

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 31

THURSDAY, 12 OCTOBER 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 — Protocol for Parties Swapping Allocated Non-Government Business Days

The President made the following Statement —

Members, since 2012, sitting Thursday mornings are set aside for Non-Government Members' Business and Private Members' Business. The Standing Orders provide that the weekly rotation schedule for each set of business "*shall be tabled by the President at the commencement of each Parliament, and otherwise as required, and must be adopted by the Council prior to its application*".

A new weekly rotation schedule is adopted at the start of each year, and during the year following confirmation of the dates of the estimates hearings.

Nevertheless, the following practices of the House result in the weekly rotation schedules becoming an inaccurate record:

- (a) special adjournment motions not to sit on a particular Thursday; or
- (b) suspension of Standing Orders so as to cancel Non-Government Members' or Private Members' Business on a particular Thursday; or
- (c) Members may decide against using their allocated session and not submit an item of business by the deadline; or
- (d) two parties may informally agree to 'swap' their allocated sessions.

It is this last practice that occurs the most infrequently (only four times for Non-Government Business since 2012), but is the most likely to cause confusion or result in a point of order.

Parties to these swap arrangements wish to keep them informal and flexible, and have indicated a preference against swaps requiring adoption by, or the leave of, the House. Nevertheless, there seems to be agreement that there needs to be a record of these arrangements and that, where possible, the schedules should be capable of being updated to reflect them.

In the long term it may be necessary to amend Standing Orders 111 and 112 to formally recognise swap arrangements. However, in the interim, I am satisfied that swap arrangements have become an accepted practice of the House. What needs to be addressed, however, is the lack of any formal record of these arrangements and the lack of notice to the House.

I understand that Hon Aaron Stonehouse has entered into an agreement with the Liberal Party whereby he has swapped his allocated Non-Government Business session this Thursday, 12 October 2017, for the Liberal Party's allocated session on Thursday, 7 December 2017. That arrangement is now on the record.

Where swap arrangements occur in the future, I request that each of the parties involved write to me confirming the arrangement prior to the Tuesday of the first sitting week affected. I will then table the letters at the first available opportunity so that there is a formal record of the arrangement and that sufficient notice is given to the House.

The Non-Government Business Schedule on the website will be updated to provide an accurate record.

3. Statement by President — Standing Committee on Estimates and Financial Operations — 2016-17 Annual Report hearings

The President made the following Statement —

Members, I have received a letter, which states —

Dear Madam President

2016-17 Annual Report hearings

As you are aware, the Standing Committee on Estimates and Financial Operations (Committee) regularly conducts hearings into agency annual reports, as part of its scrutiny function.

In light of the release of the 2017-18 Budget on 7 September 2017, and the related Estimates review process being conducted on Monday 16 October to Friday 20 October, the Committee has resolved to hold hearings into the 2016-17 Annual Reports in early February 2018.

The Committee will provide further details to the Legislative Council as soon as practicable.

The Committee requests that you advise the Council of the above at your earliest convenience.

Yours sincerely

Hon Alanna Clohesy

Chair

4. Petitions

Hon Ken Baston presented a petition from 3,655 petitioners requesting the Legislative Council to oppose the proposed gold royalty increase. (Tabled Paper 748).

Hon Martin Aldridge presented a petition from 149 petitioners requesting the Legislative Council to review the decision to cancel funding to Moora Residential College. (Tabled Paper 749).

5. Ministerial Statement — Select Committee into Elder Abuse — Correction

The Leader of the House made a Ministerial Statement with respect to the Select Committee into Elder Abuse and corrected her earlier speech on the motion to establish the committee, advising that the Department of Justice would be responsible for establishing a register of enduring powers of attorney and guardianship, not the Department of Communities.

6. Ministerial Statement — Metropolitan Region Scheme Amendment 1291/41 Herdsman-Glendalough Precinct

The Minister for Environment representing the Minister for Planning made a Ministerial Statement with respect to *Metropolitan Region Scheme Amendment 1291/41 Herdsman-Glendalough Precinct*.

The Minister for Environment representing the Minister for Planning tabled *Metropolitan Region Scheme 1291/41 Herdsman-Glendalough Precinct Map (October 2017)*. (Tabled Paper 750).

The Minister for Environment representing the Minister for Planning tabled *Metropolitan Region Scheme 1291/41 Herdsman-Glendalough Precinct Report (October 2017)*. (Tabled Paper 751).

7. Ministerial Statement — World Pregnancy and Infant Loss Remembrance Day

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to World Pregnancy and Infant Loss Remembrance Day.

8. Papers

The following Papers were laid on the Table by —

Minister for Environment

Annual Reports —

Fire and Emergency Services Superannuation Board (2016-2017)
(Date received 11/10/2017)..... 746

Parliamentary Secretary to the Deputy Premier

Annual Reports —

Mental Health Advocacy Service (2016-2017) (Date received 11/10/2017)..... 747

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

Hon Robin Chapple presented Report No. 3 of the Joint Standing Committee on Delegated Legislation, *Procedures for dealing with consequential amendments to delegated legislation following enactment of primary legislation*. (Tabled Paper 752).

10. Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — Parliamentary Inspector's report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms

Hon Jim Chown presented Report No. 4 of the Joint Standing Committee on the Corruption and Crime Commission, *Parliamentary Inspector's report on a complaint by Dr Robert Cunningham and Ms Catherine Atoms*. (Tabled Paper 753).

11. Regional and Rural Palliative Care

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

That this House —

- (a) expresses concern for the lack of ongoing funding for regional and rural palliative care health professionals;
- (b) notes that increased funding is needed generally but in particular to help train and equip health professionals with the necessary skills to deliver modern palliative care to regional and remote patients; and
- (c) further notes that the Joint Select Committee on End of Life Choices is presently inquiring into the role of palliative care in our State and calls on it to inquire into this current need for more regional and rural palliative care funding.

Debate ensued.

Motion lapsed.

12. Order of Business

Ordered — That Orders of the Day Nos 2, *Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance*, 3, *Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 4, *City of Busselton Waste Local Law 2016 — Disallowance*, 5, *Legal Profession (Law Library Fees) Rules 217 — Disallowance*, 7, *Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 9, *Shire of Chittering Waste Local Law 2017 — Disallowance*, 10, *City of Gosnells Waste Local Law 2016 — Disallowance*, 13, *City of Joondalup Animals Amendment Local Law 2016 — Disallowance*, 14, *Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance*, 15, *City of South Perth Waste Local Law 2017 — Disallowance*, 16, *Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, 17, *City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance*, 18, *Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance*, 20, *Commerce Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance*, and 21, *Shire of Woodanilling, Animals, Environment and Nuisance Local Law 2017 — Disallowance*, be taken after

Order of the Day No. 35, *Standing Committee on Procedure and Privileges – Report No. 45 – Outstanding Matters from the 39th Parliament*. (Leader of the House).

13. Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — 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. 1, *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016*, be discharged from the Notice Paper.

Question — put and passed.

14. Shire of Narembeen Animals, Environment and Nuisance Local Law 2016 — 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. 6, *Shire of Narembeen Animals, Environment and Nuisance Local Law 2017*, be discharged from the Notice Paper.

Question — put and passed.

15. Shire of Murray Waste Local Law 2016 — 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. 8, *Shire of Murray Waste Local Law 2016*, be discharged from the Notice Paper.

Question — put and passed.

16. Shire of Moora Dogs Local Law 2016 — 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. 11, *Shire of Moora Dogs Local Law 2016*, be discharged from the Notice Paper.

Question — put and passed.

17. Shire of Moora Waste Local Law 2016 — 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. 12, *Shire of Moora Waste Local Law 2016*, be discharged from the Notice Paper.

Question — put and passed.

18. Mining Amendment Regulations (No. 2) 2017 — Disallowance

The Order of the Day having been read for the adjourned debate on the motion of Hon Jacqui Boydell as follows —

That the *Mining Amendment Regulations (No. 2) 2017* published in the *Gazette* on 29 September 2017 and tabled in the Legislative Council on 10 October 2017 under the *Mining Act 1978*, be and are hereby disallowed.

Debate resumed.

19. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to salary figures for Western Power and Synergy employees receiving an annual salary more than double their base salary in 2016-17, in response to a question without notice asked by Hon Peter Collier.

The Minister for Agriculture and Food tabled documents in relation to the Primary Industries and Regional Development's Wild Dog Forum and the organisations invited, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 754).

The Minister for Regional Development representing the Minister for Forestry tabled documents in relation to native forest harvested by the Forest Products Commission, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 755).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the Southern Inland Health Initiative Governance Group's terms of reference, in response to question on notice No. 322 asked by Hon Martin Aldridge. (Tabled Paper 756).

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade, by leave, incorporated into *Hansard* information in relation to the Government's commitment to implement a 15-year railcar strategy that aims to achieve more than 50 per cent of manufacturing of passenger railcars within Western Australia, in response to a question without notice asked by Hon Colin Tincknell.

20. Mining Amendment Regulations (No. 2) 2017 — Disallowance

Debate resumed on the motion of Hon Jacqui Boydell (*see item 18 above*).

Question — put.

The Council divided.

Ayes (17)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Colin de Grussa
 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 Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Noes (16)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang
 Hon Martin Pritchard (*Teller*)

Motion thus passed.

21. Members' Statements

Statements were taken.

22. Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017

The President reported the receipt of Message No. 27 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Public Sector Management moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Public Sector Management moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Public Sector Management tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 757).

Debate stands adjourned.

23. Adjournment

The Council adjourned at 6.05pm until Tuesday, 31 October 2017 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin Holt and Hon Samantha Rowe.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council