

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 104**  
**TUESDAY, 12 FEBRUARY 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. 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>12 December 2018 — Message No. 36</b>	<b>Act No.</b>
Betting Tax Assessment Bill 2018	37 of 2018
Betting Tax Bill 2018	38 of 2018
Industrial Relations Amendment Bill 2018	39 of 2019
Reserves (Tjuntjuntjara Community) Bill 2018	40 of 2019
Gaming and Wagering Legislation Amendment Bill 2018	41 of 2018
Sentence Administration Amendment (Multiple Murderers) Bill 2018	42 of 2018

**3. Ministerial Statement — Delegation to India — International Education**

The Minister for Education and Training made a Ministerial Statement with respect to a recent delegation to India to showcase Western Australia as an ideal location for international students to live and study.

**4. Ministerial Statement — Northern Cattle Welfare**

The Minister for Agriculture and Food made a Ministerial Statement with respect to two serious animal welfare issues on pastoral properties in the Kimberley and Pilbara.

**5. Ministerial Statement — Voluntary Assisted Dying**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the future introduction of legislation regarding voluntary assisted dying.

**6. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers* —

Opinion on Ministerial Notifications (Report No. 8) (December 2018-2019)

(Deemed tabled 10/12/2018) ..... 2320

Treatment Services for People with Methamphetamine Dependence (Report No. 9) (December 2018-19) (Deemed tabled 18/12/2018) .....	2321
Opinions on Ministerial Notifications (Report No. 10) (December 2018-19) (Deemed tabled 18/12/2018) .....	2322
Opinions on Ministerial Notifications (Report No. 11) (December 2018-19) (Deemed tabled 20/12/2018) .....	2323
Managing Disruptive Behaviour in Public Housing (Report No. 12) (December 2018-19) (Deemed tabled 20/12/2018) .....	2324
Opinion on Ministerial Notification (Report No. 13) (January 2018-19) (Deemed tabled 23/01/2019) .....	2325
<i>Documents —</i>	
Non-Government and Private Members Business Schedules (2019).....	2326
<i>Reports —</i>	
Corruption and Crime Commission — Report into the Road Safety Commission and an Allocation of Funds to Western Force (December 2018) (Deemed tabled 13/12/2018) .....	2327
Corruption and Crime Commission — Review of Police Response to an Incident in High Street Mall Fremantle on 3 September 2017 (Deemed tabled 7/02/2019) .....	2328
Inspector of Custodial Services, Office of the — 2018 Inspection of Boronia Pre- Release Centre for Women (Report No. 120) (October 2018) (Deemed tabled 21/12/2018) .....	2329
Inspector of Custodial Services, Office of the — Contact with Family and Friends While in Custody (November 2018) (Deemed tabled 14/01/2019).....	2330
Parliamentary Inspector of the Corruption and Crime Commission — Misconduct Alleged by Public Officers Who Subsequently Become Officers of the Corruption and Crime Commission (December 2018) (Deemed tabled 14/12/2018) ...	2331
Report of Interstate and Overseas Travel Undertaken by Members and Officers of the Legislative Council on Official Business Funded by the Department of the Legislative Council (for the six months ended 31 December 2018) .....	2332
<b>Leader of the House</b>	
<i>Annual Reports —</i>	
Legal Practice Board — (2017-2018) (Deemed tabled 17/01/2019).....	2333
Legal Profession Complaints Committee — (2018) (Deemed tabled 17/01/2019).....	2334
<i>Documents —</i>	
Gazette listing of the reconstitution of the Ministry (13 December 2018).....	2335
Ministers representation in the other House — Allocation of portfolios (as at 29 January 2019).....	2336
<i>Local Laws —</i>	
Cat Act 2011 (City of Bunbury Cats Local Law 2018 G.G. 15/01/2019, City of Rockingham Cats Local Law 2018 G.G. 18/01/2019 and Shire of York Cat Amendment Local Law 2018 G.G. 25/01/2019).....	2337
Dog Act 1976 (City of Rockingham Dogs Amendment Local Law 2018 G.G. 18/01/2019 and Town of Victoria Park Dog Local Law 2018 G.G. 16/01/2019).....	2338
Dog Act 1976 (Shire of Dowerin Dogs Local Law 2018 G.G. 12/12/2018).....	2339
Local Government Act 1995 (City of Bunbury Parking and Parking Facilities Local Law 2018 G.G. 15/01/2019, City of Rockingham Repeal and Amendment Local Law 2018 G.G. 18/01/2019, City of Rockingham Sand Drift Local Law 2018 G.G. 18/01/2019 and Shire of Dundas Local Government Property Local Law 2018 G.G. 18/01/2019) .....	2340

Local Government Act 1995 (City of Busselton Standing Orders Amendment Local Law 2018 G.G. 14/12/2018, City of Kwinana Parking and Parking Facilities Local Law 2018 G.G. 04/12/2018, Shire of Dowerin Local Government Property Local Law 2018 G.G. 12/12/2018, Shire of Dowerin Parking and Parking Facilities Local Law 2018 G.G. 12/12/2018, Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018 G.G. 11/12/2018, Shire of Gingin Local Government Property Amendment Local Law 2018 G.G. 11/12/2018, Shire of Gingin Parking and Parking Facilities Amendment Local Law 2018 G.G. 11/12/2018, Shire of Gingin Repeal Local Law 2018 G.G. 11/12/2018 and Shire of Northam Standing Orders Amendment Local Law 2018 G.G. 07/12/2018) .....	2341
<i>Regulations —</i>	
Children's Court of Western Australia Act 1988 (Attorney General Regulations Amendment (Transcript Fees) Regulations 2018 G.G. 07/12/2018).....	2342
Coroners Act 1996 (Coroners Amendment Regulations 2019 G.G. 01/02/2019).....	2343
Local Government Act 1995 (Local Government (Elections) Amendment Regulations 2019 G.G. 18/01/2019).....	2344
Local Government Act 1995 (Local Government Regulations Amendment (Recovery of Advance Payments) Regulations 2018 G.G. 14/12/2018) .....	2345
School Education Act 1999 (School Education Amendment Regulations 2018 G.G. 21/12/2018) .....	2346
Sentencing Act 1995 (Sentencing Amendment Regulations 2018 G.G. 28/12/2018) .....	2347
<i>Response to Reports —</i>	
Joint Standing Committee on the Commissioner for Children and Young People — Talking to the Experts (Report No. 2) (Minister for Education) .....	2348
<i>Rules —</i>	
Art Gallery Act 1959 (Art Gallery of Western Australia Foundation Amendment Rules 2018 G.G. 28/12/2018) .....	2349
Magistrates Court Act 2004 (Magistrates Court (General) Amendment Rules 2018 G.G. 04/12/2018) .....	2350
<b>Minister for Environment</b>	
<i>Annual Reports —</i>	
Police Western Australia, Criminal Investigation (Covert Powers) Act 2012 Witness Identity Protection Certificates (2017-2018) (Date received 7/02/2019) .....	2351
<i>Determinations —</i>	
Determination from the Minister for Planning — Woodside Energy LTD and Presiding Member of Kimberley Pilbara Gascoyne Joint Development Assessment Panel (DR 279 of 2018) (Final Decision) (December 2018) .....	2352
<i>Local Laws —</i>	
Bush Fires Act 1954 (City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 G.G. 18/01/2019 and Shire of Exmouth Bush Fire Brigades Local Law 2018 G.G. 14/01/2019).....	2353
Waste Avoidance and Resource Recovery Act 2007 (Shire of Chittering Waste Local Law 2018 G.G. 07/12/2018 and Shire of Dowerin Waste Local Law 2018 G.G. 12/12/2018).....	2354
<i>Notices —</i>	
Financial Management Act 2006 (section 82) — Notice from the Minister for Police regarding Legislative Council Questions on Notice No. 1191 (b)–(d) asked by the Hon Martin Aldridge (Deemed tabled 24/01/2019).....	2355
<i>Orders —</i>	
Biodiversity Conservation Act 2016 (Biodiversity Conservation (Chromista Kingdom) Order 2018 G.G. 21/12/2018, Biodiversity Conservation (Exemptions) Order 2018 G.G. 21/12/2018 Biodiversity Conservation (Microbialite Ecological Communities) Order 2018 G.G. 21/12/2018 and Biodiversity Conservation (Property in Live Fauna) Order 2018 G.G. 21/12/2018) .....	2356

*Proclamations —*

Registration of Deeds Act 1856 (Land Legislation (Postponement of Expiry) Proclamation 2018 G.G. 21/12/2018) .....	2357
---	------

*Regulations —*

Biodiversity Conservation Act 2016 (Biodiversity Conservation Amendment Regulations (No. 2) 2018 G.G. 21/12/2018).....	2358
Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations (No. 4) 2018 G.G. 11/12/2018).....	2359
Road Traffic Act 1974 (Road Traffic (Blood Sampling and Analysis) Amendment 2019 G.G. 08/02/2019).....	2360
Road Traffic Act 1974 (Road Traffic (Drug Driving) Amendment Regulations 2018 G.G. 14/12/2018) .....	2361

*Reports —*

Landcorp — Statement of Corporate Intent (2018-2019) (Deemed tabled 7/01/2019) .....	2362
Terrorism (Preventative Detention) Act 2006 — Quarterly Report.....	2363

*Response to Reports —*

Joint Standing Committee on Corruption and Crime Commission — The More Things Change (Report No. 8) (Minister for Police, Road Safety).....	2364
--	------

**Minister for Regional Development***Local Laws —*

Biosecurity and Agriculture Management Act 2007 (City of Rockingham Pest Plants Amendment Local Law 2018 G.G. 18/01/2019).....	2365
---	------

*Orders —*

Fish Resources Management Act 1994 (Prohibition on Recreational Fishing For Abalone Order 2019 G.G. 11/01/2019) .....	2366
--	------

*Regulations —*

Betting Control Act 1954 (Betting Control Amendment Regulations 2019 G.G. 25/01/2019) .....	2367
Betting Control Act 1954 (Racing and Gaming Regulations Amendment Regulations 2019 G.G. 25/01/2019).....	2368
Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Aerial Application) Regulations 2018 G.G. 28/12/2018).....	2369
Electricity Act 1945 (Electricity (Licensing) Amendment Regulations (No. 2) 2018 G.G. 08/01/2019) .....	2370
Fair Trading Act 2010 (Fair Trading (Fitness Industry Interim Code) Regulations (No. 2) 2018 G.G. 13/12/2018).....	2371
Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations 2019 G.G. 11/01/2019).....	2372
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations (No. 3) 2018 G.G. 19/12/2018).....	2373
Rottnest Island Authority Act 1987 (Rottnest Island Amendment Regulations (No 2) 2018 G.G. 21/12/2018).....	2374

**Parliamentary Secretary to the Deputy Premier***Addendums —*

North Metropolitan Health Service — Annual report (2018) .....	2375
--	------

*Local Laws —*

Health (Miscellaneous Provisions) Act 1911 (Shire of Corrigin Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 01/02/2019 and Shire of Northam Health Amendment Local Law 2018 G.G. 22/01/2019).....	2376
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*Regulations —*

Public Health Act 2016 (Public Health Amendment Regulations 2018 G.G. 07/12/2018)..... 2377

**7. Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance**

Hon Rick Mazza: To move on the next day of sitting —

That the *Prohibition on Fishing (Greens Pool) Order 2018* published in the *Gazette* on 13 November 2018 and tabled in the Council on 20 November 2018 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled Paper 2191).

**8. Western Rock Lobster Fishery**

Hon Jim Chown: To move on the next day of sitting —

That this House expresses its concern at the Labor Government's mismanagement of recent policy concerning the Western Rock Lobster Fishery and, in the interests of preserving the peace of mind of fishing families and restoring stability and confidence in the industry, calls upon the Government to undertake that it will not pursue such a policy in future.

**9. Non-Government Business Schedule**

Leader of the House moved, without notice —

That, pursuant to Standing Order 111(4), the schedule for Non-Government business tabled by the President be adopted.

Debate ensued.

Question — put and passed.

**10. Private Members' Business Schedule**

Leader of the House moved, without notice —

That, pursuant to Standing Order 112(4), the schedule for Private Members' business tabled by the President be adopted.

Debate ensued.

Question — put and passed.

**11. Statement by President — Joint Standing Committee on the Corruption and Crime Commission — Extension of Time**

The President made the following Statement —

Members, I have received a letter from the Joint Standing Committee on the Corruption and Crime Commission, which states —

Dear Madam President

Inquiry report tabling date

The Joint Standing Committee on the Corruption and Crime Commission resolved at its meeting on Tuesday 18 December 2018 to amend the date for the tabling of a report on its inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice.

The Committee will now report on the inquiry by Thursday, 15 August 2019.

Yours sincerely

Hon Jim Chown  
Deputy Chair

**12. 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. 16, Ports Legislation Amendment Bill 2017. (Leader of the House).*

### 13. Gender Reassignment Amendment Bill 2018

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

Debate resumed.

Question — put.

The Council divided.

#### Ayes (27)

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Jim Chown  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Donna Faragher  
 Hon Adele Farina  
 Hon Laurie Graham

Hon Colin Holt  
 Hon Alannah MacTiernan  
 Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

#### Noes (3)

Hon Robin Scott  
 Hon Charles Smith

Hon Colin Tincknell (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

#### In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

### 14. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to shoplifting incidents involving juvenile offenders, in response to a question without notice asked by Hon Michael Mischin.

The Minister for Environment representing the Minister for Planning tabled the Metropolitan Region Scheme Proposed Amendment 1277/57, Mount Helena Urban Precinct (Submissions), in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 2378).

The Leader of the House representing the Premier; Minister for Public Sector Management; Federal-State Relations tabled the Premier's itinerary and travel arrangements to the Agricultural Region on 3 October 2018, in response to question on notice 1794 asked by Hon Martin Aldridge. (Tabled Paper 2379).

The Leader of the House representing the Premier; Minister for Public Sector Management; Federal-State Relations tabled a notification to Government agencies regarding the provision of documents to the Special Inquiry into Government Programs and Projects, in response to question on notice 1795 asked by Hon Martin Aldridge. (Tabled Paper 2380).

The Minister for Environment representing the Minister for Transport; Planning tabled the conditions of contract and general conditions of contract between the Department of Transport and To The Point Pty Ltd, in response to question on notice 1782 asked by Hon Martin Aldridge. (Tabled Paper 2381).

The Minister for Environment representing the Treasurer; Minister for Finance; Aboriginal Affairs; Lands tabled the Request Conditions and General Conditions of Contract with State Government Master Media, in response to question on notice 1792 asked by Hon Martin Aldridge. (Tabled Paper 2382).

The Minister for Environment tabled a works approval W6167/2018/1 for Cockburn Cement Ltd, in response to question on notice 1784 asked by Hon Robin Chapple. (Tabled Paper 2383).

The Minister for Environment tabled the Annual Audit Compliance Report for the Pilbara Ports Authority, in response to question on notice 1788 asked by Hon Robin Chapple. (Tabled Paper 2384).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled the 2007 and 2009 alcohol restrictions in Fitzroy Crossing and Halls Creek, in response to question on notice 1789 asked by Hon Robin Chapple. (Tabled Paper 2385).

The Minister for Regional Development tabled the financial assistance agreement between the Department of Primary Industries, Regional Development and Trade and Carnegie Wave Energy, in response to question on notice 1407 asked by Hon Martin Aldridge. (Tabled Paper 2386).

## **15. Gender Reassignment Amendment Bill 2018**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The President left the Chair.

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### **In Committee**

(Hon Dr Steve Thomas in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Attorney General tabled forms from Schedule 1 of the *Gender Reassignment Regulations 2001*. (Tabled Paper 2387).

Clause agreed to.

Clauses 2 to 4 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Deputy 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.

Bill read a third time and passed.

**16. Residential Parks (Long-stay Tenants) Amendment Bill 2018 — Discharge and Referral to the Standing Committee on Legislation**

Leader of the House moved, without notice —

- (1) That the *Residential Parks (Long-stay Tenants) Amendment Bill 2018* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 21 March 2019; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and passed.

Bill discharged and referred to the Standing Committee on Legislation.

**17. Corruption, Crime and Misconduct 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.*

**18. Members' Statements**

Statements were taken.

**19. Adjournment**

Council adjourned at 9.58pm until Wednesday, 13 February 2019 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