



WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 65

TUESDAY, 26 JUNE 2018

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Death of Hon Joseph (Joe) Max Berinson — Motion of Condolence

The Leader of the House moved, without notice —

That this Council expresses its deep regret at the death of Hon Joe Berinson, a former Member of the Legislative Council for the North East Metropolitan Province later reconstituted as the North Central Metropolitan Province, and the North Metropolitan Region, and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by Members, including the President, and carried in silence; Members standing in their places.

3. Statement by President — Raising Matters of Privilege

The President made the following Statement —

I want to remind Members of the correct protocol for raising a matter of privilege about the conduct of any Member of this House. As a starting point, the Standing Orders provide that imputing improper motives against a Member or reflecting on a Member's character in general debate is highly disorderly. On a point of order, or unilaterally, a Presiding Officer may require a Member to withdraw remarks that are contrary to Standing Order 45. This Standing Order provides —

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

In acting under this Standing Order, a Presiding Officer does not judge the accuracy or truthfulness of the Member's statement. An exception to the rule against making imputations of improper motives or reflecting on another Member's character is where a Member raises a matter of privilege under Standing Order 93. This exception arises because a matter of privilege will ordinarily involve allegations that a Member has acted in a way that would constitute a breach of the privileges of the House or a contempt, and as such may impute improper motives or reflect on their character. An example would be an allegation that a Member has deliberately misled the House. It should be noted that a remark to the effect that a Member's statement is untrue or misleading is not necessarily out of order, and for the Chair to intervene there must be some implication that a Member has deliberately and knowingly made an untrue statement.

There is, therefore, a clear dichotomy between the rules governing what is acceptable in general debate and what is acceptable when raising a matter of privilege. All suggestions in general debate that a Member has lied, that is, deliberately and knowingly made untrue statements,

would be highly disorderly, whereas the same allegation made when raising a matter of privilege is not.

This House has previously determined that a contempt was committed by a person who had deliberately and knowingly provided false and misleading information in an answer given by a Minister to a parliamentary question. If an equivalent allegation were to be made against a Member of this House, it should be raised as a matter of privilege under Standing Order 93; otherwise, such an allegation made against a Member in general debate would be considered highly disorderly under Standing Order 45.

4. Message from His Excellency the Governor — Assent to Bill

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

20 June 2018 — Message No. 13	Act No.
Workers' Compensation and Injury Management Amendment Bill 2017	8 of 2018

5. Petitions

Hon Martin Pritchard presented a petition from 2 petitioners requesting the Legislative Council amend current legislation in relation to the Sex Offenders Register. (Tabled Paper 1472).

Hon Tjorn Sibma presented a petition from 716 petitioners requesting the Legislative Council to recommend halting the redevelopment of Western Australian cemeteries and establishing new cemeteries. (Tabled Paper 1473).

Hon Donna Faragher presented a petition from 2,468 petitioners requesting the Legislative Council oppose education funding cuts to urban and rural communities. (Tabled Paper 1474).

Hon Donna Faragher presented a petition from 817 petitioners requesting the Legislative Council reinstate funding to the Herdsman Lake Wildlife Centre. (Tabled Paper 1475).

Hon Robin Scott presented a petition from 301 petitioners requesting the Legislative Council to support the installation of a magnetic resonance imaging (MRI) machine in the Kalgoorlie Hospital. (Tabled Paper 1476).

6. Ministerial Statement — Health Practitioner Regulation National Law (WA) Amendment Act 2018

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the proclamation of section 87 and Part 3 of the *Health Practitioner Regulation National Law (WA) Amendment Act 2018*.

The Parliamentary Secretary to the Minister for Health tabled proclamation notices for the *Health Practitioner Regulation National Law (WA) Amendment Act 2018*. (Tabled Paper 1477).

7. Papers

The following Papers were laid on the Table by —

President

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Corruption and Crime Commission — Report on corrupt custodial officers and the risks of contraband entering prisons	1441
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Leader of the House

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Minister for Environment

Orders —

Planning and Development Act 2005 (section 76 (5)) — Order and reasons from the Minister for Transport, Planning and Lands relating to Proposed Amendment No. 212 to the City of Nedlands Town Planning Scheme No. 2 (Deemed tabled 15/06/2018).....	1451
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Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations 2018 G.G. 12/06/2018).....	1459
Registration of Deeds Act 1856 (Lands Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 15/06/2018).....	1460
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 2) 2018 G.G. 12/06/2018).....	1461

Reports —

Kimberley Ports Authority — Statement of Corporate Intent (2017–2018).....	1462
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Southern Ports Authority — Statement of Corporate Intent (2017–2018).....	1465

Parliamentary Secretary to the Minister for Health on behalf of the Minister for Regional Development

Orders —

Fish Resources Management Act 1994 (Prohibition on Fishing (Ngari Capes Marine Park) Joint Authority Order 2018 [1336] G.G. 15/06/2018 and Prohibition on Fishing (Ngari Capes Marine Park) Order 2018 [1254] G.G. 15/06/2018).....	1466
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Regulations —

Rottnest Island Authority Act 1987 (Rottnest Island Amendment Regulations 2018 G.G. 22/06/2018).....	1467
Water Services Act 2012 (Water Services Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 22/06/2018).....	1468

Parliamentary Secretary to the Deputy Premier*Orders —*

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 5) 2018 G.G. 12/06/2018).....	1469
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Health Services Act 2016 (Health Services (Conduct and Traffic) Amendment Regulations 2018 G.G. 12/06/2018).....	1470
Mental Health Act 2014 (Mental Health Amendment Regulations (No. 2) 2018 G.G. 12/06/2018).....	1471

8. Fair Trading Amendment Bill 2018

The Minister for Environment on behalf of the Minister for Regional Development representing the Minister for Commerce and Industrial Relations: To move on the next day of sitting —

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced and read a first time.

9. Notice of Motion to Introduce a Bill — Withdrawn from Notice Paper

Hon Robin Scott withdrew Bills for Introduction No. 3, *Western Australia State Work Permit Bill 2018* from the Notice Paper.

10. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended so as to enable the following variations to the Order of Business for Wednesday, 27 June 2018 and Thursday, 28 June 2018 —

- (1) Wednesday, 27 June
 - (a) no Consideration of Committee Reports;
 - (b) the Council is to proceed to Orders of the Day at the conclusion of Motion No. 1 - *Independent Rural Fire Service*;
 - (c) the sittings be suspended between 6.00pm and 7.00pm; and
 - (d) the Council is to sit beyond the normal adjournment time and take Members’ Statements at 9.45pm.
- (2) Thursday, 28 June
 - (a) the Council is to commence meeting at 9.00am;
 - (b) no Private Members’ Business; and
 - (c) the Council is to sit beyond the normal adjournment time and take Members’ Statements at 6.20pm.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Shire of Toodyay Health Local Law 2017 — Disallowance*, 3, *Police (Fees and Charges) Regulations 2018 — Disallowance*, 6, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 7, *Shire of Murray Health Local Law 2018 — Disallowance*, 8, *Shire of Woodanilling Animals, Environment and Nuisance Amendment Local Law 2018 — Disallowance*, 9, *Rights in Water and Irrigation Amendment Regulations 2018 — Disallowance*, 10, *Town of Claremont Waste Local Law 2017 — Disallowance*, and 11, *Shire of York Cat Local Law 2017 — Disallowance*, be taken after Order of the Day No. 27, *Terrorism (Extraordinary Powers) Amendment Bill 2018*. (Leader of the House).

12. Prohibition on Fishing (Eighty Mile Beach Marine Park) Order 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, *Prohibition on Fishing (Eighty Mile Beach Marine Park) Order 2018*, be discharged from the Notice Paper.

Question — put and passed.

13. Shire of Koorda Standing Orders 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. 5, *Shire of Koorda Standing Orders Local Law 2017*, be discharged from the Notice Paper.

Question — put and passed.

14. Shire of Broome Local Government Property and Public Places Amendment 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. 12, *Shire of Broome Local Government Property and Public Places Amendment Local Law 2017*, be discharged from the Notice Paper.

Question — put and passed.

15. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

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

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 10 May 2018.

Debate resumed.

Hon Martin Aldridge, by leave, tabled correspondence between the Minister for Road Safety and the Road Safety Council regarding funding for a new police helicopter. (Tabled Paper 1478).

Debate resumed.

16. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled a discussion paper entitled *Review of Criminal Injuries Scheme in Western Australia*, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 1479).

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to Local Projects, Local Jobs projects from Albany to Willagee funded by the Minister's Department since March 2017, in response to question on notice No. 1262 asked by Hon Tjorn Sibma. (Tabled Paper 1480).

The Leader of the House representing the Premier tabled documents in relation to Local Projects, Local Jobs projects from Albany to Willagee funded by the Minister's Department since March 2017, in response to question on notice No. 1267 asked by Hon Tjorn Sibma. (Tabled Paper 1481).

The Minister for Education and Training tabled documents in relation to Local Projects, Local Jobs projects funded by the Department of Education since March 2017, in response to question on notice No. 1281 asked by Hon Tjorn Sibma. (Tabled Paper 1482).

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to payments to each Local Projects, Local Jobs project funded by the Department of Sport and Recreation since March 2017, in response to question on notice No. 1282 asked by Hon Tjorn Sibma. (Tabled Paper 1483).

The Leader of the House representing the Premier tabled documents in relation to payments to each Local Projects Local Jobs project funded by the Department of the Premier and Cabinet since March 2017, in response to question on notice No. 1283 asked by Hon Tjorn Sibma. (Tabled Paper 1484).

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled a map of the Burrup Strategic Industrial Area, in response to question on notice No. 1219 asked by Hon Robin Chapple. (Tabled Paper 1485).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the location of school nurses in Western Australia, in response to question on notice No. 1212 asked by Hon Alison Xamon. (Tabled Paper 1486).

Minister for Regional Development, by leave, made a personal explanation in relation to a response given to a question without notice asked by Hon Rick Mazza.

17. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

Debate resumed on the motion of the Minister for Finance representing the Treasurer (*see item 15 above*).

Hon Jacqui Boydeell sought leave to continue her remarks at the next sitting.

Leave granted.

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

18. Standing Committee on Procedure and Privileges — To Review Standing Orders relating to Motions on Notice

The Order of the Day having been called, the Leader of the House, pursuant to notice, moved —

- (1) That the Standing Committee on Procedure and Privileges undertake a review of the Standing Orders relating to Motions on Notice with a view to modernising the procedures of the House.
- (2) That the Committee is to report to the House no later than Thursday, 20 September 2018.

Debate ensued.

Question — put and passed.

19. Liquor Control Amendment Bill 2018

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.

The Minister for Regional Development representing the Minister for Racing and Gaming tabled a proposed amendment. (Tabled Paper 1487).

Debate resumed.

Clause agreed to.

Clauses 2 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

The Minister for Regional Development representing the Minister for Racing and Gaming moved —
Page 7, after line 19 — To insert:

- (2) Delete section 25(6)(a).

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clauses 12 to 17 agreed to.

Clause 18.

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.

20. Members' Statements

Statements were taken.

The Leader of the House tabled a media statement published by Hon Jim Chown. (Tabled Paper 1488).
Hon Robin Scott, by leave, tabled photographs of racial abuse at Pinjin Station. (Tabled Paper 1489).

21. Education and Care Services National Law (WA) Amendment Bill 2018

The President reported the receipt of Message No. 62 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Community Services 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 Minister for Community Services moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Community Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1490).

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

22. Adjournment

The Council adjourned at 10.32pm until Wednesday, 27 June 2018 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Samantha Rowe.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council