

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL  
TUESDAY, 10 OCTOBER 2017

2.00pm

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Prayers

**ORDER OF BUSINESS**

Condolence Motions

Notification of Royal Assent – Message Nos 13 and 14

Petitions

Hon Robin Chapple  
Hon Laurie Graham  
Hon Alison Xamon  
Hon Robin Scott

Statements by Ministers and Parliamentary Secretaries

Papers for Tabling

President  
Leader of the House  
Minister for Environment  
Minister for Regional Development  
Parliamentary Secretary to the Deputy Premier  
Hon Michael Mischin

Notice of Questions

Notices of Motions to Introduce Bills

Minister for Agriculture and Food

Notices of Motions for Disallowance

Hon Jacqui Boydell  
Hon Robin Scott

Notices of Motions

Motions without Notice

Orders of the Day

4.30pm Questions without Notice

5.00pm Orders of the Day (continued)

9.45pm Members' Statements

10.25pm House adjourns

The business listed for today's sitting and sequence in which it is to be considered may be altered by the House without notice. To see what is currently being debated in the course of today's sitting please see the electronic Business Program at: [www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/content/legislative-council-live-broadcast-lc](http://www.parliament.wa.gov.au/WebCMS/WebCMS.nsf/content/legislative-council-live-broadcast-lc)

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**ORDERS OF THE DAY**

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- 1. Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 15 August 2017 on the motion of Hon Robin Chapple (Days remaining 5 after today (Indicative date — 2 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016* published in the *Gazette* on 15 November 2016 and tabled in the Legislative Council on 22 November 2016 under the *Road Traffic (Administration) Act 2008* and the *Road Traffic (Vehicles) Act 2012*, be and is hereby disallowed. (Tabled paper No. 4926).

- 2. \*Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Cambridge Local Government and Public Property Local Law 2016* published in the *Gazette* on 24 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 76).

*See Joint Standing Committee on Delegated Legislation Report No. 2 (Tabled 14 September 2017).*

- 3. Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

- 4. Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kulin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

- 5. Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 20 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, *Health Act 1911* and the *Cat Act 2011*, be and is hereby disallowed. (Tabled paper No. 75).

- 6. City of Busselton Waste Local Law 2016 — Disallowance**  
Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Busselton Waste Local Law 2016* published in the *Gazette* on 3 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 112).

**7. Legal Profession (Law Library Fees) Rules 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Legal Profession (Law Library Fees) Rules 2017* published in the *Gazette* on 13 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Legal Profession Act 2008*, be and are hereby disallowed. (Tabled paper No. 104).

**8. Shire of Narambeen Animals, Environment and Nuisance Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narambeen Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 25 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 165).

**9. Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 10 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Health Act 1911* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 167).

**10. Shire of Capel Waste Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Capel Waste Local Law 2016* published in the *Gazette* on 13 February 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 114).

**11. Shire of Murray Waste Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Murray Waste Local Law 2016* published in the *Gazette* on 16 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

**12. Shire of Chittering Waste Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Chittering Waste Local Law 2017* published in the *Gazette* on 23 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

**13. Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016* published in the *Gazette* on 4 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995* and the *Health Act 1911*, be and is hereby disallowed. (Tabled paper No. 165).

**14. City of Gosnells Waste Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Gosnells Waste Local Law 2016* published in the *Gazette* on 1 December 2016 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 113).

**15. Shire of Moora Dogs Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Dogs Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Dog Act 1976* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 73).

**16. Shire of Moora Waste Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Moora Waste Local Law 2016* published in the *Gazette* on 22 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

**17. Town of East Fremantle Waste Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Robin Chapple (Days remaining 8 after today (Indicative date — 9 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Waste Local Law 2017* published in the *Gazette* on 31 March 2017 and tabled in the Legislative Council on 17 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 115).

**18. City of Joondalup Animals Amendment Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2017 on the motion of Hon Martin Pritchard (Days remaining 8 after today (Indicative date — 9 November 2017))

That the *City of Joondalup Animals Amendment Local Law 2016* published in the *Gazette* on 10 January 2017 and tabled in the Legislative Council on 17 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 76).

**19. Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 23 August 2017 on the motion of Hon Robin Chapple (Days remaining 9 after today (Indicative date — 28 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Bunbury-Harvey Regional Council Standing Orders Local Law 2017* published in the *Gazette* on 10 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 186).

**20. City of South Perth Waste Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 23 August 2017 on the motion of Hon Robin Chapple (Days remaining 9 after today (Indicative date — 28 November 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of South Perth Waste Local Law 2017* published in the *Gazette* on 5 May 2017 and tabled in the Legislative Council on 18 May 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 197).

**21. Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 24 August 2017 on the motion of Hon Aaron Stonehouse (Days remaining 10 after today (Indicative date — 29 November 2017))

That the *Police Regulations Amendment (Fees and Charges) Regulations 2017* published in the *Gazette* on 27 June 2017 and tabled in the Legislative Council on 16 August 2017 under the *Firearms Act 1973*, be and are hereby disallowed. (Tabled paper No. 376).

**22. City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 13 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017* published in the *Gazette* on 2 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Local Government Act 1995* and the *Cat Act 2011*, be and is hereby disallowed. (Tabled paper No. 240).

**23. Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 13 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of East Fremantle Plastic Bag Reduction Local Law 2017* published in the *Gazette* on 2 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 240).

**24. City of Nedlands Waste Local Law 2016 — Disallowance**

Moved *pro forma* (SO 67(3)) 7 September 2017 on the motion of Hon Robin Chapple (Days remaining 13 after today (Indicative date — 6 December 2017))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Nedlands Waste Local Law 2016* published in the *Gazette* on 7 June 2017 and tabled in the Legislative Council on 13 June 2017 under the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 246).

**25. Shire of Donnybrook-Balingup Waste Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 14 September 2017 on the motion of Hon Robin Chapple (Days remaining 16 after today (Indicative date — 2018 date to be advised))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Donnybrook-Balingup Waste Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995* and *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled paper No. 282).

**26. Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017 — Disallowance**

Moved *pro forma* (SO 67(3)) 14 September 2017 on the motion of Hon Robin Chapple (Days remaining 16 after today (Indicative date — 2018 date to be advised))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017* published in the *Gazette* on 14 June 2017 and tabled in the Legislative Council on 20 June 2017 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 282).

**27. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018** (*Notice given 7 September 2017*) Minister for Environment representing the Treasurer

Continuation of remarks Hon Robin Chapple — 35 mins (Thursday, 14 September 2017) on the motion of the Minister for Environment representing the Treasurer —

That pursuant to Standing Order No. 69(1) the Legislative Council take note of Tabled Paper No. 469A–D (2017–2018 Budget Statements), laid upon the Table of the House on Thursday, 7 September 2017.

(Days remaining 6 after today – SO 69(2))

30. [Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017](#) [LC 29–1] Minister for Education and Training

Second reading adjourned (Wednesday, 6 September 2017).

31. [Courts Legislation Amendment Bill 2017](#) [LC 23–1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 6 September 2017).

29. [\\*Coroners Amendment Bill 2017](#) [LA 15–1] Leader of the House representing the Attorney General

Second reading continuation of remarks Hon Michael Mischin (Tuesday, 12 September 2017).  
*cf SNP 15 Issue 1 – 6 September 2017.*

28. [First Home Owner Grant Amendment Bill 2017](#) [LA 16–1B] Minister for Environment representing the Treasurer

Committee progress clause 14 (Thursday, 7 September 2017).

33. [Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017](#) [LA 21–2] Leader of the House representing the Attorney General

Second reading adjourned (Thursday, 14 September 2017).

32. [Dangerous Sexual Offenders Legislation Amendment Bill 2017](#) [LA 22–1] Leader of the House representing the Attorney General

Second reading adjourned (Thursday, 14 September 2017).

35. [\\*Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39<sup>th</sup> Parliament](#) (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 1 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper No. 435.

Recommendation 1 states —

#### Temporary Orders

The Legislative Council makes the following Temporary Orders —

**1. Duration of Temporary Orders**

These Temporary Orders apply until (and including) 31 December 2018.

**2. Time Limits on Speeches**

Standing Order 21, debate times for “Consideration of Committee Reports” is suspended and replaced by the following Temporary Order —

**Consideration of Committee Reports**

All Members unlimited periods of 10 minutes per report

**3. Maximum Time Limits for Certain Business Items**

Standing Order 23, paragraph (1)(b) is suspended.

**4. Consideration of Committee Reports**

Standing Order 110 is amended by inserting the following Temporary Order —

(2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.

(2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day’s Notice Paper and not disposed of.

37. [\\*Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39<sup>th</sup> Parliament](#) (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 3 contained in Report No. 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled paper Nos 435, 4240 (tabled 28 June 2016) and 1476 (tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report No. 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, be adopted and agreed to.

Recommendation 1 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report No. 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the Criminal Code so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the Criminal Code;

Recommendation 2(c) of Report No. 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of the Parliament of Western Australia to expel one of its Members; and

Recommendation 2 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That Standing Order 97(2) be deleted and the following inserted —

- (1) When a division is called strangers shall withdraw unless otherwise ordered by the President.

Recommendation 3 of Report No. 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That **Standing Order 181** be amended as follows —

To delete “Any” and insert —

Subject to order, any

\* For amendments see Supplementary Notice Paper and/or Committee Report

**NIGEL PRATT**

Clerk of the Legislative Council