

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 72

THURSDAY, 23 AUGUST 2018, 10.00AM

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

Electronic version available on the Parliament's Internet site at www.parliament.wa.gov.au

MOTIONS

1. Select Committee on Personal Choice and Community Safety (*Notice given 15 August 2017, and amended 10 April 2018 and 22 August 2018*)

Hon Aaron Stonehouse: To move —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good', with particular reference to —
 - (a) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.
- (3) The Select Committee shall consist of five members.
- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

2. Tax Incentives for Regional Businesses (*Notice given 6 September 2017, and amended 12 June 2018 and 14 August 2018*)

Hon Robin Scott: To move —

That as an incentive for Western Australians to expand and operate businesses in the productive remote areas of Western Australia, this House calls upon the Government of Western Australia to —

- (a) halve payroll taxes from 5.5% to 2.75% for businesses with less than 100 employees operating in Zone B as defined by the Australian Taxation Office in the Australian Zone list for Western Australia; and
- (b) eliminate payroll tax for businesses with less than 100 employees operating in Zone A as defined by the Australian Taxation Office in the Australian Zone list for Western Australia.

3. Temporary Order — Recall of the House (*Notice given 28 November 2017, and amended 29 November 2017*)

Hon Martin Aldridge: To move —

- A. That Standing Order 6(3) is suspended and the following Temporary Order is substituted —
 - (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 Temporary Order is referred to the Standing Committee on Procedure and Privileges for consideration and report on or before Thursday, 29 March 2018.
- C. That the Temporary Order lapses when the Standing Committee on Procedure and Privileges reports to the House.

4. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community (Notice given 13 June 2017)

Hon Alison Xamon: To move —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
 - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
 - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
 - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
 - (d) consider any other relevant matter.
- (3) The Select Committee shall consist of five Members.
- (4) The Select Committee is to report no later than four months after the motion is agreed to.

5. Select Committee into the Government's Local Projects Local Jobs program (Notice given 13 June 2018)

Hon Tjorn Sibma: To move —

- (1) A Select Committee into the Government's *Local Projects Local Jobs* program, is established.
- (2) The Select Committee is to inquire into the *Local Projects Local Jobs* program ("the program") with particular reference to the following —
 - (a) how each project was developed, evaluated and selected for funding;
 - (b) how payments were made and acquitted under each project to ensure financial probity and accountability;
 - (c) how actual or perceived conflicts of interest were declared and managed under each project;
 - (d) the number of projects funded and for each project the amount of funding provided and number of jobs created;
 - (e) whether community, education, arts and sporting groups within the State were afforded an equal opportunity to access the program;
 - (f) whether funding to the program affected the quantum of funds available for grants or other funding sources for community, education, arts and sporting groups within the State and if so in what way; and
 - (g) any other related matter.
- (3) The Select Committee shall consist of five members.
- (4) The Select Committee is to report no later than twelve months after the Committee has been established.

MOTIONS FOR DISALLOWANCE

- 1. Health Services (Information) Amendment Regulations 2018** (*Notice given 21 August 2018 moves pro forma on 28 August 2018*)

Hon Nick Goiran: To move —

That the *Health Services (Information) Amendment Regulations 2018* published in the *Gazette* on 10 August 2018 and tabled in the Legislative Council on 14 August 2018 under the *Health Services Act 2016*, be and are hereby disallowed. (Tabled paper No. 1591).

BILLS FOR INTRODUCTION

- 1. Public and Health Sector Legislation Amendment (Executive Payout Compensation) Bill 2017** (*Notice given 6 December 2017*)

Hon Tjorn Sibma: To move —

That a Bill for “An Act to amend the *Public Sector Management Act 1994* and the *Health Services Act 2016* to reduce payout compensation for executives appointed under those Acts.” be introduced and read a first time.

- 2. Strong and Sustainable Resource Communities Bill 2018** (*Notice given 22 March 2018*)

Hon Colin Tincknell: To move —

That a Bill for “An Act to prioritise recruitment from local and regional communities in the vicinity of large projects during their operation.” be introduced and read a first time.

ORDERS OF THE DAY

- 1. Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 17 May 2018 on the motion of Hon Martin Pritchard (Days remaining 5 after today (Indicative date — 12 September 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Northam Cemeteries Amendment Local Law 2017* published in the *Gazette* on 12 December 2017 and tabled in the Legislative Council on 13 March 2018 under the *Cemeteries Act 1986* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1022).

- 2. Shire of Toodyay Health Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 17 May 2018 on the motion of Hon Martin Pritchard (Days remaining 5 after today (Indicative date — 12 September 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Toodyay Health Local Law 2017* published in the *Gazette* on 22 December 2017 and tabled in the Legislative Council on 13 March 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1025).

3. Environmental Protection Amendment Regulations 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 12 June 2018 on the motion of Hon Dr Steve Thomas (Days remaining 6 after today (Indicative date — 13 September 2018))

That the *Environmental Protection Amendment Regulations 2018* published in the *Gazette* on 27 April 2018 and tabled in the Legislative Council on 8 May 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled paper No. 1310).

4. City of Karratha Fencing Local Law 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 16 August 2018 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 17 October 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Karratha Fencing Local Law 2018* published in the *Gazette* on 3 April 2018 and tabled in the Legislative Council on 10 April 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1210).

5. Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 16 August 2018 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 17 October 2018))

That the following words in regulation 3 of the *Environmental Protection (Plastic Bags) Regulations 2018* published in the *Gazette* on 12 June 2018 and tabled in the Legislative Council on 26 June 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed (Tabled paper No. 1453):

- *barrier bag* means a plastic bag without handles used to carry unpackaged perishable food;
- [in the definition of ‘prescribed plastic bag’, paragraph (b)(i)]
 - (i) a barrier bag; or

and that sequential numbering amendments be made to the definition of ‘prescribed plastic bag’ in regulation 3, paragraph (b)(i).

6. Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 16 August 2018 on the motion of Hon Aaron Stonehouse (Days remaining 14 after today (Indicative date — 17 October 2018))

That the *Environmental Protection (Plastic Bags) Regulations 2018* published in the *Gazette* on 12 June 2018 and tabled in the Legislative Council on 26 June 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled paper No. 1453).

7. City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2018 on the motion of Hon Robin Chapple (Days remaining 17 after today (Indicative date — 31 October 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018* published in the *Gazette* on 4 May 2018 and tabled in the Legislative Council on 8 May 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1303).

8. City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2018 on the motion of Hon Robin Chapple (Days remaining 17 after today (Indicative date — 31 October 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018* published in the *Gazette* on 4 May 2018 and tabled in the Legislative Council on 8 May 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1303).

9. City of Karratha Standing Orders Local Law 2018 — Disallowance

Moved *pro forma* (SO 67(3)) 23 August 2018 on the motion of Hon Robin Chapple (Days remaining 17 after today (Indicative date — 31 October 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Karratha Standing Orders Local Law 2018* published in the *Gazette* on 3 May 2018 and tabled in the Legislative Council on 8 May 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1303).

10. *Coroners Amendment Bill 2017 [LA 15–1] Leader of the House representing the Attorney General

Second reading continuation of remarks Hon Michael Mischin (Tuesday, 12 September 2017).
cf SNP 15 Issue 1 – 6 September 2017.

11. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017 [LC 29–1] Minister for Education and Training

Second reading adjourned (Wednesday, 6 September 2017).

12. *Courts Legislation Amendment Bill 2017 [LC 23–1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 6 September 2017).
cf SNP 23 Issue 1 – 11 October 2017.

13. *Occupational Safety and Health Amendment Bill 2017 [LA 35–1] Minister for Regional Development representing the Minister for Commerce and Industrial Relations

Second reading adjourned (Thursday, 9 November 2017).
cf SNP 35 Issue 1 – 22 August 2018.

14. Mines Safety and Inspection Amendment Bill 2017 [LA 38–1] Minister for Regional Development representing the Minister for Mines and Petroleum

Second reading adjourned (Thursday, 9 November 2017).

15. Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017 [LA 30–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

16. Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017 [LA 31–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

17. *Historical Homosexual Convictions Expungement Bill 2017 [LA 42–1] Leader of the House representing the Attorney General

Committee progress clause 11 (Wednesday, 22 August 2018).
cf SNP 42 Issue 1 – 21 August 2018.

18. *Corruption, Crime and Misconduct Amendment Bill 2017 [LA 41–1] *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 28 November 2017).

cf SNP 41 Issue 1 – 12 March 2018.

See Standing Committee on Procedure and Privileges Report No. 48 (Tabled 10 May 2018).

19. Court Jurisdiction Legislation Amendment Bill 2017 [LA 40–1] *Leader of the House representing the Attorney General*

Second reading adjourned (Wednesday, 13 June 2018).

20. *Financial Transaction Reports Amendment Bill 2018 [LA 59–1] *Leader of the House representing the Attorney General*

Second reading adjourned (Thursday, 10 May 2018).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 113 (Tabled 14 June 2018).

21. Local Government Amendment (Suspension and Dismissal) Bill 2018 [LA 60–2] *Leader of the House representing the Minister for Local Government*

Second reading adjourned (Wednesday, 27 June 2018).

22. Railway (METRONET) Bill 2018 [LA 70–1] *Minister for Environment representing the Minister for Transport*

Second reading adjourned (Wednesday, 27 June 2018).

23. Heritage Bill 2017 [LA 47–1] *Leader of the House representing the Minister for Heritage*

Second reading adjourned (Wednesday, 27 June 2018).

24. *Animal Welfare Amendment Bill 2017 [LC 33–1] *Minister for Agriculture and Food*

Second reading adjourned (Wednesday, 11 October 2017).

cf SNP 33 Issue 1 – 23 February 2018.

See Standing Committee on Legislation Report No. 36 (Tabled 28 June 2018).

25. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018 [LA 67–1] *Minister for Regional Development representing the Minister for Commerce and Industrial Relations*

Second reading adjourned (Thursday, 28 June 2018).

26. Ports Legislation Amendment Bill 2017 [LA 52–1] *Minister for Environment representing the Minister for Transport*

Second reading adjourned (Thursday, 28 June 2018).

27. *Education and Care Services National Law (WA) Amendment Bill 2018 [LA 71–1] *Leader of the House representing the Minister for Community Services*

Second reading adjourned (Thursday, 28 June 2018)

See Standing Committee on Uniform Legislation and Statutes Review Report No. 115 (Tabled 14 August 2018).

28. Appropriation (Recurrent 2016–17) Supplementary Bill 2017 [LA 55–1] *Minister for Environment representing the Treasurer*

Second reading adjourned (Tuesday, 14 August 2018).

29. Appropriation (Capital 2016–17) Supplementary Bill 2017 [LA 54–1] *Minister for Environment representing the Treasurer*

Second reading adjourned (Tuesday, 14 August 2018).

30. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018 [LA 72–1] Minister for Environment representing the Minister for Finance

Second reading adjourned (Tuesday, 21 August 2018).

31. Road Traffic Amendment (Driving Offences) Bill 2018 [LA 74–1] Minister for Environment representing the Minister for Police

Second reading adjourned (Tuesday, 21 August 2018).

32. Criminal Law Amendment (Intimate Images) Bill 2018 [LA 76–1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 22 August 2018).

33. *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament – Recommendation 2 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 2 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 3650 (Tabled 25 November 2015).

Recommendation 2 states —

That Recommendation 3 contained in Report No. 37 of the Standing Committee on Procedure and Privileges, *Temporary Orders – 2016*, be adopted and agreed to.

Recommendation 3 of Report No. 37, *Temporary Orders – 2016*, as follows —

That this be a Temporary Order —

Standing Order 190(2) is suspended and replaced by the following Temporary Order –

(2) When a motion is moved under (1), before putting the question the President shall ask whether any Member wishes to speak to the motion and —

- (a) if no Member indicates that they wish to speak to the motion, the President shall put the question immediately;
- (b) if any Member indicates that they wish to speak to the motion, then no debate shall ensue at that time and the debate shall be adjourned until a later stage of the sitting;
- (c) an adjournment under (b) does not affect the movers right to speak to the motion.

34. *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 3 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 3 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435, 4240 (tabled 28 June 2016) and 1476 (tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report No. 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing*

Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements, be adopted and agreed to.

Recommendation 1 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report No. 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the *Criminal Code* so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the *Criminal Code*;

Recommendation 2(c) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of the Parliament of Western Australia to expel one of its Members; and

[Note: Recommendations 2 and 3 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, were agreed to by the House on 7 December 2017]

35. *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 4 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 4 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 4241 (tabled 28 June 2016).

Recommendation 4 states —

That Recommendation 1 contained in Report No. 40 of the Standing Committee on Procedure and Privileges, *E-Petitions*, be adopted and agreed to.

Recommendation 1 of Report No. 40, *E-Petitions*, as follows —

That new **Temporary Order 6**, as outlined below, be adopted by the Council to apply until (and including) 31 December 2017 —

6. E-Petitions

- (1) An E-Petition is a petition —
 - (a) in the correct form prescribed by Standing Order 101;

- (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
 - (c) persons must indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.
 - (3) The Member facilitating the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to facilitate the E-Petition.
 - (4) Once published on the Parliament's Internet Website an E-Petition cannot be altered.
 - (5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's Internet Website at the same time.
 - (6) Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the E-Petition.
 - (7) An E-Petition published on the Parliament's Internet Website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, shall be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
 - (8) An E-Petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
 - (9) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
 - (10) A person cannot sign or join an E-Petition more than once.
 - (11) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
 - (12) The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
 - (13) The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
 - (14) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
 - (15) The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
 - (16) The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
 - (17) The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

36. *Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament — Recommendation 5 (*Tabled 24 August 2017*)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 5 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435 and 4772 (tabled 13 October 2016).

Recommendation 5 states —

That Recommendation 1 contained in Report No. 42 of the Standing Committee on Procedure and Privileges, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, be adopted and agreed to.

Recommendation 1 of Report No. 42, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, as follows —

- (1) That **Schedule 1: Committees, Item 9.2(a)** be deleted and the following substituted —
 - (a) monitor and report to Parliament on the exercise of the functions of the —
 - (i) Corruption and Crime Commission;
 - (ii) Parliamentary Inspector of the Corruption and Crime Commission; and
 - (iii) Public Sector Commissioner in relation to functions under the *Corruption, Crime and Misconduct Act 2003*;
- (2) That the Legislative Assembly be acquainted accordingly and be invited to pass a similar resolution.

37. *Standing Committee on Procedure and Privileges — Report No. 49 — Treaty Function — Standing Committee on Uniform Legislation and Statutes Review — Recommendation 1 (*Tabled 10 May 2018*)

Consideration in Committee of the Whole, on the motion of Hon Rick Mazza, of Recommendation 1 contained in Report No. 49 of the Standing Committee on Procedure and Privileges, *Treaty Function — Standing Committee on Uniform Legislation and Statutes Review*.

See Tabled paper No. 1344 (tabled 10 May 2018).

Recommendation 1 states —

The Committee recommends that the Legislative Council delete clause 6.3(c) in Schedule 1 of the Standing Orders of the Legislative Council and re-number the remaining subclauses accordingly.

Clause 6 of Schedule 1 of the Standing Orders sets out the terms of reference of the Standing Committee on Uniform Legislation and Statutes Review.

Clause 6.3(c) provides that one of its functions is —

- (c) to examine the provisions of any treaty that the Commonwealth has entered into or presented to the Commonwealth Parliament, and determine whether the treaty may impact upon the sovereignty and law-making powers of the Parliament of Western Australia;

38. Pilbara Port Assets (Disposal) Repeal Bill 2017 [LC 7–1] Hon Robin Chapple

Second reading continuation of remarks Hon Jacqui Boydell (Thursday, 7 September 2017).

39. Criminal Code Amendment (Industrial Manslaughter) Bill 2017 [LC 11–1] Hon Alison Xamon

Second reading adjourned. (Thursday, 15 June 2017).

40. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017 [LC 9–1]
Hon Robin Chapple

Second reading adjourned. (Thursday, 15 June 2017).

41. Electoral Amendment (Access to Ministers) Bill 2017 [LC 27–1] *Hon Alison Xamon*

Second reading adjourned (Thursday, 7 September 2017).

42. Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017 [LC 43–1]
Hon Aaron Stonehouse

Second reading continuation of remarks Hon Alison Xamon (Thursday, 16 August 2018).

43. Environmental Protection Amendment (Clearing for Fire Risk Reduction) Bill 2017 [LC 49–1] *Hon Dr Steve Thomas*

Second reading adjourned (Thursday, 7 December 2017).

44. Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2018 [LC 12–1B] *Hon Robin Chapple*

Second reading continuation of remarks Hon Dr Sally Talbot — 37 mins (Thursday, 28 June 2018).

45. Industrial Relations (Equal Remuneration) Amendment Bill 2018 [LC 62–1] *Hon Alison Xamon*

Second reading adjourned (Thursday, 29 March 2018).

46. Litter Amendment (Balloons) Bill 2018 [LC 65–1] *Hon Robin Chapple*

Second reading adjourned (Thursday, 29 March 2018).

47. Petroleum and Geothermal Energy Resources Amendment (Veto Powers) Bill 2017 [LC 48–1] *Hon Rick Mazza*

Second reading adjourned (Thursday, 17 May 2018).

48. Equal Opportunity (LGBTIQ Anti-Discrimination) Amendment Bill 2018 [LC 84–1] *Hon Alison Xamon*

Second reading adjourned (Thursday, 28 June 2018).

49. Misuse of Drugs Amendment Bill 2018 [LC 92–1] *Hon Aaron Stonehouse*

Second reading adjourned (Thursday, 16 August 2018).

50. Irrigation Schemes in Western Australia (*Moved 17 May 2018*)

Continuation of remarks adjourned Hon Colin Holt — 9 mins (Thursday, 17 May 2018) on the motion of Hon Rick Mazza as follows —

That this House recognises the importance of irrigation schemes in Western Australia, the concerns some growers have with allocation limits, the impacts on private property rights and the failure of successive governments to implement a workable Water Resources Management Bill for Western Australia.

Total time remaining on motion – 9 mins.

BILLS REFERRED TO COMMITTEES

1. Fair Trading Amendment Bill 2018 [LC 75–1] Minister for Regional Development representing the Minister for Commerce and Industrial Relations

Stands referred to the Standing Committee on Uniform Legislation and Statutes Review (Wednesday, 27 June 2018) and to report by Tuesday, 14 August 2018.

Second reading adjourned (Wednesday, 27 June 2018)

Extension of reporting date granted to 18 September 2018 (Thursday, 28 June 2018).

MATTERS REFERRED TO COMMITTEES

1. Standing Committee on Procedure and Privileges — Review of the Standing Orders relating to Motions on Notice (Referred 26 June 2018)

On the motion of the Leader of the House as follows —

- (1) That the Standing Committee on Procedure and Privileges undertake a review of the Standing Orders relating to Motions on Notice with a view to modernising the procedures of the House.
- (2) That the Committee is to report to the House no later than Thursday, 20 September 2018.

Stands referred to the Standing Committee on Procedure and Privileges.

2. *Standing Committee on Procedure and Privileges – A Matter of Privilege raised by Hon Jim Chown MLC (Referred 14 August 2018)

In relation to the answer to Legislative Council question without notice No. 329 asked by Hon Jim Chown, and answered on Wednesday, 9 May 2018 by the Minister for Education and Training, the Hon Sue Ellery —

- (1) Did Hon Darren West commit a contempt of the Council?
- (2) Did any other person commit a contempt of the Council?

See Standing Committee on Procedure and Privileges Report No. 50 (Tabled 16 August 2018).

SELECT COMMITTEES

1. Joint Select Committee on End of Life Choices (Established 22 August 2017)

Agreed to by resolution of the Houses as follows —

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council on End of Life Choices be established.
- (2) That the Committee inquire into and report on the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices and, in particular, the Committee should –
 - (a) assess the practices currently being utilised within the medical community to assist a person to exercise their preferences for the way they want to manage

- their end of life when experiencing chronic and/or terminal illnesses, including the role of palliative care;
- (b) review the current framework of legislation, proposed legislation and other relevant reports and materials in other Australian States and Territories and overseas jurisdictions;
 - (c) consider what type of legislative change may be required, including an examination of any federal laws that may impact such legislation; and
 - (d) examine the role of Advanced Health Directives, Enduring Power of Attorney and Enduring Power of Guardianship laws and the implications for individuals covered by these instruments in any proposed legislation.
- (3) That the Joint Select Committee consist of eight members, of whom –
 - (a) four will be members of the Assembly; and
 - (b) four will be members of the Council.
 - (4) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
 - (5) That the Joint Select Committee report to both Houses no later than twelve months after the Committee has been established.

2. Select Committee on Elder Abuse (*Established 13 September 2017*)

Agreed to by resolution of the House as follows —

- (1) A Select Committee into Elder Abuse in Western Australia is established;
- (2) The Select Committee is to inquire into elder abuse with particular reference to —
 - (a) determine an appropriate definition of elder abuse;
 - (b) identify its prevalence;
 - (c) identify the forms of elder abuse, including but not limited to neglect;
 - (d) identify the risk factors;
 - (e) assess and review the legislative and policy frameworks;
 - (f) assess and review service delivery and agency responses;
 - (g) the capacity of the Western Australia Police to identify and respond to allegations of elder abuse;
 - (h) identify initiatives to empower older persons to better protect themselves from risks of elder abuse as they age;
 - (i) consider new proposals or initiatives which may enhance existing strategies for safeguarding older persons who may be vulnerable to abuse; and
 - (j) consider any other relevant matter.
- (3) The Select Committee is to report by no later than 12 months after the motion is agreed to.
- (4) The Select Committee shall comprise of the following members —
 - (a) Hon Nick Goiran, Chair;
 - (b) Hon Alison Xamon, Deputy Chair;
 - (c) Hon Matthew Swinbourn; and
 - (d) Hon Tjorn Sibma.

3. **Select Committee into Mining on Pinjin Station** (*Established 22 August 2018*)

Agreed to by resolution of the House as follows —

- (1) A Select Committee into Mining on Pinjin Station is established.
- (2) The Select Committee is to inquire into mining operations on Pinjin Station, with particular reference to the following —
 - (a) the mining operations by Hawthorn Resources Limited, ABN 44 009 157 439;
 - (b) the role of government agencies and Ministers in the approval and regulation of mining operations;
 - (c) all allegations, including those of intimidation, abuse and racial discrimination, set out in the documentation tabled in the Legislative Council on 26 June 2018 (Tabled Paper 1489) and other allegations dating back to 2012;
 - (d) actions of all parties relevant to mining operations, including but not limited to mine operators, pastoral leaseholders, government agencies and their employees and agents;
 - (e) responses by Ministers and government agencies to complaints;
 - (f) the actions of any other persons or bodies associated with mining operations;
 - (g) reasons why the Department of Mines Industry Regulation and Safety formerly the Department of Mines and Petroleum and successive Ministers have not approved the incorporation of the Common Reserve 10041 into the Pinjin Station Pastoral Lease; and
 - (h) any other related matter.
- (3) The Select Committee is to report no later than six months after the Committee has been established.
- (4) The Select Committee shall consist of five members; Hon Robin Scott (Chair); Hon Robin Chapple; Hon Jacqui Boydell, Hon Kyle McGinn and Hon Michael Mischin (Deputy Chair).

COMMITTEE INITIATED INQUIRIES

1. **Standing Committee on Public Administration — Inquiry into WorkSafe** (*Notice given 27 June 2017*)

Resolution of the Committee on 21 June 2017 to commence an inquiry into and report on WorkSafe, with the following terms of reference —

- (a) WorkSafe's performance against the objects of the *Occupational Health and Safety Act 1984*;
- (b) funding and resourcing of WorkSafe;
- (c) adequacy of WorkSafe's training, oversight and accountability processes;
- (d) adequacy of administrative processes, including complaints, investigations and prosecution processes;
- (e) adequacy of WorkSafe's audits of training providers delivering occupational health and safety training;
- (f) timely implementation and public education of coronial inquest recommendations arising from a workplace death;
- (g) legislative and jurisdictional issues; and
- (h) any other relevant matter.

2. Joint Standing Committee on the Corruption and Crime Commission — Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice
(Notice given 28 November 2017)

Resolution of the Committee on 22 November 2017 to commence an inquiry into and report by April 2019 on public sector procurement of goods and services and its vulnerability to corrupt practice with the following terms of reference —

- (a) the adequacy and nature of oversight mechanisms, policies and guidelines for procurement within the Western Australian public sector to prevent corruption and serious misconduct;
- (b) the profile and training of public sector personnel engaged in procurement;
- (c) corruption prevention and risk strategies deployed in Western Australian Public Sector agencies;
- (d) the sufficiency and use of sanctions for individuals found to have engaged in corrupt and serious misconduct in procurement duties;
- (e) best corruption prevention practices in procurement from other jurisdictions;
- (f) reform to current legal and administrative practices in the area of procurement to prevent and reduce the risk of corruption;
- (g) adequacy of whistleblowing protections in the context of allegations of corruption in procurement.

3. Standing Committee on Uniform Legislation and Statutes Review — Inquiry into the Form and Content of the Statute Book (Notice given 6 December 2017)

Resolution of the Committee on 4 December 2017 to review the form and content of the statute book [SO 179(2)].

4. Standing Committee on Environment and Public Affairs — Inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material (Notice given 7 December 2017)

Resolution of the Committee on 6 December 2017 to commence an inquiry into mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material. [SO 179(2)].

CONSIDERATION OF COMMITTEE REPORTS

1. 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 (Tabled 30 November 2017)

Resumption of postponed debate (Wednesday, 22 August 2018) on motion of Hon Alison Xamon that the report be noted.

(After 57 minutes Temporary Order 4 applies).

See Tabled paper No. 944.

* For amendments see Supplementary Notice Paper and/or Committee Report

Ω Note: Legislative Assembly Standing Orders apply.

For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council