

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 94
THURSDAY, 8 NOVEMBER 2018

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Robin Chapple presented a petition from 20 petitioners requesting the Legislative Council to call on the Government to evaluate the effects of pollutants and emissions on the rock art in Murujuga. (Tabled Paper 2166).

Hon Donna Faragher presented a petition from 452 petitioners requesting the Legislative Council to support the reopening of Midland Primary School and to develop a plan for the local intake of students in the area. (Tabled Paper 2167).

3. Ministerial Statement — China International Import Expo 2018

The Minister for Regional Development made a Ministerial Statement with respect to a recent visit to China for the China International Import Expo 2018.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Audit Results Report — Annual 2017–2018 Financial Audits of State Government
Entities (Report No. 7) (November 2018)..... 2162

Reports —

Parliamentary Commissioner for Administrative Investigations (Ombudsman) — A
report on giving effect to the recommendations arising from Investigation into
ways to prevent or reduce deaths of children by drowning (November 2018) 2163

Parliamentary Secretary to the Deputy Premier

Annual Reports

Administrator of the National Health Funding Pool Annual Report 2017–2018
(Date received 7 November 2018) 2164

National Health Funding Body Annual Report 2017–2018 (Date received 7 November 2018)
..... 2165

5. Standing Committee on Uniform Legislation and Statutes Review — Report No. 118 — National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

Hon Michael Mischin presented Report No. 118 of the Standing Committee on Uniform Legislation and Statutes Review, *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018*. (Tabled Paper 2168).

6. Biodiversity Conservation 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 *Biodiversity Conservation Regulations 2018* published in the *Gazette* on 14 September 2018 and tabled in the Legislative Council on 18 September 2018 under the *Biodiversity Conservation Act 2016*, be and are hereby disallowed. (Tabled paper No. 1813).

7. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so that one minute of silence may be observed by the Council at 11.00am this morning in order to commemorate Sunday's Centenary of the Armistice that ended the First World War.

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.

8. Decision Making in the Service Sectors

Non-Government Business No. 1 having been called, Hon Nick Goiran moved, without notice —

That this House expresses its grave concern that the instances of dysfunctional decision making by the McGowan Government in the service sectors have now become so regular as to be indicative of a systemic problem.

Debate ensued.

Interruption pursuant to order.

9. Statement by President — 100th Anniversary of Armistice Day

The President made the following Statement —

This Sunday, 11 November 2018, will be the 100th anniversary of Armistice Day. Armistice Day commemorates the cessation of hostilities on the Western Front in World War I, which took effect at the eleventh hour of the eleventh day of the eleventh month of 1918. Over 20 million people lost their lives in the war and countless more were injured in the conflict. Sadly, World War I was not the “war to end all wars”. Around 420 000 Australian men enlisted for service, which was nearly 40 per cent of the male population aged between 18 and 44, with just over 32 000 from Western Australia. Nearly 62 000 died in service and some 140 000 were injured in action. Around 2 500 women served as nurses during the war, with 23 dying in service.

Eight Members from the Western Australian Parliament were granted leave to serve in the military: two from the Legislative Council and six from the Legislative Assembly. One of the Legislative Assembly Members, Bartholomew James Stubbs, paid the ultimate price and was killed in action in Belgium. A further 42 veterans later became Members of the Western Australian Parliament. Five members went on to again serve their country in World War II.

I ask all Members to stand and observe one minute's silence to recognise the sacrifice of those who served during the conflict.

Members stood and observed a minute's silence.

10. Decision Making in the Service Sectors

Debate resumed on Non-Government Business No. 1 (*see item 8 above*).

Motion lapsed.

11. Mandatory Bike Helmets

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

That the Legislative Council notes that mandatory bike helmets save lives and wearing bike helmets should not be discretionary.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 4, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, 6, *Shire of Victoria Plains Extractive Industries Local Law 2018 — Disallowance*, 7, *City of Mandurah Cemeteries Amendment Local Law — Disallowance*, and 8, *Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, be taken after Order of the Day No. 17, *Criminal Law Amendment (Intimate Images) Bill 2018*. (Leader of the House).

13. Water Services Regulations Amendment (Fees and Charges) Regulations 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. 2, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018*, be discharged from the Notice Paper.

Question — put and passed.

14. Planning and Development (Development Assessment Panels) Amendment Regulations 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. 3, *Planning and Development (Development Assessment Panels) Amendment Regulations 2018*, be discharged from the Notice Paper.

Question — put and passed.

15. Shire of Victoria Plains Cemeteries Local Law 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. 5, *Shire of Victoria Plains Cemeteries Local Law 2018*, be discharged from the Notice Paper.

Question — put and passed.

16. Railway (METRONET) Bill 2018

The Order of the Day for the consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.
 Clause 2 agreed to.
 Clause 3.
 Debate ensued.
 Clause agreed to.
 Clause 4.
 Debate ensued.
 Clause agreed to.
 Clause 5 agreed to.
 Clause 6.
 Debate ensued.
 Clause agreed to.
 Schedule 1 agreed to.
 Schedule 2 agreed to.
 Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

17. Public and Health Sector Legislation Amendment (Right of Return) Bill 2018

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

Debate resumed.

Hon Tjorn Sibma, by leave, tabled details on the effects of the *Public and Health Sector Legislation (Right of Return) Bill 2018* on departments and a letter from an anonymous public servant detailing how the public sector is being devalued. (Tabled Paper 2169).

Debate resumed.

18. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to schools participating in the Mental Health in Schools Program, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2170).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to locations of VR4 acoustic receivers in Western Australia, in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 2171).

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to Lots 100 and 101 on Plan 73871, Volume 2834, Folio's 781 and 782, in response to a question without notice asked by Hon Diane Evers.

The Minister for Environment representing the Minister for Lands tabled documents in relation to pastoral Leases that at 1 July 2019 will have 25 years or less of their terms left, in response to question on notice No. 1687 asked by Hon Robin Chapple. (Tabled Paper 2172).

The Minister for Regional Development representing the Minister for Water, by leave, incorporated into *Hansard* information in relation to non-potable water for Dunsborough, in response to a question without notice asked by Hon Jim Chown.

The Minister for Regional Development representing the Minister for Water tabled documents in relation to the South West Non-potable Urban Water Needs Project, in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 2173).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled a list of invitees to the “Better your Bet” launch event, in response to question on notice No. 1656 asked by Hon Colin Holt. (Tabled Paper 2174).

The Minister for Regional Development tabled documents in relation to the return of project funds from local government to the Department of Primary Industries and Regional Development, in response to question on notice No. 1666 asked by Hon Martin Aldridge. (Tabled Paper 2175).

The Minister for Agriculture and Food tabled documents in relation to grant applications for the Horticulture Research Recovery Fund, in response to question on notice No. 1690 asked by Hon Martin Aldridge. (Tabled Paper 2176).

19. Personal Explanation

The Minister for Regional Development, by leave, made a personal explanation in relation to information given during Non-Government Business.

20. Public and Health Sector Legislation Amendment (Right of Return) Bill 2018

Debate resumed on the second reading of this Bill (*see item 17 above*).

Interruption pursuant to order.

21. Members’ Statements

Statements were taken.

22. Industrial Relations Amendment Bill 2018

The President reported the receipt of Message No. 100 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations 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 Commerce and Industrial Relations moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2177).

Debate stands adjourned.

23. Adjournment

The Council adjourned at 6.06pm until Tuesday, 20 November 2018 at 2.00pm.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Colin Holt, Hon Kyle McGinn (leave of absence), Hon Robin Scott and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council