WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 32

TUESDAY, 31 OCTOBER 2017

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

2. Statement by President — Photography of Members and Staff

The President made the following Statement —

Members, this statement is in relation to some photography that will be taken for an updated website. Parliament is updating its website to give it a more contemporary look and feel. This will include having more photographs of Members and staff actively engaged in the work of Parliament. The photographs on the website will communicate the human element of Parliament and this building as an active and dynamic workplace.

To facilitate this important project, Parliament has commissioned a photographer to take photographs of Members and staff of the Legislative Council and the Legislative Assembly on Wednesday and Friday of this week. These will add to the photographs that were taken earlier in the year. I have given consent for the photographer to come onto the floor of the Chamber during Wednesday's question time and into committee proceedings to take photographs of Members and staff in action during proceedings and to access the areas around the Chamber, including the President's corridor and the Legislative Council committee office to take photographs of Members and staff. With the agreement of the individuals in the images, the website project team will select a number of these photographs for inclusion on the website. I thank Members for their assistance with this important project.

3. Message from Her Excellency the Governor — Assent to Bill

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

25 October 2017 — Message No. 18

Act No.

Constitution Amendment (Demise of the Crown) Bill 2017

9 of 2017

4. Petitions

Hon Robin Chapple presented a petition from 622 petitioners requesting the Legislative Council to support opening the terms of reference for the State Government's fracking inquiry to public submissions for a period of no less than 10 days. (Tabled Paper 761).

Hon Robin Chapple presented a petition from 299 petitioners requesting the Legislative Council to support a proposal to make Helena Aurora Range (Bungalbin) a Class A National Park. (Tabled Paper 798).

5. Ministerial Statement — 2018 Parliamentary Sitting Dates

The Leader of the House made a Ministerial Statement with respect to the 2018 parliamentary sitting dates.

The Leader of the House tabled the 2018 parliamentary sitting dates. (Tabled Paper 799).

6. Ministerial Statement — Live Exports

The Minister for Agriculture and Food made a Ministerial Statement with respect to the decision by the Australian Maritime Safety Authority to temporarily ban the livestock carrying vessel Al Messilah from live exports following a non-compliant inspection.

7. Papers

The following Papers were laid on the Table by —

President Annual Reports — Financial Statements — Members of Parliament (Financial Interest) Act 1992 — Annual Returns (2016-2017) 759 Members of Parliament (Financial Interest) Act 1992 — Primary Returns (2016-2017) 760 Leader of the House Local Laws — Local Government Act 1995 (Shire of Dundas Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2017 G.G. 24/10/2017 and Shire of Mingenew Standing Local Government Act 1995 (City of Gosnells Public Health Local Law 2017 G.G. 10/10/2017 and Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 Notices — Financial Management Act 2006 (section 82) — Notice from the Minister for Education and Training in regards to Legislative Council Question on Notice Financial Management Act 2006 (section 82) — Notice from the Minister or Education and Training in regards to Legislative Council Question on Notice Reports — Schemes — Professional Standards Act 1997 (The Institute of Public Accountants Professional Standards Statutes — Edith Cowan University Act 1984 (Edith Cowan University — Amending

Minister for Environment

Annual Reports —	
Acacia Prison Services Agreement (2016-2017) (Date received 26/10/2017)	775
CBD Court Project Contract (2016-2017) (Date received 26/10/2017)	. 776
Court Security and Custodial Services Contract (Broadspectrum Australia) (2016-2017) (Date received 26/10/2017)	777
Court Security and Custodial Services Contract (Serco Australia) (2016-2017) (Date received 26/10/2017)	778
Independent Market Operator (2016-2017) (Date received 31/10/2017)	
Melaleuca Remand and Reintegration Facility Services Agreement (2016-2017) (Date received 26/10/2017)	
Waste Authority (2016-2017) (Date received 30/10/2017)	781
Young Adult Facility Contract (Wandoo Reintegration Facility) (2016-2017) (Date received 26/10/2017)	
Leases —	
CALM Lease No. 2513/100 — Between the Conservation and Land Management Executive Body and Blackwood Basin Group INC — to manage and operate accommodation and nature based experiences at Perup Natures Guesthouse and associated facilities located in Tone-Perup Nature Reserve Manjimup	783
CALM Lease No. 2410/100 — Between the Conservation and Land Management Executive Body and the Rooney family for an existing recreational hut located at Broke Inlet in the D'Entrecasteaux National Park	
CALM Lease No. 2303/100 — Between the Conservation and Land Management Executive Body and Darda for 32 existing recreational shacks located at East Lewis Island, West Lewis Island and Malus Island in the Dampier Archipeligo	785
Notices —	
Financial Management Act 2006 (section 82) — Notice from the Minister for Corrective Services in regards to Legislative Assembly Question on Notice No. 1972	786
Regulations —	
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 3) 2017 G.G. 17/10/2017)	787
Reports —	
Economic Regulation Authority — Review of the Emergency Services Levy (Final report) (September 2017)	788
Environment Regulation, Department of (Final Report) (2016-2017)	
Treasury Corporation — Quarterly Report (for the quarter ended 30 September 2017)	
Minister for Regional Development	
Annual Reports —	
Greyhound Racing Association (2016-2017) (Date received 30/10/2017)	791
Racing and Wagering (2016-2017) (Date received 18/10/2017)	
Regulations —	
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 3) 2017 G.G. 27/10/2017)	793
Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations 2017 G.G. 17/10/2017)	
Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry	
Authority Amendment Regulations 2017 G.G. 27/10/2017)	. 795

Parliamentary Secretary to the Deputy Premier

Notices —	
Financial Management Act 2006 (section 82) — Notice from the Minister for Health in relation to Legislative Council Question on Notice No. 308(b)	
Reports —	
Department of Health — Ross Inquiry into PathWest Laboratory Medicine WA (Final Report)	

8. Standing Committee on Uniform Legislation and Statutes Review — Report No. 108 — Tobacco Products Control Amendment Bill 2017

Hon Michael Mischin presented Report No. 108 of the Standing Committee on Uniform Legislation and Statutes Review, *Tobacco Products Control Amendment Bill 2017*. (Tabled Paper 800).

9. Standing Committee on Uniform Legislation and Statutes Review — Report No. 109 — Health Practitioner Regulation National Law (WA) Amendment Bill 2017

Hon Michael Mischin presented Report No. 109 of the Standing Committee on Uniform Legislation and Statutes Review, *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*. (Tabled Paper 801).

10. Shire of Northampton Dogs Local Law 2017 — 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 Northampton Dogs Local Law 2017* published in the *Gazette* on 1 August 2017 and tabled in the Legislative Council on 16 August 2017 under the *Local Government Act 1995* and the *Dog Act 1976*, be and is hereby disallowed. (Tabled paper No. 360).

11. Shire of Chittering Repeal Local Law 2017 — 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 Chittering Repeal Local Law 2017* published in the *Gazette* on 7 July 2017 and tabled in the Legislative Council on 16 August 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 360).

12. Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2017 — 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 *Commercial Tenancy (Retail Shops) Agreements Amendment Regulations 2017* published in the *Gazette* on 21 July 2017 and tabled in the Legislative Council on 16 August 2017 under the *Commercial Tenancy (Retail Shops) Agreements Act 1985*, be and are hereby disallowed. (Tabled paper No. 392).

13. Shire of Northampton Local Government Property Local Law 2017 — 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 Northampton Local Government Property Local Law 2017* published in the *Gazette* on 1 August 2017 and tabled in the Legislative Council on 16 August 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 360).

14. Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — 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 *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1)* published in the *Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the *Biosecurity and Agriculture Management Act 2007*, be and is hereby disallowed. (Tabled paper No. 388).

15. Water Services (Water Corporations Charges) Amendment Regulations 2017 — 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 *Water Services (Water Corporations Charges) Amendment Regulations 2017* published in the *Gazette* on 21 July 2017 and tabled in the Legislative Council on 16 August 2017 under the *Water Services Act 2012*, be and are hereby disallowed. (Tabled paper No. 404).

16. Appropriation (Capital 2017–18) Bill 2017

The President reported the receipt of Message No. 28 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Treasurer moved, That the Bill be read a second time.

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 802).

Debate stands adjourned.

17. Western Australian Jobs Bill 2017

The President reported the receipt of Message No. 30 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 803).

Debate stands adjourned.

18. Constitution Amendment (Demise of the Crown) Bill 2017

The following Message from the Legislative Assembly was reported —

Mr President Message No. 29

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Constitution Amendment (Demise of the Crown) Bill 2017*, without amendment.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 17 October 2017

19. Order of Business

Ordered — That Orders of the Day Nos 1, Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance, 4, Legal Profession (Law Library Fees) Rules 217 — Disallowance, 6, Shire of Chittering Waste Local Law 2017 — Disallowance, 7, City of Gosnells Waste Local Law 2016 — Disallowance, 8, City of Joondalup Animals Amendment Local Law 2016 — Disallowance, 9, Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance, 11, Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance, 12, City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance, and 14, Commerce Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance, be taken after Order of the Day No. 30, Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament. (Leader of the House).

20. Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — 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. 2, *Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

21. City of Busselton Waste Local Law 2016 — 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. 3, *City of Busselton Waste Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

22. Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — 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, *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

23. City of South Perth Waste Local Law 2017 — 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, *City of South Perth Waste Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

24. Shire of Woodanilling, Animals, Environment and Nuisance Local Law 2017 — 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. 15, *Shire of Woodanilling, Animals, Environment and Nuisance Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

25. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 469A-D (2017–2018 Budget Statements), laid upon the Table of the House on 7 September 2017.

Debate resumed.

26. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled the Department of Agriculture and Food's *Carbon Capture Project Final Report* (March 2010), in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 804).

Point of Order

Hon Colin Holt raised the following Point of Order —

Madam President, publicly available it may be. However, I have asked a question for that information to be supplied to me. It has happened previously that I have been referred to an annual report. There have been rulings in this place about Ministers referring Members to websites to go and get our information. I have asked a question so that those figures can be put on the record in Parliament.

President's Ruling

The President ruled as follows —

I know that in the past there have been problems when responses have just said, "Go and refer to website www.whatever", and that has been managed. On this occasion, the Minister has agreed to go back and retrieve the appropriate information.

For other Ministers and Parliamentary Secretaries, perhaps it is just a timely reminder that when specific information is required, if the response that is provided to you from another Minister does not resolve that, perhaps you should not provide that response but go back and seek additional information and not just refer Members to other places in which they might find the information.

The Minister for Environment representing the Minister for Planning tabled bushfire contour maps in relation to Shenton Park Rehabilitation Hospital site, in response to question on notice No. 337 asked by Hon Alison Xamon. (Tabled Paper 805).

The Minister for Environment representing the Treasurer, by leave, incorporated into *Hansard* information in relation to the consequences of a gold royalty increase, in response to a question without notice asked by Hon Robin Scott.

The Minister for Regional Development representing the Minister for Forestry tabled production contracts between the Forest Products Commission and sawmills for the purchase of native forest logs, in response to question on notice No. 359 asked by Hon Diane Evers. (Tabled Paper 806).

The Parliamentary Secretary to the Minister for Health tabled the terms of reference for the Inquiry into Government Programs and Projects, in response to question on notice No. 361 asked by Hon Alison Xamon. (Tabled Paper 807).

27. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 25 above*).

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

28. Domestic Violence Orders (National Recognition) 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 Matthew Swinbourn in the Chair)

Clause 1.

Debate ensued.

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.

29. Members' Statements

Statements were taken.

30. Adjournment

The Council adjourned at 10.20pm until Wednesday, 1 November 2017 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown and Hon Simon O'Brien.

NIGEL PRATT

HON KATE DOUST MLC

Clerk of the Legislative Council

President of the Legislative Council