

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 105
WEDNESDAY, 13 FEBRUARY 2019

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 Colin Holt presented a petition from 847 petitioners requesting the Legislative Council to oppose the alternative alignment of the Bunbury Outer Ring Road. (Tabled Paper 2391).

Hon Robin Chapple on behalf of Hon Alison Xamon presented a petition from 241 petitioners requesting the Legislative Council to recommend the Metropolitan Redevelopment Authority reject the proposed approval of the 3 Oceans Development, Scarborough. (Tabled Paper 2392).

Hon Colin de Grussa presented a petition from 491 petitioners requesting the Legislative Council to review the impact of rural crime on primary producers and the community in addition to the adequacy of current penalties. (Tabled Paper 2393).

3. Ministerial Statement — Western Australian Alcohol and Drug Interagency Strategy 2018-2022

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the release of the Western Australian Alcohol and Drug Interagency Strategy 2018-2022.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Opinions on Ministerial Notifications (Report No. 14) (February 2019)..... 2388

Leader of the House

Annual Reports —

Local Government Grants Commission Western Australia (2018)
(Date received 12/02/2019)..... 2389

Minister for Environment

Reports —

Disability Access Inclusion Plan — Progress Report (2017-2018) 2390

5. Statement by President — Motions on Notice

The President made the following Statement —

Members, under the temporary order that was agreed to in 2018, the maximum period allocated to motions on notice is two hours. Each speaker, including the mover and any other speaker, will have 20 minutes. The mover will have five minutes in reply if required, and for any amendment moved, speakers to the amendment will have only five minutes to speak on that amendment.

6. Decriminalising possession of non-lethal means of self-defence

Motion No. 1 having been called, Hon Aaron Stonehouse, pursuant to Standing Order 62(b), sought leave to move his amendment in an amended form.

Debate ensued.

Leave granted.

Hon Aaron Stonehouse moved —

This House calls upon the McGowan Government to amend the *Weapons Act 1999* to allow individuals to carry pepper spray for the purpose of self-defence.

Debate ensued.

Hon Michael Mischin moved, without notice, to delete “amend” and insert:

examine and report to the House on amending

Debate ensued.

Amendment — put and passed.

Debate resumed on the motion as amended.

Question — put and passed.

7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 8 — Matters arising from the Corruption and Crime Commission’s Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

Standing Committee on Environment and Public Affairs — Report 48 — Overview of Petitions 16 May 2017 to 30 June 2018

Hon Matthew Swinbourn moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report 3 — Annual Report 2017-18

Hon Stephen Dawson moved, That the Report be noted.

Hon Stephen Dawson moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report 7 — Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Debate ensued.

Interruption pursuant to Order

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report 8 — *Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke*, made progress and seeks to sit again.
- (2) Select Committee into Elder Abuse — Final Report — *'I never thought it would happen to me': When trust is broken*, made progress and seeks to sit again.
- (3) Standing Committee on Environment and Public Affairs — Report 48 — *Overview of Petitions 16 May 2017 to 30 June 2018* and had noted same.
- (4) Joint Standing Committee on the Commissioner for Children and Young People — Report 3 — *Annual Report 2017-18* and postponed consideration to the next sitting.
- (5) Joint Standing Committee on the Corruption and Crime Commission — Report 7 — *Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms*, made progress and seeks to sit again.

Report adopted.

8. 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. 21, *Suitors' Fund Amendment (Levy) Bill 2017*. (Minister for Environment).

9. Ports Legislation Amendment Bill 2017

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Attorney General tabled various parole directions, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 2394).

The Minister for Education and Training tabled the *Physical Contact with Students* guidelines, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2395).

The Minister for Environment tabled a letter from Hon Melissa Price MP, Minister for the Environment, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2396).

The Minister for Environment representing the Minister for Housing tabled the Housing Authority's *Pre-feasibility Concept and Cost Benefit Analysis Study: Privately funded solar on Housing Authority properties*, in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 2397).

The Minister for Regional Development representing the Minister for Mines and Petroleum, by leave, incorporated into *Hansard* information in relation to an audit undertaken by the Department into BHP royalty payments, in response to a question without notice asked by Hon Jacqui Boydell.

11. Ports Legislation 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 Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 and 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 to 44 agreed to.

Clause 45.

Debate ensued.

Clause agreed to.

Clause 46 agreed to.

Clause 47.

Debate ensued.

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. Adjournment

The Council adjourned at 6.36pm until Thursday, 14 February 2019 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Laurie Graham and Hon Kyle McGinn.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council