

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

## MINUTES OF PROCEEDINGS

No. 124

THURSDAY, 9 MAY 2019

**1. Meeting of Council**

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

**2. Statement by President — Budget Speech**

The President made the following Statement —

Members, as you would be aware, the Budget will be delivered today. I remind you that at two o'clock today, the Budget Speech will be read into this Chamber by the Minister for Environment in his representative capacity.

**3. Petition**

Hon Colin de Grussa presented a petition from 60 petitioners requesting the Legislative Council to oppose the use of helium party balloons and recommend they be banned. (Tabled Paper 2668).

**4. Transport (Road Passenger Services) Regulations 2019 — Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Transport (Road Passenger Services) Regulations 2019* published in the *Gazette* on 26 February 2019 and tabled in the Legislative Council on 12 March 2019 under the *Transport (Road Passenger Services) Act 2018*, be and is hereby disallowed. (Tabled paper No. 2445).

**5. Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 — Disallowance**

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019* published in the *Gazette* on 15 March 2019 and tabled in the Legislative Council on 19 March 2019 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 2477).

**6. Cost of Insurance in Northern Western Australia**

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

That this House expresses its concern about the high cost of insurance in northern Western Australia and, in particular —

- (a) acknowledges the burden that this cost is placing on families, businesses and others living and working in the region;

- (b) notes the first interim report *Northern Australia Insurance Inquiry* of the Australian Competition and Consumer Commission (ACCC) published in December 2018;
- (c) calls on the State Government to outline its position with respect to recommendation 1 and 2 of the ACCC report regarding the application of stamp duty on insurance premiums; and
- (d) discusses strategies that will assist in ameliorating the high costs of insurance coverage to those living in our north.

Debate ensued.

*Motion lapsed.*

## **7. Family and Domestic Violence in Western Australia**

Private Members' Business No. 1 having been called, Hon Adele Farina moved, without notice —

That this House notes the measures implemented by the McGowan Government in relation to stopping Family and Domestic Violence in Western Australia and to better support people impacted by Family and Domestic Violence.

Debate ensued.

*Motion lapsed.*

## **8. Order of Business**

Ordered — That Orders of the Day Nos 1, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 2, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance*, 3, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, and 8, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 20, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Leader of the House).

## **9. Shire of Dowerin Local Government Property Local Law 2018 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *Shire of Dowerin Local Government Property Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

## **10. City of Bunbury Cats Local Law 2018 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *City of Bunbury Cats Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

## **11. City of Bunbury Parking and Parking Facilities Local Law 2018 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *City of Bunbury Parking and Parking Facilities Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**12. Town of Victoria Park Dog Local Law 2018 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Town of Victoria Park Dog Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**13. Australian Computer Society Professional Standards Scheme — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 9, *Australian Computer Society Professional Standards Scheme — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**14. Dangerous Sexual Offenders Amendment Regulations 2019 — Disallowance — Discharge from Notice Paper**

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 10, *Dangerous Sexual Offenders Amendment Regulations 2019 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

**15. Consumer Protection Legislation Amendment Bill 2018**

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

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to a later stage of this day's sitting.

**16. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020 — Tabling of Papers**

The following Papers were laid on the Table by —

**Minister for Environment representing the Treasurer**

*Budget Papers and Related Papers —*

2019-20 — Budget Paper No. 1 — Treasurer's Speech.....2664A

2019-20 — Budget Paper No. 2 — Budget Statements (Volume 1).....2664B

2019-20 — Budget Paper No. 2 — Budget Statements (Volume 2).....2664C

2019-20 — Budget Paper No. 3 — Economic and Fiscal Outlook.....2664D

The Minister for Environment representing the Treasurer moved, without notice —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2664A-D (2019–2020 Budget Statements), laid upon the Table of the House on Thursday, 9 May 2019.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

**17. Order of Business**

Ordered — That Order of the Day No. 24, *Consumer Protection Legislation Amendment Bill 2018*, be taken forthwith. (Leader of the House).

**18. Consumer Protection Legislation Amendment Bill 2018**

Debate resumed on the second reading of this Bill (*see item 15 above*).

The Minister for Regional Development sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Hon Pierre Yang the debate was adjourned to a later stage of this day's sitting.

#### **19. Personal Explanation**

The Minister for Regional Development, by leave, made a personal explanation in relation to remarks made during Private Members' Business today.

#### **20. Order of Business**

Ordered — That Order of the Day No. 1, *Prohibition on Fishing (Greens Pool) Order 2018*, be taken forthwith. (Leader of the House).

#### **21. Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance**

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

That the *Prohibition on Fishing (Greens Pool) Order 2018* published in the *Gazette* on 13 November 2018 and tabled in the Council on 20 November 2018 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.

Debate ensued.

#### **22. Questions Without Notice**

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to a Risk Assessment Management Plan for sex offenders at public schools, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2669).

The Leader of the House representing the Minister for Community Services tabled a list of successful applicants for the “Empowering Communities Program”, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 2670).

The Parliamentary Secretary to the Minister for Health tabled the Minister for Health's Precision Health Council — Terms of Reference, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 2671).

The Leader of the House representing the Minister for Community Services, by leave, incorporated into *Hansard* information in relation to the total number of Hardship Utility Grants Scheme applications, requests and approvals, in response to a question without notice asked by Hon Colin Tincknell.

#### **23. Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance**

Debate resumed on the motion of Hon Rick Mazza (*see item 21 above*).

Hon Colin de Grussa, by leave, tabled a letter from the Minister for Fisheries to Hon Terry Redman MLA regarding the fishing ban at Greens Pool. (Tabled Paper 2672).

Debate resumed.

Question — put.

The Council divided.

#### **Ayes (5)**

Hon Robin Scott  
Hon Charles Smith  
Hon Aaron Stonehouse

Hon Colin Tincknell  
Hon Rick Mazza (*Teller*)

**Noes (24)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Donna Faragher  
 Hon Adele Farina

Hon Nick Goiran  
 Hon Laurie Graham  
 Hon Alannah MacTiernan  
 Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Tjorn Sibma  
 Hon Dr Steve Thomas  
 Hon Alison Xamon  
 Hon Pierre Yang  
 Hon Ken Baston (*Teller*)

Question thus negatived.

**24. Members' Statements**

Statements were taken.

**25. Bail Amendment (Persons Linked to Terrorism) Bill 2018**

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 124

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Bail Amendment (Persons Linked to Terrorism) Bill 2018*, has agreed to Amendment No. 2; and has disagreed to Amendment No. 1 and substituted a new amendment in its place, as set forth in the Schedule annexed.

Mr T.J. Healy

Acting Speaker

Legislative Assembly Chamber

Perth, 9 May 2019

*Schedule showing the amendment substituted by the Legislative Assembly for the amendment made by the Legislative Council in the Bail Amendment (Persons Linked to Terrorism) Bill 2018.*

**No. 1**

Amendment disagreed to and the following amendment substituted —

Clause 11, page 8, after line 6 — To insert:

**66D. Annual report to include information about application of s. 66C**

(1) In this section —

***accountable authority*** means the accountable authority, as defined in the *Financial Management Act 2006* section 3, of the department of the Public Service principally assisting in the administration of this Act;

***protected information*** means information the disclosure of which would contravene a written law or an order of a court;

***sensitive information*** means information the disclosure of which could reasonably be expected —

- (a) to prejudice national security; or
- (b) to endanger a person's life or physical safety; or
- (c) to threaten significant damage to infrastructure or property; or

- (d) to prejudice a criminal investigation; or
  - (e) to reveal intelligence-gathering methodologies, investigative techniques or technologies or covert practices; or
  - (f) to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.
- (2) Subject to subsections (7) and (8), the accountable authority must, in each annual report submitted under the *Financial Management Act 2006* Part 5 Division 2, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates (**reportable information**).
- (3) Reportable information must, without disclosing terrorist intelligence information, specify —
  - (a) the number of proceedings in which action was taken under section 66C(1); and
  - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether —
    - (i) evidence by or on behalf of the accused was received; and
    - (ii) argument by or on behalf of the accused was heard.
- (4) Prior to submitting an annual report, the accountable authority must give a copy of the reportable information they propose to include in the annual report to the Attorney General and the Commissioner of Police.
- (5) The Commissioner of Police must advise the Attorney General whether any of the reportable information, in the Commissioner's opinion, is or is likely to be sensitive information.
- (6) A judicial officer may advise the Attorney General of any reportable information that, in the judicial officer's opinion, is or is likely to be protected information.
- (7) If the Attorney General is, on advice provided under subsection (5) or (6), satisfied that some or all of the reportable information is sensitive information or protected information, the Attorney General must direct the accountable authority to —
  - (a) exclude the information from the annual report; and
  - (b) insert a statement in the annual report to the effect that information has been excluded from the report under this section.
- (8) The accountable authority must comply with a direction under subsection (7).

Ordered — That consideration of Message No. 124 be made an Order of the Day for the next sitting [SO 151]. (Leader of the House).

**26. Adjournment**

The Council adjourned at 5.46pm until Tuesday, 14 May 2019 at 2.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Colin Holt, Hon Samantha Rowe and Hon Dr Sally Talbot.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council