

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 43

THURSDAY, 7 DECEMBER 2017

1. Meeting of Council

The Council assembled at 9.00am pursuant to order.

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

2. Ministerial Statement — A Single Approach to School Review for all Public Schools

The Minister for Education and Training made a Ministerial Statement with respect to a single approach to school review for all public schools.

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Ministerial Office Staffing Report (as at 30 November 2017)..... 988

Minister for Regional Development

Addendums —

Great Southern Development Commission — Annual Report (2016-2017) 989

Regional Development, Department of — Annual Report (2015-2016) 990

4. Standing Committee on Environment and Public Affairs — Report No. 47 — Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material — Terms of Reference

Hon Matthew Swinbourn presented Report No. 47 of the Standing Committee on Environment and Public Affairs, *Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material — Terms of Reference*. (Tabled Paper 991).

5. City of Karratha Activities in Thoroughfares and Public Places and Trading 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 *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017* published in the *Gazette* on 27 September 2017 and tabled in the Legislative Council on 10 October 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 638)

6. Shire of Donnybrook-Balingup Meeting Procedures 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 Meeting Procedures Local Law 2017* published in the *Gazette* on 29 September 2017 and tabled in the Legislative Council on 10 October 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 638)

7. Port Authorities Amendment Regulations 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 *Port Authorities Amendment Regulations 2017* published in the *Gazette* on 3 October 2017 and tabled in the Legislative Council on 10 October 2017 under the *Port Authorities Act 1999*, be and are hereby disallowed. (Tabled paper No. 663)

8. Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 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 Broome Parking and Parking Facilities Amendment Local Law (2) 2017* published in the *Gazette* on 6 October 2017 and tabled in the Legislative Council on 10 October 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 638)

9. Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017

Hon Aaron Stonehouse, pursuant to notice, moved —

That a Bill for “An Act to amend the *Criminal Procedure Act 2004*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Aaron Stonehouse moved, That the Bill be read a second time.

Hon Aaron Stonehouse tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 992).

Debate stands adjourned.

10. Environmental Protection Amendment (Clearing for Fire Risk Reduction) Bill 2017

Hon Dr Steve Thomas, pursuant to notice, moved —

That a Bill for “An Act to amend the *Environmental Protection Act 1986*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Dr Steve Thomas moved, That the Bill be read a second time.

Hon Dr Steve Thomas tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 993).

Debate stands adjourned.

11. The legalisation of cannabis for recreational purposes

Non-Government Business No. 3 having been called, Hon Aaron Stonehouse moved, without notice —

That this House recognises the economic and social benefits of the legalisation of cannabis for recreational purposes.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Northampton Dogs Local Law 2017 — Disallowance*, 2, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 3, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 4, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance*, 5, *Water Services (Water Corporations Charges) Amendment Regulations 2017 — Disallowance*, 6, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 7, *Shire of Victoria Plains Bush Fire Brigades Local Law 2017 — Disallowance*, 9, *Transfer of Land Amendment Regulations 2017 — Disallowance*, and 10, *Shire of Narrogin Bush Fire Brigades Local Law 2017 — Disallowance*, be taken after Order of the Day No. 31, *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament*. (Leader of the House).

13. Conservation and Land Management Amendment Regulations — 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. 8, *Conservation and Land Management Amendment Regulations 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

Question — That the *Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017* be read a second time — put.

The Council divided.

Ayes (18)

Hon Ken Baston	Hon Laurie Graham
Hon Robin Chapple	Hon Alannah MacTiernan
Hon Tim Clifford	Hon Kyle McGinn
Hon Peter Collier	Hon Michael Mischin
Hon Stephen Dawson	Hon Simon O'Brien
Hon Sue Ellery	Hon Tjorn Sibma
Hon Diane Evers	Hon Matthew Swinbourn
Hon Donna Faragher	Hon Pierre Yang
Hon Nick Goiran	Hon Martin Pritchard (<i>Teller</i>)

Noes (8)

Hon Jacqui Boydell	Hon Charles Smith
Hon Colin de Grussa	Hon Aaron Stonehouse
Hon Colin Holt	Hon Colin Tincknell
Hon Robin Scott	Hon Martin Aldridge (<i>Teller</i>)

Question thus passed.

Bill read a second time.

Question — That the *Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017* be read a second time — put.

The Council divided.

Ayes (20)

Hon Ken Baston
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Diane Evers
 Hon Donna Faragher
 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 Darren West
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

Noes (8)

Hon Jacqui Boydell
 Hon Colin de Grussa
 Hon Colin Holt
 Hon Robin Scott

Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Colin Tincknell
 Hon Martin Aldridge (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Hon Robin Scott moved —

That the Legislative Assembly be requested to make the following amendment —

Page 3, line 4 — To delete “30 June 2023” and substitute —

30 June 2020

Debate ensued.

Amendment — put and negatived.

Hon Robin Scott moved —

That the Legislative Assembly be requested to make the following amendment —

Page 3, after line 14 — To insert —

- (5) Subsection (6) applies to an employer who —
 - (a) lodges a payroll-tax return; and
 - (b) in the month of December pays wages that include a Christmas bonus.
- (6) Commencing 1 July 2018, the employer's liability to pay pay-roll tax in respect of the return period is reduced by the amount, not exceeding \$1,000 for an individual employee, of each Christmas bonus paid in the month of December.
- (7) In this section —

Christmas bonus means an amount paid to an employee, as a Christmas bonus, which is in addition to the employee's entitlement to wages;

Employee means a person to whom wages are paid.

Debate ensued.

Amendment — put and negatived.

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

Clauses 7 to 11 agreed to.

Title agreed to.

Pay-roll Assessment Amendment (Debt and Deficit Remediation) Bill 2017

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

New Clause 3A.

Hon Martin Aldridge moved —

Page 2, after line 12 — To insert —

3A. Section 8 amended

- (1) Delete section 8(1)(b) and insert:
 - (b) the financial years beginning on 1 July 2016 and 1 July 2017 is \$850,000; and
 - (c) a financial year beginning on or after 1 July 2018 is \$1,000,000.
- (2) Delete section 8(2)(b) and insert:
 - (b) the financial years beginning on 1 July 2016 and 1 July 2017 is \$70,833; and
 - (c) a financial year beginning on or after 1 July 2018 is \$83,333.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (8)

Hon Jacqui Boydell
Hon Colin de Grussa
Hon Colin Holt
Hon Robin Scott

Hon Charles Smith
Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Martin Aldridge (*Teller*)

Noes (22)

Hon Ken Baston
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Peter Collier
Hon Stephen Dawson
Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran
Hon Laurie Graham

Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

New Clause thus negatived.

Clauses 4 to 10 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017

The *Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017* reported without amendment.

The Minister for Environment representing the Treasurer moved, That the report be adopted.

Report adopted.

The Minister for Environment representing the Treasurer moved, That the *Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017*, be read a third time.

The President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put.

The Council divided.

Ayes (23)

Hon Ken Baston
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Peter Collier
Hon Stephen Dawson
Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran
Hon Laurie Graham
Hon Alannah MacTiernan

Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Noes (8)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Colin de Grussa
 Hon Colin Holt

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

Question thus passed.

Bill read a third time and passed.

Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017

The *Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017* reported without amendment.

The Minister for Environment representing the Treasurer moved, That the report be adopted.

Report adopted.

The Minister for Environment representing the Treasurer moved, That the *Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017*, be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

15. Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 1

The Order of the Day having been read, debate resumed on the motion of Hon Adele Farina as follows —

That Recommendation 1 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

Recommendation 1 states —

Temporary Orders

The Legislative Council makes the following Temporary Orders —

1. Duration of Temporary Orders

These Temporary Orders apply until (and including) 31 December 2018.

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.

Debate ensued.

Question — put and passed.

16. Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 3

The Order of the Day having been read, debate resumed on the motion of Hon Adele Farina as follows —

That Recommendation 3 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435, 4240 (tabled 28 June 2016) and 1476 (tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report No. 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, be adopted and agreed to.

Recommendation 1 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report No. 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the *Criminal Code* so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the *Criminal Code*;

Recommendation 2(c) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of the Parliament of Western Australia to expel one of its Members; and

Recommendation 2 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That Standing Order 97(2) be deleted and the following inserted —

- (1) When a division is called strangers shall withdraw unless otherwise ordered by the President.

Recommendation 3 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That **Standing Order 181** be amended as follows —
To delete “Any” and insert —

Subject to order, any

Hon Simon O’Brien moved, without notice to amend the motion as follows —

Insert after “to” at the end of the motion the following —

except for that part that deals with Recommendation 1 of Report No. 39 of the Standing Committee on Procedure and Privileges, which is in regards to parliamentary privilege and contempts of Parliament.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Motion, as amended, agreed to.

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

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 Matthew Swinbourn in the Chair)

Clause 2.

Debate resumed.

Hon Nick Goiran moved —

Page 2, lines 8 and 9 — To delete the lines and substitute:

(b) the rest of the Act — on the day after that day.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 3 to 6 agreed to.

Clause 7.

Debate ensued.

Hon Michael Mischin moved —

Page 3, line 16 — To delete “2021” and substitute:

2019

Debate ensued.

Amendment — put and negatived.

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

Clause 8 agreed to.

Clause 9.

Debate ensued.

Hon Aaron Stonehouse moved —

Page 5, after line 11 — To insert:

10CA. No increases in remuneration for Members of Parliament until General Government Sector Net Operating Balance is in surplus

(1) In this section —

General Government Sector Net Operating Balance means the measure, in accrual terms, of the difference between the government's expenses and revenue for a given financial quarter or financial year.

- (2) This section applies to a determination made by the Tribunal under Section 6 after 1 December 2017, other than a determination made under Section 6(1)(c), (d), (ea) and (e).
- (3) The Tribunal must not make a determination under which the remuneration to be paid or provided in respect of an office or other position referred to in Section 6(1) is more than the remuneration paid or provided in respect of the office or position immediately before commencement day unless and until the General Government Sector Net Operating Balance is in surplus.
- (4) The Treasurer must within 30 days of the end of each financial quarter cause to be tabled in both Houses of Parliament a report containing the General Government Sector Net Operating Balance for that financial quarter.
- (5) If either House is not sitting during the 30 day period referred to in subsection (4) the Treasurer may transmit the report containing the General Government Sector Net Operating Balance for that financial quarter to the Clerk of that House.
- (6) A copy of a report transmitted to the Clerk of a House is to be regarded as having been laid before that House.
- (7) The laying of a copy of the report regarded as having occurred under subsection (5) is to be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk received the copy.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (3)

Hon Robin Scott
Hon Colin Tincknell

Hon Aaron Stonehouse (*Teller*)

Noes (28)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Jim Chown
 Hon Tim Clifford
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Laurie Graham

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

Amendment thus negatived.

Debate ensued.

The Leader of the House moved —

Page 10, lines 11 to 17 — To delete the lines and insert:

- (2) The Tribunal must not make a determination under section 5A, 6 or 7C, or a report under section 7, which —
- (a) has the effect of providing for the payment or provision of remuneration on the basis that the remuneration was not paid or provided before 1 July 2021 by reason of the operation of section 10C, 10D, 10E or 10F (as the case requires); or
 - (b) takes into account any increase in the cost of living that occurred between commencement day and 1 July 2021.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

New Clause 11.

Hon Michael Mischin moved —

Page 10, after line 22 — To insert —

11. Section 13 inserted

After section 12 insert:

13. Review of *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2017*

- (1) The Minister must carry out a review of the operation and effectiveness of the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Act 2017* as soon as practicable after the 2nd anniversary of the day on which this section comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of the Parliament.

New Clause — put and negatived.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Minister for Public Sector Management, by leave, moved, That the report be adopted.

Report adopted.

The Leader of the House representing the Minister for Public Sector Management moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017* to be read a third time.

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.

The Leader of the House moved representing the Minister for Public Sector Management, That the Bill be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Hon Dr Steve Thomas, by leave, tabled a graph relating to public sector wages for the period of 2001 to 2017. (Tabled Paper 994).

Question — put and passed.

Bill read a third time and passed.

18. Dangerous Sexual Offenders Legislation Amendment Bill 2017

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

The Acting President left the Chair.

In Committee

(Hon Laurie Graham in the Chair)

Clause 1 agreed to.

Clauses 2 to 8 agreed to.

Clause 9.

Debate ensued.

Hon Michael Mischin moved —

Page 5, line 4 to page 6, line 7 — To delete the lines and substitute —

jurisdiction is vested must refuse to grant bail.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (15)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Donna Faragher
 Hon Colin Holt
 Hon Michael Mischin

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

Noes (15)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Diane Evers
 Hon Laurie Graham
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

The votes being equal, the amendment was resolved in the negative.

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

Clauses 10 to 15 agreed to.

Clause 16.

Debate ensued.

The Leader of the House representing the Attorney General moved, That the Deputy 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 Deputy 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.

19. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to Ministers who have had access to vehicles within the government garage since 14 September 2017, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development representing the Minister for Water tabled the *Broome North Wastewater Treatment Plant Annual Environment Report (2016-17)*, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 995).

The Leader of the House representing the Minister for Public Sector Management, by leave, incorporated into *Hansard* information in relation to the net change in full-time equivalent employees across all public sector agencies resulting in a net increase of 2,583 full-time equivalent employees for the sector, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Regional Development tabled a report titled *The Effectiveness and Impact of Changes to the Western Australian Community Resource Network — Draft Report to the Department of Regional Development (November 2016)*, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 996).

The Minister for Environment representing the Minister for Corrective Services tabled documents in relation to outside hospital treatment required for prisons from January to November 2017, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 997).

The Minister for Environment tabled documents in relation to details of the closure of the Canal Rocks Boat Ramp, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 998).

The Minister for Environment tabled two reports titled *Tidal Energy Australia Pty Ltd (Tidal Energy Australia) Compliance Assessment Report 2014* and *Tidal Energy Australia Pty Ltd (Tidal Energy Australia) Compliance Assessment Report 2015*, in response to question on notice No. 415 asked by Hon Robin Chapple. (Tabled Paper 999).

The Minister for Environment tabled documents in relation to correspondence sent to the Senate Inquiry into the Protection of Aboriginal Rock Art of the Burrup Peninsula, in response to question on notice No. 485 asked by Hon Robin Chapple. (Tabled Paper 1000).

The Minister for Disability Services tabled the *Feasibility Study: Independent Support Person Program for People with Intellectual or Cognitive Disability*, in response to question on notice No. 463 asked by Hon Alison Xamon. (Tabled Paper 1001).

The Minister for Environment tabled documents in relation to Per and Poly Fluoro Alkyl Substances (PFAS) Impacted Sites Regulated under the *Contaminated Sites Act 2003*, in response to question on notice No. 465 asked by Hon Dr Steve Thomas. (Tabled Paper 1002).

The Minister for Environment tabled the *Old Growth Forest Assessments Reports* and a map depicting Changes to Old Growth Forest in the South West (December 2015 to December 2016), in response to question on notice No. 490 asked by Hon Diane Evers. (Tabled Paper 1003).

The Minister for Environment tabled details of his visit to Baldivis on 25 October 2017, in response to question on notice No. 439 asked by Hon Nick Goiran. (Tabled Paper 1004).

The Minister for Environment tabled details of his visit to the South Metropolitan Region on 23 October 2017, in response to question on notice No. 442 asked by Hon Nick Goiran. (Tabled Paper 1005).

The Minister for Environment tabled details of his visit in the South Metropolitan Region on 16 October 2017, in response to question on notice No. 468 asked by Hon Nick Goiran. (Tabled Paper 1006).

20. Statement by President — Asbestos Diseases Society of Australia

The President made the following Statement —

About a week ago, we held a fundraiser for the Asbestos Diseases Society of Australia. I wanted to advise Members that as a first-time event, we raised more than \$450. That has been provided to the Asbestos Diseases Society of Western Australia. The society has asked me to pass on its thanks to you, and it is very pleased with the outcome.

21. Suspension of Standing Orders — Business of the House

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the Council at this day's sitting to sit beyond 5.20pm in order for the Council to consider the *Dangerous Sexual Offenders Legislation Amendment Bill 2017*, and that Members' Statements be taken at 5.55pm today.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

22. Order of Business

Ordered — That Order of the Day No. 14, *Dangerous Sexual Offenders Legislation Amendment Bill 2017*, be taken forthwith. (Leader of the House).

23. Dangerous Sexual Offenders Legislation Amendment Bill 2017

Resumption of consideration of this Bill in Committee of the Whole House (*see item 18 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 16.

Debate resumed.

Hon Michael Mischin moved —

Page 9, lines 15 to 20 — To delete the lines and substitute —

- (3) A court cannot make an order under subsection (1)(b) unless it is satisfied that the offender will comply with the conditions of the order.
- (4) The offender has the onus of satisfying the court as described in subsection (3), and the court must be satisfied —
 - (a) by acceptable and cogent evidence; and
 - (b) to a high degree of probability.

Amendment — put and negatived.

Debate resumed.

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

Clause 17.

Hon Michael Mischin moved —

Page 10, lines 6 and 7 — To delete “substantially comply with the standard conditions” and substitute:

comply with the conditions

Debate ensued.

Amendment — put and negatived.

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

Clause 18.

Hon Michael Mischin moved —

Page 10, after line 27 — To insert —

- (4) At the end of section 21 insert:
- (6) Despite anything in the *Bail Act 1982*, a person who is arrested under a warrant issued under subsection (2) in respect of a suspected contravention

must not be granted bail but must be detained in custody until brought before the Supreme Court.

Debate ensued.

Amendment — put and negatived.

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

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 23 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Acting President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

24. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

25. Members' Statements

Statements were taken.

The President left the Chair at 5.49pm

The President resumed the Chair at 5.51pm

26. Adjournment

The Council adjourned at 6.25pm until Tuesday, 13 March 2017 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alanna Clohesy, Hon Adele Farina and Hon Rick Mazza.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council