

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 102

WEDNESDAY, 5 DECEMBER 2018

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Alison Xamon presented a petition from 826 petitioners requesting the Legislative Council to recommend the Minister for Planning direct the Metropolitan Redevelopment Authority Board to adhere to the Scarborough Planning Framework in relation to the approval of the 3 Oceans Development. (Tabled Paper 2300).

Hon Charles Smith presented a petition from 15 petitioners requesting the Legislative Council to inquire into the performance of the Ombudsman, Public Sector Commission and the Office of the Information Commissioner. (Tabled Paper 2301).

Hon Donna Faragher presented a petition from 56 petitioners requesting the Legislative Council to support realignment of local intake, reopen Midland Primary School and develop a plan to manage increasing student population at Woodbridge Primary School. (Tabled Paper 2302).

3. Ministerial Statement — State Disability Plan

The Minister for Disability Services made a Ministerial Statement with respect to the development of a State Disability Plan.

4. Ministerial Statement — Crop Insurance for Western Australian Farmers

The Minister for Agriculture and Food made a Ministerial Statement with respect to multi-peril crop insurance.

5. Ministerial Statement — FIFO Mental Health and Wellbeing Research Report

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the release of the new research report *Impact of FIFO work arrangements on the mental health and wellbeing of FIFO workers*.

6. Paper

The following Paper was laid on the Table by —

Minister for Environment

Reports —

Office of the Appeals Convenor — Report to the Minister for Environment — Appeal in Objection to the Amendments of a Licence — Licence L4533/1967/15 and L4533/1967/16: Cement or Lime Manufacturing, Cockburn Cement, Rockingham Road Munster (April 2018)..... 2299

7. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Mandurah Cemeteries Amendment Local Law — Disallowance*, 2, *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance*, 3, *Shire of Mount Magnet Activities in Thoroughfares and Public Places and Trading Local Law 2018 — Disallowance*, 4, *Shire of Mount Magnet Animals, Environment and Nuisance Local Law 2018 — Disallowance*, 5, *Shire of Mount Magnet Cats Local Law 2018 — Disallowance*, 6, *Shire of Mount Magnet Cemeteries Local Law 2018 — Disallowance*, 7, *Shire of Mount Magnet Dogs Local Law 2018 — Disallowance*, 8, *Shire of Mount Magnet Extractive Industries Local Law 2018 — Disallowance*, 9, *Shire of Mount Magnet Fencing Local Law 2018 — Disallowance*, 10, *Shire of Mount Magnet Health Local Law 2018 — Disallowance*, and 11, *Shire of Mount Magnet Standing Orders Local Law 2018 — Disallowance*, be taken after Order of the Day No. 32, *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 2*. (Leader of the House)

8. Sentence Administration Amendment (Multiple Murderers) Bill 2018

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

Debate resumed.

Hon Michael Mischin moved, without notice —

That upon the second reading of the *Sentence Administration Amendment (Multiple Murderers) Bill 2018*, it be an instruction to the Committee of the Whole House that it have the power to consider the amendments contained in Supplementary Notice Paper No. 101, Issue 1.

Debate ensued.

Question — put and negatived.

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development tabled media statements in relation to the Fitzroy River stakeholder convenor, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 2303).

The Leader of the House representing the Premier tabled a *Hansard* extract from the Legislative Council on Thursday, 29 November 2018, in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 2304).

The Minister for Environment representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1742 asked by Hon Martin Aldridge will be provided on 6 December 2018.

Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled submissions in relation to Christmas Trading Hours Extensions 2018–2019, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2305).

10. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

5 December 2018 — Message No. 35

Act No.

National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

36 of 2018

11. Statement by President — Standing Committee on Estimates and Financial Operations

The President made the following Statement —

I have received a letter from the Standing Committee on Estimates and Financial Operations, which states —

Dear Madam President

Inquiry into the Government's Local Projects Local Jobs Program

I advise that the Standing Committee on Estimates and Financial Operations has ordered the substitution of Hon Jacqui Boydell MLC in place of Hon Aaron Stonehouse MLC as a Member of the Committee for the above named inquiry.

This order, pursuant to Standing Order 163 is for the duration of the inquiry and both Members have agreed to the substitution.

Yours sincerely

Hon Tjorn Sibma

Chair

12. Sentence Administration Amendment (Multiple Murderers) Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Hon Michael Mischin moved —

Page 4, lines 12 to 19 — To delete the lines and insert:

designated prisoner means a Schedule 3 prisoner who is serving a sentence for a relevant offence and who has been convicted of another relevant offence;

Debate ensued.

Amendment — put.

Ayes (14)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Donna Faragher
 Hon Colin Holt
 Hon Rick Mazza

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

Noes (15)

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

Hon Alannah MacTiernan
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Aaron Stonehouse
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Amendment thus negated.

Debate resumed.

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

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 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.

13. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

The Order of the Day having been read for the consideration, in Committee of the Whole House, of Message No. 109 from the Legislative Assembly.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

The Message was as follows —

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, has agreed to Amendment Nos 2 to 6, 9 to 14, 16 to 20 and 24; has disagreed to Amendment Nos 1, 7, 8, 15, 21, 22 and 23.

Mr P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 5 December 2018

Legislative Council amendments disagreed to by the Legislative Assembly:

No. 1

Clause 5, page 4, line 24 — To delete “fundamental”.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations moved —

That the Council does not insist on Amendment No. 1.

Debate ensued.

Question — put and passed.

No. 7

Clause 12, page 10, line 25 — To delete “tradesperson; and” and insert:

tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

Hon Rick Mazza moved —

That the Council insists on its Amendment No. 7.

Debate ensued.

Question — put and passed.

No. 8

Clause 12, page 11, line 2 — To delete “so.” and insert:

so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the restoration being completed.

Hon Michael Mischin moved that the Council does not insist on amendment No. 8 and makes the following alternative amendment —

Page 11, line 2 — To delete “so.” and insert:

so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson’s invoice within 14 days of that work having been performed.

Debate ensued.

Question — put and passed.

No. 15

Clause 31, page 30, line 17 — To delete “fundamental”.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations moved —

That the Council does not insist on Amendment No. 15.

Debate ensued.

Question — put and passed.

No. 21

Clause 35, page 34, line 25 — To delete “tradesperson; and” and insert:

tradesperson, a copy of whose invoice the long-stay tenant must provide to the park operator within 14 days of the alterations being completed; and

Hon Rick Mazza moved —

That the Council insists on its Amendment No. 21.

Debate ensued.

Question — put and passed.

No. 22

Clause 35, page 34, line 32 — To delete “so.” and insert:

so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the park operator within 14 days of the restoration being completed.

Hon Michael Mischin moved that the Council does not insist on amendment No. 22 and makes the following alternative amendment —

Page 34, line 32 — To delete “so.” and insert:

so and, where restoration work has been undertaken by a tradesperson, must provide to the park operator a copy of that tradesperson’s invoice within 14 days of that work having been performed.

Debate ensued.

Question — put and passed.

No. 23

Clause 35, page 34, after line 32 — To insert:

- (6) The long-stay tenant must give notice of the prescribed alterations to the park operator within 14 days after the alterations have been completed.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations moved —

That the Council does not insist on Amendment No. 23.

Debate ensued.

Question — put and passed.

The President resumed the Chair.

The Chair reported, That the Committee of the Whole House had considered Message No. 109 from the Legislative Assembly, and has agreed to the following resolutions —

- that the Council does not insist on Amendments 1, 15 and 23;
- that the Council insists on its amendments Nos 7 and 21;
- that the Council does not insist on but has made an alternative amendment in substitution for its Amendment No. 8 as follows —

so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson's invoice within 14 days of that work having been performed;

and

- that the Council does not insist on but has made an alternative amendment in substitution for its Amendment No. 22 as follows —

so and, where restoration work has been undertaken by a tradesperson, must provide to the park operator a copy of that tradesperson's invoice within 14 days of that work having been performed.

Report adopted.

Legislative Assembly acquainted accordingly.

14. Child Support (Commonwealth Powers) Bill 2018

The President reported the receipt of Message No. 104 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2306).

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

15. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018

The President reported the receipt of Message No. 105 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2307).

Debate stands adjourned.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 9.58pm until Thursday, 6 December 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin de Grussa.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council