

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**

**DAILY NOTICE PAPER**

**No. 152**

**WEDNESDAY, 25 SEPTEMBER 2019, 1.00pm**

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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**MOTIONS**

**1. Protection Measures at School for Victims of Sex Offences** (*Notice given 18 September 2019*)

Hon Nick Goiran: To move —

That this House implores the Government to —

- (a) abandon its current policy which sees some victims of child sex offences attending school each day knowing they may be confronted by their abuser; and
- (b) inform the House of what it is and will be doing to protect these children and young people.

**MOTIONS FOR DISALLOWANCE**

**1. Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019** (*Notice given 19 September 2019 moves pro forma on 26 September 2019*)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* published in the *Gazette* on 26 June 2019 and tabled in the Legislative Council on 6 August 2019 under the *Road Traffic (Authorisation to Drive) Act 2008*; *Road Traffic (Vehicles) Act 2012*; *Taxi Act 1994*; *Transport (Road Passenger Services) Act 2018*; *Transport Co-ordination Act 1966*, be and are hereby disallowed. (Tabled paper No. 2865).

2. **City of Bunbury — Fees Notice 2019** (*Notice given 19 September 2019 moves pro forma on 26 September 2019*)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Bunbury — Fees Notice 2019* published in the *Gazette* on 5 July 2019 and tabled in the Legislative Council on 6 August 2019 under the *Health (Miscellaneous Provisions) Act 1911*, be and is hereby disallowed. (Tabled paper No. 2889).

3. **Public Health Amendment Regulations 2019** (*Notice given 19 September 2019 moves pro forma on 26 September 2019*)

Hon Robin Chapple: To move —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Public Health Amendment Regulations 2019* published in the *Gazette* on 19 July 2019 and tabled in the Legislative Council on 6 August 2019 under the *Public Health Act 2016*, be and are hereby disallowed. (Tabled paper No. 2891).

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## BILLS FOR INTRODUCTION

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1. **Public and Health Sector Legislation Amendment (Executive Payout Compensation) Bill 2017** (*Notice given 6 December 2017*)

Hon Tjorn Sibma: To move —

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.

2. **Strong and Sustainable Resource Communities Bill 2018** (*Notice given 22 March 2018*)

Hon Colin Tincknell: To move —

That a Bill for “An Act to prioritise recruitment from local and regional communities in the vicinity of large projects during their operation.” be introduced and read a first time.

3. **Game and Feral Animal Control Bill 2018** (*Notice given 16 October 2018*)

Hon Rick Mazza: To move —

That a Bill for “An Act to manage and regulate the hunting of game; and for other purposes.” be introduced and read a first time.

4. **Petroleum and Geothermal Energy Resources Amendment (banning the use of hydraulic fracture stimulation) Bill 2018** (*Notice given 27 November 2018*)

Hon Robin Chapple: To move —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* to ban the use of hydraulic fracture stimulation (fracking) for onshore exploration or development of shale and coal seam gas in Western Australia.” be introduced and read a first time.

5. **Firearms Amendment (Airsoft) Bill 2019** (*Notice given 24 September 2019*)

Hon Aaron Stonehouse: To move —

That a Bill for “An Act to amend the *Firearms Act 1973*.” be introduced and read a first time.

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**ORDERS OF THE DAY**

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**1. \*Standing Committee on Procedure and Privileges — Report 57 — Legal Proceedings by the President — Further Authorisation by the Legislative Council (Tabled 24 September 2019)**

Committee (Tuesday, 24 September 2019).

Consideration of Recommendation 1 contained in Report 57 of the Standing Committee on Procedure and Privileges, *Legal Proceedings by the President — Further Authorisation by the Legislative Council*.

See Tabled paper 3103 (Tabled 24 September 2019).

Recommendation 1 states —

The Committee recommends that the Legislative Council notes:

- (A) That on 10 September 2019, the Clerk of the Legislative Council was served by the Corruption and Crime Commission with two notices to produce records or things, including documents and data retained by him.
- (B) That the retention of those documents and data by the Clerk is the result of orders made by the Standing Committee on Procedure and Privileges pursuant to the authority provided by the Legislative Council on 12 June 2019.
- (C) That, on 5 September 2019, the Legislative Council authorised the President to commence legal proceedings with respect to some or all of three notices to produce records or things, and one notice to produce information, issued by the CCC to the Director General of the Department of the Premier and Cabinet.
- (D) That those legal proceedings will relate to the validity of some or all of the CCC notices to produce.
- (E) That similar questions arise in respect to the validity of the CCC notices to produce served on the Clerk.
- (F) That, to the extent that the CCC notices to produce are invalid, the CCC will not have a lawful right to the documents, data or information sought by those notices.

And that the Legislative Council orders as follows:

**Resolution regarding the ‘arrangement’**

- (1) That the proceedings described in Resolution 4(1) passed on 5 September 2019 may include the following, and proceedings may be commenced and pursued on behalf of the Legislative Council of Western Australia accordingly:
  - (a) a challenge to the validity of the Commission’s actions in making and implementing an arrangement with the Director General, Department of Premier and Cabinet, concerning the searching of electronic records and the review of records by staff of the State Solicitor’s Office to purportedly determine whether any of the records were the subject of Parliamentary Privilege; and
  - (b) any causes of action which in the opinion of solicitors and counsel are related or raise similar questions.

**Resolutions regarding the new notices and funding**

- (2) That proceedings may be commenced and pursued, in the Supreme Court of Western Australia, on behalf of the Legislative Council of Western Australia, challenging the validity of notices to produce records or things issued by the Corruption and Crime Commission to the Clerk of the Legislative Council on

10 September 2019, and of any future notices issued by the Commission that in the opinion of solicitors and counsel give rise to similar issues, and of the conduct of the Commission in issuing those notices.

- (3) That the President of the Legislative Council of Western Australia be authorised to conduct such proceedings in that capacity on behalf of the Legislative Council of Western Australia and to do all such things reasonably necessary for, and incidental to, the commencement and pursuit of those proceedings, including to:
- (a) engage solicitors and counsel to represent the Legislative Council of Western Australia and to act upon their advice with respect to the proceedings in consultation with the Standing Committee on Procedure and Privileges;
  - (b) if considered appropriate, engage separate solicitors and other service providers to search and review the records produced to the Commission in response to the above notices;
  - (c) maintain the confidentiality and legal professional privilege attaching to communication relating to the proposed proceedings;
  - (d) take direction from the Standing Committee on Procedure and Privileges with respect to the conduct of the proceedings and matters related to them;
  - (e) report to the Legislative Council of Western Australia, periodically, and when requested, with respect to the proposed proceedings; and
  - (f) to consult with the Deputy Clerk of the Legislative Council as the Accountable Authority of the Department of the Legislative Council to permit the authorisation of the expenditure of funds necessary and reasonable with respect to any proceedings.
- (4) That the reference to 'Clerk' in Resolution 4 passed by the Legislative Council on 5 September 2019 is to be read as a reference to the 'Deputy Clerk', now being the Accountable Authority of the Department of the Legislative Council for the purposes of authorisation of expenditure of funds necessary and reasonable with respect to any proceedings.
- (5) Causes of action commenced in accordance with Resolution 4 passed on 5 September 2019 and the resolutions set out above, may be the subject of one proceeding, multiple separate proceedings, or otherwise, as advised by solicitors and counsel or as determined by the Court.

#### **Resolution regarding the Clerk**

- (6) That the Clerk is directed not to comply with the CCC notices to produce served on the Clerk on 10 September 2019 pending:
- (a) both the outcome of any proceedings and an assessment of parliamentary privilege by the Standing Committee on Procedure and Privileges with respect to those notices; or
  - (b) further direction from the Standing Committee on Procedure and Privileges taking account of legal advice.

## **2. Health Regulations Amendment (Fees and Charges) Regulations 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 19 September 2019 on the motion of Hon Robin Chapple (Days remaining 15 after today (Indicative date — 27 November 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Health Regulations Amendment (Fees and Charges) Regulations 2019* published in the *Gazette* on 14 June 2019 and tabled in the Legislative Council on 25 June 2019 under the *Food Act 2008*, be and are hereby disallowed. (Tabled paper 2812).

**3. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017 [LC 29–1] Minister for Education and Training**

Second reading adjourned (Wednesday, 6 September 2017).

**4. Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017 [LA 30–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 5 December 2017).

**5. Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017 [LA 31–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 5 December 2017).

**6. \*Corruption, Crime and Misconduct Amendment Bill 2017 [LA 41–1] Leader of the House representing the Attorney General**

Committee progress clause 1 (Wednesday, 20 February 2019).

*cf SNP 41 Issue 4 – 19 February 2019.*

*See Standing Committee on Procedure and Privileges Report 48 (Tabled 10 May 2018).*

**7. Appropriation (Recurrent 2016–17) Supplementary Bill 2017 [LA 55–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 14 August 2018).

**8. Appropriation (Capital 2016–17) Supplementary Bill 2017 [LA 54–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 14 August 2018).

**9. \*Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 [LA 86–1] Leader of the House representing the Premier**

Committee progress clause 1 (Thursday, 6 December 2018).

*cf SNP 86 Issue 1 – 6 November 2018.*

**10. Legislation Bill 2018 [LA 78–1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 31 October 2018).

**11. Legal Profession Amendment (Professional Indemnity Insurance Management Committee) Bill 2018 [LA 102–1] Leader of the House representing the Attorney General**

Second reading adjourned (Tuesday, 4 December 2018).

**12. Criminal Code Amendment (Child Marriage) Bill 2018 [LA 109–1] Leader of the House representing the Attorney General**

Second reading adjourned (Tuesday, 4 December 2018).

**13. \*Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018 [LA 87–1] Leader of the House representing the Attorney General**

Second reading resumption of debate adjourned Hon Pierre Yang (Tuesday, 17 September 2019).

*cf SNP 87 Issue 1 – 7 May 2019*

**14. \*Residential Parks (Long-stay Tenants) Amendment Bill 2018 [LA 99-1] Minister for Regional Development representing the Minister for Commerce and Industrial Relations**

Second reading adjourned (Tuesday, 12 February 2019).

*See Standing Committee on Legislation Report 39 (Tabled 21 March 2019).*

*cf SNP 99 Issue 4 – 13 August 2019.*

**15. \*Consumer Protection Legislation Amendment Bill 2018 [LA 96-2] Minister for Regional Development representing the Minister for Commerce**

Committee progress clause 72 (Tuesday, 24 September 2019).  
cf SNP 96 Issue 7 – 24 September 2019.

**16. Administration Amendment Bill 2018 [LA 77-1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 3 April 2019).

**17. \*Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 [LA 88-1] Parliamentary Secretary to the Minister for Health**

Second reading adjourned (Wednesday, 10 April 2019).  
cf SNP 88 Issue 2 – 27 June 2019.

See Standing Committee on Legislation Report 40 (Tabled 27 June 2019).

**18. Criminal Appeals Amendment Bill 2019 [LA 103-2] Leader of the House representing the Attorney General**

Second reading adjourned (Thursday, 27 June 2019).

**19. Agricultural Produce Commission Amendment Bill 2019 [LC 138-1] Minister for Agriculture and Food**

Second reading adjourned (Wednesday, 7 August 2019).

**20. Terrorism (Preventative Detention) Amendment Bill 2019 [LA 133-1] Minister for Environment representing the Minister for Police**

Second reading resumption of debate adjourned (Tuesday, 17 September 2019).

**21. \*High Risk Offenders Bill 2019 [LA 137-1] Leader of the House representing the Attorney General**

Committee progress clause 14 (Tuesday, 24 September 2019).  
cf SNP 137 Issue 5 – 24 September 2019.

**22. Wittenoom Closure Bill 2019 [LA 120-1] Minister for Environment representing the Minister for Lands**

Second reading adjourned (Wednesday, 14 August 2019).

**23. \*Fair Trading Amendment Bill 2019 [LC 122-1] Minister for Regional Development representing the Minister for Commerce**

Second reading adjourned (Wednesday, 3 April 2019).

See Standing Committee on Uniform Legislation and Statutes Review Report 123 (Tabled 20 August 2019).

cf SNP 122 Issue 1 – 22 August 2019.

**24. \*Small Business Development Corporation Amendment Bill 2019 [LA 130-2] Minister for Regional Development representing the Minister for Small Business**

Second reading adjourned (Tuesday, 20 August 2019).

cf SNP 130 Issue 1 – 22 August 2019.

**25. Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018 [LA 108-2] Minister for Environment representing the Minister for Planning**

Second reading adjourned (Wednesday, 4 September 2019).

**26. \*Ticket Scalping Bill 2018 [LA 110–1] Minister for Regional Development representing the Minister for Commerce**

Second reading adjourned (Thursday, 27 June 2019).

See *Standing Committee on Legislation Report No. 41 (Tabled 5 September 2019)*.

cf *SNP 110 Issue 2 – 11 September 2019*.

**27. \*Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39<sup>th</sup> Parliament — Recommendation 3 (Tabled 24 August 2017)**

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 3 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See *Tabled papers 435, 4240 (Tabled 28 June 2016) and 1476 (Tabled 15 May 2014)*.

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report 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 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 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 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 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 Parliament of Western Australia to expel one of its Members; and

[Note: Recommendations 2 and 3 of Report 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, were agreed to by the House on 7 December 2017]

**28. \*Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39<sup>th</sup> Parliament — Recommendation 4** (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 4 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

*See Tabled papers 435 and 4241 (Tabled 28 June 2016).*

Recommendation 4 states —

That Recommendation 1 contained in Report 40 of the Standing Committee on Procedure and Privileges, *E-Petitions*, be adopted and agreed to.

Recommendation 1 of Report 40, *E-Petitions*, as follows —

That new **Temporary Order 6**, as outlined below, be adopted by the Council to apply until (and including) 31 December 2017 —

**6. E-Petitions**

- (1) An E-Petition is a petition —
  - (a) in the correct form prescribed by Standing Order 101;
  - (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament’s Internet Website for a nominated period (“posted period”);
  - (c) persons must indicate their support of (“join the petition”) by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament’s Internet Website.
- (3) The Member facilitating the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to facilitate the E-Petition.
- (4) Once published on the Parliament’s Internet Website an E-Petition cannot be altered.
- (5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament’s Internet Website at the same time.
- (6) Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the E-Petition.
- (7) An E-Petition published on the Parliament’s Internet Website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, shall be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
- (8) An E-Petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
- (9) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
- (10) A person cannot sign or join an E-Petition more than once.

- (11) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
- (12) The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
- (13) The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
- (14) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
- (15) The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
- (16) The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
- (17) The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

**29. \*Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39<sup>th</sup> Parliament — Recommendation 5** (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 5 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

*See Tabled papers 435 and 4772 (Tabled 13 October 2016).*

Recommendation 5 states —

That Recommendation 1 contained in Report 42 of the Standing Committee on Procedure and Privileges, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, be adopted and agreed to.

Recommendation 1 of Report 42, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, as follows —

- (1) That **Schedule 1: Committees, Item 9.2(a)** be deleted and the following substituted —
  - (a) Monitor and report to Parliament on the exercise of the functions of the —
    - (i) Corruption and Crime Commission;
    - (ii) Parliamentary Inspector of the Corruption and Crime Commission; and
    - (iii) Public Sector Commissioner in relation to functions under the *Corruption, Crime and Misconduct Act 2003*;
- (2) That the Legislative Assembly be acquainted accordingly and be invited to pass a similar resolution.

**30. \*Standing Committee on Procedure and Privileges — Report 52 — A matter of privilege raised by Hon Jim Chown** (*Moved 20 September 2018*)

Committee (Thursday, 20 September 2018).

Consideration of Recommendation 1 contained in Report 52 of the Standing Committee on Procedure and Privileges, *A matter of privilege raised by Hon Jim Chown*.

*See Tabled paper 1945 (Tabled 20 September 2018).*

Recommendation 1 states —

The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.

**31. \*Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019** — Referral of Commonwealth amending legislation to the Delegated Legislation Committee (*Moved 20 August 2019*)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1 and 2 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

*See Tabled paper 2950 (Tabled 20 August 2019).*

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

- (5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:
  - (a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and
  - (b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

**32. \*Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019** — Referral of Commonwealth amending legislation to the Legislation Committee (*Moved 20 August 2019*)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1, 2, 5 and 6 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

*See Tabled paper 2950 (Tabled 20 August 2019).*

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

(5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.

(6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.

(7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:

(a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and

(b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

Recommendation 5 states —

The Legislative Council insert a new Standing Order 67A of the Standing Orders of the Legislative Council as follows:

**67A. Referral to Legislation Committee**

An order of the day to disallow a regulation, which order does not lapse on prorogation, dissolution or expiry of the Council, is referred to the Legislation Committee for consideration and report.

Recommendation 6 states —

The Legislative Council amend the Standing Committee on Legislation’s term of reference 4.3 in Schedule 1 of the Standing Orders of the Legislative Council as follows:

Insert paragraph (b) as follows:

(b) regulation subject to a motion to disallow that does not lapse on prorogation, dissolution or expiry of the Council.

- 33. Pilbara Port Assets (Disposal) Repeal Bill 2017 [LC 7–1] Hon Robin Chapple**  
Second reading continuation of remarks Hon Jacqui Boydell (Thursday, 7 September 2017).
- 34. Criminal Code Amendment (Industrial Manslaughter) Bill 2017 [LC 11–1]**  
*Hon Alison Xamon*  
Second reading continuation of remarks Hon Robin Chapple — 38 mins (Thursday, 15 August 2019).
- 35. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017 [LC 9–1]**  
*Hon Robin Chapple*  
Second reading adjourned (Thursday, 15 June 2017).
- 36. Electoral Amendment (Access to Ministers) Bill 2017 [LC 27–1] Hon Alison Xamon**  
Second reading adjourned (Thursday, 7 September 2017).
- 37. Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017 [LC 43–1]**  
*Hon Aaron Stonehouse*  
Second reading continuation of remarks Hon Alison Xamon (Thursday, 16 August 2018).
- 38. Environmental Protection Amendment (Clearing for Fire Risk Reduction) Bill 2017 [LC 49–1] Hon Dr Steve Thomas**  
Second reading adjourned (Thursday, 7 December 2017).
- 39. Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2018 [LC 12–1B] Hon Robin Chapple**  
Second reading continuation of remarks Hon Dr Sally Talbot — 37 mins (Thursday, 28 June 2018).
- 40. Industrial Relations (Equal Remuneration) Amendment Bill 2018 [LC 62–1]**  
*Hon Alison Xamon*  
Second reading adjourned (Thursday, 29 March 2018).
- 41. Litter Amendment (Balloons) Bill 2018 [LC 65–1] Hon Robin Chapple**  
Second reading adjourned (Thursday, 29 March 2018).
- 42. Petroleum and Geothermal Energy Resources Amendment (Veto Powers) Bill 2017 [LC 48–1] Hon Rick Mazza**  
Second reading adjourned (Thursday, 17 May 2018).
- 43. Equal Opportunity (LGBTIQ Anti-Discrimination) Amendment Bill 2018 [LC 84–1]**  
*Hon Alison Xamon*  
Second reading adjourned (Thursday, 28 June 2018).
- 44. Misuse of Drugs Amendment Bill 2018 [LC 92–1] Hon Aaron Stonehouse**  
Second reading adjourned (Thursday, 16 August 2018).
- 45. Criminal Code Amendment (Desecration of War Memorials) Bill 2018 [LC 107–1]**  
*Hon Charles Smith*  
Second reading adjourned (Thursday, 1 November 2018).
- 46. Electoral Amendment (Ticket Voting and Associated Reforms) Bill 2019 [LC 121–1]**  
*Hon Alison Xamon*  
Second reading continuation of remarks Hon Aaron Stonehouse (Thursday, 6 June 2019).
- 47. Food Amendment (Shark Fin Prohibition) Bill 2019 [LC 131–1] Hon Diane Evers**  
Second reading adjourned (Thursday, 6 June 2019).

**48. Irrigation Schemes in Western Australia** (*Moved 17 May 2018*)

Continuation of remarks adjourned Hon Colin Holt — 9 mins (Thursday, 17 May 2018) on the motion of Hon Rick Mazza as follows —

That this House recognises the importance of irrigation schemes in Western Australia, the concerns some growers have with allocation limits, the impacts on private property rights and the failure of successive governments to implement a workable Water Resources Management Bill for Western Australia.

*Total time remaining on motion – 9 mins.*

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**MATTERS REFERRED TO COMMITTEES**

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**1. Standing Committee on Estimates and Financial Operations — Inquiry into the Government's Local Projects Local Jobs program** (*Referred 7 November 2018*)

On the motion of Hon Tjorn Sibma, as amended, as follows —

- (1) The Estimates and Financial Operations Committee shall conduct an inquiry into the Government's *Local Projects Local Jobs* program.
- (2) The Committee is to inquire into the *Local Projects Local Jobs* program ("the program") with particular reference to the following —
  - (a) how each project was developed, evaluated and selected for funding;
  - (b) how payments were made and acquitted under each project to ensure financial probity and accountability;
  - (c) how actual or perceived conflicts of interest were declared and managed under each project;
  - (d) the number of projects funded and for each project the amount of funding provided and number of jobs created;
  - (e) whether community, education, arts and sporting groups within the State were afforded an equal opportunity to access the program;
  - (f) whether funding to the program affected the quantum of funds available for grants or other funding sources for community, education, arts and sporting groups within the State and if so in what way; and
  - (g) any other related matter.
- (3) The Committee is to also inquire into the establishment of a Parliamentary Budget Office for the independent costing of election promises and related purposes.
- (4) For the purposes of this inquiry only, the Hon Tjorn Sibma is appointed Chair of the Committee and the Hon Alanna Clohesy is appointed Deputy Chair.
- (5) The Committee is to report no later than twelve months after the referral.

Now stands referred to the Standing Committee on Estimates and Financial Operations.

*Pursuant to Standing Order 163, Hon Jacqui Boydell is substituted for Hon Aaron Stonehouse for the duration of this inquiry.*

*The Committee will report by Tuesday, 19 November 2019.*

**2. Standing Committee on Public Administration — Inquiry into Private Property Rights** (*Referred 12 June 2019*)

On the motion of Hon Rick Mazza as follows —

That the House —

- (1) Directs the Public Administration Committee to conduct an inquiry into —

- (a) the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
- (b) the threat to the probity of the Torrens Title system, that guarantees disclosure, and re-establish the necessity for registration of all encumbrances that affect land including Environmentally Sensitive Areas (ESAs), bushfire prone areas and implied easements for Western Power which currently sit behind the certificate of title;
- (c) the property rights of government issued licenses and authorities including commercial fishing; and
- (d) fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit.

(2) The Committee is to report to the House within nine months of the date of the referral.

Now stands referred to the Standing Committee on Public Administration.

### **3. Matter of Privilege (Referred 12 June 2019)**

Now stands referred to the Standing Committee on Procedure and Privileges (Standing Order 93(5)).

*See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).*

### **4. \*Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Ms Emily Roper (Referred 15 August 2019)**

In relation to the refusal by Ms Emily Roper, the Acting Director General of the Department of the Premier and Cabinet, to comply with a summons to attend and produce documents at 9.00am on Friday, 9 August 2019, issued by the Legislative Council Standing Committee on Procedure and Privileges, and the events leading up to that non-compliance:

- (1) Did Ms Emily Roper, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.

*See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).*

### **5. \*Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Mr Darren Foster (Referred 15 August 2019)**

In relation to the actions of Mr Darren Foster, the Director General of the Department of the Premier and Cabinet, in producing documents to the Corruption and Crime Commission relating to former Members of the Legislative Council without following a procedure that the Legislative Council or the Legislative Council Standing Committee on Procedure and Privileges had authorised for determining issues of parliamentary privilege:

- (1) Did Mr Darren Foster, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.

*See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).*

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**SELECT COMMITTEES**

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**1. Select Committee into Mining on Pinjin Station** (*Established 22 August 2018*)

On the motion of Hon Robin Scott as follows —

- (1) A Select Committee into Mining on Pinjin Station is established.
- (2) The Select Committee is to inquire into mining operations on Pinjin Station, with particular reference to the following —
  - (a) the mining operations by Hawthorn Resources Limited, ABN 44 009 157 439;
  - (b) the role of government agencies and Ministers in the approval and regulation of mining operations;
  - (c) all allegations, including those of intimidation, abuse and racial discrimination, set out in the documentation tabled in the Legislative Council on 26 June 2018 (Tabled Paper 1489) and other allegations dating back to 2012;
  - (d) actions of all parties relevant to mining operations, including but not limited to mine operators, pastoral leaseholders, government agencies and their employees and agents;
  - (e) responses by Ministers and government agencies to complaints;
  - (f) the actions of any other persons or bodies associated with mining operations;
  - (g) reasons why the Department of Mines Industry Regulation and Safety formerly the Department of Mines and Petroleum and successive Ministers have not approved the incorporation of the Common Reserve 10041 into the Pinjin Station Pastoral Lease; and
  - (h) any other related matter.
- (3) The Select Committee is to report no later than six months after the Committee has been established.
- (4) The Select Committee shall consist of five members; Hon Robin Scott (Chair); Hon Robin Chapple; Hon Jacqui Boydell, Hon Kyle McGinn and Hon Michael Mischin (Deputy Chair).

*Extension of reporting date granted to 11 June 2019 (Wednesday, 21 November 2018).*

*Extension of reporting date granted to 26 November 2019 (Tuesday, 7 May 2019).*

**2. Select Committee on Personal Choice and Community Safety** (*Established 29 August 2018*)

On the motion of Hon Aaron Stonehouse as follows —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice ‘for the individual’s own good’, with particular reference to —
  - (a) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
  - (b) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
  - (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.
- (3) The Select Committee shall consist of five members; Hon Aaron Stonehouse (Chair), Hon Dr Sally Talbot (Deputy Chair), Hon Rick Mazza, Hon Dr Steve Thomas and Hon Pierre Yang.

- (4) The Select Committee is to report by no later than twelve months after the Committee has been established.

*Extension of the reporting date granted to 5 December 2019 (Tuesday, 13 August 2019).*

**3. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community** (*Established 17 October 2018*)

On the motion of Hon Alison Xamon as follows —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
  - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
  - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
  - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
  - (d) consider any other relevant matter.
- (3) The Select Committee is to report no later than twelve months after the motion is agreed to.
- (4) The Select Committee shall consist of five members; Hon Alison Xamon (Chair); Hon Samantha Rowe (Deputy Chair); Hon Colin de Grussa; Hon Michael Mischin; and Hon Aaron Stonehouse.

*Extension of the reporting date granted to 5 December 2019 (Wednesday, 4 September 2019).*

**4. Select Committee into Local Government** (*Established 26 June 2019*)

On the motion of Hon Simon O'Brien as follows —

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
  - (a) whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
  - (b) the scope of activities of Local Governments;
  - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
  - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
  - (e) the funding and financial management of Local Governments; and
  - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members; Hon Simon O'Brien (Chair); Hon Laurie Graham (Deputy Chair); Hon Martin Aldridge; Hon Diane Evers; and Hon Charles Smith
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

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**COMMITTEE INITIATED INQUIRIES**

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**1. Standing Committee on Public Administration — Inquiry into WorkSafe** (*Notice given 27 June 2017*)

Resolution of the Committee on 21 June 2017 to commence an inquiry into and report on WorkSafe, with the following terms of reference —

- (a) WorkSafe's performance against the objects of the *Occupational Health and Safety Act 1984*;
- (b) funding and resourcing of WorkSafe;
- (c) adequacy of WorkSafe's training, oversight and accountability processes;
- (d) adequacy of administrative processes, including complaints, investigations and prosecution processes;
- (e) adequacy of WorkSafe's audits of training providers delivering occupational health and safety training;
- (f) timely implementation and public education of coronial inquest recommendations arising from a workplace death;
- (g) legislative and jurisdictional issues; and
- (h) any other relevant matter.

**2. Joint Standing Committee on the Corruption and Crime Commission — Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice** (*Notice given 28 November 2017*)

Resolution of the Committee on 22 November 2017 to commence an inquiry into and report by April 2019 on public sector procurement of goods and services and its vulnerability to corrupt practice with the following terms of reference —

- (a) the adequacy and nature of oversight mechanisms, policies and guidelines for procurement within the Western Australian public sector to prevent corruption and serious misconduct;
- (b) the profile and training of public sector personnel engaged in procurement;
- (c) corruption prevention and risk strategies deployed in Western Australian Public Sector agencies;
- (d) the sufficiency and use of sanctions for individuals found to have engaged in corrupt and serious misconduct in procurement duties;
- (e) best corruption prevention practices in procurement from other jurisdictions;
- (f) reform to current legal and administrative practices in the area of procurement to prevent and reduce the risk of corruption;
- (g) adequacy of whistleblowing protections in the context of allegations of corruption in procurement.

*Extension of the reporting date to 28 November 2019.*

**3. Standing Committee on Uniform Legislation and Statutes Review — Inquiry into the Form and Content of the Statute Book** (*Notice given 6 December 2017*)

Resolution of the Committee on 4 December 2017 to review the form and content of the statute book [SO 179(2)].

**4. Joint Standing Committee on the Commissioner for Children and Young People — Inquiry into the Monitoring and Enforcing of Child Safe Standards**  
(Notice given 29 November 2018)

Resolution of the Committee on 28 November 2018 to commence a Legislative Council inquiry with the following terms of reference —

The Committee will examine the scope and direction of the work currently being undertaken by government agencies, regulatory bodies and non-government organisations to improve the monitoring of child safe standards and the role of the Commissioner for Children and Young People in ensuring Western Australia’s independent oversight mechanisms operate in a way that makes the interests of children and young people the paramount consideration. In particular, the Committee will consider the following —

- (a) the recommendations made by the Commissioner for Children and Young People in the report ‘Oversight of services for children and young people in Western Australia’;
- (b) the recommendations from the ‘Royal Commission into Institutional Responses to Child Sexual Abuse’ relating to an independent oversight body responsible for monitoring and enforcing child safe standards; and
- (c) the response from the State Government of Western Australia to the above recommendations.

*The Committee will report by 30 November 2019.*

*Extension of reporting date to June 2020.*

**5. Standing Committee on Environment and Public Affairs — Inquiry into children and young people on the Sex Offenders Register — is mandatory registration appropriate?**  
(Notice given 11 April 2019)

Resolution of the Committee on 10 April 2019 to commence an inquiry into children and young people on the Sex Offenders Register with the following terms of reference —

To inquire into mandatory registration of children and young people on the Community Protection Offender Register (known as the sex offenders register) in accordance with the *Community Protection (Offender Reporting) Act 2004*. In particular, the Committee will consider the following —

- (a) the current criteria for registration on the sex offenders register;
- (b) the advantages and disadvantages of mandatory registration;
- (c) circumstances that may not warrant mandatory registration;
- (d) the approach employed by other jurisdictions; and
- (e) any other matters considered relevant by the Committee.

*The Committee intends to table its report by the end of 2019.*

**6. Standing Committee on Environment and Public Affairs — Terms of Reference: Inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs** (Notice given 24 September 2019)

Resolution of the Committee on 18 September 2019 to commence an inquiry into the functions, processes and procedures of the Standing Committee on Environment and Public Affairs with the following terms of reference —

- (a) the role of petitions in a modern parliament;
- (b) the Committee’s practice and procedure in inquiring into petitions referred by the Legislative Council;
- (c) the Committee’s practice and procedure in carrying out its environment function;
- (d) the approach of other parliamentary committees in carrying out environment and petitions functions; and
- (e) any other matter considered relevant by the Committee.

*The Committee intends to table its report by the end of the 40<sup>th</sup> Parliament.*

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**CONSIDERATION OF COMMITTEE REPORTS**

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**1. Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken** (Tabled 13 September 2018).

Continuation of remarks Hon Alison Xamon — 2 mins (Wednesday, 18 September 2019) on the motion of Hon Nick Goiran that the report be noted. *See Tabled paper 1787.*

*Government Response tabled 20 November 2018 (Tabled paper 2182).*

*(After 44 minutes Temporary Order 4 applies).*

**2. Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings** (Tabled 4 April 2019)

Continuation of remarks Hon Diane Evers — 3 mins (Wednesday, 21 August 2019) on the motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 2560.*

*(Temporary Order 4 applied 21 August 2019).*

**3. Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material** (Tabled 14 February 2019)

Continuation of remarks Hon Diane Evers — 7 mins (Wednesday, 4 September 2019) on the motion of Hon Matthew Swinbourn that the report be noted. *See Tabled paper 2399.*

*(Temporary Order 4 applied 4 September 2019).*

**4. Joint Standing Committee on Audit — Report 1 — Second review of the Financial Management Act 2006** (Tabled 16 May 2019)

Continuation of remarks Hon Alanna Clohesy — 6 mins (Wednesday, 4 September 2019) on the motion of Hon Diane Evers that the report be noted. *See Tabled paper 2708.*

*Government response tabled 6 August 2019 (Tabled paper 2873).*

*(Temporary Order 4 applied 4 September 2019).*

**5. Joint Standing Committee on the Corruption and Crime Commission — Report 11 — Parliamentary Inspector’s report on ‘a saga of persistence’** (Tabled 27 June 2019)

Continuation of remarks Hon Alison Xamon — 5 mins (Wednesday, 18 September 2019) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 2836.*

*(Temporary Order 4 applied 18 September 2019).*

\* For amendments see Supplementary Notice Paper and/or Committee Report

Ω Note: Legislative Assembly Standing Orders apply.

For a list of all Petitions tabled see cumulative Tabled Paper list.

**NIGEL PRATT**

Clerk of the Legislative Council