

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 122

TUESDAY, 7 MAY 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. Statement by President — Parliamentary Departmental Surveys

The President made the following Statement —

Yesterday, the Clerk emailed to you web links to complete the annual performance surveys for the Department of the Legislative Council and the Parliamentary Services Department. Hard copies of these surveys are on your desks. These surveys are critical in assisting the department to provide better services to you, and the results will be incorporated into the 2018–19 annual reports. It would be appreciated if you would take a few minutes to complete the surveys online or on hard copy by Friday, 17 May.

3. Statement by President — Sri Lanka Terrorist Attack

The President made the following Statement —

I wish to acknowledge the tragedy that occurred in Sri Lanka on Easter Sunday, 21 April 2019. The coordinated series of suicide bombings across three Christian churches and three luxury hotels claimed the lives of over 250 people and injured at least 500 others in just a single day. The scale of this tragedy, and the level of planning and forethought involved, is difficult to comprehend and will continue to send shockwaves through the global community for years to come.

On Saturday, 27 April, I attended a multi-faith service at St Mary's Cathedral with members of Perth's Sri Lankan community and others to honour those affected by the Easter Sunday terror attacks. The mass was led by Father Ajith Perera from Colombo, who I must say lost members of his own family in those attacks.

As community leaders it is our duty to prevent extremism and the intolerance that allows it to fester. I know all of our thoughts and prayers are with our Sri Lankan sisters and brothers as they deal with this tragedy as best they can. Members, I ask you to stand in your place for a moment's silence out of respect for these victims.

Members supported the statement by standing in their places, in silence.

4. Ministerial Statement — Vegan Activists

The Minister for Agriculture and Food made a Ministerial Statement with respect to the successful prosecutions of vegan activists in Western Australia for trespass offences.

5. Papers

The following Papers were laid on the Table by —

President

Reports —

Inspector of Custodial Services, Office of the — Strip searching practices in Western Australian prisons (March 2019) (Deemed tabled 18/04/2019) 2629

Leader of the House

Local Laws —

Dog Act 1976 (City of Karratha Dogs Local Law 2019 G.G. 29/04/2019 and Shire of Tammin Dogs Amendment Local Law 2019 G.G. 30/04/2019)..... 2630

Local Government Act 1995 (City of Bayswater Fencing and Floodlighting Local Law 2016 G.G. 01/05/2019, Shire of Collie Parking and Parking Facilities Amendment Local Law 2019 G.G. 03/05/2019, Shire of Tammin Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2019 G.G. 30/04/2019, Shire of Tammin Cemeteries Amendment Local Law 2019 G.G. 30/04/2019, Shire of Tammin Fencing Amendment Local Law 2019 G.G. 30/04/2019, Town of Bassendean Bee Keeping Local Law 2018 G.G. 30/04/2019, Town of Bassendean Dust and Building Waste Local Law 2018 G.G. 30/04/2019 and Town of Bassendean Repeal Local Law 2018 G.G. 30/04/2019) 2631

Notices —

Financial Management Act 2006 (section 82) — Notice from the Hon Rita Saffioti MLA Acting Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services in relation to Legislative Council Question on Notice No. 1963 asked by the Hon Nick Goiran..... 2632

Reports —

Report of Overseas Air Travel undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 30 September 2018) 2633

Schemes —

Professional Standards Act 1997 (The Bar Association of Queensland Professional Standards Scheme G.G. 16/04/2019)..... 2634

Minister for Environment

Leases —

CALM Lease No. 2944/97 — Between the Conservation and Land Management Executive Body and Optus Mobile Pty Limited to install, operate and maintain a telecommunications facility within South32's Boddington Bauxite mining lease area, located on Timber Reserve No. 148/25 at Mount Saddleback near Boddington 2635

Plans —

Western Australian Planning Commission — Improvement Plan No. 47 (Mandogalup) (November 2018) 2636

Regulations —

Economic Regulation Authority Act 2003 (Economic Regulation Authority (Railways Access Funding) Regulations 2019 G.G. 03/05/2019) 2637

Environmental Protection Act 1986 (Environmental Protection (Clearing of Native Vegetation) Amendment Regulations 2019 G.G. 03/05/2019) 2638

Waste Avoidance and Resource Recovery Act 2007 (Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulations 2019 G.G. 18/04/2019) 2639

Minister for Regional Development

Management Plans —

Fish Resources Management Act 1994 (Pilbara Fish Trawl Interim Managed Fishery Management Plan Amendment 2019 [1417] G.G. 26/04/2019) 2640

Notices —

Energy Safety Act 2006 (Energy Safety Levy Notice 2019 G.G. 12/04/2019) 2641

Fair Trading Act 2010 (Consumer Goods (Self-balancing Scooters) Amendment Safety Standard 2019 G.G. 12/04/2019) 2642

Regulations —

Building Act 2011 (Commerce Regulations Amendment (Infringement Notices) Regulations 2019 G.G. 26/04/2019) 2643

Plumbers Licensing Act 1995 (Plumbers Licensing and Plumbing Standards Amendment Regulations 2019 G.G. 09/04/2019) 2644

Residential Parks (Long-stay Tenants) Act 2006 (Commerce Regulations Amendment (Family Violence) Regulations 2019 G.G. 09/04/2019) 2645

6. Select Committee into Mining on Pinjin Station — Interim Report — Extension of Time

Hon Robin Scott presented a Report of the Select Committee into Mining on Pinjin Station — *Interim Report — Extension of Time*. (Tabled Paper 2646).

Hon Robin Scott moved, without notice —

That the reporting date for the Inquiry into Mining on Pinjin Station be extended from 11 June 2019 to 26 November 2019.

Hon Robin Scott sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned pursuant to order.

7. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

The Minister for Education and Training: To move on the next day of sitting —

That a Bill for “An Act to amend the *Public Health Act 2016* and the *School Education Act 1999*.” be introduced and read a first time.

8. Transport (Road Passenger Services) Regulations 2019 — Disallowance

Hon Dr Steve Thomas: To move on the next day of sitting —

That the *Transport (Road Passenger Services) Regulations 2019* published in the *Gazette* on 26 February 2019 and tabled in the Legislative Council on 12 March 2019 under the *Transport (Road Passenger Services) Act 2018*, be and are hereby disallowed. (Tabled paper 2445).

9. National Disability Insurance Scheme

Hon Peter Collier: To move on the next day of sitting —

That this House —

- (a) recognises the potential benefits of the National Disability Insurance Scheme (NDIS) for people with a disability throughout Australia; and
- (b) expresses its concern with elements of the implementation of the NDIS, particularly in Western Australia, and the effect that these problems are having on a significant number of people living with a disability.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 2, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance*, 3, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, 4, *Shire of Dowerin Local Government Property Local Law 2018 — Disallowance*, 5, *City of Bunbury Cats Local Law 2018 — Disallowance*, 6, *City of Bunbury Parking and Parking Facilities Local Law 2018 — Disallowance*, 7, *Town of Victoria Park Dog Local Law 2018 — Disallowance*, and 8, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 20, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Leader of the House).

11. Cognate Debate — Taxation Administration Amendment Bill 2018 and Revenue Laws Amendment Bill 2018

The Minister for Environment representing the Minister for Finance sought leave of the Council to debate Order of the Day No. 27, *Taxation Administration Amendment Bill 2018*, and Order of the Day No. 28, *Revenue Laws Amendment Bill 2018*, cognately [SO 127].

Leave granted.

12. Taxation Administration Amendment Bill 2018 and Revenue Laws Amendment Bill 2018

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

Debate resumed.

Hon Dr Steve Thomas sought leave to table a document detailing the number of trusts and companies from 1990 to 2014.

Leave granted.

(Tabled Paper 2647).

Debate resumed.

Hon Martin Aldridge sought leave to table an answer to question on notice 1413 in relation to land tax.

Leave granted.

(Tabled Paper 2648).

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment tabled a letter to the Minister for Environment from Mineral Resources Ltd regarding a request for section 46 review of conditions, Koolyanobbing Range F Deposit, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2649).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to School Curriculum and Standards Authority consultation on school reforms, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Environment representing the Minister for Transport tabled documents in relation to an email from the Perth Transport Authority to the Peel Development Commission, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 2650).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to the Department of Primary Industries and Regional Development Western Rock Lobster exemptions 2018–19, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2651).

The Leader of the House representing the Attorney General tabled documents in relation to booking platforms or multinational online travel agencies used by departmental staff and Ministers, in response to question on notice 1991 asked by Hon Robin Chapple. (Tabled Paper 2652).

The Minister for Environment representing the Minister for Police tabled the *Cultural Security Audit for WA Police*, in response to question on notice 1977 asked by Hon Alison Xamon. (Tabled Paper 2653).

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science tabled documents in relation to the total dollar value of accrued annual leave balances for each agency and department in the Minister's portfolio as at 31 December 2018, in response to question on notice 1948 asked by Hon Tjorn Sibma. (Tabled Paper 2654).

The Minister for Regional Development representing the Minister for Mines and Petroleum; Industrial Relations tabled the *Environment Division Inspection Report, Intermin Resources Ltd*, and the *Minerals Branch Inspection Report, Intermin Resources Ltd*, in response to question on notice 2029 asked by Hon Robin Scott. (Tabled Paper 2655).

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* an answer in relation to a provision or allowance for a commissioned officer to take time off to campaign as a candidate in the upcoming Federal election, in response to a question without notice asked by Hon Michael Mischin.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2006 asked by Hon Martin Aldridge will be provided on 16 May 2019.

14. Taxation Administration Amendment Bill 2018 and Revenue Laws Amendment Bill 2018

Cognate debate resumed on the second reading of these Bills (*see item 12 above*).

Question — That the *Taxation Administration Amendment Bill 2018* be read a second time — put and passed.

Bill read a second time.

Question — That the *Revenue Laws Amendment Bill 2018* be read a second time — put and passed.

Bill read a second time.

The President left the Chair.

(Hon Simon O'Brien in the Chair)

Taxation Administration Amendment Bill 2018

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 20 agreed to.

Clauses 21 and 22 agreed to.

Title agreed to.

Revenue Laws Amendment Bill 2018

Clause 1 agreed to.

Clauses 2 to 145 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bills reported without amendment.

Report adopted.

Ordered — That the third reading of the Bills be made an Order of the Day for the next sitting.

15. Suitors' Fund Amendment Bill 2017

The Order of the Day having been read for the third reading of this Bill.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Acting 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

16. Suitors' Fund Amendment (Levy) Bill 2017

The Order of the Day having been read for the third reading of this Bill.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The Acting 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. Child Support (Commonwealth Powers) 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 Leader of the House representing the Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

18. Order of Business

Ordered — That Order of the Day for the *Select Committee into Mining on Pinjin Station — Interim Report — Extension of Time* be taken forthwith. (Leader of the House).

19. Select Committee into Mining on Pinjin Station — Interim Report — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Robin Scott as follows —

That the reporting date for the Select Committee into Mining on Pinjin Station be extended from 11 June 2019 to 26 November 2019.

Question — put and passed.

20. Pay-roll Tax Assessment Amendment Bill 2019

The President reported the receipt of Message No. 121 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Education and Training representing the Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Education and Training representing the Minister for Finance moved, That the Bill be read a second time.

The Minister for Education and Training representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2656).

Debate stands adjourned.

21. Members' Statements

Statements were taken.

22. Adjournment

The Council adjourned at 9.55pm until Wednesday, 8 May 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Samantha Rowe and Hon Dr Sally Talbot.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council