

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 108

WEDNESDAY, 20 FEBRUARY 2019

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. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

19 February 2019 — Message No. 2

Act No.

Gender Reassignment Amendment Bill 2018

1 of 2019

3. Petitions

Hon Martin Pritchard presented a petition from 676 petitioners requesting the Legislative Council to support the introduction of a nursing service medal for all nurses who meet the 10 year criteria. (Tabled Paper 2419).

Hon Robin Scott presented a petition from 91 petitioners requesting the Legislative Council to recommend that the City of Swan carry out a full public consultation regarding the development of Lot 501, Paradise Quays, Ballajura. (Tabled Paper 2420).

Hon Colin de Grussa presented a petition from 1 petitioner requesting the Legislative Council make changes to state owned energy corporations to include communities and renewables in power generation. (Tabled Paper 2421).

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Ministerial Office Staffing (as at 24 January 2019) 2416

Minister for Environment

Leases —

CALM Lease No. 2946/97 — Between the Conservation and Land Management Executive Body and Optus Mobile Pty Limited to install, operate and maintain a telecommunications facility within South 32's Boddington Bauxite lease area located on Timber Reserve No. 147/25 off Pinjarra-Williams Road Marradong 2417

Reports —

Road Safety Council — Report on activities (2017-2018)..... 2418

5. Bullying in Schools

Hon Samantha Rowe: To move on the next day of sitting —

That this House notes the importance of developing strategies to prevent and manage bullying in schools.

6. Hon Kyle McGinn — Leave of absence

Leader of the House moved, without notice —

That leave be granted to Hon Kyle McGinn for six sitting days due to urgent personal business.

Question — put and passed.

7. Western Rock Lobster Fishery

Motion No. 1 having been called, Hon Jim Chown, pursuant to notice, moved —

That this House expresses its concern at the Labor Government's mismanagement of recent policy concerning the Western Rock Lobster Fishery and, in the interests of preserving the peace of mind of fishing families and restoring stability and confidence in the industry, calls upon the Government to undertake that it will not pursue such a policy in future.

Debate ensued.

Hon Diane Evers moved, without notice —

To amend the motion by inserting after the word "future":

unless it consults in good faith with all stakeholders with the objective of achieving:

- (a) a sustainable fishery and marine environment; and
- (b) an outcome acceptable, so far as is reasonably practical, to all stakeholders

Debate ensued.

Question — put and passed.

Debate resumed on the motion as amended.

Question — put.

The Council divided.

Ayes (18)

Hon Martin Aldridge
Hon Ken Baston (*Teller*)
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Peter Collier
Hon Colin de Grussa
Hon Diane Evers
Hon Donna Faragher

Hon Nick Goiran
Hon Colin Holt
Hon Rick Mazza
Hon Simon O'Brien
Hon Robin Scott
Hon Tjorn Sibma
Hon Charles Smith
Hon Dr Steve Thomas
Hon Alison Xamon

Noes (10)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Laurie Graham
Hon Martin Pritchard

Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Motion, as amended, thus passed.

8. 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 Commissioner for Children and Young People — Report 3 — Annual Report 2017-18

Hon Jim Chown moved, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report 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 9 — Annual Report 2017-18

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Standing Committee on Procedure and Privileges — Report 54 — Standing Order 6(3): Recalling the Council

Hon Martin Aldridge moved, That the Report be noted.

Hon Martin Aldridge moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report 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 Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Elder Abuse — Final Report — 'I never thought it would happen to me': When trust is broken

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material

Hon Matthew Swinbourn moved, That the Report be noted.

Debate ensued.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Commissioner for Children and Young People — Report 3 — *Annual Report 2017-18* and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 7 — *Unfinished business — 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.

- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 9 — *Annual Report 2017-18* and had noted same.
- (4) Standing Committee on Procedure and Privileges — Report 54 — *Standing Order 6(3): Recalling the Council*, and postponed consideration to the next sitting.
- (5) Joint Standing Committee on the Corruption and Crime Commission — Report 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.
- (6) Select Committee into Elder Abuse — Final Report — Final Report — *'I never thought it would happen to me': When trust is broken* and postponed consideration to the next sitting.
- (7) Standing Committee on Environment and Public Affairs — Report 49 — *Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material*, made progress and seeks to sit again.

Report adopted.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* a table setting out expenditure on school maintenance, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Environment tabled the Department of Environment Regulation's *Material guideline: Construction products* (December 2014), in response to question on notice 1798 asked by Hon Dr Steve Thomas. (Tabled Paper 2422).

The Parliamentary Secretary to the Minister for Regional Development on behalf of the Minister for Regional Development representing the Minister for Mines and Petroleum tabled the Menzies Goldfield Ltd's Maranoa lease application and mineralisation report, in response to question on notice 1799 asked by Hon Robin Scott. (Tabled Paper 2423).

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance*, 2, *Health Practitioner Regulation National Law Regulation 2018 — Disallowance*, and 3, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, be taken after Order of the Day No. 18, *Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018*. (Leader of the House).

11. Corruption, Crime and Misconduct Amendment Bill 2017

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

The Leader of the House representing the Attorney General tabled notes prepared by the Solicitor General in relation to the Minister's proposed amendments to the Bill. (Tabled Paper 2424).

Debate resumed.

Interruption pursuant to order.

The 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.

12. Members' Statements

Statements were taken.

13. Bail Amendment (Persons Linked to Terrorism) Bill 2018

The President reported the receipt of Message No. 112 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2425).

Debate stands adjourned.

14. Adjournment

The Council adjourned at 6.59pm until Thursday, 21 February 2019 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina, Hon Kyle McGinn and Hon Colin Tincknell.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council