.
- (3) That the Temporary Order lapses when the Standing Committee on Procedure and Privileges reports to the House.

7. Suspension of Standing Orders

Hon Martin Aldridge moved, without notice —

That so much of the Standing Orders be suspended so as to permit —

- (1) the amended Notice of Motion given by me today — Motion No. 9, *Temporary Order, Recall of the House*, be made Motion No.1 for this day's sitting;
- (2) me to move my amended Notice of Motion at this day's sitting during consideration of Motions; and
- (3) that the question on the amended motion is to be put at this day's sitting.

Debate ensued.

*The President left the Chair at 1.45pm
The President resumed the Chair at 1.54pm*

Debate resumed.

Hon Martin Aldridge sought leave to withdraw his motion.

Leave granted.

Motion withdrawn.

8. Metronet

Motion No. 1 having been called, debate resumed on the motion of Hon Alanna Clohesy as follows —

That this House congratulates the McGowan Government on its Metronet policy and notes the benefits Western Australia will derive, including the jobs to be created, from this transport and planning initiative.

Question — put and passed.

9. Suspension of Standing Orders

The Leader of the House moved, without notice —

To suspend so much of Standing Orders as to enable the consideration of Committee reports forthwith.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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.

10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Dr Steve Thomas in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — The ability of the Corruption and Crime Commission to charge and prosecute

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on Delegated Legislation — Report No. 1 — Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015

Debate resumed on the motion of Hon Robin Chapple, That the Report be noted.

Hon Martin Pritchard moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on Delegated Legislation — Report No. 3 — Procedures for dealing with consequential amendments to delegated legislation following enactment of primary legislation

Debate resumed on the motion of Hon Robin Chapple, That the Report be noted.

Hon Martin Pritchard moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — Parliamentary Inspector's report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 5 — Current Committee Confirmed — Clarifying the legal composition and powers of the Committee

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 1 — Annual Report 2016–17

Hon Dr Sally Talbot moved, That the Report be noted.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 72 — 2016–17 Annual Report Hearings

Hon Martin Pritchard moved, That the Report be noted.

Debate ensued.

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 —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — *The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC* and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — *The ability of the Corruption and Crime Commission to charge and prosecute* and postponed consideration to the next sitting.
- (3) Joint Standing Committee on Delegated Legislation — Report No. 1 — *Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015* and postponed consideration to the next sitting.
- (4) Joint Standing Committee on Delegated Legislation — Report No. 3 — *Procedures for dealing with consequential amendments to delegated legislation following enactment of primary legislation* and postponed consideration to the next sitting.
- (5) Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — *Parliamentary Inspector's report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms* and had noted same.

- (6) Joint Standing Committee on the Corruption and Crime Commission — Report No. 5 — *Current Committee Confirmed — Clarifying the legal composition and powers of the Committee* and had noted same.
- (7) Joint Standing Committee on the Commissioner for Children and Young People — Report No. 1 — *Annual Report 2016–17* and had noted same.
- (8) Standing Committee on Estimates and Financial Operations — Report No. 72 — *2016–17 Annual Report Hearings* and had noted same.

Report adopted.

11. Order of Business

Ordered — That Orders of the Day Nos 3, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, 4, *Shire of Northampton Dogs Local Law 2017 — Disallowance*, 5, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 7, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 8, *Biosecurity and Agricultural Management Act 2007 Notice Under Section 130(1) — Disallowance*, and 9, *Water Services (Water Corporations Charges) Amendment Regulations 2017 — Disallowance*, be taken after Order of the Day No. 30, *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament*. (Leader of the House).

12. Order of Business

Ordered — That Order of the Day No. 1, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, be taken at a later stage of this day's sitting. (Leader of the House).

13. City of Kalgoorlie-Boulder Cat Amendment Local Law 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. 2, *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. Commercial Tenancy (Retail Shops) Agreements Amendment 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. 6, *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017

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

Debate resumed.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to the Department of Water and Environmental Regulation's consultation and meetings with stakeholders, in response to a question without notice asked by Hon Jacqui Boydell.

The Minister for Child Protection, by leave, incorporated into *Hansard* information in relation to family and domestic violence counselling services, in response to a question without notice asked by Hon Rick Mazza.

The Minister for Environment representing the Minister for Transport tabled the City of Canning Strategic Transport Plan — Curtin University to Cannington Station, in response to a question without notice asked by Hon Simon O'Brien. (Tabled Paper 920).

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled documents in relation to orders and directions regarding breaches of section 20(5) of the *Mining Regulations Act 1981* by Hawthorn Resources on Pinjin Station, in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 921).

The Minister for Regional Development tabled documents in relation to travel details for the Minister for Regional Development for 2017, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 922).

The Minister for Environment representing the Treasurer, by leave, incorporated into *Hansard* information in relation to the general Government expenditure on capital works from 2001-02 to 2016-17, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Attorney General tabled a report titled, *Evaluation of the Perth Drug Court Pilot Project — Final Report (May 2003)*, in response to question on notice No. 364 asked by Hon Alison Xamon. (Tabled Paper 923).

The Leader of the House representing the Attorney General tabled a report titled, *Review of the Perth Drug Court (November 2006)*, in response to question on notice No. 365 asked by Hon Alison Xamon. (Tabled Paper 924).

The Minister for Education and Training tabled the Department of Training and Workforce Development's Employee Engagement Survey (TAFE), in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 925).

17. First Home Owner Grant Amendment Bill 2017

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 41

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *First Home Owner Grant Amendment Bill 2017*.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 29 November 2017

18. Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017

Debate resumed on the second reading of this Bill (*see item 15 above*).

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Hon Martin Pritchard the debate was adjourned to the next sitting.

19. Order of Business

Ordered — That Order of the Day No. 1, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, be taken forthwith. (Leader of the House).

20. Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance

The Order of the Day having been called for the motion of Hon Aaron Stonehouse moved *pro forma* as follows —

That the *Police Regulations Amendment (Fees and Charges) Regulations 2017* published in the *Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper No. 376).

Debate ensued.

Motion — put.

The Council divided.

Ayes (8)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Colin de Grussa
Hon Rick Mazza

Hon Robin Scott
Hon Charles Smith
Hon Colin Tincknell
Hon Aaron Stonehouse (*Teller*)

Noes (23)

Hon Ken Baston
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Diane Evers
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
Hon Laurie Graham

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Motion thus negatived.

21. Members' Statements

Statements were taken.

22. Adjournment

The Council adjourned at 6.28pm until Thursday, 30 November 2017 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council