

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 87

WEDNESDAY, 17 OCTOBER 2018

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — Biosecurity Blitz

The Minister for Agriculture and Food made a Ministerial Statement with respect to the 2018 Biosecurity Blitz campaign.

3. Standing Committee on Uniform Legislation and Statutes Review — Report No. 117 — National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 – Extension of time

Hon Michael Mischin presented Report No. 117 of the Standing Committee on Uniform Legislation and Statutes Review, *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 – Extension of time*. (Tabled Paper 2067).

Hon Michael Mischin moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018* be extended from 30 October 2018 to 21 November 2018.

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned.

4. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community

Motion No. 1 having been called, debate resumed on the motion of Hon Alison Xamon as follows —

- (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 is to report no later than twelve months after the motion is agreed to.
- (4) The Select Committee shall consist of five members; Hon Alison Xamon (Chair); Hon Samantha Rowe (Deputy Chair); Hon Colin de Grussa; Hon Michael Mischin; and Hon Aaron Stonehouse.

Question — put and passed.

5. Select Committee into the Government’s Local Projects Local Jobs program

Motion No. 2 having been called, Hon Tjorn Sibma, pursuant to notice, moved —

- (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.

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. 7 — Unfinished business — The Corruption and Crime Commission’s response to the Committee’s report on Dr Cunningham and Ms Atoms

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — Matters arising from the Corruption and Crime Commission’s Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke

Hon Peter Collier moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 76 — 2018-19 Budget Cycle — Part 1: Estimates hearings and related matters

The Minister for Environment moved, That the Report be noted.

Hon Peter Collier moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Elder Abuse — Report No. 1 — ‘I never thought it would happen to me’: When trust is broken

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

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. 7 — *The Corruption and Crime Commission’s response to the Committee’s report on Dr Cunningham and Ms Atoms* and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — *Matters arising from the Corruption and Crime Commission’s Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke* and postponed consideration to the next sitting.
- (3) Standing Committee on Estimates and Financial Operations — Report No. 76 — *2018-19 Budget Cycle — Part 1: Estimates hearings and related matters* and postponed consideration to the next sitting.
- (4) Select Committee into Elder Abuse — Report No. 1 — *‘I never thought it would happen to me’: When trust is broken*, made progress and postponed further consideration until the next sitting.

Report adopted.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 2, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 3, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 4, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 5, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, 6, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 7, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, 8, *Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, 9, *Planning and Development (Development Assessment Panels) Amendment Regulations 2018 — Disallowance*, 10, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, 11, *Shire of Morawa Fencing Local Law 2018 — Disallowance*, and 12, *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2018 — Disallowance* be taken after Order of the Day No. 18, *Local Government Amendment (Suspension and Dismissal) Bill 2018*. (Leader of the House).

8. Order of Business

Ordered — That Order of the Day No. 21, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, be taken forthwith. (Leader of the House).

9. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

The Leader of the House moved, without notice —

- (1) That Order of the Day No. 21, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than Thursday, 22 November 2018; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and passed.

Debate stands adjourned and Bill discharged and referred to the Standing Committee on Legislation.

10. Transport (Road Passenger Services) Amendment Bill 2018 and Transport (Road Passenger Services) Bill 2018

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The Acting President left the Chair.

(Hon Matthew Swinbourn in the Chair)

Transport (Road Passenger Services) Bill 2018

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 55 agreed to.

Clause 56.

Debate ensued.

Clause agreed to.

Clauses 57 to 88 agreed to.

Clause 89.

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled the terms and conditions of the proposed commercial lease for Landsdale Farm School, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2068).

The Minister for Environment representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to unfilled staff vacancies at the Eastern Goldfields Regional Prison, in response to a question without notice asked by Hon Robin Scott.

The Leader of the House representing the Attorney General tabled and, by leave, incorporated into *Hansard* correspondence from the State Solicitors Office to the eleven companies named in the Corruption and Crime Commission report into bribery within the North Metropolitan Health Service, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 2069).

The Minister for Environment representing the Minister for Police, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1616 asked by Hon Robin Chapple will be provided on 30 October 2018.

The Parliamentary Secretary to the Deputy Premier; Minister for Health; Mental Health, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1627 asked by Hon Alison Xamon will be provided on 18 October 2018.

12. Transport (Road Passenger Services) Amendment Bill 2018 and Transport (Road Passenger Services) Bill 2018

Resumption of consideration of these Bills in Committee of the Whole House (*see item 10 above*).

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Transport (Road Passenger Services) Bill 2018

Clause 89.

Debate resumed.

Clause agreed to.

Clauses 90 to 225 agreed to.

Clause 226.

Debate ensued.

Clause agreed to.

Clause 227.

Debate ensued.

Hon Colin Tincknell, by leave, moved —

Page 143, line 5 — To insert before “In this Division”:

Subject to subsection (4),

Page 143, line 16 — To insert before “In this Division”:

Subject to subsection (4),

Page 143, line 27 — To insert before “In this Division”:

Subject to subsection (4),

Debate ensued.

The Minister for Environment representing the Minister for Transport moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Deputy President resumed the Chair.

The Deputy 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. Order of Business

Ordered — That Order of the Day No. 1, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, be taken forthwith. (Leader of the House).

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

The Order of the Day having been called for the motion of Hon Robin Chapple moved *pro forma* as follows —

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 consequential numbering amendments be made to the definition of 'prescribed plastic bag' in regulation 3, paragraph (b)(i).

Hon Robin Chapple moved, without notice —

To delete all words after "(i) a barrier bag; or".

Amendment — put and passed.

Debate ensued.

Question, as amended — put.

Ayes (4)

Hon Robin Chapple
Hon Tim Clifford

Hon Diane Evers
Hon Alison Xamon (*Teller*)

Noes (27)

Hon Martin Aldridge
Hon Ken Baston
Hon Jacqui Boydell
Hon Jim Chown
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Sue Ellery
Hon Donna Faragher
Hon Adele Farina
Hon Nick Goiran
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 Robin Scott
Hon Charles Smith
Hon Aaron Stonehouse
Hon Matthew Swinbourn
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Darren West
Hon Pierre Yang (*Teller*)

Question thus negatived.

15. Order of Business

Ordered — That Order of the Day No. 2, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, be taken forthwith. (Leader of the House).

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

The Order of the Day having been called for the motion of Hon Aaron Stonehouse moved *pro forma* as follows —

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).

Debate ensued.

Question — put and negatived.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 6.36pm until Thursday, 18 October 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kyle McGinn (leave of absence).

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council