

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 79
THURSDAY, 13 SEPTEMBER 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. Petition

Hon Kyle McGinn presented a petition from 1,216 petitioners requesting the Legislative Council to support advance care planning for the regions. (Tabled Paper 1786).

3. Ministerial Statement — Independent Public Schools in 2019

The Minister for Education and Training made a Ministerial Statement with respect to the development and selection of independent public schools in 2019.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Documents —

Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 —
Second Reading Speech (correction) 1785

Minister for Regional Development

Annual Reports —

Agricultural Produce Commission (2017–2018) (Date received 12/09/2018)..... 1779
Landcare Trust (for the year ending 30 June 2018) 1780
Peel Development Commission (2017–2018) (Date received 12/09/2018)..... 1781
Pilbara Development Commission (2017–2018) (Date received 12/09/2018) 1782
Veterinary Surgeons Board (2017–2018) (Date received 12/09/2018)..... 1783
Wheatbelt Development Commission (2017–2018) (Date received 12/09/2018) 1784

5. Select Committee into Elder Abuse — Report No. 1 — ‘I never thought it would happen to me’: when trust is broken

Hon Nick Goiran presented Report No. 1 of the Select Committee into Elder Abuse, ‘*I never thought it would happen to me*’: when trust is broken. (Tabled Paper 1787).

6. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Talking to the Experts

Hon Dr Sally Talbot presented Report No. 2 of the Joint Standing Committee on the Commissioner for Children and Young People, *Talking to the Experts*. (Tabled Paper 1788).

7. Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance

Hon Kyle McGinn: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Environmental Protection Amendment Regulations (No. 2) 2018* published in the *Gazette* on 12 June 2018 and tabled in the Legislative Council on 26 June 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled paper No. 1453).

8. Duties Amendment Regulations 2018 — Disallowance

Hon Kyle McGinn: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Duties Amendment Regulations 2018* published in the *Gazette* on 22 June 2018 and tabled in the Legislative Council on 26 June 2018 under the *Duties Act 2008*, be and are hereby disallowed. (Tabled paper No. 1452).

9. Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance

Hon Kyle McGinn: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Water Services Regulations Amendment (Fees and Charges) Regulations 2018* published in the *Gazette* on 22 June 2018 and tabled in the Legislative Council on 26 June 2018 under the *Water Services Act 2012*, be and are hereby disallowed. (Tabled paper No. 1468).

10. Strata Titles Amendment Bill 2018 — Referral of part of the Bill to the Standing Committee on Legislation and Suspension of Standing Orders

The Minister for Environment moved, without notice —

That in relation to the Strata Titles Amendment Bill 2018 —

- (a) proposed Part 12 (Termination of strata titles scheme) inserted by clause 83 of Division 3, Part 2 to the *Strata Titles Amendment Bill 2018* (Bill) be referred to the Legislation Committee for consideration and report by Tuesday, 16 October 2018;
- (b) the Legislation Committee may consider other clauses of the Bill to the extent that any amendments to Part 12 (Termination of strata titles schemes) recommended by it require consequential amendments to the Bill;
- (c) in its consideration of Part 12 and other clauses of the Bill under paragraph (b) the Legislation Committee has the power to consider the policy of the Bill in those clauses only;
- (d) the House may proceed with consideration of the Bill, other than the matters referred under paragraph (a) but the Committee of the Whole House shall not agree to a resolution to report the Bill to the House until after the Legislation Committee reports on the referral of proposed Part 12 and any related matter; and
- (e) That so much of standing orders be suspended to allow the Legislation Committee to meet in relation to this inquiry whilst the Council is sitting.

Debate ensued.

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.

11. Live Sheep Export Trade

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

That this House acknowledges the importance of the live sheep export trade for the economy and rural Western Australia and supports the continuation of the trade as it exists today under the Exporter Supply Chain Assurance System and the Australian Standards for Export of Livestock.

Debate ensued.

Motion lapsed.

12. Statement by President — Distribution of Speaking Times

The President made the following Statement —

I know there has been a lot of discussion over time about how many speakers speak and who gets to speak during non-government business. Today we saw a good example of how most non-government Members have had an opportunity. There are six non-government parties in this Chamber. We have had a Minister respond on behalf of the Government. I note Hon Darren West's comments about being a farmer and having an interest here. But I gave the call to those other Members because they were non-government and not part of the executive, because that was appropriate. If on these occasions dealing with the matter you have this type of interest in, you might discuss with the Minister for Agriculture and Food whether or not you speak on behalf of the Government as her Parliamentary Secretary. I say that because I am trying to make sure that those non-government Members are able to use this particular time with an appropriate government response from a Member. If there are occasions when there is opportunity to give more Government backbenchers speaking time, that will happen. But I say that when we get to private members' time, which is essentially private members' time for Government backbenchers, I think the same opportunity should be afforded to government backbenchers who rarely get to have a say, and they should be given more opportunity perhaps than Members of non-government parties during this session. It is just about trying to make sure that in each of these motions periods, respective groups get an opportunity to have a say on a motion in front of us.

I say that as a bit of advice so that people do not think it is an unfair approach. It is trying to take a more balanced approach to the different groups in this House. I am sure that the Deputy President and the Acting Presidents will take a similar approach as we move forward.

13. Alcoa — EBA Cancellation

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

That the Legislative Council of Western Australia calls on Alcoa to reconsider its actions to cancel the current EBA with the Australian Workers Union which will result in AWU workers having their pay cut by 52 percent.

Debate ensued.

Motion lapsed.

14. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 2, *City of Karratha Fencing Local Law 2018 — Disallowance*, 3, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 4, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 5, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 6, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 7, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 8, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, and 10, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, be taken after Order of the Day No. 22, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*. (Leader of the House).

15. Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Kyle McGinn moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 9, *Metropolitan Region Scheme Major Amendment 1308/41 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

16. Shire of Dundas Standing Orders Local Law 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Kyle McGinn moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 11, *Shire of Dundas Standing Orders Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

17. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018

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

Debate resumed.

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

Leave granted.

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

18. Order of Business

Ordered — That Order of the Day No. 1, *Environmental Protection Amendment Regulations 2018 — Disallowance*, be taken forthwith. (Minister for Environment).

19. Environmental Protection Amendment Regulations 2018 — Disallowance

The Order of the Day having been called for the motion of Hon Dr Steve Thomas moved *pro forma* as follows —

That the *Environmental Protection Amendment Regulations 2018* published in the *Gazette* on 27 April 2018 and tabled in the Legislative Council on 8 May 2018 under the *Environmental Protection Act 1986*, be and are hereby disallowed. (Tabled paper No. 1310).

Debate ensued.

Hon Dr Steve Thomas, by leave, tabled a letter from the Minister for Environment in relation to the *Environmental Protection Amendment Regulations 2018*. (Tabled Paper 1789).

Debate resumed.

Hon Dr Steve Thomas, by leave, withdrew the motion.

20. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Water tabled documents in relation to attendance at the Water Resources Reform Reference Group meeting on 1 March 2018, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 1790).

The Parliamentary Secretary to the Deputy Premier on behalf of the Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to a breakdown of savings attributed to camp schools, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Environment representing the Minister for Emergency Services, Corrective Services tabled information in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1516 asked by Hon Tjorn Sibma. (Tabled Paper 1791)

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1512 asked by Hon Tjorn Sibma.

The Minister for Environment representing the Minister for Transport, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1573 asked by Hon Robin Chapple will be provided on 18 September 2018.

The Minister for Regional Development representing the Minister for Mines and Petroleum, by leave, incorporated into *Hansard* information in relation to separation distances between industrial and sensitive land uses, in response to a question without notice asked by Hon Colin Holt.

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science tabled documents in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1524 asked by Hon Tjorn Sibma. (Tabled Paper 1792).

The Parliamentary Secretary to the Deputy Premier on behalf of the Leader of the House representing the Minister for Child Protection, Women's Interests, Prevention of Family and Domestic Violence, Community Services tabled documents in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1507 asked by Hon Tjorn Sibma. (Tabled Paper 1793).

The Parliamentary Secretary to the Deputy Premier on behalf of the Minister for Education and Training tabled documents in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1520 asked by Hon Tjorn Sibma. (Tabled Paper 1794).

The Parliamentary Secretary representing the Deputy Premier; Minister for Health; Mental Health tabled documents in relation to Voluntary Targeted Separation Scheme separations for each agency in the Minister's portfolio, in response to question on notice No. 1521 asked by Hon Tjorn Sibma. (Tabled Paper 1795).

21. National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

The President reported the receipt of Message No. 86 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment on behalf of the Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1796).

Debate stands adjourned and Bill discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

22. Order of Business

Ordered — That Members' Statements be taken forthwith. (Minister for Environment).

23. Members' Statements

Statements were taken.

24. Adjournment

The Council adjourned at 5.54pm until Tuesday, 18 September 2018 at 2.00pm.

Members present during the day's proceedings

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

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council