

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**

**DAILY NOTICE PAPER**

**No. 96**

**THURSDAY, 22 NOVEMBER 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.

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**MOTIONS**

**1. Retirement Villages Act 1992 — Reform** (*Notice given 18 October 2018*)

Continuation of introductory remarks Hon Alison Xamon — 18 mins (Wednesday, 21 November 2018) in moving the following motion —

That this House —

- (1) Notes the growing ageing population increasingly looking for suitable accommodation options to facilitate ageing in place;
- (2) Calls on the government to reform the *Retirement Village Act 1992* and associated subsidiary legislation as a matter of priority particularly, but not limited to, strengthening provisions in the following areas —
  - (a) definitions;
  - (b) enforceability of a code of conduct;
  - (c) timely action by the Commissioner for Consumer Protection;
  - (d) training of managers;
  - (e) contracts;
  - (f) responsibility for capital maintenance and upgrade/ replacement;
  - (g) refurbishment of residential units on departure from a village;
  - (h) dispute resolution process; and
  - (i) exit fees.
- (3) Calls on the government to engage in extensive consultation with the sector, including the Western Australian Retirement Villages Residents' Association, prior to finalising any proposed legislation.

*Total time remaining on motion – 3hrs 33mins.*

**2. Decriminalising possession of non-lethal means of self-defence** (*Notice given 6 November 2018*)

Hon Aaron Stonehouse: To move —

That this House recognise the inherent right of individuals to defend themselves from attack in a timely and measured manner, and calls upon the McGowan Government to decriminalise the sale and possession of non-lethal means of self-defence.

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**BILLS FOR INTRODUCTION**

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**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.

**3. Game and Feral Animal Control Bill 2018** (*Notice given 16 October 2018*)

Hon Rick Mazza: To move —

That a Bill for “An Act to manage and regulate the hunting of game; and for other purposes.” be introduced and read a first time.

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**ORDERS OF THE DAY**

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**1. Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 20 September 2018 on the motion of Hon Kyle McGinn (Days remaining 2 after today (Indicative date — 28 November 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Environmental Protection Amendment Regulations (No. 2) 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).

**2. Public Transport Authority Amendment Regulations 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 11 October 2018 on the motion of Hon Robin Chapple (Days remaining 5 after today (Indicative date — 5 December 2018))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Public Transport Authority Amendment Regulations 2018* published in the *Gazette* on 6 July 2018 and tabled in the Legislative Council on 14 August 2018 under the *Public Transport Authority Act 2003*, be and are hereby disallowed. (Tabled paper No. 1566).

**3. Shire of Victoria Plains Extractive Industries Local Law 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 8 November 2018 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 13 March 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Victoria Plains Extractive Industries Local Law 2018* published in the *Gazette* on 4 September 2018 and tabled in the Legislative Council on 11 September 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1712).

**4. City of Mandurah Cemeteries Amendment Local Law — Disallowance**

Moved *pro forma* (SO 67(3)) 8 November 2018 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 13 March 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Mandurah Cemeteries Amendment Local Law 2018* published in the *Gazette* on 7 September 2018 and tabled in the Legislative Council on 11 September 2018 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled paper No. 1711).

**5. Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 8 November 2018 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 13 March 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018* published in the *Gazette* on 7 September 2018 and tabled in the Legislative Council on 11 September 2018 under the *Betting Control Act 1954*, be and are hereby disallowed. (Tabled paper No. 1732).

**6. Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 20 November 2018 on the motion of Hon Robin Scott (Days remaining 15 after today (Indicative date — 14 March 2019))

That the *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018* published in the *Gazette* on 30 October 2018 and tabled in the Legislative Council on 6 November 2018 under the *Rights in Water and Irrigation Act 1914*, be and are hereby disallowed. (Tabled paper No. 2152).

**7. Biodiversity Conservation Regulations 2018 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 November 2018 on the motion of Hon Robin Chapple (Days remaining 17 after today (Indicative date — 20 March 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Biodiversity Conservation Regulations 2018* published in the *Gazette* on 14 September 2018 and tabled in the Legislative Council on 18 September 2018 under the *Biodiversity Conservation Act 2016*, be and are hereby disallowed. (Tabled paper No. 1813).

**8. 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).

**9. 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).

**10. 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).

**11. \*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).*

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

Second reading adjourned (Thursday, 28 June 2018).

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

Second reading adjourned (Tuesday, 14 August 2018).

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

Second reading adjourned (Tuesday, 14 August 2018).

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

Committee progress clause 4 (Thursday, 1 November 2018).

*cf SNP 76 Issue 2 – 7 November 2018.*

**16. \*Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 [LA 86–1] Leader of the House representing the Premier**

Second reading adjourned (Thursday, 8 November 2018).

*cf SNP 86 Issue 1 – 6 November 2018.*

**17. Suitors' Fund Amendment Bill 2017 [LA 50–1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 12 September 2018).

**18. Suitors' Fund Amendment (Levy) Bill 2017 [LA 51–1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 12 September 2018).

**19. Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 [LA 88–1] Parliamentary Secretary to the Minister for Health**

Second reading adjourned (Wednesday, 10 October 2018).

**20. Gaming and Wagering Legislation Amendment Bill 2018 [LA 93–2] Minister for Regional Development representing the Minister for Racing and Gaming**

Second reading adjourned (Tuesday, 30 October 2018).

**21. Legislation Bill 2018 [LA 78–1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 31 October 2018).

**22. Betting Tax Bill 2018 [LA 95–1] Minister for Environment representing the Minister for Finance**

Second reading adjourned (Thursday, 1 November 2018).

**23. Betting Tax Assessment Bill 2018 [LA 94–2] Minister for Environment representing the Minister for Finance**

Second reading adjourned (Thursday, 1 November 2018).

**24. Reserves (Tjuntjuntjara Community) Bill 2018 [LA 73–1] Minister for Environment representing the Minister for Lands**

Second reading adjourned (Thursday, 1 November 2018).

**25. Sentence Administration Amendment (Multiple Murderers) Bill 2018 [LA 101–1] Leader of the House representing the Attorney General**

Second reading adjourned (Thursday, 7 November 2018).

**26. \*National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 [LA 89–1] Leader of the House representing the Attorney General**

Committee progress clause 1 (Wednesday, 21 November 2018).

*See Standing Committee on Uniform Legislation and Statutes Review Report No. 118 (Tabled 8 November 2018).*

*cf SNP 89 Issue 2 – 20 November 2018.*

**27. Industrial Relations Amendment Bill 2018 [LA 98–1] Minister for Regional Development representing the Minister for Commerce and Industrial Relations**

Second reading adjourned (Thursday, 8 November 2018).

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

Second reading adjourned (Wednesday, 27 June 2018).

*See Standing Committee on Uniform Legislation and Statutes Review Report No. 119 (Tabled 20 November 2018).*

**29. Gender Reassignment Amendment Bill 2018 [LA 85–1] Leader of the House representing the Attorney General**

Second reading adjourned (Wednesday, 21 November 2018).

**30. \*Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39<sup>th</sup> 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 mover's right to speak to the motion.

**31. \*Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39<sup>th</sup> 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]

**32. \*Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39<sup>th</sup> 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.

**33. \*Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39<sup>th</sup> 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.

**34. \*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;

**35. \*Standing Committee on Procedure and Privileges — Report No. 52 — A matter of privilege raised by Hon Jim Chown** (*Moved 20 September 2018*)

Resumption of debate adjourned (Thursday, 20 September 2018), on the motion of Hon Simon O'Brien as follows —

That consideration of Recommendation 1 contained in Report No. 52 of the Standing Committee on Procedure and Privileges, *A matter of privilege raised by Hon Jim Chown*, be made an order of the day for consideration in Committee of the Whole House.

*See Tabled paper No. 1945 (Tabled 20 September 2018).*

Recommendation 1 states —

The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.

**36. \*Standing Committee on Procedure and Privileges — Report No. 53 — Review of the Standing Orders relating to motions on notice** (*Moved 6 November 2018*)

Consideration in Committee of the Whole, on the motion of Hon Simon O'Brien, of Recommendation 1 contained in Report No. 53 of the Standing Committee on Procedure and Privileges, *Review of the Standing Orders relating to motions on notice*.

*See Tabled paper No. 2146 (Tabled 6 November 2018).*

**37. 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).

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

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

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

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

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

Second reading adjourned (Thursday, 7 September 2017).

**41. 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).

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

Second reading adjourned (Thursday, 7 December 2017).

**43. 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).

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

Second reading adjourned (Thursday, 29 March 2018).

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

Second reading adjourned (Thursday, 29 March 2018).

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

Second reading adjourned (Thursday, 17 May 2018).

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

Second reading adjourned (Thursday, 28 June 2018).

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

Second reading adjourned (Thursday, 16 August 2018).

**49. Criminal Code Amendment (Desecration of War Memorials) Bill 2018 [LC 107–1] Hon Charles Smith**

Second reading adjourned (Thursday, 1 November 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.*

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**BILLS REFERRED TO COMMITTEES**

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

Discharged and referred to the Standing Committee on Legislation (Wednesday, 17 October 2018) and to report by Thursday, 22 November 2018.

Second reading adjourned (Thursday, 28 June 2018).

*cf SNP 67 Issue 2 – 14 September 2018.*

*Pursuant to Standing Order 163, Hon Rick Mazza is substituted for Hon Colin de Grussa for the duration of this inquiry.*

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**MATTERS REFERRED TO COMMITTEES**

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**1. Standing Committee on Procedure and Privileges — Standing Order 6(3) (Referred 19 September 2018)**

Pursuant to resolution of the House on the motion of Hon Martin Aldridge, as amended —

- A. That a proposed amendment to Standing Order 6(3) be considered by the House in the following terms —
- (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 proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.
- C. That each party leader not a member of the Standing Committee on Procedure and Privileges be co-opted to the committee for the purpose of this referral.

Stands referred to the Standing Committee on Procedure and Privileges.

**2. Standing Committee on Estimates and Financial Operations Inquiry into the Government's Local Projects Local Jobs program (Referred 7 November 2018)**

Pursuant to resolution of the House on the motion of Hon Tjorn Sibma, as amended —

- (1) The Estimates and Financial Operations Committee shall conduct an inquiry into the Government's *Local Projects Local Jobs* program.
- (2) The 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 Committee is to also inquire into the establishment of a Parliamentary Budget Office for the independent costing of election promises and related purposes.
  - (4) For the purposes of this inquiry only, the Hon Tjorn Sibma is appointed Chair of the Committee and the Hon Alanna Clohesy is appointed Deputy Chair.
  - (5) The Committee is to report no later than twelve months after the referral.

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## SELECT COMMITTEES

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### 1. **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).

*Extension of reporting date granted to 11 June 2019 (Wednesday, 21 November 2018).*

**2. Select Committee on Personal Choice and Community Safety** (*Established 29 August 2018*)

Agreed to by resolution of the House as follows —

- (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; Hon Aaron Stonehouse (Chair), Hon Dr Sally Talbot (Deputy Chair), Hon Rick Mazza, Hon Dr Steve Thomas and Hon Pierre Yang.
- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

**3. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community** (*Established 17 October 2018*)

Agreed to by resolution of the House 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.

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**COMMITTEE INITIATED INQUIRIES**

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**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)].

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**STATUTORY INQUIRIES**

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**1. Joint Standing Committee on Audit — Review of the Treasurer’s ‘Review of the Financial Management Act (2006) — December 2017 Report’** (*Notice given 18 September 2018*)

The *Review of the Financial Management Act (2006) — December 2017 Report* was tabled in both Houses of Parliament on 27 June 2018. The Joint Standing Committee on Audit is required to carry out a review of that report under section 85(4) of the Act. The Committee’s review will examine that report and have regard to any outstanding or relevant matters from the first review of the Act and the previous Committee’s review of the operation and effectiveness of the *Auditor General Act 2006*.

*See Tabled paper No. 1496.*

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**CONSIDERATION OF COMMITTEE REPORTS**

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**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, 21 November 2018) on motion of Hon Alison Xamon that the report be noted. *See Tabled paper No. 944.*

*(After 57 minutes Temporary Order 4 applies).*

**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** (*Tabled 20 September 2018*)

Resumption of postponed debate (Wednesday, 21 November 2018) on motion of Hon Jim Chown that the report be noted. *See Tabled paper No. 1936.*

*(After 8 minutes Temporary Order 4 applies).*

*(Government response due 20 December 2018).*

**3. Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken** (*Tabled 13 September 2018*)

Resumption of postponed debate (Wednesday, 21 November 2018) on motion of Hon Nick Goiran that the report be noted. *See Tabled paper No. 1787.*

*(After 9 minutes Temporary Order 4 applies).*

*Government Response tabled 20 November 2018 (Tabled paper No. 2182).*

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**GOVERNMENT RESPONSES**

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<i>Committee</i>	<i>Minister</i>	<i>Due Date</i>
<p>Joint Select Committee on End of Life Choices</p> <p><i>Report No. 1 — My Life, My Choice</i></p> <p>Tabled 23 August 2018. See Tabled paper No. 1670.</p>	Premier, Minister for Health and Attorney General	23 November 2018 Ω
<p>Joint Standing Committee on the Commissioner for Children and Young People</p> <p><i>Report No. 2 — Talking to the Experts — Responding to recommendations made by the Commissioner for Children and Young People in the School and Learning Consultation Technical Report</i></p> <p>Tabled 13 September 2018. See Tabled paper No. 1788.</p>	Minister for Education and Training	13 December 2018 Ω
<p>Joint Standing Committee on the Corruption and Crime Commission</p> <p><i>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</i></p> <p>Tabled 20 September 2018. See Tabled paper No. 1936.</p>	Minister for Police	20 December 2018 Ω

\* 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