

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 110

TUESDAY, 12 MARCH 2019

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. 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 —

26 February 2019 — Message No. 3	Act No.
Ports Legislation Amendment Bill 2017	2 of 2019
Residential Tenancies Legislation Amendment (Family Violence) Bill 2018	3 of 2019
Criminal Law Amendment (Intimate Images) Bill 2018	4 of 2019

3. Statement by President — Usher of the Black Rod and Advisory Officer (Procedure)

The President made the following Statement —

As Members may have noticed, today I was announced by John Seal-Pollard rather than Grant Hitchcock. The positions of Usher of the Black Rod and Advisory Officer (Procedure) are structured in such a way that they rotate from time to time for staff development purposes. These positions have been occupied by Grant Hitchcock and John Seal-Pollard respectively for over three years. I am pleased to announce that these staff members have swapped roles. Grant Hitchcock is now Advisory Officer (Procedure), and John Seal-Pollard will serve as the Council's eighteenth Usher of the Black Rod since the establishment of responsible government in 1890.

Under our Parliament's inherited privileges, the Usher retains the power of arrest and serves as the personal attendant to the Governor when on the parliamentary precincts. The Advisory Officer (Procedure) is involved in preparing business documents for the Chamber, maintaining procedural precedents, serving as a Clerk at the Table and contributing to the valuable work of our committees.

On behalf of all Members, I congratulate Grant and John on their new appointments and wish them every success in their roles.

4. Statement by President — Hanna Emma Lea Hitchcock

The President made the following Statement —

I also want to advise Members that Grant Hitchcock, as they would have noticed, is not in the Chamber. On behalf of the Legislative Council, I want to pass on our congratulations to Grant and his wife, Michelle, who, on 7 March, welcomed a new addition to their family, a baby girl,

Hanna Emma-Lea Hitchcock, who is a lovely young sister to her siblings, Ethan and Ava. I am sure we all congratulate both of them on their new arrival.

5. Petition

Hon Pierre Yang presented a petition from 28 petitioners requesting the Legislative Council to inquire into the legislative framework and the performance of the oversight bodies in relation to their handling of complaints and submissions in respect of local government, particularly the City of Melville. (Tabled Paper 2454).

6. Ministerial Statement — Albany Wave Energy Technology Development Project

The Minister for Regional Development made a Ministerial Statement with respect to the Government's termination of its Financial Assistance Agreement with Carnegie Clean Energy to deliver the Albany wave energy technology development project.

7. Ministerial Statement — Mr Ian King

The Minister for Ports made a Ministerial Statement with respect to the passing of Mr Ian King, who was Chair of the Geraldton Mid-West Port Authority for 15 years.

8. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report — Annual 2017-18 Financial Audits of Local Government Entities (Report No. 15) (2018-2019) (Deemed tabled 7/03/2019).....	2436
Management of Supplier Master Files (Report 16) (2018-2019) (Deemed tabled 7/03/2019) ..	2437

Reports —

Corruption and Crime Commission — Report on an incident in the Fremantle Offender Management Area (1 January 2017) (Deemed tabled 28/02/2019).....	2438
Corruption and Crime Commission — Report on the WA Commissioner in Japan (12 March 2019).....	2439

Leader of the House

Local Laws —

Local Government Act 1995 (City of Rockingham Parking Local Law 2018 G.G. 22/02/2019 and City of Swan Meeting Procedures Local Law 2019 G.G. 01/03/2019)	2440
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Minister for Environment

Leases —

CALM Lease No. 1900/100 between the Conservation and Land Management Executive Body and Cojah Pty Ltd for the Coalmine Beach Holiday Park located in Walpole-Nornalup National Park	2441
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Regulations —

Public Transport Authority Act 2003 (Public Transport Authority Amendment Regulations 2019 G.G. 19/02/2019).....	2442
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 2) 2019 G.G. 26/02/2019).....	2443
Taxi Act 1994 (Transport Regulations Amendment (Road Passenger Services) Regulations 2019 G.G. 26/02/2019).....	2444
Transport (Road Passenger Services) Act 2018 (Transport (Road Passenger Services) Regulations 2019 G.G. 26/02/2019).....	2445

Reports —

Terrorism (Preventative Detention) Act 2006 — Quarterly Report (for the quarter ending 31 December 2018)	2446
Treasury Corporation Western Australia — Quarterly Report (for the quarter ending 31 December 2018)	2447

Minister for Regional Development*Regulations —*

Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations (No. 2) 2019 G.G. 22/02/2019).....	2448
Industrial Relations Act 1979 (Industrial Relations Commission Amendment Regulations 2019 G.G. 05/03/2019).....	2449
Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001 (Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Amendment Regulations 2019 G.G. 22/02/2019)	2450

Reports —

Report of the Statutory Review of the Architects Act 2004 Decision Regulatory Impact Statement (December 2018).....	2451
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Parliamentary Secretary to the Deputy Premier*Addendums —*

Government Response to Joint Select Committee on End of Life Choices Report, My Life, My Choice	2452
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Orders —

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order 2019 G.G. 26/02/2019).....	2453
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9. Standing Committee on Uniform Legislation and Statutes Review — Report 121 — Child Support (Commonwealth Powers) Bill 2018

Hon Michael Mischin presented Report 121 of the Standing Committee on Uniform Legislation and Statutes Review, *Child Support (Commonwealth Powers) Bill 2018*. (Tabled Paper 2455).

10. Biodiversity Conservation (Exemptions) Order 2018 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That clause 4 of the *Biodiversity Conservation (Exemptions) Order 2018* published in the *Gazette* on 21 December 2018 and tabled in the Legislative Council on 12 February 2019 under the *Biodiversity Conservation Act 2016*, be and is hereby disallowed. (Tabled paper 2356).

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance*, 2, *Health Practitioner Regulation National Law Regulation 2018 — Disallowance*, and 3, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, be taken after Order of the Day No. 14, *Legislation Bill 2018*. (Leader of the House).

12. Cognate Debate — Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 and Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018

The Minister for Environment sought leave of the Council to debate Order of the Day No. 20, *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018*, and Order of the Day No. 21, *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018*, cognately [SO 127].

Leave granted.

13. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 and Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Racing and Gaming tabled a media release, *ASIC — new instrument for horse schemes*, in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 2456).

The Minister for Environment representing the Minister for Transport tabled an email from the Public Transport Authority to the Peel Development Commission, dated 1 September 2018, in relation to the Forrestfield Airport Link soil disposal, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 2457).

15. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 and Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018

Cognate debate resumed on the second reading of these Bills (*see item 13 above*).

Hon Aaron Stonehouse moved, without notice —

- (1) That the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018* and the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018* be discharged and referred to the Standing Committee on Legislation for consideration and report no later than Tuesday, 17 September 2019; and
- (2) The Committee has the power to inquire into and report on the policy of the Bills.

Debate ensued.

Question — put and negatived.

Debate resumed.

Question — That the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018* be read a second time — put and passed.

Bill read a second time.

Question — That the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018* be read a second time — put and passed.

Bill read a second time.

The Acting President left the Chair.

(Hon Matthew Swinbourn in the Chair)

Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018

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.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 10.19pm until Wednesday, 13 March 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council