

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 73

THURSDAY, 23 AUGUST 2018

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. Statement by President — Standing Committee on Estimates and Financial Operations — 2017–18 Annual Report hearings

The President made the following Statement —

I have received a letter from the Chair of the Standing Committee on Estimates and Financial Operations. It states —

Dear Madam President

2017–18 Annual Report hearings

As you are aware, the Standing Committee on Estimates and Financial Operations (Committee) regularly conducts hearings into agency annual reports, as part of its scrutiny function.

I advise that the Committee has resolved to conduct hearings into the 2017–18 Annual Reports on Tuesday 13 November to Friday 16 November 2018.

The Committee will email Members of the Legislative Council with more information as soon as practicable.

The Committee requests that you inform the Council of the above dates at your earliest convenience.

Yours sincerely

Hon Alanna Clohesy MLC

Chair

3. Petition

Hon Donna Faragher presented a petition from 1,355 petitioners requesting the Legislative Council to oppose funding cuts to the Department of Education. (Tabled Paper 1667).

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Sport and Recreation in relation to Question without Notice No. 624 asked by the Hon

Martin Aldridge..... 1661

Reports —

Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 31 March 2018) 1662

Minister for Environment*Directions —*

Ministerial Direction from the Minister for Transport to the Southern Ports Authority — Cliffs Asia Pacific Iron Ore Pty Ltd Mineral Resources Limited Esperance Port Agreements (20 August 2018) 1663

Leases —

CALM Lease No. 2933/97 — Between the Conservation and Land Management Executive Body and Mr Justin Omodei of Eastbrook for the purpose of establishing a water drawing sump and associated pipeline to provide water to his nearby private property dam within State Forest No. 39 1664

Minister for Regional Development*Notices —*

Financial Management Act 2006 (section 82) — Notice from the Minister for Water in relation to Legislative Council Question on Notice No. 1391 asked by the Hon Robin Chapple 1665

Financial Management Act 2006 (section 82) — Notice from the Minister for Forestry in relation to Legislative Council Question on Notice No. 1405 asked by the Hon Martin Aldridge 1666

5. Joint Standing Committee on Delegated Legislation — Report No. 12 — Shire of Northam Cemeteries Amendment Local Law

Hon Robin Chapple presented Report No. 12 of the Joint Standing Committee on Delegated Legislation, *Shire of Northam Cemeteries Amendment Local Law*. (Tabled Paper 1668).

6. Joint Standing Committee on Delegated Legislation — Report No. 13 — Shire of Toodyay Health Local Law 2017

Hon Robin Chapple presented Report No. 13 of the Joint Standing Committee on Delegated Legislation, *Shire of Toodyay Health Local Law 2017*. (Tabled Paper 1669).

7. Joint Select Committee on End of Life Choices — Report No. 1 — My Life, My Choice

Hon Colin Holt presented Report No. 1 of the Joint Select Committee on End of Life Choices, *My Life, My Choice*. (Tabled Paper 1670).

Pursuant to order dated 22 August 2018, Committee members made statements.

8. Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Metropolitan Region Scheme Major Amendment 1308/41* published in the *Gazette* on 15 May 2018 and tabled in the Legislative Council on 17 May 2018 under the *Planning and Development Act 2005*, be and is hereby disallowed. (Tabled paper No. 1368)

9. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018 — Reasoned Amendment

Hon Martin Aldridge: To move on the next day of sitting during the resumption of the Second Reading on the *Duties Amendment (Additional Duty for Foreign Persons) Bill 2018* —

To the motion —

That the Bill be now read a second time.

That the motion be amended to delete all words after “That” and insert —

the Bill be read a second time only after the Government commits to using the part proceeds of this additional duty to reverse their \$41million cuts to education so as to continue the operation of Moora Residential College, camp schools, Landsdale Farm School, Herdsman Lake Wildlife Centre and restore the 20 per cent raided from the Agricultural Farm Provisions Trust.

10. Joint Select Committee on End of Life Choices — Publication of Committee Minutes of Meetings

Hon Nick Goiran: To move on the next day of sitting —

- (1) That the Speaker of the Legislative Assembly cause to be Tabled in both the Legislative Council and the Legislative Assembly, within three sitting days of both Houses having so ordered, all minutes of meetings of the Select Committee on End of Life Choices, redacted only to maintain as private the details of any private evidence or personal information; and
- (2) That the Legislative Assembly be invited to pass a resolution in similar terms.

11. Education Services — Funding Cuts

Non-Government Business No. 1 having been called, Hon Donna Faragher moved, without notice —

That this House —

- (1) recognises the McGowan Government’s failure to respond to the continued strong community opposition to its harsh funding cuts impacting education services in regional and metropolitan Western Australia; and
- (2) calls on the Government to listen to students, parents and the wider Western Australian community and immediately reverse its unfair decision to close Moora Residential College and the remaining cuts impacting schools and community-based organisations.

Debate ensued.

Motion lapsed.

12. Digital Connectivity in Regional Western Australia

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

That this House notes the failure of the Federal Government to provide adequate digital connectivity in regional Western Australia and congratulates the McGowan Government on stepping in to fill the gap.

Debate ensued.

Motion lapsed.

13. 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*, and 9, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, be taken after Order of the Day No. 10, *Coroners Amendment Bill 2017*. (Leader of the House).

14. Historical Homosexual Convictions Expungement Bill 2017

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 11.

Debate resumed.

Clause agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 and 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clauses 24 to 29 agreed to.

New Clause 29A.

The Leader of the House representing the Attorney General moved —

Page 23, after line 15 — To insert:

29A. Annual Report

- (1) The CEO must prepare and submit to the Minister, not later than 30 September in each year, a report for the previous financial year that contains details of the following —
 - (a) the number of applications made under section 5;
 - (b) for applications determined under section 11 —
 - (i) the number of applications approved under section 11(2);
 - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
 - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;
 - (iv) the average amount of time taken to determine an application;
 - (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations;
 - (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;
 - (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.
- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

Debate ensued.

New Clause agreed to.

New Clause 29B.

The Leader of the House representing the Attorney General moved —

Page 23, after line 15 — To insert:

29B. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Debate ensued.

New Clause — put.

Ayes (17)

Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan

Hon Rick Mazza
Hon Kyle McGinn
Hon Martin Pritchard
Hon Aaron Stonehouse
Hon Dr Sally Talbot
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Noes (14)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Jim Chown
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Colin Holt

Hon Michael Mischin
Hon Simon O'Brien
Hon Robin Scott
Hon Tjorn Sibma
Hon Charles Smith
Hon Colin Tincknell
Hon Ken Baston (*Teller*)

New Clause thus passed.

Clause 30.

Debate ensued.

Clause agreed to.

Clause 31 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Attorney General, by leave, moved, That the report be adopted.

Report adopted.

The Leader of the House representing the Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Historical Homosexual Convictions Expungement 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 Attorney General moved, That the Bill be read a third time.

Debate ensued.

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.

15. Community Titles Bill 2018

The Acting President reported the receipt of Message No. 76 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1671).

Debate stands adjourned.

16. Community Titles Amendment (Consistency of Charging) Bill 2018

The Acting President reported the receipt of Message No. 77 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1672).

Debate stands adjourned.

17. Industrial Hemp Amendment Bill 2018

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 78

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Industrial Hemp Amendment Bill 2018* without amendment.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 23 August 2018

18. Cognate Debate — Occupational Safety and Health Amendment Bill 2017 and Mines Safety and Inspection Amendment Bill 2017

The Minister for Regional Development representing the Minister for Mines and Petroleum sought leave of the Council to debate Order of the Day No. 13, *Occupational Safety and Health Amendment Bill 2017*, and Order of the Day No. 14, *Mines Safety and Inspection Amendment Bill 2017*, cognately [SO 127].

Leave granted.

19. Occupational Safety and Health Amendment Bill 2017 and Mines Safety and Inspection Amendment Bill 2017

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate ensued.

20. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to science laboratories and resource grants for primary schools, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 1673).

The Minister for Environment representing the Minister for Finance, by leave, incorporated into *Hansard* information in relation to cars in the State Government fleet, in response to a question without notice asked by Hon Tim Clifford.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to the on-demand transport reform consultation process, in response to a question without notice asked by Hon Ken Baston.

The Leader of the House representing the Premier tabled guidelines for accessing the Public Sector Commission's records, in response to question on notice No. 1369 asked by Hon Alison Xamon. (Tabled Paper 1674).

The Leader of the House representing the Premier tabled the Executive Summary of the *Examination of South Regional TAFE 2016*, by the former Public Sector Commissioner, in response to question on notice No. 1387 asked by Hon Alison Xamon. (Tabled Paper 1675).

The Minister for Regional Development tabled the Financial Assistance Agreement between the State and Carnegie Clean Energy Ltd for the Albany Wave Energy, Technology Development Project, in response to question on notice No. 1407 asked by Hon Martin Aldridge. (Tabled Paper 1676).

21. Personal Explanation

Hon Michael Mischin, by leave, made a personal explanation in relation to remarks made relating to Halidon Primary School.

22. Occupational Safety and Health Amendment Bill 2017 and Mines Safety and Inspection Amendment Bill 2017

Cognate debate resumed on the second reading of these Bills (*see item 19 above*).

Interruption pursuant to order.

23. Members' Statements

Statements were taken.

24. Adjournment

The Council adjourned at 5.49pm until Tuesday, 28 August 2018 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matthew Swinbourn.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council