

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 58
THURSDAY, 10 MAY 2018

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 — 2018–2019 State Budget

The President made the following Statement —

As Members would be aware, today the Budget will be delivered and I remind you that at 2.00pm today, the Budget speech will be read into this Chamber by the Minister for Environment in his representative capacity.

3. Standing Committee on Procedure and Privileges — Report No. 48 — Corruption, Crime and Misconduct Amendment Bill 2017

The President presented Report No. 48 of the Standing Committee on Procedure and Privileges, *Corruption, Crime and Misconduct Amendment Bill 2017*. (Tabled Paper 1343).

4. Standing Committee on Procedure and Privileges — Report No. 49 — Treaty Function — Standing Committee on Uniform Legislation and Statutes Review

The President presented Report No. 49 of the Standing Committee on Procedure and Privileges, *Treaty Function — Standing Committee on Uniform Legislation and Statutes Review*. (Tabled Paper 1344).

Hon Rick Mazza moved, without notice —

That consideration 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*, be made an order of the day for consideration in the Committee of the Whole House.

Question — put and passed.

5. Paper

The following Paper was laid on the Table by —

Minister for Environment

Reports —

Treasury Corporation — Quarterly Report (for the quarter ended 31 March 2018)..... 1342

6. Standing Committee on Estimates and Financial Operations — Report No. 74 — 2016–17 Annual Report Hearings

Hon Alanna Clohesy presented Report No. 74 of the Standing Committee on Estimates and Financial Operations, *2016–17 Annual Report Hearings*. (Tabled Paper 1345).

7. Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

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).

8. Shire of Toodyay Health Local Law 2017 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

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).

9. Police (Fees and Charges) Regulations 2018 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Police (Fees and Charges) Regulations 2018* published in the *Gazette* on 12 January 2018 and tabled in the Legislative Council on 13 March 2018 under the *Police Act 1892*, be and are hereby disallowed. (Tabled paper No. 1067).

10. Prohibition on Fishing (Eighty Mile Beach Marine Park) Order 2018 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Prohibition on Fishing (Eighty Mile Beach Marine Park) Order 2018* published in the *Gazette* on 16 February 2018 and tabled in the Legislative Council on 13 March 2018 under the *Fish Resources Management Act 1994*, be and is hereby disallowed. (Tabled paper No. 1080).

11. Shire of Koorda Standing Orders Local Law 2017 — Disallowance

Hon Martin Pritchard: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Koorda Standing Orders Local Law 2017* published in the *Gazette* on 25 January 2018 and tabled in the Legislative Council on 13 March 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1026).

12. Threat of Rapid Population Growth

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

That this House recognise the threat of rapid population growth in the State and the costs to be borne by incumbent residents.

Debate ensued.

Motion lapsed.

13. Federal Government — Lack of Investment

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

That this House condemns the Federal Government and its 2018–19 Budget for its lack of investment in key areas of need in Western Australia.

Debate ensued.

Motion lapsed.

14. Standing Committee on Legislation — Report No. 35 — Animal Welfare Amendment Bill 2017 — Extension of time

Hon Dr Sally Talbot presented Report No. 35 of the Standing Committee on Legislation, *Animal Welfare Amendment Bill 2017 — Extension of time*. (Tabled Paper 1346).

Hon Dr Sally Talbot moved, without notice —

That the Committee be granted an extension of time in which to report from 12 June 2018 to 28 June 2018.

Hon Dr Sally Talbot sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

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

15. Financial Transaction Reports Amendment Bill 2018

The President reported the receipt of Message No. 56 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 1347).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

16. Order of Business

Ordered — That Order of the Day No. 2, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, be taken after Order of the Day No. 16, *Historical Homosexual Convictions Expungement Bill 2017*. (Leader of the House).

17. Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Martin Pritchard moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

18. Shire of Capel Dogs Local Law 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Martin Pritchard moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Shire of Capel Dogs Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

19. Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Martin Pritchard moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

20. Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Martin Pritchard moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

21. Pay-roll Tax Assessment Amendment (Exemption for Trainees) Bill 2018

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

Debate resumed.

Hon Alison Xamon sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

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

22. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019 — Tabling of Papers

The following Papers were laid on the Table by —

Minister for Environment representing the Treasurer

Budget Papers and Related Papers —

2018-2019 Budget — Treasurers Speech — Budget Paper No. 11340A

2018-2019 Budget — Budget Statements — Budget Paper No. 2 (Volume 1) 1340B

2018-2019 Budget — Budget Statements — Budget Paper No. 2 (Volume 2)1340C

2018-2019 Budget — Economic and Fiscal Outlook — Budget Paper No. 31340D

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 1340A-D (2018–2019 Budget Statements), laid upon the Table of the House on Thursday, 10 May 2018.

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

23. Order of Business

Ordered — That Order of the Day No. 19, *Pay-roll Tax Assessment Amendment (Exemption for Trainees) Bill 2018*, be taken forthwith. (Leader of the House).

24. Pay-roll Tax Assessment Amendment (Exemption for Trainees) Bill 2018

Debate resumed on the second reading of this Bill (*see item 21 above*).

The Minister for Education and Training tabled a letter from the Minister for Finance to the Leader of the Opposition in relation to the Bill. (Tabled Paper 1348).

Debate resumed.

Question — put.

The Council divided.

Ayes (18)

Hon Jacqui Boydell
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Laurie Graham
 Hon Colin Holt

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

Noes (13)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Simon O'Brien
 Hon Robin Scott

Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Laurie Graham in the Chair)

Clause 1

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Hon Rick Mazza moved —

Page 3, after line 7 — To insert:

new employee means an employee of an employer who is 3 months from the end of any probation period, not being longer than a period of 6 months.

Debate ensued.

25. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled documents in relation to a scientific inquiry into fracking in Western Australia, in response to a question without notice asked by Hon Rick Mazza. (Tabled Paper 1349).

26. Pay-roll Tax Assessment Amendment (Exemption for Trainees) Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 24 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Rick Mazza as follows —

Page 3, after line 7 — To insert:

new employee means an employee of an employer who is 3 months from the end of any probation period, not being longer than a period of 6 months.

Interruption pursuant to order.

The Acting President resumed the Chair.

The 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.

27. Members' Statements

Statements were taken.

28. Adjournment

The Council adjourned at 5.42pm until Tuesday, 15 May 2018 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge and Hon Robin Chapple.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council