

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 76
THURSDAY, 30 AUGUST 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. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Implementation of the GovNext-ICT Program (Report No. 3) (August 2018)..... 1693

Opinions on Ministerial Notifications (Report No. 4) (August 2018) 1694

Reports —

Corruption and Crime Commission — Report into how conflicts of interest undermine good governance — A report on the Chief Executive Officer of the Shire of Halls Creek (August 2018)..... 1695

Minister for Environment

Agreements —

Agreement between the State of Western Australia and Serco Australia Pty Limited — Deed of Variation and Agreement — Acacia Prison Services Agreement (2018) 1696

3. Regional Transport and Infrastructure

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

That this House —

- (1) recognises that regional towns and land areas of Western Australia are an amazingly diverse, culturally rich and economically significant powerhouse of Western Australia, which are not given the attention or funding they deserve. This is particularly true of the regional transport and rail networks and infrastructure required to service such an important part of our State; and
- (2) calls on the Government to acknowledge that this must be addressed through strategic planning that better includes regional requirements.

Debate ensued.

Motion lapsed.

4. Impacts of Increasing Automation on Society

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

That this House notes that the trend of increasing automation is impacting people, their employment security, their opportunities and the broader society in which they live.

Debate ensued.

Motion lapsed.

5. 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, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 4, *City of Karratha Fencing Local Law 2018 — Disallowance*, 5, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 6, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 7, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 8, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 9, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 10, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, and 11, *Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance*, be taken after Order of the Day No. 29, *Road Traffic Amendment (Driving Offences) Bill 2018*. (Leader of the House).

6. Courts Legislation Amendment Bill 2017

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

Debate resumed.

The Leader of the House representing the Attorney General tabled the Minister's second reading notes in relation to the *Courts Legislation Amendment Bill 2017*. (Tabled Paper 1697).

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Clause 1.

Debate ensued.

Want of Quorum

There not being a quorum present, the Deputy Chair gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Michael Mischin moved —

Page 2, lines 6 to 9 — to delete the lines, and insert:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 3 to 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

Debate ensued.

Hon Alison Xamon moved —

Page 5, lines 10 to 15 — To delete the lines and insert:

(1) In Schedule 1 clause 9(2) delete paragraphs (b) and (c) and insert:

(b) a person who would, but for the fact that he or she has attained the age referred to in clause 2(2)(b), be qualified to be appointed a magistrate or an acting magistrate; or

(c) a person who is a retired magistrate but has not yet attained 70 years of age, for such period not exceeding 12 months as is specified in that instrument.

(2) In Schedule 1 clause 9(3) delete “but the period must not extend beyond when the appointee reaches 70 years of age;”.

(3A) An appointment under clause 9(2) may be extended by the Governor by instrument for a further period or periods, but that appointment can only be extended on any one occasion for such period not exceeding 12 months as is specified in the relevant instrument.

Debate ensued.

Question, That the words to be deleted be deleted — put.

The Committee divided.

Ayes (17)

Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Colin de Grussa
 Hon Diane Evers
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Colin Holt
 Hon Michael Mischin

Hon Robin Scott
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Alison Xamon
 Hon Jim Chown (*Teller*)

Noes (10)

Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Pierre Yang (*Teller*)

Question thus passed.

Question, That the words to be inserted be inserted — put.

Debate ensued.

The Leader of the House representing the Attorney General moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day’s sitting.

Question — put and passed.

The Deputy 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 at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

7. Order of Business

Ordered — That Order of the Day No. 29, *Road Traffic Amendment (Driving Offences) Bill 2018*, be taken forthwith. (Leader of the House).

8. Road Traffic Amendment (Driving Offences) 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.

Leave was granted to proceed forthwith to the third reading.

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

Question — put and passed.

Bill read a third time and passed.

9. Order of Business

Ordered — That Order of the Day No. 12, *Coroners Amendment Bill 2017*, be taken forthwith. (Leader of the House).

10. Coroners Amendment Bill 2017

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

Debate resumed.

11. 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 appointment terms for the board members of the North Metropolitan Health Service, in response to a question without notice asked by Hon Peter Collier.

The Minister for Education and Training tabled documents in relation to community kindergarten 2019 enrolments as at 10 August 2018, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 1698).

The Minister for Environment tabled documents in relation to the State Fleet emissions program, in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 1699).

The Parliamentary Secretary to the Minister for Health tabled a letter to the Deputy Premier from the Director General of the Department of Health regarding the Corruption and Crime Commission Report into the North Metropolitan Health Service, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 1700).

The Minister for Education and Training tabled documents in relation to official openings of public school buildings, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 1701).

The Leader of the House representing the Attorney General, by leave, incorporated into *Hansard* information in relation to the extension of the term of service of any magistrate by the Governor, in response to a question without notice asked by Hon Michael Mischin.

The Minister for Environment tabled, and by leave incorporated into *Hansard*, documents in relation to roadside clearing data, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 1702).

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to landfill waste classification and waste definitions, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Environment tabled the *Evaluation Report, December 2016, of the Fertiliser Partnership 2010-11 to 2015-16* and performance reports of local bio fillers, basins and wetlands, in response to question on notice No. 1384 asked by Hon Alison Xamon. (Tabled Paper 1703).

The Minister for Environment tabled the *Lennardshelf, Pillara Mine, Detailed Site Investigation*, in response to question on notice No. 1435 asked by Hon Robin Chapple. (Tabled Paper 1704).

The Minister for Environment representing the Minister for Lands tabled the *Department of Planning Lands and Heritage Condition for Sale of Crown Land*, in response to question on notice No. 1442 asked by Hon Martin Aldridge. (Tabled Paper 1705).

12. Coroners Amendment Bill 2017

Debate resumed on the second reading of this Bill (*see item 10 above*).

Hon Alison Xamon sought leave to continue her remarks at the next sitting.

Leave granted.

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

13. Order of Business

Ordered — That Order of the Day No. 14, *Courts Legislation Amendment Bill 2017*, be taken forthwith. (Leader of the House).

14. Courts Legislation Amendment Bill 2017

Resumption of consideration of this Bill in Committee of the Whole House (*see item 6 above*).

The President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 8.

Debate resumed on the amendment of Hon Alison Xamon as follows —

Page 5, lines 10 to 15 — To delete the lines and insert:

(1) In Schedule 1 clause 9(2) delete paragraphs (b) and (c) and insert:

(b) a person who would, but for the fact that he or she has attained the age referred to in clause 2(2)(b), be qualified to be appointed a magistrate or an acting magistrate; or

(c) a person who is a retired magistrate but has not yet attained 70 years of age, for such period not exceeding 12 months as is specified in that instrument.

(2) In Schedule 1 clause 9(3) delete “but the period must not extend beyond when the appointee reaches 70 years of age;”.

(3A) An appointment under clause 9(2) may be extended by the Governor by instrument for a further period or periods, but that appointment can only be extended on any one occasion for such period not exceeding 12 months as is specified in the relevant instrument.

Hon Alison Xamon, by leave, substituted her amendment as follows —

Page 5, lines 10 to 15 — To delete the lines and insert:

- (1) In Schedule 1 clause 9(2) delete paragraphs (b) and (c) and insert:
 - (b) a person who would, but for the fact that he or she has attained the age referred to in clause 2(2)(b), be qualified to be appointed a magistrate or an acting magistrate; or
 - (c) a person who is a retired magistrate but has not yet attained 70 years of age, for such period not exceeding 12 months as is specified in that instrument.
- (2) In Schedule 1 clause 9(3) delete “but the period must not extend beyond when the appointee reaches 70 years of age;”.
- (3) In Schedule 1 insert after clause 9(3):
 - (3A) An appointment under clause 9(2) may be extended by the Governor by instrument for a further period or periods, but that appointment can only be extended on any one occasion for such period not exceeding 12 months as is specified in the relevant instrument.

Debate ensued.

Question — That the words to be inserted be inserted — put and passed.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11.

Debate ensued.

The Leader of the House representing the Attorney General tabled, and by leave incorporated into *Hansard*, documents in relation to the Courts Jurisdiction Bill removal of section 31 of the *Supreme Court Act 1935*. (Tabled Paper 1706).

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Attorney General, by leave, moved, That the report be adopted.
Report adopted.

The Leader of the House representing the Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Courts Legislation Amendment Bill 2017* to be read a third time.

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.

The Leader of the House moved, That the Bill be read a third time.

The 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.

15. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 5.44pm until Tuesday, 11 September 2018 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Ken Baston, Hon Laurie Graham, Hon Rick Mazza, Hon Simon O'Brien and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council