

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 52

THURSDAY, 29 MARCH 2018

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. Ministerial Statement — CSIRO 2017 Indigenous Science, Technology, Engineering and Mathematics Award Winners

The Minister for Education and Training made a Ministerial Statement with respect to winners of the CSIRO 2017 Indigenous Science, Technology, Engineering and Mathematics Awards.

3. Ministerial Statement — 2018 Western Australia Agrifutures Rural Women's Awards

The Minister for Agriculture and Food made a Ministerial Statement with respect to Darrylin Gordon, winner of the 2018 Western Australia Rural Woman of the Year.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Curtin University (2017) (Date received 28/03/2018) 1198

Murdoch University (2017) (Date received 28/03/2018)..... 1199

5. Western Australia State Work Permit Bill 2018

Hon Robin Scott: To move on the next day of sitting —

That a Bill for “An Act to establish a system of State Work Permits for foreign workers in Western Australia.” be introduced and read a first time.

6. Statement by President — Standing Committee on Legislation — Inquiry into the Animal Welfare Amendment Bill 2017 — Substitution of Member

The President made the following Statement —

I have a letter addressed to me as follows —

Dear Madam President

Inquiry into the Animal Welfare Amendment Bill 2017

I am writing to you in relation to the Standing Committee on Legislation's inquiry into the *Animal Welfare Amendment Bill 2017*, referred by the Legislative Council on 21 March 2018.

The Committee met on 28 March 2018 and, pursuant to Standing Order 163, resolved to order the substitution of the Hon Dr Steve Thomas MLC in place

of the Hon Simon O'Brien MLC as a Member of the Committee for the duration of the inquiry. Both Members have agreed to this substitution.

Yours sincerely

Hon Dr Sally Talbot

Chair

7. Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2018

Non-Government Business No. 1 having been called, Hon Robin Chapple, pursuant to notice, moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Hon Robin Chapple moved, That the Bill be read a second time.

Hon Robin Chapple tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1200).

Debate stands adjourned.

8. Industrial Relations (Equal Remuneration) Amendment Bill 2018

Non-Government Business No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Hon Alison Xamon moved, That the Bill be read a second time.

Hon Alison Xamon tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1201).

Debate stands adjourned.

9. Litter Amendment (Balloons) Bill 2018

Non-Government Business No. 3 having been called, Hon Robin Chapple, pursuant to notice, moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Hon Robin Chapple moved, That the Bill be read a second time.

Hon Robin Chapple tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1202).

Debate stands adjourned.

10. Senate Committee Report — Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness

Non-Government Business No. 4 having been called, Hon Alison Xamon moved, without notice —

That this House notes the 2016 Senate Committee Report on the *Growing evidence of an emerging tick-borne disease that causes a Lyme-like illness for many Australian patients* and calls on the Government to establish an ongoing mechanism for ensuring that the Western Australian context is represented in the implementation of recommendations made in this report.

Debate ensued.

Interruption pursuant to order.

11. Langoullant Report — Implementing Good Governance

Private Members' Business No. 1 having been called, Hon Martin Pritchard moved, without notice —

That this House congratulates the McGowan Government for responding positively to the Langoullant report by implementing major changes relating to governance arrangements, decision-making and accountability processes to ensure —

(a) that we learn from the mistakes of the past; and

- (b) that strong attention to financial management is the fundamental principle for all future governments.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 2, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 3, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance*, 4, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 5, *Transfer of Land Amendment Regulations 2017 — Disallowance*, 6, *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017 — Disallowance*, 7, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, 8, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, 9, *Shire of Capel Dogs Local Law 2017 — Disallowance*, 10, *Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance*, and 11, *Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance*, be taken after Order of the Day No. 21, *Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017*. (Leader of the House).

13. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

The Leader of the House representing the Attorney General moved —

Page 16, after line 30 — To insert:

- (7) The Minister must carry out a review of the operation and effectiveness of this section and Part 7 as soon as is practicable after the 5th anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 8 comes into operation.
- (8) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

Hon Michael Mischin moved to amend the amendment as follows —

To delete “5th” and insert:

3rd

Debate ensued.

Question, That the words to be deleted be deleted — put.

The Committee divided.

Ayes (17)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Peter Collier
Hon Colin de Grussa
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran

Hon Colin Holt
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (15)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn

Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Amendment thus passed.

Question, That the words to be inserted be inserted — put.

The Committee divided.

Ayes (17)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Peter Collier
Hon Colin de Grussa
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran

Hon Colin Holt
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (15)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn

Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Amendment to the amendment thus passed.

Amendment, as amended — put and passed.

Clause, as amended, agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Title.

The Leader of the House representing the Attorney General moved —

Page 1, after the first bullet point insert:

- **the *Criminal Injuries Compensation Act 2003*; and**

Amendment — put and passed.

Title, as amended, agreed to.

The Deputy President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Attorney General moved —

That the Bill be recommitted for the purpose of reconsidering Clause 5.

Question — put and passed.

The Deputy President left the Chair.

In Committee

(Hon Laurie Graham in the Chair)

Clause 5.

Debate ensued.

The Leader of the House representing the Attorney General moved —

Page 14, after line 15 — to insert:

Division 5 — Review of Part 2A

15M. Review of Part

- (1) The Minister must carry out a review of the operation and effectiveness of this Part as soon as is practicable after the 5th anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 5 comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

Hon Michael Mischin moved an amendment to the amendment as follows —

To delete “5th” and insert:

3rd

Debate ensued.

Amendment to the amendment — put.

The Committee divided.

Ayes (17)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Peter Collier
Hon Colin de Grussa
Hon Diane Evers
Hon Donna Faragher
Hon Nick Goiran

Hon Colin Holt
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (15)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn

Hon Samantha Rowe
Hon Robin Scott
Hon Matthew Swinbourn
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang
Hon Martin Pritchard (*Teller*)

Amendment to the amendment thus passed.

Amendment, as amended — put and passed.

Clause, as amended, agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Attorney General, by leave, moved, That the report be adopted.
Report adopted.

The Leader of the House representing the Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Deputy 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.

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

The Deputy President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

14. Health Practitioner Regulation National Law (WA) Amendment Bill 2017

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Laurie Graham in the Chair)

New Part 2A.

Debate resumed on the amendment moved by the Parliamentary Secretary to the Minister for Health as follows —

Page 55, after line 5 — To insert:

**Part 2A — *Health Practitioner Regulation National Law (WA) Regulations 2010*
amended**

97A. Regulations amended

This Part amends the *Health Practitioner Regulation National Law (WA) Regulations 2010*.

97B. Regulation 4 amended

In regulation 4(1) delete “from time to time” and insert:

on 6 December 2017

The Parliamentary Secretary to the Minister for Health tabled notes in relation to the Health Practitioner Regulation National Law. (Tabled Paper 1203).

Debate resumed.

New Part 2A agreed to.

Clauses 98 and 99 agreed to.

Clause 100.

Debate ensued.

Clause agreed to.

Clauses 101 to 117 agreed to.

Title.

The Parliamentary Secretary to the Minister for Health moved —

Page 1 — To insert after “**2010**”:

and the *Health Practitioner Regulation National Law (WA) Regulations 2010*

Amendment — put and passed.

Title, as amended, agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Parliamentary Secretary to the Minister for Health, by leave, moved, That the report be adopted.

Report adopted.

The Parliamentary Secretary to the Minister for Health moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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.

The Parliamentary Secretary to the Minister for Health 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.

15. Standing Committee on Procedure and Privileges — Report No. 47 — Corruption, Crime and Misconduct Amendment Bill 2017

The President presented Report No. 47 of the Standing Committee on Procedure and Privileges, *Corruption, Crime and Misconduct Amendment Bill 2017*. (Tabled Paper 1204).

Hon Simon O'Brien moved, without notice —

That the reporting date for the Standing Committee on Procedure and Privileges inquiry into the *Corruption, Crime and Misconduct Amendment Bill 2017* be extended from 10 April 2018 to 10 May 2018.

Hon Simon O'Brien sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

16. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 2, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, and 3, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance* be taken forthwith. (Leader of the House).

17. Shire of Chittering Repeal Local Law 2017 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Chittering Repeal Local Law 2017* published in the *Gazette* on 7 July 2017 and tabled in the Legislative Council on 16 August 2017 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

18. Shire of Northampton Local Government Property Local Law 2017 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Northampton Local Government Property Local Law 2017* published in the *Gazette* on 1 August 2017 and tabled in the Legislative Council on 16 August 2017 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

19. Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance* published in the *Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the *Biosecurity and Agriculture Management Act 2007*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

20. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Attorney General tabled documents in relation to applications for freezing orders on the basis of a person's unexplained wealth, in response to a question without notice asked by Hon Aaron Stonehouse. (Tabled Paper 1205).

The Leader of the House representing the Minister for Sport and Recreation, by leave, incorporated into *Hansard* information in relation to Kidsport vouchers, in response to a question without notice asked by Hon Tjorn Sibma.

The Leader of the House, by leave, made a personal explanation in relation to the provision of answers to questions without notice.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to meetings and verbal updates between the Minister's office and the Department of Education regarding the testing of lead in schools, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Education and Training tabled documents in relation to notes from a list of meetings provided to the Parliamentary Inquiry on 6 September 2017 by the Department of Education between the department and schools, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 1206).

21. Order of Business

Ordered — That Order of the Day, Standing Committee on Procedure and Privileges — Report No. 47 — *Corruption, Crime and Misconduct Amendment Bill 2017*, be taken forthwith. (Leader of the House).

22. Standing Committee on Procedure and Privileges — Report No. 47 — Corruption, Crime and Misconduct Amendment Bill 2017

Debate resumed on the motion of Hon Simon O'Brien as follows —

That the reporting date for the Standing Committee on Procedure and Privileges inquiry into the *Corruption, Crime and Misconduct Amendment Bill 2017* be extended from 10 April 2018 to 10 May 2018.

Question — put and passed.

23. Order of Business

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

24. Members' Statements

Statements were taken.

The Minister for Environment representing the Minister for Lands, by leave, incorporated into *Hansard* information in relation to the Shenton Park Rehabilitation Hospital site, in response to a question without notice asked by Hon Alison Xamon.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to Margaret River Metricup school bus service, in response to a question without notice asked by Hon Diane Evers.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to the Regular Public Transport flight route between Perth and Carnarvon, in response to a question without notice asked by Hon Jacqui Boydell.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to heavy vehicle pilot licence exemptions, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to proposed legislation for taxi reform, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to Alcoa's truck movements from the Port of Bunbury, in response to a question without notice asked by Hon Colin Holt.

25. Adjournment

The Council adjourned at 5.53pm until Tuesday, 10 April 2018 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Charles Smith.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council