



WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 82

THURSDAY, 20 SEPTEMBER 2018

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

Prayers and an Acknowledgement of Country were read.

### 2. Ministerial Statement — Tabling of 2017–2018 Annual Reports

The Minister for Environment representing the Treasurer made a Ministerial Statement with respect to the late tabling of 2017–2018 annual reports.

The Minister for Environment representing the Treasurer tabled extension of time notifications from ChemCentre, the Department of Water and Environment Regulation, and the Forest Products Commission for the tabling of their 2017-2018 annual reports. (Tabled Paper 1922).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Corruption and Crime Commission for the tabling of their 2017-2018 annual report. (Tabled Paper 1923).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Department of Communities for the tabling of their 2017-2018 annual report. (Tabled Paper 1924).

The Minister for Environment representing the Treasurer tabled extension of time notifications from the Department of Health, North Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, Health Support Services; Queen Elizabeth II Medical Centre Trust and the State Quadriplegic Centre for the tabling of their 2017-2018 annual reports. (Tabled Paper 1925).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Department of Local Government, Sport and Cultural Industries for the tabling of its 2017-2018 annual report. (Tabled Paper 1926).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Director of Public Prosecutions for the tabling of its 2017-2018 annual report. (Tabled Paper 1927).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Fire and Emergency Services Superannuation Fund for the tabling of its 2017-2018 annual report. (Tabled Paper 1928).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Housing Authority for the tabling of its 2017-2018 annual report. (Tabled Paper 1929).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Department of Justice for the tabling of its 2017-2018 annual report. (Tabled Paper 1930).

The Minister for Environment representing the Treasurer tabled extension of time notifications from the Western Australian Planning Commission and the Western Australian Land Information Authority for the tabling of their 2017-2018 annual reports. (Tabled Paper 1931).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Western Australia Police for the tabling of its 2017-2018 annual report. (Tabled Paper 1932).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the Department of the Premier and Cabinet for the tabling of its 2017-2018 annual report. (Tabled Paper 1933).

The Minister for Environment representing the Treasurer tabled extension of time notifications from the Department of Primary Industries and Regional Development, Rural Business Development Corporation, Goldfields-Esperance Development Commission, Great Southern Development Commission, Gascoyne Development Commission, South West Development Commission and the Western Australian Meat Authority for the tabling of their 2017-2018 annual reports. (Tabled Paper 1934).

The Minister for Environment representing the Treasurer tabled an extension of time notification from the State Library of Western Australia for the tabling of its 2017-2018 annual report. (Tabled Paper 1935).

### 3. Papers

The following Papers were laid on the Table by —

#### **President**

##### *Annual Reports —*

|  |      |
|--|------|
| Auditor General, Office of the (2017–2018) (Date received 19/09/2018) .....  | 1874 |
| Corruption and Crime Commission (2017–2018) (Date received 20/09/2018) ..... | 1875 |
| Governor's Establishment (2017–2018) (Date received 19/09/2018).....         | 1876 |

#### **Leader of the House**

##### *Annual Reports —*

|  |      |
|--|------|
| Heritage Council (2017–2018) (Date received 19/09/2018) .....                | 1877 |
| Legal Aid (2017–2018) (Date received 19/09/2018) .....                       | 1878 |
| Legal Contributions Trust .....  | 1879 |
| Public Education Endowment Trust .....                                       | 1880 |
| Supervised Release Review Board (2017–2018) (Date received 19/09/2018) ..... | 1881 |
| Venues West (2017–2018) (Date received 19/09/2018) .....                     | 1882 |

#### **Minister for Environment**

##### *Annual Reports —*

|   |      |
|---|------|
| Aboriginal Affairs, Department of (2017–2018) (Date received 19/09/2018).....           | 1883 |
| Biodiversity Conservation and Attractions (2017–2018) (Date received 19/09/2018) .....  | 1884 |
| Botanic Gardens and Parks Authority (2017–2018) (Date received 19/09/2018).....         | 1885 |
| Disability Services Commission (2017–2018) (Date received 19/09/2018) .....             | 1886 |
| Fire and Emergency Services, Department of (2017–2018) (Date received 19/09/2018) ..... | 1887 |
| Horizon Power (2017–2018) (Date received 19/09/2018) .....                              | 1888 |
| Keep Australia Beautiful Council (2017–2018) (Date received 19/09/2018).....            | 1889 |
| Pilbara Ports Authority (2017–2018) (Date received 20/09/2018) .....                    | 1890 |
| Planning, Lands and Heritage, Department of (2017–2018) (Date received 19/09/2018)..... | 1891 |
| Public Transport Authority (2017–2018) (Date received 20/09/2018) .....                 | 1892 |
| Swan River Trust (2017–2018) (Date received 19/09/2018) .....                           | 1893 |
| Synergy (2017–2018) (Date received 19/09/2018) .....                                    | 1894 |
| Transport, Department of (2017–2018) (Date received 19/09/2018).....                    | 1895 |
| Zoological Parks Authority (2017–2018) (Date received 19/09/2018).....                  | 1896 |

##### *Reports —*

|  |      |
|--|------|
| Horizon Power — Financial Report (2017–2018) .....             | 1897 |
| Horizon Power — Statement of Corporate Intent (2018–2019)..... | 1898 |

## **Parliamentary Secretary to the Deputy Premier**

### *Annual Reports —*

|   |      |
|---|------|
| East Metropolitan Health Service (2017–2018) (Date received 19/09/2018) .....                     | 1899 |
| Health and Disability Services Complaints Office (2017–2018) (Date received 19/09/2018) ..        | 1900 |
| Healthway (2017–2018) (Date received 19/09/2018) .....  | 1901 |
| Local Health Authorities Analytical Committee (2017–2018) (Date received 19/09/2018) .....        | 1902 |
| Mental Health Commission (2017–2018) (Date received 19/09/2018) .....                             | 1903 |
| Mental Health Tribunal (2017–2018) (Date received 19/09/2018) .....                               | 1904 |
| Post Graduate Medical Council (2017–2018) (Date received 19/09/2018) .....                        | 1905 |
| Reproductive Technology Council Western Australia (2017–2018)<br>(Date received 19/09/2018) ..... | 1906 |

### *Reports —*

|   |      |
|---|------|
| Department of Health — Inquiry into Sponsored Travel and Gifts across the WA Health<br>System (December 2017) ..... | 1907 |
|---|------|

## **Parliamentary Secretary to the Minister for Regional Development**

### *Annual Reports —*

|  |      |
|--|------|
| AQWEST (2017–2018) (Date received 19/09/2018) .....  | 1908 |
| Burswood Park Board (2017–2018) (Date received 19/09/2018) .....   | 1909 |
| Busselton Water (2017–2018) (Date received 19/09/2018) .....   | 1910 |
| Coal Miners Welfare Board (2017–2018) (Date received 19/09/2018) .....   | 1911 |
| Criminal Investigation (Covert Powers) Act 2012 — Assumed Identities —<br>Department of Fisheries (2017–2018) (Date received 19/09/2018) .....                       | 1912 |
| Criminal Investigation (Covert Powers) Act 2012 — Witness Identity Protection<br>Certificates — Department of Fisheries (2017–2018) (Date received 19/09/2018) ..... | 1913 |
| Gaming and Wagering Commission (2017–2018) (Date received 19/09/2018) .....  | 1914 |
| Government Chief Information Officer (2017–2018) (Date received 19/09/2018) .....  | 1915 |
| Liquor Commission (2017–2018) (Date received 19/09/2018) .....   | 1916 |
| Racing Penalties Appeal Tribunal (2017–2018) (Date received 19/09/2018) .....  | 1917 |
| Rottne Island Authority (2017–2018) (Date received 19/09/2018) .....   | 1918 |
| Small Business Development Commission (2017–2018) (Date received 19/09/2018) .....   | 1919 |
| Tourism WA (2017–2018) (Date received 19/09/2018) .....  | 1920 |
| Water Corporation (2017–2018) (Date received 19/09/2018) .....   | 1921 |

#### **4. Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — The more things change...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 Jim Chown presented Report No. 8 of the Joint Standing Committee on the Corruption and Crime Commission, *The more things change...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 Paper 1936).

#### **5. Standing Committee on Estimates and Financial Operations — Report No. 76 — 2018–19 Budget Cycle – Part 1: Estimates hearings and related matters**

Hon Alanna Clohesy presented Report No. 76 of the Standing Committee on Estimates and Financial Operations, *2018-19 Budget Cycle – Part 1: Estimates hearings and related matters*. (Tabled Paper 1937).

**6. Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 — 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 *Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018* published in the *Gazette* on 25 June 2018 and tabled in the Legislative Council on 14 August 2018 under the *Associations Incorporation Act 2015*, be and are hereby disallowed. (Tabled paper No. 1579).

**7. Planning and Development (Development Assessment Panels) Amendment Regulations 2018 — 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 *Planning and Development (Development Assessment Panels) Amendment Regulations 2018* published in the *Gazette* on 26 June 2018 and tabled in the Legislative Council on 14 August 2018 under the *Planning and Development Act 2005*, be and are hereby disallowed. (Tabled paper No. 1564).

**8. Public Transport Authority Amendment Regulations 2018 — 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 *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).

**9. Shire of Morawa Fencing Local Law 2018 — 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 Morawa Fencing Local Law 2018* published in the *Gazette* on 6 August 2018 and tabled in the Legislative Council on 14 August 2018 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 1541).

**10. Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2018 — 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 *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2018* published in the *Gazette* on 10 August 2018 and tabled in the Legislative Council on 14 August 2018 under the *Western Australian Meat Industry Authority Act 1976*, be and are hereby disallowed. (Tabled paper No. 1586).

**11. Emergency Services Training Review**

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

That this House calls on the State Government to immediately review emergency services training with a view to —

- (a) provide nationally accredited and recognised training to emergency service volunteers and recognising prior learning of volunteers;
- (b) ensure localised and regular delivery of this training to regional volunteers; and
- (c) ensure training packages are developed in consultation with each of the volunteer emergency service associations.

Debate ensued.

*Motion lapsed.*

## 12. Childhood Cancer Awareness

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

That this House notes that September is Childhood Cancer Awareness Month and the House —

- (a) recognises the impact that childhood cancer has on the children of this State who are afflicted by cancer, their families and the broader community;
- (b) commends the hard work, dedication and sacrifices of the doctors, nurses, health professionals, and supporting staff that do what they can every day to treat children afflicted by cancer; and
- (c) acknowledges and recognises the continuing contribution of the many Western Australian research groups, such as the Telethon Kids Institute, to finding better treatments and cures to childhood cancers.

Debate ensued.

*Motion lapsed.*

## 13. Order of Business

Ordered — That Orders of the Day Nos 2, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 3, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 4, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 5, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 6, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 7, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, 8, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, 9, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 10, *Duties Amendment Regulations 2018 — Disallowance*, and 11, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, be taken after Order of the Day No. 28, *Community Titles Amendment (Consistency of Charging) Bill 2018*. (Leader of the House).

## 14. City of Karratha Fencing Local Law 2018 — 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, *City of Karratha Fencing Local Law 2018*, be discharged from the Notice Paper.

Question — put and passed.

## 15. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018

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

Debate resumed.

Hon Martin Aldridge moved —

That the motion “That the Bill now be read a second time” be amended by deleting all words after “That” and inserting —

the Bill be read a second time only after the Government commits to using the part proceeds of this additional duty to reverse their \$41 million cuts to education so as to continue the operation of Moora Residential College, camp schools, Landsdale Farm School, Herdsman Lake Wildlife Centre and restore the 20 per cent raided from the Agricultural Farm Provisions Trust.

*Statement by Acting President*

The Acting President made the following Statement —

By way of explanation for the House — a Member who wishes to place on record any special reasons for not agreeing to the second reading of a bill may move what is known as a ‘reasoned amendment’ to the question for the second reading. Such an amendment is typically to leave all words in the main question after the word ‘that’ and to add other words.

A reasoned amendment is intended to offer reasons for rejecting a bill. It may be declaratory of some principle adverse to, or differing from, the principles, policy or provisions of a bill; or it may express opinions as to any circumstances connected with the introduction or implementation of a bill, or otherwise opposed to its progress.

Supporting such an amendment is tantamount to opposing the bill. Erskine May states that the following rules govern the contents of reasoned amendments:

- (1) The principle of relevancy in an amendment governs every such motion. The amendment must ‘strictly relate to the bill which the House, by its order, has resolved upon considering’.... An amendment on second reading need not be confined to the contents of the bill but may refer to matters which are cognate to it.
- (2) The amendment must not be concerned in detail with the provisions of the bill, nor allege defects which could be solved by amendments to the bill which could be moved in committee.
- (3) An amendment that amounts to no more than a direct negation of the principle of the bill is open to objection.

A reasoned amendment, if carried on the second or third reading of a bill, is fatal to further progress of the bill, and no order is made for the second (or third) reading on a future day.

Debate resumed.

Amendment — put.

The Council divided.

**Ayes (11)**

Hon Martin Aldridge  
Hon Peter Collier  
Hon Colin de Grussa  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Colin Holt

Hon Rick Mazza  
Hon Michael Mischin  
Hon Tjorn Sibma  
Hon Dr Steve Thomas  
Hon Ken Baston (*Teller*)

**Noes (17)**

Hon Robin Chapple  
Hon Tim Clifford  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Diane Evers  
Hon Adele Farina  
Hon Laurie Graham  
Hon Martin Pritchard

Hon Robin Scott  
Hon Charles Smith  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Colin Tincknell  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question — put.

The Council divided.

**Ayes (17)**

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Adele Farina  
 Hon Laurie Graham  
 Hon Martin Pritchard

Hon Robin Scott  
 Hon Charles Smith  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang

**Noes (11)**

Hon Martin Aldridge  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Colin Holt

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Tjorn Sibma  
 Hon Dr Steve Thomas  
 Hon Ken Baston (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

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**In Committee**

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

The Minister for Environment representing the Treasurer moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

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The Acting 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.

## **16. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to budgetary targets and actual spend of the North Metropolitan Health Service, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1582 asked by Hon Peter Collier will be provided on 9 October 2018.

The Parliamentary Secretary to Minister for Regional Development representing the Minister for Fisheries tabled correspondence from Hon Niall Blair MLC, Minister for Primary Industries (New South Wales) in relation to smart drum lines, in response to question on notice No. 1587 asked by Hon Colin de Grussa. (Tabled Paper 1944).

## 17. Papers

The following Papers were laid on the Table by —

### President

*Annual Reports —*

Legislative Council, Department of the (2017–2018) (Date received 20/09/2018) ..... 1939

Legislative Assembly, Department of the (2017–2018) (Date received 20/09/2018)..... 1938

Parliamentary Services, Department of (2017–2018) (Date received 20/09/2018) ..... 1940

### Leader of the House

*Annual Reports —*

Information Commissioner, Office of the (2017–2018) (Date received 20/09/2018)..... 1941

Law Reform Commission (2017–2018) (Date received 20/09/2018) ..... 1942

State Library Western Australia (2017–2018) (Date received 20/09/2018)..... 1943

## 18. Standing Committee on Procedure and Privileges — Report No. 52 — A matter of privilege raised by Hon Jim Chown MLC

The President presented Report No. 52 of the Standing Committee on Procedure and Privileges, *A matter of privilege raised by Hon Jim Chown MLC*. (Tabled Paper 1945).

Hon Simon O'Brien moved, without notice —

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

Question — put and passed.

## 19. Message from His Excellency the Governor — Assent to Bills

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

| <b>19 September 2018 — Message No. 24</b>               | <b>Act No.</b> |
|---|----------------|
| Historical Homosexual Convictions Expungement Bill 2017 | 20 of 2018     |
| Tobacco Products Control Amendment Bill 2017            | 21 of 2018     |
| Heritage Bill 2017                                      | 22 of 2018     |

## 20. Transport (Road Passenger Services) Amendment Bill 2018

The President reported the receipt of Message No. 88 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1946).

Debate stands adjourned.

## 21. Members' Statements

Statements were taken.



**22. Transport (Road Passenger Services) Bill 2018**

The President reported the receipt of Message No. 87 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1947).

Debate stands adjourned.

**23. Adjournment**

The Council adjourned at 5.53pm until 9 October 2018 at 2.00pm.

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

Attendance: Present all Members except Hon Jacqui Boydell, Hon Alannah MacTiernan, Hon Kyle McGinn, Hon Samantha Rowe and Hon Aaron Stonehouse.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council