

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 24
WEDNESDAY, 6 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. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Opinion on Ministerial Notification (Report No. 15) (September 2017) 462

Rich and Rare — Conservation of Threatened Species Follow up Audit (Report No. 16)
(September 2017) 463

3. Tax Incentives for Regional Businesses

Hon Robin Scott: To move on the next day of sitting —

That as an incentive for West Australians to start and operate businesses in the Mining and Pastoral Region, the Agricultural Region and the South West Region, this House calls upon the Government of Western Australia to —

- (a) halve payroll taxes from 5.5% to 2.25% for businesses with less than 100 employees 100km from Perth; and
- (b) eliminate payroll tax for businesses with less than 100 employees 1,000km from Perth.

4. Sale of the Western Australian TAB

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

That this House calls on the McGowan government to immediately 'test the market' for the sale of the WA TAB, and if favourable to the industry proceed with the sale and ensure all proceeds of the sale are returned to the racing industry.

Debate ensued.

Hon Colin Tincknell moved to amend the motion as follows —

That this issue is referred to the Standing Committee on Public Administration for inquiry and report by no later than 12 months from the date of referral.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Question — put.
The Council divided.

Ayes (16)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Colin Holt
Hon Rick Mazza
Hon Michael Mischin

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

Noes (15)

Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Dr Sally Talbot
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Question thus passed.
Motion agreed to.

5. Select Committee on Elder Abuse

Motion No. 2 having been called, Hon Nick Goiran, pursuant to notice, moved —

- (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.

Interruption pursuant to order.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Martin Aldridge in the Chair)

Standing Committee on Estimates and Financial Operations — Report No. 71 — 2017-18 Budget Estimates Hearings

Hon Alanna Clohesy moved, That the Report be noted.

Debate ensued.

Question — put and passed.

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —
Standing Committee on Estimates and Financial Operations — Report No. 71 — 2017-18
Budget Estimates Hearings and had noted same.

Report adopted.

7. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

8. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017

The Minister for Education and Training, pursuant to notice, moved —

That a Bill for “An Act to amend the *Building and Construction Industry Training Fund and Levy Collection Act 1990*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Education and Training moved, That the Bill be read a second time.

The Minister for Education and Training tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 464).

Debate stands adjourned.

9. Courts Legislation Amendment Bill 2017

The Leader of the House representing the Attorney General, pursuant to notice, moved —

That a Bill for “An Act to amend the —

- the *Civil Judgments Enforcement Act 2004*;
- the *Magistrates Court Act 2004*; and
- the *Supreme Court Act 1935*.”

be introduced and 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 465).

Debate stands adjourned.

10. Tobacco Products Control Amendment Bill 2017

The Parliamentary Secretary representing the Minister for Health, pursuant to notice, moved —

That a Bill for “An Act to amend the *Tobacco Products Control Act 2006*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 466).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

11. Order of Business

Ordered — That Orders of the Day Nos 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*, 14, *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 15, *Shire of Capel Waste Local Law 2016 — Disallowance*, 16, *Shire of Murray Waste Local Law 2016 — Disallowance*, 17, *Shire of Chittering Waste Local Law 2017 — Disallowance*, 18, *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 19, *City of Gosnells Waste Local Law 2016 — Disallowance*, 20, *Shire of Moora Dogs Local Law 2016 — Disallowance*, 21, *Shire of Moora Waste Local Law 2016 — Disallowance*, 22, *Town of East Fremantle Waste Local Law 2017 — Disallowance*, 23, *City of Joondalup Animals Amendment Local Law 2016 — Disallowance*, 24, *Bunbury-Harvey Regional Council Standing Orders Local Law 2017*, 25, *City of South Perth Waste Local Law 2017*, 26, *Electricity (Licensing) Amendment Regulations 2017*, and 27, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, be taken after Order of the Day No. 34, *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament*. (Leader of the House).

12. Firearms Amendment Regulations 2017 — Disallowance

Order of the Day No. 1 having been called, Hon Rick Mazza, pursuant to notice, moved —

That the *Firearms Amendment Regulations 2017* published in the *Gazette* on 3 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper No. 133).

Debate ensued.

13. 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 recruitment processes of senior public servants, in response to a question without notice asked by Hon Tjorn Sibma.

The Minister for Environment tabled an answer in relation to advertisements displayed within Transperth buses during April 2017, in response to question on notice No. 96 asked by Hon Nick Goiran. (Tabled Paper 467).

14. Firearms Amendment Regulations 2017 — Disallowance

Debate resumed on the motion of Hon Rick Mazza (*see item 12 above*).

Motion — put.

The Council divided.

Ayes (5)

Hon Rick Mazza
Hon Robin Scott
Hon Charles Smith

Hon Aaron Stonehouse
Hon Colin Tincknell

Noes (23)

Hon Martin Aldridge
Hon Ken Baston
Hon Jacqui Boydell
Hon Robin Chapple
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 Colin Holt
Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Martin Pritchard
Hon Tjorn Sibma
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Alison Xamon
Hon Pierre Yang

Motion thus negatived.

15. Members' Statements

Statements were taken.

16. Health Practitioner Regulation National Law (WA) Amendment Bill 2017

The President reported the receipt of Message No. 21 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 468).

Debate stands adjourned.

Point of Order

Hon Nick Goiran raised the following Point of Order —

Madam President, I ask if you could provide a ruling tomorrow on whether the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*, which has just been received into the Council is a uniform legislation Bill. In particular, I draw to your attention a couple of things I have noted from the explanatory memorandum that has just been tabled by the Parliamentary Secretary, including that the Bill includes reforms to the Western Australian national law. The explanatory memorandum states that it will create a “national regulation of paramedics, including the establishment of a Para medicine Board of Australia”. Obviously, I have not had the opportunity to consider this Bill in detail because it has just arrived in the House. Off the cuff, it seems that it will create new uniform laws for paramedics under a new scheme that does not exist. However, that was done, it was obviously done by some kind of bilateral or multilateral intergovernmental agreement. Therefore, this seeks to give effect to the regulation of paramedics, which I understand has not been the case previously.

Additionally, I draw to your attention, Madam President, that the explanatory memorandum states also that this Bill will enable “the COAG Health Council to make changes to the structure of National Boards by regulation ...” That immediately strikes me as something that might be a matter of parliamentary sovereignty and I would have thought that would especially be of interest to the Standing Committee on Uniform Legislation and Statutes Review. I will leave it at that, Madam President. If you can provide a ruling tomorrow, that would be useful.

President’s Ruling

The President ruled as follows —

I will take that on notice and provide a ruling tomorrow.

17. Adjournment

The Council adjourned at 7.00pm until Thursday, 7 September 2017 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Jim Chown, Hon Colin de Grussa and Hon Darren West.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council