

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 48**  
**WEDNESDAY, 21 MARCH 2018**

**1. Meeting of Council**

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

**2. Statement by President — Parliamentary Research Program**

The President made the following Statement —

I take this opportunity to announce the commencement of the 2018 Parliamentary Research Program, coordinated by the Parliamentary Education Office. The program is a cooperative arrangement between the Parliament of Western Australia and Western Australian universities, and involves high-performing students undertaking research topics nominated by Members of Parliament. Each of you would have recently received an invitation to submit up to two research topics to the Parliamentary Education Office by close of business on Thursday, 29 March 2018. I strongly encourage you to consider participating in this worthwhile program.

**3. Petition**

Hon Adele Farina presented a petition from 211 petitioners requesting the Legislative Council recommend to the Government the reconsideration of the decision to demolish the Old Warren District Hospital. (Tabled Paper 1158).

**4. Ministerial Statement — Independent Assessment of the Carnarvon Fascine Wall**

The Minister for Regional Development made a Ministerial Statement with respect to an independent assessment of the Carnarvon fascine wall.

The Minister for Regional Development tabled the report by MP Rogers and Associates entitled *Carnarvon Fascine Wall, Independent Review*. (Tabled Paper 1159).

**5. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers —*

Opinion on Ministerial Notification (Report No. 3) (March 2018)..... 1153

*Reports —*

Corruption and Crime Commission — Report into a Taser Incident on 31 March  
2017 at Fremantle (21 March 2018)..... 1154

*Reviews —*

Corruption and Crime Commission — Review of Police Response to an Incident in a  
Country Town where Excessive Force was used and an Arrested Person's  
Details not Recorded (21 March 2018) ..... 1155

**Leader of the House***Annual Reports —*

North Metropolitan TAFE (2017) (Date received 20/03/2018) ..... 1156

South Metropolitan TAFE (2017) (Date received 20/03/2018) ..... 1157

**6. Animal Welfare Amendment Bill 2017**

The Minister for Agriculture and Food moved, without notice —

- (1) That the *Animal Welfare Amendment Bill 2017* be discharged and referred to the Standing Committee on Legislation for consideration and report no later than 12 June 2018; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and passed.

Debate stands adjourned and the Bill is discharged and referred to the Standing Committee on Legislation.

**7. A Quality Education for Western Australian Children**

Motion No. 1 having been called, debate resumed on the motion of Hon Jacqui Boydell as follows —

That this House calls on the McGowan Labor Government to honour its November 2016 policy position that commits to providing “*a quality education to Western Australian children and young people regardless of where they live*” by:

- (1) Reversing the decisions to:
  - (a) shut down six camp schools;
  - (b) close Moora residential college;
  - (c) take 20 per cent from the Agricultural Education Farm Provisions Trust;
  - (d) cut the number of frontline regional education professionals;
  - (e) increase fees for Vacswim; and
  - (f) reduce the Boarding Away from Home Allowance.
- (2) Recognising the stress, uncertainty, and mistrust created by making rushed decisions in the regional education portfolio.

Hon Colin Tincknell moved, without notice —

To insert after paragraph (1)(f) —

- (g) close Landsdale farm school.

Amendment — put and passed.

Debate resumed on Motion, as amended.

Motion, as amended — put.

The Council divided.

**Ayes (20)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Jim Chown  
 Hon Tim Clifford  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Diane Evers  
 Hon Donna Faragher  
 Hon Nick Goiran

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

**Noes (12)**

Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Laurie Graham  
 Hon Kyle McGinn

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

Motion, as amended, thus passed.

**8. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Simon O'Brien in the Chair)

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — The ability of the Corruption and Crime Commission to charge and prosecute**

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on Delegated Legislation — Report No. 1 — Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015**

Debate resumed on the motion of Hon Robin Chapple, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on Delegated Legislation — Report No. 3 — Procedures for dealing with consequential amendments to delegated legislation following enactment of primary legislation**

Debate resumed on the motion of Hon Robin Chapple, That the Report be noted.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 6 — Parliamentary Inspector's report on the issuing of notices by the Corruption and Crime Commission under s 42 of the Corruption, Crime and Misconduct Act**

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms**

Hon Alison Xamon moved, That the Report be noted.

Debate ensued.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to the Metronet Taskforce, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House tabled documents in relation to the Minister for Mines and Petroleum's Ministerial Statement regarding Cleveland-Cliffs' Koolyanobbing operation, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 1160).

The Minister for Education and Training tabled correspondence sent by the Department of Education advising kindergartens of a operational funding increase, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 1161).

The Minister for Regional Development tabled The Review of Declared Pests of Western Australia, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 1162).

The Leader of the House representing the Minister for Local Government, by leave, incorporated into *Hansard* information in relation to the Minister for Local Governments' meetings with the City of Perth, in response to a question without notice asked by Hon Ken Baston.

The Minister for Environment tabled a letter from the Department of Water and Environmental Regulation regarding Western Australia Planning Commission application number 156075, Lot 3240, Shelby Street, Shenton Park, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 1163).

The Minister for Regional Development representing the Minister for Racing and Gaming, by leave, incorporated into *Hansard* information in relation to the independent review of Racing and Wagering Western Australia's thoroughbred handicapping and race programming, in response to a question without notice asked by Hon Colin Holt.

## 10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 8 above*).

### In Committee

(Hon Simon O'Brien in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms**

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — *The ability of the Corruption and Crime Commission to charge and prosecute* and had noted same.
- (2) Joint Standing Committee on Delegated Legislation — Report No. 1 — *Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015* and had noted same.
- (3) Joint Standing Committee on Delegated Legislation — Report No. 3 — *Procedures for dealing with consequential amendments to delegated legislation following enactment of primary legislation* and had noted same.

- (4) Joint Standing Committee on the Corruption and Crime Commission — Report No. 6 — *Parliamentary Inspector's report on the issuing of notices by the Corruption and Crime Commission under s 42 of the Corruption, Crime and Misconduct Act* and had noted same.
- (5) Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — *The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atom*, made progress, and seeks to sit again.

Report adopted.

## 11. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 2, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 3, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance*, 4, *Water Services (Water Corporations Charges) Amendment Regulations 2017 — Disallowance*, 5, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 6, *Transfer of Land Amendment Regulations 2017 — Disallowance*, 7, *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017 — Disallowance*, 8, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, 9, *Port Authorities Amendment Regulations 2017 — Disallowance*, and 10, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, be taken after Order of the Day No. 21, *Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017*. (Leader of the House).

## 12. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017

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

The Acting President left the Chair.

### In Committee

(Hon Laurie Graham in the Chair)

Clause 1.

Debate resumed.

*Interruption pursuant to order.*

The President resumed the Chair.

The 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.

## 13. Members' Statements

Statements were taken.

## 14. Adjournment

The Council adjourned at 6.57pm until Thursday, 22 March 2018 at 10.00am.

### Members present during the day's proceedings

Attendance: Present all Members except Hon Colin Holt.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council