

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 53
TUESDAY, 10 APRIL 2018

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

2. Petitions

Hon Martin Pritchard presented a petition from 74 petitioners requesting the Legislative Council to recommend a separate room at the Perth Children's Hospital for Christian people, with an altar table and Christian symbols for sacramental use and prayers. (Tabled Paper 1219).

Hon Colin de Grussa presented a petition from 398 petitioners requesting the Legislative Council to oppose the Government taking 20 per cent from the Agricultural Education Farm Provisions Trust. (Tabled Paper 1220).

Hon Simon O'Brien presented a petition from 246 petitioners requesting the Legislative Council to support community consultation to develop a plan that will ensure better northbound access to Murdoch Drive and improved access to and from the new Murdoch Drive Connection. (Tabled Paper 1221).

Hon Jacqui Boydell presented a petition from 2,585 petitioners requesting the Legislative Council to oppose the closure of five Schools of the Air, five camp schools and the Northam and Moora Residential Colleges. (Tabled Paper 1222).

3. Ministerial Statement — Live Export Trade

The Minister for Agriculture and Food made a Ministerial Statement with respect to the live export trade.

4. Papers

The following Papers were laid on the Table by —

President

Addendums —

Corruption and Crime Commission — Review of Police Response to an Incident in a Country Town where Excessive Force was used and an Arrested Person's Details not Recorded (21 March 2018) 1207

Reports —

Corruption and Crime Commission — Report on Department of Transport Response to Commission Recommendations (4 April 2018) (Deemed tabled 4/04/2018) 1208

Corruption and Crime Commission — The Implementation of Recommendations Arising from the Commission's Investigation into Operation Aviemore — A Further Report (4 April 2018) (Deemed tabled 4/04/2018) 1209

Leader of the House*Local Laws —*

Local Government Act 1995 (City of Busselton Standing Orders Local Law 2018 G.G. 04/04/2018, City of Karratha Bush Fire Brigades Amendment Local Law 2018 G.G. 03/04/2018 and City of Karratha Fencing Local Law 2018 G.G. 03/04/2018).....	1210
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Minister for Environment*Directions —*

Ministerial direction from the Minister for Road Safety — Provision of funding for a new Police helicopter (Deemed tabled 5/04/2018)	1211
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Orders —

Planning and Development Act 2005 — relating to proposed Amendment No. 142 to City of Swan Local Planning Scheme No. 17 — Brabham Development Contribution Plan	1212
Synergy — Statement of Corporate Intent (2017-18)	1213

Regulations —

Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2018 G.G. 06/04/2018)	1214
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Minister for Regional Development*Notices —*

Energy Safety Act 2006 (Energy Safety Levy Notice 2018 G.G. 06/04/2018)	1215
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Regulations —

Fair Trading Act 2010 (Fair Trading (Retirement Villages Interim Code) Regulations 2018 G.G. 29/03/2018)	1216
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Parliamentary Secretary to the Deputy Premier*Local Laws —*

Health (Miscellaneous Provisions) Act 1911 (Shire of Quairading Animals, Environment and Nuisance Local Law 2017 G.G. 26/03/2018).....	1217
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Regulations —

Cremation Act 1929 (Cremation Amendment Regulations 2018 G.G. 06/04/2018).....	1218
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5. Industrial Hemp Amendment Bill 2018

The Minister for Agriculture and Food: To move on the next day of sitting —

That a Bill for “An Act to —

- amend the *Industrial Hemp Act 2004* to increase the permitted level of tetrahydrocannabinol in industrial hemp to no more than 1%; and
- consequentially amend the *Misuse of Drugs Act 1981*.”

be introduced and read a first time.

6. District Court Amendment Rules 2018 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *District Court Amendment Rules 2018* published in the *Gazette* on 16 March 2018 and tabled in the Legislative Council on 20 March 2018 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper 1145).

7. Select Committee on Personal Choice and Community Safety — Amendment to Notice of Motion

Hon Aaron Stonehouse, pursuant to Standing Order 62(a), amended Motion No. 6 to read 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) the sale and supply of alcohol, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) risk-reduction products such as e-cigarettes and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (c) outdoor recreation such as cycling, fishing and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (d) 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.
- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Transfer of Land Amendment Regulations 2017 — Disallowance*, 3, *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017 — Disallowance*, 4, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, 5, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, 6, *Shire of Capel Dogs Local Law 2017 — Disallowance*, 7, *Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance*, and 8, *Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance*, be taken after Order of the Day No. 14, *Occupational Safety and Health Amendment Bill 2017*. (Leader of the House).

9. Tobacco Products Control Amendment Bill 2017

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

10. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled the Cane toads in Western Australia fact sheet produced by the Department of Biodiversity, Conservation and Attractions, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1223).

The Leader of the House representing the Premier tabled documents in relation to Department of the Premier and Cabinet issued mobile devices to Ministers and applications installed, in response to question on notice No. 628 asked by Hon Martin Aldridge. (Tabled Paper 1224).

The Minister for Education and Training tabled documents in relation to limited program schools in 2018, in response to question on notice No. 770 asked by Hon Martin Aldridge. (Tabled Paper 1225).

The Minister for Education and Training tabled documents in relation to the Minister’s visit to Geraldton on 15 February 2018, in response to question on notice No. 832 asked by Hon Martin Aldridge. (Tabled Paper 1226).

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to gifts, benefits and hospitality received since 11 March 2017, in response to question on notice No. 923 asked by Hon Martin Aldridge. (Tabled Paper 1227).

The Leader of the House representing the Minister for Federal-State Relations tabled documents in relation to gifts, benefits, hospitality, accommodation and travel since 11 March 2017, in response to question on notice No. 937 asked by Hon Martin Aldridge. (Tabled Paper 1228).

The Minister for Education and Training tabled guidelines for responding to student sexualised behaviour, in response to question on notice No. 662 asked by Hon Alison Xamon. (Tabled Paper 1229).

The Minister for Education and Training tabled documents entitled Evaluation of the Western Australian Group Training Program and Expanding Career Options for Women Program, in response to question on notice No. 749 asked by Hon Alison Xamon. (Tabled Paper 1230).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to budget saving measures in the education portfolio, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Environment representing the Minister for Energy tabled documents in relation to radio scripts active as at 13 March 2018, in response to question on notice No. 674 asked by Hon Robin Scott. (Tabled Paper 1231).

The Minister for Environment representing the Minister for Transport tabled documents in relation to Main Roads WA's management of straying livestock in pastoral regions, in response to question on notice No. 833 asked by Hon Robin Chapple. (Tabled Paper 1232).

The Minister for Environment representing the Minister for Aboriginal Affairs tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 919 asked by Hon Martin Aldridge. (Tabled Paper 1233).

The Minister for Environment representing the Minister for Transport tabled documents in relation to the Black Spot Audit in the Shire of Chittering, in response to question on notice No. 777 asked by Hon Martin Aldridge. (Tabled Paper 1234).

The Minister for Environment representing the Minister for Energy tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 920 asked by Hon Martin Aldridge. (Tabled Paper 1235).

The Minister for Environment representing the Minister for Finance tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 921 asked by Hon Martin Aldridge. (Tabled Paper 1236).

The Minister for Environment representing the Treasurer tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 922 asked by Hon Martin Aldridge. (Tabled Paper 1237).

The Minister for Environment tabled documents in relation to the review of the Technical Ammonium Nitrate Facility, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1238).

The Minister for Regional Development representing the Minister for Science tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 895 asked by Hon Martin Aldridge. (Tabled Paper 1239).

The Minister for Regional Development representing the Minister for Innovation and ICT tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 896 asked by Hon Martin Aldridge. (Tabled Paper 1240).

The Minister for Regional Development representing the Minister for Forestry tabled documents in relation to gifts received since March 2017, in response to question on notice No. 897 asked by Hon Martin Aldridge. (Tabled Paper 1241).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to gifts received since March 2017, in response to question on notice No. 898 asked by Hon Martin Aldridge. (Tabled Paper 1242).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since March 2017, in response to question on notice No. 899 asked by Hon Martin Aldridge. (Tabled Paper 1243).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the official opening of capital improvements to the Goomalling and York Health Services on 7 March 2018, in response to question on notice No. 760 asked by Hon Martin Aldridge. (Tabled Paper 1244).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to emergency department attendances since March 2017, in response to question on notice No. 1049 asked by Hon Aaron Stonehouse. (Tabled Paper 1245).

The Parliamentary Secretary to the Deputy Premier tabled documents in relation to Healthway's registration of gifts received since 11 March 2017, in response to question on notice No. 936 asked by Hon Martin Aldridge. (Tabled Paper 1246).

11. Tobacco Products Control Amendment Bill 2017

Debate resumed on the second reading of this Bill (*see item 9 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Clause 1

Debate ensued.

The Parliamentary Secretary to the Minister for Health tabled a comparative table in relation to the *Tobacco Products Control Amendment Bill 2017* and the *Tobacco Products Control Bill 2016*. (Tabled Paper 1247).

Debate resumed.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

12. Members' Statements

Statements were taken.

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

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 51

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017*.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 10 April 2018

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

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 52

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 10 April 2018

15. Adjournment

The Council adjourned at 10.20pm until Wednesday, 11 April 2018 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kyle McGinn.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council