

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 42
WEDNESDAY, 6 DECEMBER 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. Message from Her Excellency the Governor — Assent to Bills

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

5 December 2017 — Message No. 25

Act No.

Iron Ore (Channar Joint Venture) (Hamersley Range) Agreements Amendment Bill 2017 13 of 2017

Mineral Sands (Cooljarloo) Mining and Processing Agreement Amendment Bill 2017 14 of 2017

Railway (BBI Rail Aus Pty Ltd) Agreement Bill 2017 15 of 2017

First Home Owner Grant Amendment Bill 2017 16 of 2017

3. Petitions

Hon Adele Farina presented a petition from 156 petitioners requesting the Legislative Council to oppose the proposed demolition of the old Warren District Hospital. (Tabled Paper 975).

Hon Jacqui Boyde presented a petition from 639 petitioners requesting the Legislative Council to call on the Premier to reverse the cuts to the Boarding Away from Home Allowance. (Tabled Paper 976).

Hon Robin Scott presented a petition from two petitioners requesting the Legislative Council to ensure that Hawthorn Resources Limited adheres to mining tenement conditions. (Tabled Paper 977).

Hon Colin de Grussa presented a petition from 819 petitioners requesting the Legislative Council to investigate the construction and operation of the Nickel Sulphate Plant proposed by Alpha Fine Chemicals in Myrup in the Shire of Esperance. (Tabled Paper 978).

4. Ministerial Statement — New Intake of Independent Public Schools

The Minister for Education and Training made a Ministerial Statement with respect to the new intake of independent public schools in 2019.

5. Standing Committee on Uniform Legislation and Statutes Review — Report No. 110 — Inquiry into the Form and Content of the Statute Book — Terms of Reference

Hon Michael Mischin presented Report No. 110 of the Standing Committee on Uniform Legislation and Statutes Review, *Inquiry into the Form and Content of the Statute Book — Terms of Reference*. (Tabled Paper 979).

6. Standing Committee on Uniform Legislation and Statutes Review — Report No. 111 — Committee's Treaty Function — Terms of Reference

Hon Michael Mischin presented Report No. 111 of the Standing Committee on Uniform Legislation and Statutes Review, *Committee's Treaty Function — Terms of Reference*. (Tabled Paper 980).

7. Public and Health Sector Legislation Amendment (Executive Payout Compensation) Bill 2017

Hon Tjorn Sibma: To move on the next day of sitting —

That a Bill for “An Act to amend the *Public Sector Management Act 1994* and the *Health Services Act 2016* to reduce payout compensation for executives appointed under those Acts.” be introduced and read a first time.

8. Order of Business

Ordered — That Order of the Day No. 1, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, be taken at a later stage of this day's sitting. (Leader of the House).

9. Order of Business

Ordered — That Orders of the Day Nos 2, *Shire of Northampton Dogs Local Law 2017 — Disallowance*, 3, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 4, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 5, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance*, 6, *Water Services (Water Corporations Charges) Amendment Regulations 2017 — Disallowance*, 7, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 8, *Shire of Victoria Plains Bush Fire Brigades Local Law 2017 — Disallowance*, 9, *Conservation and Land Management Amendment Regulations 2017 — Disallowance*, and 10, *Transfer of Land Amendment Regulations 2017 — Disallowance* be taken after Order of the Day No. 33, *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament*. (Leader of the House).

10. School Curriculum and Standards Authority Amendment Bill 2017

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Education and Training moved, 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.

Question — put and passed.

Bill read a third time and passed.

11. Western Australian Jobs 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 Martin Aldridge in the Chair)

Clause 15.

Debate resumed.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled a list of agencies covered by the *Western Australian Jobs Bill 2017*. (Tabled paper 981).

Debate resumed.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled a letter from the Premier to the Minister for Regional Development representing the Minister for State Development, Jobs and Trade regarding the *Western Australian Jobs Bill 2017*. (Tabled paper 982).

Debate resumed.

Clause agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a third time.

The Deputy 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.

12. 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.

Question — put.
The Council divided.

Ayes (26)

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

Hon Colin Holt
Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Noes (4)

Hon Tim Clifford
Hon Michael Mischin

Hon Simon O'Brien
Hon Alison Xamon (*Teller*)

Question thus passed.
Bill read a second time.
The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.
Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Treasurer, by leave, incorporated into *Hansard* information in tabular format of general employee expenses for the years 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 Premier, by leave, incorporated into *Hansard* a list in tabular format of local projects, and local jobs grants that have been paid in the electorate of Darling Range, in response to a question without notice asked by Hon Michael Mischin.

The Minister for Environment, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 415, 424, 439, 442, 468, 485 and 490 will be provided on Thursday, 7 December 2017.

The Minister for Disability Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 463 will be provided on Thursday, 7 December 2017.

The Minister for Environment representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 430 asked by Hon Alison Xamon will be provided on 13 March 2017.

The Minister for Environment representing the Minister for Corrective Services tabled documents in relation to staff within the Minister's portfolio whose salary last financial year was 50 percent more or double their base salary with details of entitlements, allowances and overtime, in response to question on notice No. 487 asked by Hon Peter Collier. (Tabled Paper 983).

The Minister for Environment representing the Minister for Planning tabled documents in relation to Vegetation Complex Conservation, Bush Forever site owners and management (as at June 2016), and Bush Forever sites in conservation reserves, in response to question on notice No. 416 asked by Hon Robin Chapple. (Tabled Paper 984).

The Minister for Environment representing the Minister for Corrective Services tabled documents in relation to Aboriginal community organisations working in prisons and at Banksia Hill Detention Centre, in response to question on notice No. 440 asked by Hon Alison Xamon. (Tabled Paper 985).

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

Resumption of consideration of this Bill in Committee of the Whole House (*see item 12 above*).

The President left the Chair.

In Committee

(Hon Laurie Graham in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Minister for Public Sector Management tabled the *Salaries and Allowances Act 1975 — Determination of the Salaries and Allowances Tribunal for Clerks and Deputy Clerks of the Parliament, Public Service Office Holders included in the Special Division of the Public Service and Persons Holding Offices Prescribed in Salaries and Allowances Regulation No. 3*. (Tabled Paper 986).

Debate resumed.

The Leader of the House representing the Minister for Public Sector Management tabled the *Salaries and Allowances Act 1975 — Determination Variation (1 July 2017)*. (Tabled Paper 987).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

The Leader of the House representing the Minister for Public Sector Management moved, That the Chair report progress and seek to sit again.

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.

Ordered — That the Committee of the Whole House sit again.

15. Variation of Sitting Time — 7 December 2017

The Leader of the House moved, without notice —

That on Thursday, 7 December 2017 the Council shall meet for business at 9.00am.

Question — put and passed.

16. Order of Business

Ordered — That Order of the Day No. 1, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, be taken forthwith. (Leader of the House).

17. Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Plastic Bag Reduction Local Law 2017* published in the *Gazette* on 2 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 240).

Debate ensued.

Question — put and passed.

18. Order of Business

Ordered — That Order of the Day No. 21, *Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017*, be taken forthwith. (Leader of the House).

19. Cognate Debate — Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017 and Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017

The Minister for Environment representing the Treasurer sought leave of the Council to debate Order of the Day No. 21, *Pay-roll Tax Amendment (Debt and Deficit Remediation) Bill 2017*, and Order of the Day No. 22, *Pay-roll Tax Assessment Amendment (Debt and Deficit Remediation) Bill 2017*, cognately [SO 127].

Leave granted.

20. 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.

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

21. Order of Business

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

22. Members' Statements

Statements were taken.

23. Adjournment

The Council adjourned at 10.25pm until Thursday, 7 December 2017 at 9.00am.

Members present during the day's proceedings

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

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council