

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 34
THURSDAY, 2 NOVEMBER 2017

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Statement by President — 2017-18 Budget Estimates Hearings Survey

The President made the following Statement —

Members, I have received a letter from the Standing Committee on Estimates and Financial Operations regarding the 2017–18 Budget Estimates. The committee held hearings on the 2017–18 Budget Estimates from Monday, 16 October to Friday, 20 October 2017 inclusive. The committee is seeking feedback from Legislative Council Members on the Budget Estimates hearings. To this end, Members will find on their desk the committee’s questionnaire for their completion and return by 10 November 2017. I encourage all Members to complete the questionnaire.

3. Petitions

Hon Donna Faragher presented a petition from 1,124 petitioners requesting the Legislative Council to ask the Minister for Planning to reconsider the plan to cancel the proposed aged care facility set out in Metropolitan Region Scheme Amendment No. 1271/41 Lot 59 Wilkins Road, Kalamunda. (Tabled Paper 827).

Hon Pierre Yang presented a petition from 11 petitioners requesting the Legislative Council oppose the South Perth City Council’s plan to vary the management order applying to the South Perth foreshore from the current accepted designated purposes of recreation. (Tabled Paper 828).

Hon Pierre Yang presented a petition from 60 petitioners requesting the Legislative Council to recommend an inquiry into the Joint Development Assessment Panels process. (Tabled Paper 829).

4. Papers

The following Papers were laid on the Table by —

President

Reports —

Corruption and Crime Commission — Report on Corruption in Respect of Truck
Driving License Applications (November 2017) 823

Leader of the House

Addendums —

Sport and Recreation, Department of (Annual Report 2016-2017)..... 824

Minister for Environment

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Environment in respect to Legislative Council Question on Notice No. 333 825

Minister for Regional Development

Documents —

Minister for Tourism — Official Visit to China and Singapore (August 2017) 826

5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 5 — Current Committee Confirmed: Clarifying the legal composition and powers of the Committee

Hon Alison Xamon presented Report No. 5 of the Joint Standing Committee on the Corruption and Crime Commission, *Current Committee Confirmed: Clarifying the legal composition and powers of the Committee (November 2017)*. (Tabled Paper 830).

6. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 1 — Annual Report (2016-17)

Hon Dr Sally Talbot presented Report No. 1 of the Joint Standing Committee on the Commissioner for Children and Young People, *Annual Report (2016-17) (November 2017)*. (Tabled Paper 832).

7. Joint Standing Committee on Delegated Legislation — Report No. 4 — Report in relation to the City of Gosnells Waste Local Law 2016 and the Shire of Chittering Waste Local Law 2017

Hon Robin Chapple presented Report No. 4 of the Joint Standing Committee on Delegated Legislation, *Report in relation to the City of Gosnells Waste Local Law 2016 and the Shire of Chittering Waste Local Law 2017 (November 2017)*. (Tabled Paper 831).

8. Openness and Transparency of the Government

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

That this House expresses its concern at the lack of openness and transparency in the decision making process of the McGowan Labor Government.

Debate ensued.

Hon Peter Collier, by leave, tabled a Carnegie ASX Announcement – Albany Wave Energy Project (13 March 2017). (Tabled Paper 833).

Debate resumed.

Motion lapsed.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance*, 2, *Legal Profession (Law Library Fees) Rules 2017 — Disallowance*, 3, *Shire of Chittering Waste Local Law 2017 — Disallowance*, 4, *City of Gosnells Waste Local Law 2016 — Disallowance*, 5, *City of Joondalup Animals Amendment Local Law 2016 — Disallowance*, 6, *Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance*, 7, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, 8, *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance*, 9, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, and 10, *Commerce Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, be taken after Order of the Day No. 31, *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament*. (Leader of the House).

10. Order of Business

Ordered — That Order of the Day No. 11, *Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017-2018*, be taken after Order of the Day No. 18, *Domestic Violence Orders (National Recognition) Bill 2017*. (Leader of the House).

11. Domestic Violence Orders (National Recognition) 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 Dr Steve Thomas in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clauses 4 to 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 32 agreed to.

Clause 33 agreed to.

New clause 33A.

The Leader of the House representing the Attorney General moved —

Page 21, after line 17 — To insert:

33A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the 3rd anniversary of the day on which this section comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Debate ensued.

New clause agreed to.

Clauses 34 to 46 agreed to.

Title agreed to.

The Acting 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 *Domestic Violence Orders (National Recognition) Bill 2017* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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 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.

12. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 469A-D (2017–2018 Budget Statements), laid upon the Table of the House on Thursday, 7 September 2017.

Debate resumed.

Point of Order

Hon Dr Sally Talbot raised the following Point of Order —

Madam President, you did draw the honourable Member's attention to Standing Order 36. The very real difficulty for every Member of this Chamber, if a Member is reading a speech, is that we cannot distinguish between the words of the Member and some words that he might be quoting from somebody else. I have been listening very carefully. It is very hard for Members to work out, especially when he is going through numbered points, whether the words are somebody else's words or his words.

President's Ruling

The President ruled as follows —

I have noticed that there has been a tendency of late for some Members to read pretty much verbatim from documents in front of them. I appreciate that it can be difficult for other Members to distinguish between a direct quote from a document and the comments that the Member is making about the matter they are discussing. When I observed Hon Robin Scott earlier, I believed that he was reading straight from a document. As some guidance to a new Member, I referred to Standing Order 36, which provides that Members are not supposed to read from a document unless they are given permission to do so or are making a formal statement. I appreciate how difficult it is for new Members to get into the rhythm and pattern, if you like, of delivering a speech without extensive notes and that is why I said earlier that quite often Members refer to some notes or dot points. It is unusual, other than in a first speech, for Members to read directly from that document. I appreciate the difficulties, but as guidance, I say to Hon Robin Scott and to others please try not to read directly from a document. It is your speech. If you have written it, I would hope that you would feel more comfortable in your delivery without having to read it. I know that the Member has only 19 minutes left. Perhaps this is a discussion that everyone in the Chamber needs to think about for the future: when you are preparing your speech and before you get to your feet, how are you going to present it?

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled a list of organisations invited to the Animal Welfare Review Stakeholder Deliberation, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 834).

The Minister for Environment tabled the *Department of Environment Regulation and Waste Authority — Economic Drivers of Waste Report*, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 835).

The Leader of the House representing the Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 364 and 365 asked by Hon Alison Xamon will be provided on 8 November 2017.

The Minister for Education and Training tabled documents in relation to TAFE waivers in 2016, number of applications received and number of applications approved, in response to question on notice No. 368 asked by Hon Alison Xamon. (Tabled Paper 836).

The Minister for Education and Training tabled documents in relation to TAFE courses in 2013, 2014, 2015 and 2016 and details of courses and enrolments, in response to question on notice No. 367 asked by Hon Alison Xamon. (Tabled Paper 837).

14. Personal Explanation

The Minister for Regional Development, by leave, made a personal explanation in relation to an answer provided during a Budget Estimates hearing in relation to the Carnegie wave energy project being located in Albany.

15. Domestic Violence Orders (National Recognition) Bill 2017

The following Message from the Legislative Assembly was reported —

Mr President

Message No. 33

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Domestic Violence Orders (National Recognition) Bill 2017*.

Mr T.J. Healy

Acting Speaker

Legislative Assembly Chamber

Perth, 2 November 2017

16. Statement by President — Acknowledgement to Country Survey

The President made the following Statement —

Members, I draw your attention to a short survey that was circulated in the Chamber during an earlier adjournment. The survey relates to whether the Legislative Council should introduce an acknowledgement of country. I would ask that Members complete the survey and return it to the Usher of the Black Rod as soon as possible.

17. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2017–2018

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 12 above*).

Interruption pursuant to order.

18. Members' Statements

Statements were taken.

Hon Martin Aldridge, by leave, tabled various documents relating to the 2017 local government elections. (Tabled Paper 838).

19. Adjournment

The Council adjourned at 6.00pm until Tuesday, 7 November 2017 at 2.00pm.

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