

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 59

TUESDAY, 15 MAY 2018

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Statement by President — Deputy Chair of Committees

The President made the following Statement —

Members, I will read a letter that I received —

Dear Madam President

I hereby submit my resignation as a Deputy Chair of Committees in the Legislative Council effectively immediately.

I have enjoyed the occasions when asked to perform the duties of the President or Chair of Committees and thank you and Hon Simon O'Brien, Chair of Committees, for your guidance.

Yours sincerely

Hon Laurie Graham MLC

The letter is dated 15 May 2018.

The Leader of the House moved, without notice —

That Hon Adele Farina be appointed as Deputy Chair of Committees.

Question — put and passed.

3. Petitions

Hon Colin Holt presented a petition from 468 petitioners requesting the Legislative Council to recommend to the Government that the decision to close the Bridgetown Camp School be reversed. (Tabled Paper 1357).

Hon Diane Evers presented a petition from 105 petitioners requesting the Legislative Council to call for a Royal Commission into the regulation, importation, sale and use, related illnesses and environmental harm of pesticides. (Tabled Paper 1358).

Hon Diane Evers presented a petition from 171 petitioners requesting the Legislative Council to call on the Government to suspend the use of herbicides in public places in order to protect children's health, public health and the environment. (Tabled Paper 1359).

4. Papers

The following Papers were laid on the Table by —

President

Reports —

Corruption and Crime Commission — Report into Inadequate Supervision of Prisoners
Whilst in the Community (May 2018) (Deemed tabled 11/05/2018)..... 1350

Leader of the House

Local Laws —

Local Government Act 1995 (City of South Perth Waste Amendment
Local Law 2018 G.G. 11/05/2018) 1351

Regulations —

Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement
Amendment Regulations 2018 G.G. 08/05/2018) 1352

Minister for Environment

Regulations —

Land Administration Act 1997 (Land Administration (Land Management)
Amendment Regulations 2018 G.G. 11/05/2018) 1353

Port Authorities Act 1999 (Transport Regulations Amendment (Pilotage)
Regulations 2018 G.G. 11/05/2018) 1354

Parliamentary Secretary to the Deputy Premier

Orders —

Health Services Act 2016 (Health Services (Fees and Charges) Amendment
Order (No. 3) 2018 G.G. 11/05/2018) 1355

Regulations —

Health Services Act 2016 (Health Services (Transitional - Transfer of Employees to PathWest)
Regulations 2018 G.G. 11/05/2018) 1356

5. Environmental Protection Amendment Regulations 2018 — Disallowance

Hon Dr Steve Thomas: To move on the next day of sitting —

That the *Environmental Protection Amendment Regulations 2018* published in the *Gazette* on 27 April 2018 and tabled in the Legislative Council on 8 May 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled paper No. 1310).

6. Shire of Murray Health Local Law 2018 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Murray Health Local Law 2018* published in the *Gazette* on 7 March 2018 and tabled in the Legislative Council on 14 March 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1123).

7. Shire of Woodanilling Animals, Environment and Nuisance Amendment Local Law 2018 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Woodanilling Animals, Environment and Nuisance Amendment Local Law 2018* published in the *Gazette* on 2 March 2018 and tabled in the Legislative Council on 14 March 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1123).

8. Rights in Water and Irrigation Amendment Regulations 2018 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Rights in Water and Irrigation Amendment Regulations 2018* published in the *Gazette* on 20 February 2018 and tabled in the Legislative Council on 14 March 2018 under the *Rights in Water and Irrigation Act 1914*, be and are hereby disallowed. (Tabled paper No. 1135).

9. Town of Claremont Waste Local Law 2017 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Claremont Waste Local Law 2017* published in the *Gazette* on 27 February 2018 and tabled in the Legislative Council on 14 March 2018 under the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 1129).

10. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, be taken after Order of the Day No. 3, *Coroners Amendment Bill 2017*, and Order of the Day No. 2, *Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019*, be taken after Order of the Day No. 23, *Standing Committee on Legislation — Report No. 35 — Animal Welfare Amendment Bill 2017 — Extension of Time*. (Leader of the House).

11. Standing Committee on Legislation — Report No. 35 — Animal Welfare Amendment Bill 2017 — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Dr Sally Talbot as follows —

That the reporting date for the Standing Committee's inquiry into the *Animal Welfare Amendment Bill 2017* be extended from 12 June 2018 to no later than 28 June 2018.

Question — put and passed.

12. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1340A-D (2018–2019 Budget Statements), laid upon the Table of the House on 10 May 2018.

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Community Services tabled documents in relation to Hardship Utility Grants Scheme applications for each month from 1 January 2017 to 30 April 2018, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 1360).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to the financial summary for the Point Peron Camp School, in response to a question without notice asked by Hon Jim Chown.

The Minister for Environment representing the Minister for Transport tabled the Swan River Pedestrian Bridge Alliance Industry Participation Management Plan, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 1361).

The Minister for Regional Development tabled documents in relation to the tenure, length of contract, remuneration and staff and resources allocation for Directors of each Regional Development Commission, in response to question on notice No. 1074 asked by Hon Martin Aldridge. (Tabled Paper 1362).

14. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 12 above*).

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

15. Pay-roll Tax Assessment Amendment (Exemption for Trainees) Bill 2018

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 Matthew Swinbourn in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Rick Mazza as follows —

Page 3, after line 7 — To insert:

new employee means an employee of an employer who is 3 months from the end of any probation period, not being longer than a period of 6 months.

Hon Rick Mazza, by leave, withdrew his amendment.

Debate resumed.

Hon Rick Mazza moved —

Page 5, line 4 — To delete “months; or” and insert:

months (excluding any period of probationary employment not exceeding 6 months); or

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (11)

Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Rick Mazza
Hon Michael Mischin

Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

Noes (17)

Hon Jacqui Boydell
Hon Tim Clifford
Hon Alanna Clohesy
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Amendment thus negated.

Debate resumed.

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

Clause 6 agreed to.

Title agreed to.

The Deputy 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 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.

Debate ensued.

Question — put.

The Council divided.

Ayes (17)

Hon Jacqui Boydell
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham
 Hon Colin Holt

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

Noes (11)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Simon O'Brien

Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Question thus passed.

Bill read a third time and passed.

16. Workers' Compensation and Injury Management Amendment Bill 2017

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

Debate resumed.

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Terrorism (Extraordinary Powers) Amendment Bill 2018

The President reported the receipt of Message No. 57 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1363).

Debate stands adjourned.

19. Adjournment

The Council adjourned at 10.05pm until Wednesday, 16 May 2018 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge and Hon Robin Chapple.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council