

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 77**

**TUESDAY, 11 SEPTEMBER 2018**

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**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 — Members' Annual Returns**

The President made the following Statement —

I remind any Members who have not already done so to lodge their annual returns for the 2017–18 financial year with the Deputy Clerk under the *Members of Parliament (Financial Interests) Act 1992*. I note that Thursday, 20 September, which is next week, is the last sitting day before the 30 September statutory deadline for the lodgement of returns. If you have not already completed and handed yours in, I encourage you to do so by the end of next week.

**3. 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 —

<b>7 September 2018 — Message No. 22</b>	<b>Act No.</b>
Occupational Safety and Health Amendment Bill 2017	16 of 2018
Mines Safety and Inspection Amendment Bill 2017	17 of 2018
Education and Care Services National Law (WA) Amendment Bill 2018	18 of 2018
Road Traffic Amendment (Driving Offences) Bill 2018	19 of 2018

**4. Petitions**

Hon Robin Chapple presented a petition from 196 petitioners requesting the Legislative Council to call on the Government to evaluate the effects of pollutants and emissions on the rock art in Murujuga. (Tabled Paper 1738).

Hon Colin Holt presented a petition from 200 petitioners requesting the Legislative Council to recommend that the Government reverse the decision to close Bridgetown Camp School. (Tabled Paper 1739).

Hon Michael Mischin presented a petition from 2 petitioners requesting the Legislative Council conduct an inquiry into the conduct and performance of the public officers and council of the City of Wanneroo (Tabled Paper 1740).

## 5. Papers

The following Papers were laid on the Table by —

### Leader of the House

#### *Annual Reports* —

Gender Reassignment Board (2017–2018) (Date received 5/09/2018) .....	1707
Local Government Standard Panel (2017–2018) (Date received 5/09/2018) .....	1708
Lotterywest (2017–2018) (Date received 10/09/2018) .....	1709
Technology and Industry Advisory Council (2017–2018) (Date received 5/09/2018) .....	1710

#### *Local Laws* —

Cemeteries Act 1986 (City of Mandurah Cemeteries Amendment Local Law 2018 G.G. 07/09/2018 and Shire of Victoria Plains Cemeteries Local Law 2018 G.G. 04/09/2018) .....	1711
Local Government Act 1995 (Shire of Victoria Plains Extractive Industries Local Law 2018 G.G. 04/09/2018 and Shire of Victoria Plains Public Places and Local Government Property Local Law 2018 G.G. 04/09/2018) .....	1712

#### *Documents* —

House of Representatives — National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 — Second Reading Speech — Minister for Social Services .....	1713
National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018 — Minister for Social Services.....	1714
National Redress Scheme for Institutional Child Sexual Abuse Direct Personal Response Framework 2018 — Explanatory Statement — Minister for Social Services .....	1715
National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018 — Minister for Social Services .....	1716
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018 — Minister for Social Services .....	1717
National Redress Scheme for Institutional Child Sexual Abuse Assessment Framework 2018 — Explanatory Statement — Minister for Social Services.....	1718
National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 — Second Reading Speech — Minister for Social Services .....	1719
National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 — Explanatory Memorandum .....	1720
National Redress Scheme for Institutional Child Sexual Abuse Act 2018 .....	1721
National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Act 2018 .....	1722

#### *Reports* —

Ministerial Office Staffing Report (as at 26 July 2018) .....	1723
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#### *Rules* —

District Court of Western Australia Act 1969 (District Court Amendment Rules (No. 2) 2018 G.G. 07/09/2018).....	1724
Supreme Court Act 1935 (Supreme Court Amendment Rules (No. 3) 2018 G.G. 28/08/2018) .....	1725

### Minister for Environment

#### *Annual Reports* —

Independent Market Operator (2017–2018) (Date received 6/09/2018).....	1726
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*Local Laws —*

Bush Fires Act 1954 (Shire of Victoria Plains Bush Fire Brigades Amendment Local Law 2018 Correction Notice 2018 G.G. 07/09/2018 and Shire of Victoria Plains Bush Fire Brigades Amendment Local Laws 2018 G.G. 04/09/2018).....	1727
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*Orders —*

Misuse of Drugs Act 1981 (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2018 G.G. 29/08/2018).....	1728
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*Regulations —*

Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations (No. 2) 2018 G.G. 28/08/2018).....	1729
Environmental Protection Act 1986 (Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018 G.G. 31/08/2018).....	1730
State Trading Concerns Act 1916 (State Trading Concerns (Authorisation) Amendment Regulations 2018 G.G. 31/08/2018).....	1731

**Minister for Regional Development***Regulations —*

Betting Control Act 1954 (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 07/09/2018).....	1732
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018 G.G. 31/08/2018) .....	1733

*Reports —*

ChemCentre — Statement of Corporate Intent (2017–2018).....	1734
Forest Products Commission — Statement of Corporate Intent (2018–2019).....	1735

**Parliamentary Secretary to the Deputy Premier***Annual Reports —*

Animal Resources Authority (2017–2018) (Date received 7/09/2018) .....	1736
Chief Psychiatrist (2017–2018) (Date received 7/09/2018).....	1737

**6. Temporary Order — Recall of the House — Amendment to Notice of Motion**

Hon Martin Aldridge, pursuant to Standing Order 62(a), amended Motion No. 2 to read as follows —

- A. That a proposed amendment to Standing Order 6(3) be considered by the House in the following terms —
- (3) When the Council is adjourned the President:
    - (a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or
    - (b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.
  - (4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.
  - (5) For the purposes of (3)(b):
    - (a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.
    - (b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
    - (c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of

the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.

- B. That the proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.

## 7. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Shire of Toodyay Health Local Law 2017 — Disallowance*, 3, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 4, *City of Karratha Fencing Local Law 2018 — Disallowance*, 5, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 6, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 7, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 8, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 9, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 10, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, 11, *Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance*, 12, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, and 13, *Shire of Dundas Standing Orders Local Law 2018 — Disallowance*, be taken after Order of the Day No. 25, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*. (Leader of the House).

## 8. Heritage Bill 2017

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

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### In Committee

(Hon Martin Aldridge in the Chair)

Clause 1 agreed to.

Clauses 2 to 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 13 agreed to.

Clause 14.

Hon Alison Xamon moved —

Page 11, lines 14 to 15 — To delete the lines and insert:

- (xii) heritage tourism;
- (xiii) structural engineering;
- (xiv) horticulture;
- (xv) urban geography;
- (xvi) moveable heritage
- (xvii) any other field prescribed for the purposes of this subsection.

Debate ensued.

Amendment — put and negatived.

Hon Alison Xamon moved —

Page 11, line 19 — To insert after “office”:

(which must not exceed 5 consecutive years)

Debate ensued.

## 9. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Child Protection tabled an extract from the Department for Child Protection and Family Support’s Manual entitled “Responding to standard of care concerns against approved carers”, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 1741).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to membership of the Water Reform Reference Group, in response to a question without notice asked by Hon Colin Tincknell. (Tabled Paper 1742).

The Minister for Education and Training tabled documents in relation to per capita grants provided to non-government schools, in response to question on notice No. 1470 asked by Hon Alison Xamon. (Tabled Paper 1743).

The Minister for Education and Training tabled documents in relation to Federal and State funding for each public school in 2018, in response to question on notice No. 1471 asked by Hon Alison Xamon. (Tabled Paper 1744).

The Leader of the House representing the Minister for Child Protection tabled a copy of an email to the Office of the Auditor General advising that a notice under section 82 of the *Financial Management Act 2006* was not required for the questions on notice Nos 386 and 446, in response to question on notice No. 1498 asked by Hon Nick Goiran. (Tabled Paper 1745).

The Leader of the House representing the Premier; Minister for Public Sector Management; Federal–State Relations, tabled a list of boards and committees within the Minister’s portfolio as at March 2017 and May 2018, in response to question on notice No. 1552 asked by Hon Tjorn Sibma. (Tabled Paper 1746).

The Minister for Environment, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1519 asked by Hon Tjorn Sibma will be provided on 13 September 2018.

The Minister for Environment representing the Minister for Planning tabled documents in relation to conflict of interest policies for the Western Australian Planning Commission, the Development Assessment Panels, Landcorp and the Metropolitan Redevelopment Authority, in response to question on notice No. 1489 asked by Hon Alison Xamon. (Tabled Paper 1747).

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1440 asked by Hon Martin Aldridge will be provided on 12 September 2018.

The Minister for Regional Development representing the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement tabled information in relation to leave balances, as at 30 June 2018, for each agency within the Minister’s portfolio, in response to question on notice No. 1528 asked by Hon Tjorn Sibma. (Tabled Paper 1748).

The Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade tabled information in relation to leave balances as at 30 June 2018 for each agency within the Minister’s portfolio, in response to question on notice No. 1535 asked by Hon Tjorn Sibma. (Tabled Paper 1749).

The Minister for Regional Development representing the Minister for Water, Forestry, Innovation and ICT and Science tabled information in relation to leave balances as at 30 June 2018 for each agency within the Minister’s portfolio, in response to question on notice No. 1542 asked by Hon Tjorn Sibma. (Tabled Paper 1750).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled information in relation to business modelling by Racing and Wagering Western Australia to justify its decision not to allocate race dates to the Golden Mile Trotting Club, in response to question on notice No. 1570 asked by Hon Colin Holt. (Tabled Paper 1751).

The Parliamentary Secretary to the Minister for Health tabled resignation letters from members of the North Metropolitan Health Service Provider Board, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 1752).

#### **10. Historical Homosexual Convictions Expungement Bill 2017**

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 81

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Historical Homosexual Convictions Expungement Bill 2017*.

Mr T.J. Healy

Acting Speaker

Legislative Assembly Chamber

Perth, 11 September 2018

#### **11. Heritage Bill 2017**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

#### **In Committee**

(Hon Dr Steve Thomas in the Chair)

Clause 14.

Debate resumed on the amendment of Hon Alison Xamon as follows —

Page 11, line 19 — To insert after “office”:

(which must not exceed 5 consecutive years)

Amendment — put and negatived.

Hon Alison Xamon

Page 11, line 24 — To delete “interest;” and insert:

interest, provided no member who has a conflict of interest in a matter may be present during any consideration or discussion of the matter or vote on the matter;

Debate ensued.

Amendment — put and negatived.

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

Clause 15.

Hon Alison Xamon moved —

Page 12, line 11 — To insert after “regulations”:

or subsection (4) applies

Debate ensued.

Amendment — put and negatived.

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

Clauses 16 to 40 agreed to.

Clause 41.

Debate ensued.

The Leader of the House representing the Minister for Heritage moved —

Page 27, line 19, to insert after “publish” —

as soon as practicable

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 42 to 44 agreed to.

Clause 45.

The Leader of the House representing the Minister for Heritage moved —

Page 31, line 9, to insert after “publish” —

as soon as practicable

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 46 to 49 agreed to.

Clause 50.

The Leader of the House representing the Minister for Heritage moved —

Page 35, line 16, to insert after “publish” —

as soon as practicable

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 51 to 53 agreed to.

Clause 54.

Debate ensued.

Clause agreed to.

Clauses 55 and 56 agreed to.

Clause 57.

Debate ensued.

The Leader of the House representing the Minister for Heritage moved —

Page 41, line 6, to insert after “publish” —

as soon as practicable

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 58 to 86 agreed to.

Clause 87.

The Leader of the House representing the Minister for Heritage moved —  
Page 62, line 25, to insert after “publish” —

as soon as practicable

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 88 to 113 agreed to.

Clause 114.

Debate ensued.

Clause agreed to.

Clauses 115 to 162 agreed to.

Clause 163.

Leader of the House representing the Minister for Heritage moved —

Page 112, lines 9 and 10 — To delete “Western Australian Land Information Authority or another” and insert:

Registrar of Titles, the Registrar of Deeds and Transfers, or another person or

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 164 agreed to.

Clause 165.

Debate ensued.

Leader of the House representing the Minister for Heritage moved —

Page 113, line 10 — To delete “10th” and insert —

5th

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 166 to 188 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Minister for Heritage, by leave, moved, That the report be adopted.

Report adopted.

The Leader of the House representing the Minister for Heritage moved, without notice —

That so much of Standing Orders be suspended so as to enable the Heritage 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 Leader of the House representing the Minister for Heritage 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.

## **12. Animal Welfare Amendment Bill 2017**

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

Debate resumed.

*Interruption pursuant to order.*

## **13. Members' Statements**

Statements were taken.

## **14. Tobacco Products Control Amendment Bill 2017**

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 84

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Tobacco Products Control Amendment Bill 2017* without amendment.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 11 September 2018

## **15. Adjournment**

The Council adjourned at 10.02pm until Wednesday, 12 September 2018 at 1.00pm.

### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Samantha Rowe.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council