

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 40**  
**THURSDAY, 30 NOVEMBER 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. Petitions**

Hon Colin Holt presented a petition from 756 petitioners requesting the Legislative Council to request adequate funding from the Premier for the Bunbury based RAC Rescue Helicopter Service. (Tabled Paper 940).

Hon Tjorn Sibma presented a petition from 726 petitioners requesting the Council to support requests to halt multi-unit development applications until multi-unit development guidelines and zoning for the ten housing opportunity areas in the City of Joondalup are properly reviewed. (Tabled Paper 941).

**3. Ministerial Statement — Recovery Colleges**

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the commitment to establish a Recovery College model for Western Australia.

**4. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers —*

WA State Tourism Strategy 2020 (Report No. 24) (November 2017)..... 926

*Reports —*

Ombudsman Western Australia — A report on the monitoring of the infringement notices provisions of the Criminal Code — Volume 1 — Ombudsman's Foreword and Executive Summary ..... 927

Ombudsman Western Australia — A report on the monitoring of the infringement notices provisions of the Criminal Code — Volume 2 — Scrutiny of the operation of provisions..... 928

Ombudsman Western Australia — A report on the monitoring of the infringement notices provisions of the Criminal Code — Volume 3 — The impact on Aboriginal and Torres Strait Islander and other communities ..... 929

Ombudsman Western Australia — A report on the monitoring of the infringement notices provisions of the Criminal Code — Volume 4 — The consultation process..... 930

Ombudsman Western Australia — A report on the monitoring of the infringement notices provisions of the Criminal Code — Volume 5 — The cost-benefit analysis.....	931
Ombudsman Western Australia — Report by the Parliamentary Commissioner for Administrative Investigations under section 158 of the Criminal Organisations Control Act 2012 (for the monitoring period ended 1 November 2017).....	932

## 5. **Standing Committee on Procedure and Privileges — Report No. 46 — Acknowledgement of Country**

The President presented Report No. 46 of the Standing Committee on Procedure and Privileges, *Acknowledgement of Country*. (Tabled Paper 933).

Hon Simon O'Brien moved, without notice —

That consideration of Recommendations 1 and 2 contained in Report 46 of the Standing Committee on Procedure and Privileges, *Acknowledgement of Country*, be made an order of the day in Committee of the Whole for the next sitting of the House.

Question — put and passed.

## 6. **Papers**

The following Papers were laid on the Table by —

### **Minister for Environment**

*Annual Reports* —

Australian Criminal Intelligence Commission — Assumed Identities (2016-2017)  
(Date received 29/11/2017)..... 934

Board of the Australian Crime Commission (2016-2017) (Date received 29/11/2017) ..... 935

*Notices* —

Financial Management Act 2006 (section 82) — Notice from the Treasurer in regards to Legislative Council Question without Notice No. C785..... 936

*Reports* —

Economic Regulation Authority — The Efficient Costs and Tariffs of the Water Corporation, Aqwest and Busselton Water (Final Report) (10 November 2017)  
..... 937

Government of Western Australia — Quarterly Financial Results Report (2017-18) (September 2017) ..... 938

### **Minister for Regional Development**

*Reports* —

Minister for Defence — Official visit to Hawaii USA (15-21 October 2017)..... 939

## 7. **Joint Standing Committee on Delegated Legislation — Report No. 6 — Town of East Fremantle Plastic Bag Reduction Local Law 2017**

Hon Robin Chapple presented Report No. 6 of the Joint Standing Committee on Delegated Legislation, *Town of East Fremantle Plastic Bag Reduction Local Law 2017*. (Tabled Paper 942).

## 8. **Joint Standing Committee on the Corruption and Crime Commission — Report No. 6 — Parliamentary Inspector's report on the issuing of notices by the Corruption and Crime Commission under s42 of the Corruption, Crime and Misconduct Act**

Hon Jim Chown presented Report No. 6 of the Joint Standing Committee on the Corruption and Crime Commission, *Parliamentary Inspector's report on the issuing of notices by the Corruption and Crime Commission under s42 of the Corruption, Crime and Misconduct Act*. (Tabled Paper 943).

**9. Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — Unfinished business: The Corruption and Crime Commission’s response to the Committee’s report on Dr Cunningham and Ms Atoms**

Hon Jim Chown presented Report No. 7 of the Joint Standing Committee on the Corruption and Crime Commission, *Unfinished business: The Corruption and Crime Commission’s response to the Committee’s report on Dr Cunningham and Ms Atoms*. (Tabled Paper 944).

**10. Shire of Narrogin Bush Fire Brigades 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 Narrogin Bush Fire Brigades Local Law 2017* published in the *Gazette* on 8 September 2017 and tabled in the Legislative Council on 12 September 2017 under the *Bush Fires Act 1954* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 473).

**11. Suspension of Standing Orders – 5, 6 and 7 December 2017**

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the Order of Business and sitting times for next week as follows —

- (1) Tuesday, 5 December:
  - (a) The Council to sit at 10.00am and suspend sittings between 1.00pm and 2.00pm;
- (2) Wednesday, 6 December:
  - (a) The Council to sit after 6.20pm and suspend sittings between 6.00pm and 7.00pm;
  - (b) No Motions on Notice;
  - (c) No consideration of Committee Reports; and
- (3) Thursday, 7 December:
  - (a) No Private Members’ Business.

Debate ensued.

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.

**12. Government’s lack of transparency and accountability**

Non-Government Business No. 1 having been called, Hon Charles Smith moved, without notice —

That this House takes note of the McGowan Government’s lack of transparency and accountability and its failure to deliver on election promises.

Debate ensued.

*Motion lapsed.*

**13. Order of Business**

Ordered — That Orders of the Day Nos 1, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, 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*, and 9, *Conservation and Land Management 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 39<sup>th</sup> Parliament*. (Leader of the House).

#### 14. 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.

Hon Alison Xamon moved, without notice —

- (1) That the *Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than Tuesday 20 March 2018; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

#### 15. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Public Sector Management, by leave, incorporated into *Hansard* a list detailing general government salaries across the public sector 2001-02 to 2016-17, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Education and Training tabled documents in relation to Western Australian public schools that currently do not teach a language to Year 3 students, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 945).

The Minister for Regional Development tabled, and by leave incorporated into *Hansard*, documents in relation to funding for Community Resource Centres in the Royalties for Regions program, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 946).

The Leader of the House representing the Premier tabled the current guidelines for the Minister's use of charter aircraft services and ministerial air charter use (March to September 2017), in response to question on notice No. 404 asked by Hon Martin Aldridge. (Tabled Paper 947).

The Minister for Environment tabled minutes and memorandums from the meeting held on 24 March 2017 by staff of the Conservation and Parks Commission and the then Department of Parks and Wildlife to discuss old growth forest assessment procedures, in response to question on notice No. 418 asked by Hon Diane Evers. (Tabled Paper 948).

The Minister for Environment representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to Mr Barry Urban's work history at the Department of Corrective Services, in response to a question without notice No. 853 asked by Hon Michael Mischin.

The Minister for Regional Development representing the Minister for Water tabled documents in relation to Gogo Station in the Kimberley and their use of water irrigation, in response to question on notice No. 145 asked by Hon Robin Chapple. (Tabled Paper 949).

#### 16. Statement by President — Answers to questions

The President made the following Statement —

Members, I want to draw your attention to something that I am advised occurred during question time today. I understand that there was a question asked of a Minister who was representing another Minister in the other place. There was a written response and a verbal answer was given. Staff were instructed not to provide that written answer to the Member who asked the question. I say that is an unacceptable situation to put the staff in and it also denies the Member asking the question access to the written response and prevents them from having the opportunity to ask a further question without notice. I do not understand why that occurred, but I will just say for the future that is not the custom or practice of this House. When a question is asked, the answer is provided to the Member who has asked it, and I hope that this will not happen again.

##### *Point of Order*

Hon Alannah MacTiernan raised the following Point of Order —

Madam President, that was obviously me who did that. I am mindful of an earlier ruling that you have given that the answers that we provide are our own answers. I said that specific answer was based on information that was provided to me. The reason I changed one part of it was just to make it clearer. As I said, I was very conscious of the earlier ruling that these answers are

indeed our answers. I certainly seek some clarification on how those two rulings are to be meshed, because if we are required simply to read what has been provided to us, that seems to me to be somewhat contrary to earlier advice that we have to take personal responsibility for that answer.

*President's Ruling*

The President ruled as follows —

Minister, if you were not satisfied with the answer, you could have done as your colleagues have done and made that comment and sought the opportunity to provide the answer at a different date. However, on this occasion, I understand that the partial answer that you gave was provided to Hansard, but not to the Member. If the answer is to be provided at all, it should be provided to both Hansard and the Member who asks it. If you are not satisfied with the answer that you have been given by another Member, you should not provide it in the first place and you should seek an opportunity to go back and revisit that answer before you provide it.

**17. Paper**

The following Paper was laid on the Table by —

**President**

*Reports* —

Parliamentary Inspector of the Corruption and Crime Commission — Misconduct:  
Unauthorised Disclosure of Confidential Information ..... 950

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

Debate resumed on the motion to discharge and refer the Bill to the Standing Committee on Legislation. (*see item 14 above*).

*Interruption pursuant to order.*

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 5.47pm until Tuesday, 5 December 2017 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina and Hon Kyle McGinn.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council