

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 54**  
**WEDNESDAY, 11 APRIL 2018**

**1. Meeting of Council**

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

**2. Ministerial Statement — Recovery College**

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the development of a Recovery College model for Western Australia.

The Parliamentary Secretary to the Minister for Mental Health tabled a document in relation to Recovery Colleges. (Tabled Paper 1255).

**3. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers —*

Opinions on Ministerial Notifications (Report No. 4) (April 2018)..... 1248

**Minister for Environment**

*Leases —*

CALM Lease No. 2068/97 — Between the Conservation and Land Management Executive Body and Mr and Mrs F G and R Cavallo for the renewal of a lease for fuel reduction by grazing within State Forest No. 27 ..... 1249

CALM Lease No. 2413/100 — Between the Conservation and Land Management Executive Body and the Wauchope family for an existing recreational hut located at Gardner River D'Entrecasteaux National Park ..... 1250

CALM Lease No. 2469/100 — Between the Conservation and Land Management Executive Body and Robe River Mining Co. PTY Ltd as manager and agent for the Robe River Joint Venture (Rio Tinto Iron Ore) for the purpose of a rail maintenance access area within Millstream-Chichester National Park..... 1251

*Notices —*

Financial Management Act 2006 (section 82) — Notice from the Minister for Transport in relation to Legislative Council Question without Notice No. 120..... 1252

Financial Management Act 2006 (section 82) — Notice from the Minister for Transport in relation to Legislative Council 2016–17 Annual Report Hearings Supplementary Information (A1)..... 1253

**Minister for Regional Development***Addendums —*

Government Chief Information Officer — Annual Report (2015–16) ..... 1254

**4. Building and Construction Industry Training Fund**

Motion No. 1 having been called, debate resumed on the amendment of Hon Donna Faragher as follows —

To delete paragraphs (c) and (d) and insert —

- (c) A Select Committee is to be established to consider and report on:
  - (i) whether the exemption from the definition of *construction work* and connected work granted by regulation 3AA of the *Building and Construction Industry Training Fund and Levy Collection Regulations 1991* should continue, or be removed in whole or in part;
  - (ii) the financial and other consequences arising from the *status quo* and any alteration to the current exemption; and
  - (iii) any other related matter.
- (d) The Select Committee shall consist of five members.
- (e) The Select Committee is to report by no later than 12 months after the Committee has been established.

to the motion of Hon Martin Aldridge as follows —

That this House:

- (a) notes that the introduction of the Building and Construction Industry Training Fund has supported the training and employment of more than 48,000 apprentices and trainees and has helped over 340,000 industry workers to upgrade their skills;
- (b) notes the *Review of the Operation and Effectiveness of the Building and Construction Industry Training Fund and Levy Collection Act 1990* of June 2014 that recommended the amendment to regulations to withdraw the current exemption from the payment of the levy applying to engineering construction projects in the resources industry;
- (c) supports the amendment of regulation 3AA of the *Building and Construction Industry Training Fund and Levy Collection Regulations 1991* therefore requiring construction projects in the mining and petroleum industry to contribute to the training and skills development in the building and construction industry; and
- (d) calls on the Government to immediately amend the regulation to support local job creation and skills development across the building and construction industry.

Amendment — put and negatived.

Debate resumed.

The Leader of the House moved, without notice —

- (1) To insert after paragraph (b), the following —
  - (c) notes the changes to the Commonwealth funding agreements for funding training places which have resulted in \$54 million less for Western Australia in 2017-18, compared to 2016-17;
- (2) To insert into paragraph (c) after “supports” —

in-principle

- (3) In paragraph (d) delete “immediately”.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Motion, as amended — put.

The Council divided.

**Ayes (29)**

Hon Martin Aldridge  
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 Nick Goiran  
Hon Laurie Graham  
Hon Colin Holt

Hon Alannah MacTiernan  
Hon Kyle McGinn  
Hon Michael Mischin  
Hon Simon O’Brien  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Tjorn Sibma  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Dr Steve Thomas  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang  
Hon Ken Baston (*Teller*)

**Noes (4)**

Hon Rick Mazza  
Hon Charles Smith

Hon Colin Tincknell  
Hon Robin Scott (*Teller*)

Motion, as amended, thus passed.

**5. Genetically Modified Crops Free Areas Repeal Act**

Motion No. 2 having been called, Hon Diane Evers, pursuant to notice, moved —

That given the Government spoke so vigorously against the *Genetically Modified Crops Free Areas Repeal Bill 2015* when in opposition, that the Government now reinstate the *Genetically Modified Crops Free Areas Act 2003*.

Debate ensued.

*Interruption pursuant to order.*

**6. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Simon O’Brien in the Chair)

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC**

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

Question — put and passed.

**Standing Committee on Uniform Legislation and Statutes Review — Report No. 112 — Committee's Treaty Function**

Hon Adele Farina moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 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.

*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 No. 1 — *The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC* and had noted same.
- (2) Standing Committee on Uniform Legislation and Statutes Review — Report No. 112 — *Committee's Treaty Function* and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report No. 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.

**7. Order of Business**

Ordered — That a Bill for Introduction be taken forthwith. (Minister for Environment).

**8. Industrial Hemp Amendment Bill 2018**

The Minister for Agriculture and Food, pursuant to notice, moved —

That a Bill for “An Act to —

- amend the *Industrial Hemp Act 2004* to increase the permitted level of tetrahydrocannabinol in industrial hemp to no more than 1%; and
  - consequentially amend the *Misuse of Drugs Act 1981*.”
- be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food moved, That the Bill be read a second time.

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1256).

Debate stands adjourned.

**9. Questions Without Notice**

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to 17 community kindergartens funded by the Department of Education, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to camp school funding, in response to a question without notice asked by Hon Colin Holt.

The Leader of the House representing the Minister for Sport and Recreation, by leave, incorporated into *Hansard* information in relation to funding for the Local Projects Local Jobs program, in response to a question without notice asked by Hon Tjorn Sibma.

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to individual or groups issued free tickets to the Perth Stadium Open Day on 21 January 2018, in response to question on notice No. 529 asked by Hon Martin Aldridge. (Tabled Paper 1257).

The Leader of the House representing the Minister for Community Services tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 900 asked by Hon Martin Aldridge. (Tabled Paper 1258).

The Leader of the House representing the Minister for Culture and the Arts tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 927 asked by Hon Martin Aldridge. (Tabled Paper 1259).

The Leader of the House representing the Minister for Heritage tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 928 asked by Hon Martin Aldridge. (Tabled Paper 1260).

The Leader of the House representing the Minister for Local Government tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 929 asked by Hon Martin Aldridge. (Tabled Paper 1261).

The Minister for Education and Training tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 946 asked by Hon Martin Aldridge. (Tabled Paper 1262).

The Minister for Education and Training, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 675 asked by Hon Alison Xamon will be provided on 12 April 2018.

The Leader of the House representing the Premier, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 641, 938 and 940 asked by Hon Peter Collier and Hon Martin Aldridge will be provided on 8 May 2018.

The Minister for Education and Training, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 998 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Leader of the House representing the Minister for Child Protection, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 903 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Leader of the House representing the Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 978 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Leader of the House representing the Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 926 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 615, 616, 617, 873, 874, 875, 979, 980 and 981 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Leader of the House representing the Premier tabled documents in relation to mobile devices provided to Ministers by the Department of the Premier and Cabinet, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 1263).

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 1264).

The Minister for Environment tabled documents in relation to the preliminary site investigation of the Lennard Shelf Pillara Mine, in response to question on notice No. 764 asked by Hon Robin Chapple. (Tabled Paper 1265).

The Minister for Environment tabled documents in relation to prescribed burns in the South West Forest Region for the years 2013–2014, 2014–2015, 2015–2016 and 2016–2017, in response to question on notice No. 640 asked by Hon Diane Evers. (Tabled Paper 1266).

The Minister for Environment tabled documents in relation to the Minister's meeting on 8 February 2018 with Mr Dean Nalder MLA and representatives of Billabong Brewing, in response to question on notice No. 658 asked by Hon Nick Goiran. (Tabled Paper 1267).

The Minister for Disability Services tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 944 asked by Hon Martin Aldridge. (Tabled Paper 1268).

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to commercial and legal advice relating to the tabling of the revised Swan River pedestrian bridge contract, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Emergency Services; Corrective Services, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 566, 567, 618, 619, 657, 714, 715, 759, 813, 814, 876, 877, 930, 931, 982, 983, 1034 and 1035 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Minister for Environment representing the Minister for Housing; Veterans Issues; Youth, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 592, 593, 594, 850, 851, 852, 904, 905 and 906 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Minister for Environment; Disability Services, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 632, 633, 996 and 997 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Minister for Environment representing the Minister for Lands, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 691 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Minister for Regional Development tabled documents in relation to Royalties for Regions financial assistance agreement variations since 11 March 2017, in response to question on notice No. 530 asked by Hon Martin Aldridge. (Tabled Paper 1269).

The Minister for Regional Development representing the Minister for Asian Engagement tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 910 asked by Hon Martin Aldridge. (Tabled Paper 1270).

The Minister for Regional Development representing the Minister for Electoral Affairs tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 911 asked by Hon Martin Aldridge. (Tabled Paper 1271).

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 912 asked by Hon Martin Aldridge. (Tabled Paper 1272).

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled documents in relation to gifts, benefits, hospitality, accommodation and travel by received since 11 March 2017, in response to question on notice No. 913 asked by Hon Martin Aldridge. (Tabled Paper 1273).

The Minister for Regional Development representing the Minister for Citizenship and Multicultural Interests tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 914 asked by Hon Martin Aldridge. (Tabled Paper 1274).

The Minister for Regional Development representing the Minister for Small Business tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 916 asked by Hon Martin Aldridge. (Tabled Paper 1275).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled documents in relation to gifts, benefits, hospitality, accommodation and travel received since 11 March 2017, in response to question on notice No. 917 asked by Hon Martin Aldridge. (Tabled Paper 1276).

The Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 629, 630, 631, 943, 993, 994, 995, 1045, 1046 and 1047 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues and Citizenship and Multicultural Interests, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 915, 918, 966, 967, 968, 969 and 970 asked by Hon Martin Aldridge will be provided by 8 May 2018.

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 583, 584, 585, 586 and 587 asked by Hon Martin Aldridge will be provided on 12 April 2018.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 771 asked by Hon Martin Aldridge will be provided on 8 May 2018.

#### **10. Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2018**

The President reported the receipt of Message No. 54 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade 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 State Development, Jobs and Trade moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1277).

Debate stands adjourned.

#### **11. Order of Business**

Ordered — That Orders of the Day Nos 1, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Transfer of Land Amendment Regulations 2017 — Disallowance*, 3, *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017 — Disallowance*, 4, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, 5, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, 6, *Shire of Capel Dogs Local Law 2017 — Disallowance*, 7, *Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance*, and 8, *Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance*, be taken after Order of the Day No. 25, *Standing Committee on Procedure and Privileges — Report No. 46 — Acknowledgement of Country*. (Leader of the House).

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

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 Laurie Graham in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

*Interruption pursuant to order.*

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The President resumed the Chair.

The 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.

**13. Members' Statements**

Statements were taken.

**14. Adjournment**

The Council adjourned at 6.39pm until Thursday, 12 April 2018 at 10.00am.

**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