

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 116

TUESDAY, 2 APRIL 2019

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 — Docs Online

The President made the following Statement —

Members, today you would have received by email a survey asking for feedback on Docs Online. It would have been sent to all Members today. This short survey is very important in terms assisting the department to provide better services to you and the results will be incorporated into the delivery of services going forward. I would ask that each Member take a few minutes of their time to complete that survey and return it to the Legislative Council by Friday, 5 April 2019.

3. Petition

Hon Diane Evers presented a petition from 193 petitioners requesting the Legislative Council to support measures to stop the Water Corporation and ManukaLife introducing an exotic species of tea tree, prohibit the use of glyphosate in the drinking water catchment area and rehabilitate the area with native vegetation to ensure the protection of Walpole's drinking water supply and the surrounding environment. (Tabled Paper 2544).

4. Ministerial Statement — Northern Cattle Partnership

The Minister for Agriculture and Food made a Ministerial Statement with respect to the northern cattle industry and Aboriginal landowners in the north exploring alternative pastoral business models that deliver the best outcomes for Aboriginal communities.

5. Ministerial Statement — Tobacco Laws

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to new tobacco laws that came into effect on 18 March 2019, following gazettal of the *Tobacco Products Control Amendment Regulations 2019* on 12 March 2019, which aim to reduce tobacco-related harm to the community.

6. Papers

The following Papers were laid on the Table by —

President

Reports —

Inspector of Custodial Services, Office of the — 2018 Inspection of Hakea Prison
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Rules —

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Minister for Environment*Addendums* —

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Electoral Commission — Political Finance (for the period ended 30 June 2018) (Date received 27/03/2019).....	2533
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Proposals —

Land Administration Act 1997 — Submission No. 4/2019 — Proposal for an Excision from Class A Reserve 20253 to establish a National Park over a portion of the Houtman Abrolhos Islands for conservation tourism and fishing purposes..... 2537

Regulations —

Road Traffic (Administration) Act 2008 (Transport Regulations Amendment (Information) Regulations 2019 G.G. 29/03/2019)..... 2538

Road Traffic (Vehicles) Act 2012 (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2019 G.G. 29/03/2019)..... 2539

Minister for Regional Development*Regulations —*

Building Act 2011 (Building Amendment Regulations 2019 G.G. 26/03/2019)..... 2540

Fair Trading Act 2010 (Fair Trading (Retirement Villages Interim Code) Regulations 2019 G.G. 22/03/2019)..... 2541

Liquor Control Act 1988 (Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2019 G.G. 22/03/2019) 2542

Retirement Villages Act 1992 (Retirement Villages Amendment Regulations 2019 G.G. 22/03/2019)..... 2543

7. Fair Trading Amendment Bill 2019

The Minister for Regional Development representing the Minister for Commerce: To move on the next day of sitting —

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced and read a first time.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Health Practitioner Regulation National Law Regulation 2018 — Disallowance*, 2, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 3, *Shire of Morawa Cemeteries Local Law 2018 — Disallowance*, and 4, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance* be taken after Order of the Day No. 17, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Leader of the House).

9. Bail Amendment (Persons Linked to Terrorism) Bill 2018

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

The President left the Chair.

In Committee

(Hon Simon O’Brien in the Chair)

Clause 11.

Debate resumed on the amendment moved by Hon Alison Xamon as follows —

Page 8, after line 6 — To insert:

66D. Annual report to include information about application of s. 66C

- (1) The accountable authority, as defined in the *Financial Management Act 2006*, of the department of the Public Service principally assisting in the administration of this Act must, in each annual report submitted under the *Financial Management Act 2006* Part 5, include information relating to action taken under section 66C(1)

in proceedings on a case for bail in the financial year to which the annual report relates.

- (2) The information referred to in subsection (1) must, without disclosing terrorist intelligence information, specify —
- (a) the number of proceedings in which action was taken under section 66C(1); and
 - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether, and to what extent —
 - (i) evidence by or on behalf of the accused was received; and
 - (ii) argument by or on behalf of the accused was heard.

Hon Michael Mischin moved to amend the amendment as follows —

To delete “, and to what extent”

Amendment to the amendment — put.

The Committee divided.

Ayes (20)

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 Rick Mazza
 Hon Michael Mischin
 Hon Simon O’Brien
 Hon Robin Scott
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (11)

Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Adele Farina
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment to the amendment thus passed.

Amendment, as amended — put.

The Committee divided.

Ayes (20)

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 Rick Mazza
 Hon Michael Mischin
 Hon Simon O'Brien
 Hon Robin Scott
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 Hon Dr Steve Thomas
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 Hon Adele Farina
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment, as amended — thus passed.

Clause, as amended, agreed to.

New Clause 11A.

Hon Alison Xamon moved —

Page 8, after line 7 — To insert —

11A. Section 67A inserted

After section 67 insert:

67A. Review of amendments made by *Bail Amendment (Persons Linked to Terrorism) Act 2019*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Bail Amendment (Persons Linked to Terrorism) Act 2019* and prepare a report based on the review —
 - (a) as soon as practicable after the 3rd anniversary of the day on which the *Bail Amendment (Persons Linked to Terrorism) Act 2019* section 11A comes into operation; and
 - (b) after that, at intervals of not more than 3 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 90 days after the 3rd anniversary or the expiry of the period of 3 years, as the case may be.

Debate ensued.

Hon Michael Mischin moved to delete “11A” and insert —

12

Debate ensued.

Amendment to the amendment — put and passed.

Amendment, as amended — put and passed.

New clause, as amended, agreed to.

Clause 12.

Hon Alison Xamon moved —

Page 9, lines 22 to 25 — To delete the lines and insert:

- (d) in the case of a child —
 - (i) consider the *Young Offenders Act 1994* section 6(d) as an objective of this Act with the safety of the community being an overriding objective; and
 - (ii) observe the *Young Offenders Act 1994* section 7(h) as a general principle with the safety of the community being an overriding principle.

Debate ensued.

Hon Alison Xamon, by leave, tabled documents from the Commissioner for Children and Young People in relation to the *Bail Amendment (Persons Linked to Terrorism) Bill 2018*. (Tabled Paper 2545).

Debate resumed.

Amendment — put and negatived.

Debate ensued.

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

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

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 *Bail Amendment (Persons Linked to Terrorism) Bill 2018* 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 Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Acting President announced that the 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.

10. Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018

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

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled notes in relation to discussions on the Environmental Protection Authority's Greenhouse Gas Guidance, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2546).

The Leader of the House representing the Minister for Community Services tabled a list of agencies working with Target 120 community youth officers, in response to a question without notice asked by Hon Charles Smith. (Tabled Paper 2547).

The Minister for Ports, by leave, incorporated into *Hansard* information in relation to spills and discharges in the Fremantle Inner Harbour and Cockburn Sound, in response to a question without notice asked by Hon Simon O'Brien.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that answers to questions on notice 1852, 1853, 1855 and 1856 asked by Hon Alison Xamon will be provided on 9 April 2019.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that answers to questions on notice 1861 and 1862 asked by Hon Martin Aldridge will be provided on 9 April 2019.

The Minister for Environment tabled documents in relation to the Jangardup post-mining environmental management program, in response to question on notice 1882 asked by Hon Diane Evers. (Tabled Paper 2548).

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that answers to questions on notice 1822 and 1838 asked by Hon Robin Chapple will be provided on 4 April 2019.

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled details of power interruptions during the last five years in the South West Interconnected Network, in response to question on notice 1857 asked by Hon Martin Aldridge. (Tabled Paper 2549).

The Minister for Regional Development; Agriculture and Food; Ports; Minister assisting the Minister for State Development, Jobs and Trade tabled the Department of Primary Industries and Regional Development's *Regional Traineeship Program Grant Guidelines*, in response to question on notice 1886 asked by Hon Martin Aldridge. (Tabled Paper 2550).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled, and by leave incorporated into *Hansard*, letters from the Minister for Racing and Gaming and Federal Minister for Agriculture and Water Resources in relation to the welfare of racing greyhounds, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 2551).

The Minister for Regional Development representing the Minister for Tourism, by leave, incorporated into *Hansard* information in relation to funds allocated to destination marketing in the State Budget for 2018-19, in response to a question without notice asked by Hon Peter Collier.

12. Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018

Debate resumed on the second reading of this Bill (*see item 10 above*).

Interruption pursuant to order.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 10.03pm until Wednesday, 3 April 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Tjorn Sibma and Hon Matthew Swinbourn.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council