

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 115
THURSDAY, 21 MARCH 2019

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — The Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to *The Review of the Human Reproductive Technology Act 1991 and Surrogacy Act 2008*.

The Parliamentary Secretary to the Minister for Health tabled *The Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008 (Part 1)*. (Tabled Paper 2507).

The Parliamentary Secretary to the Minister for Health tabled *The Review of the Western Australian Human Reproductive Technology Act 1991 and the Surrogacy Act 2008 (Part 2)*. (Tabled Paper 2508).

3. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act
2012 (1 July 2017 to 30 June 2018) 2504

Leader of the House

Annual Reports —

Edith Cowan University (2018) (Date received 20/03/2019)..... 2505

Minister for Environment

Annual Reports —

Anzac Day Trust (2018) (Date received 20/03/2019) 2506

4. Joint Standing Committee on the Corruption and Crime Commission — Report 10 — With extraordinary power — The Corruption and Crime Commission’s execution of a search warrant on the Shire of Halls Creek

Hon Jim Chown presented Report 10 of the Joint Standing Committee on the Corruption and Crime Commission, *With extraordinary power — The Corruption and Crime Commission’s execution of a search warrant on the Shire of Halls Creek*. (Tabled Paper 2509).

5. Standing Committee on Legislation — Report 39 — Residential Parks (Long-stay Tenants) Amendment Bill 2018

Hon Dr Sally Talbot presented Report 39 of the Standing Committee on Legislation, *Residential Parks (Long-stay Tenants) Amendment Bill 2018*. (Tabled Paper 2510).

6. Electoral Amendment (Ticket Voting and Associated Reforms) Bill 2019

Non-Government Business No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved —

That a Bill for “An Act to amend *Electoral Act 1907*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Hon Alison Xamon tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2511).

Debate stands adjourned.

7. Environmental Protection Authority’s Greenhouse Gas Emissions Guidelines

Non-Government Business No. 2 having been called, Hon Tim Clifford moved, without notice —

That this House —

- (a) condemn the McGowan Government's interference with the operations of an independent statutory authority by so publicly and vehemently criticising the Environmental Protection Authority's greenhouse gas emissions guidelines, leading to the eventual withdrawal by the EPA of those guidelines;
- (b) express its concern that the McGowan Government cares more about the interests of the fossil fuel industry than it does about exercising its duty of care to the people of Western Australia and ensuring a future for our children and grandchildren;
- (c) recognise that addressing climate change is the responsibility of all levels of Government and express profound disappointment with the McGowan Government for using the Federal Government's inaction as an excuse for failing to show leadership and take responsibility for reducing Western Australia's emissions;
- (d) call on the McGowan Government to fast-track its development of a state climate change policy to ensure that Western Australia has a comprehensive and strategic plan to reduce our emissions and contribute to the global effort to address climate change; and
- (e) call on the McGowan Government to do everything in its power, including allocating appropriate resources, to ensure that the EPA can conduct a consultation process to the satisfaction of the Government and work towards re-introducing greenhouse gas emissions guidelines as soon as practicable.

Debate ensued.

Motion lapsed.

8. Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry

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

The Legislative Council calls upon the Federal Government to reconvene Parliament so that there can be an opportunity to debate, and possibly implement, the recommendations of the final report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry.

Debate ensued.

Motion lapsed.

9. 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. 18, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Minister for Regional Development).

10. Fair Trading Amendment Bill 2018

The Order of the Day having been read for the adjourned debate on the second reading of this Bill, debate resumed on the motion of Hon Michael Mischin, as follows —

- (1) That the *Fair Trading Amendment Bill 2018* be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for the purposes of considering the adoption or disallowance of amending laws;
- (2) That the Committee consider the proposed amendments contained in Supplementary Notice Paper No. 75, Issue No. 5, dated Tuesday, 19 March 2019; and
- (3) The Committee to report by 4 June 2019.

Hon Michael Mischin sought leave to withdraw his motion.

Leave granted.

Debate resumed on the second reading of this Bill.

The Minister for Regional Development representing the Minister for Commerce tabled a document, *Fair Trading Amendment Bill 2018 — Treasury Laws Amendment (Australian Consumer Law Review)*. (Tabled Paper 2512).

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.

The Minister for Regional Development representing the Minister for Commerce tabled a document, *Australian Consumer Law Amendments — Attachment 3*. (Tabled Paper 2513).

Point of Order

Hon Michael Mischin raised the following Point of Order —

Hon Darren West ought to know better than to make interjections from somewhere other than his own chair.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

Members, that is a valid point of order, Hon Darren West has been here long enough to know not to interject from a chair other than his own.

Debate resumed.

Clause agreed to.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to the proposed gazettal of Lake Mullocullup for recreational use, in response to a question without notice asked by Hon Diane Evers.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the Minister for Health's visit to the Agricultural Region on 18 December 2018, in response to question on notice 1860 asked by Hon Martin Aldridge. (Tabled Paper 2514).

12. Papers

The following Papers were laid on the Table by —

Minister for Environment

Notices —

Financial Management Act 2006 s.65 — Murdoch University Annual Report 2018..... 2515

Financial Management Act 2006 s.65 — Curtin University Annual Report 2018 2516

13. Statement by Deputy President — United Nations Western Australian Youth Parliament

The Deputy President made the following Statement —

Tomorrow the Parliament will host the United Nations Western Australian Youth Parliament. As the Legislative Council Chamber will be used as part of the proceedings, I ask Members to take a moment to clear their desks of personal and work material prior to leaving Parliament this afternoon. Any items remaining on desks after the House rises will be cleared by staff and retained until our next sitting week.

14. Fair Trading Amendment Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 10 above*).

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Question — put and negatived.

Clause 5.

Hon Michael Mischin moved —

Page 2, line 24 — To delete “from time to time” and insert:

on 26 October 2018

Debate ensued.

Amendment — put and passed.

Hon Michael Mischin moved —

Page 3, lines 1 to 3 — To delete the lines.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 6.

Debate ensued.

Question — put and negatived.

Clauses 7 to 10 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Regional Development representing the Minister for Commerce, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Fair Trading Amendment Bill 2018* 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 Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a third time.

The Deputy 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.

15. Members' Statements

Statements were taken.

16. Message from His Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills —

20 March 2019 — Message No. 5	Act No.
Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018	5 of 2019
Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018	6 of 2019

17. Road Traffic Amendment (Blood Alcohol Content) Bill 2019

The Deputy President reported the receipt of Message No. 115 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Road Safety moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Road Safety moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Road Safety tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2517).

Debate stands adjourned.

18. Consumer Protection Legislation Amendment Bill 2018

The Deputy President reported the receipt of Message No. 116 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2518).

Debate stands adjourned.

19. Adjournment

The Council adjourned at 5.50pm until Tuesday, 2 April 2019 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin de Grussa.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council