

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 96
WEDNESDAY, 21 NOVEMBER 2018

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — National Recycling Week

The Minister for Environment made a Ministerial Statement with respect to National Recycling Week on 12 to 18 November 2018.

The Minister for Environment tabled a list of the awards, winners and entrants of the Infinity Awards. (Tabled Paper 2209).

3. Ministerial Statement — Aboriginal Employment

The Minister for Regional Development made a Ministerial Statement with respect to Aboriginal employment outcomes in the Goldfields.

4. Ministerial Statement — Alcohol. Think Again campaign

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the Alcohol. Think Again campaign.

5. Papers

The following Papers were laid on the Table by —

Minister for Environment

Leases —

CALM Lease No. 2269/97 — Between the Conservation and Land Management Executive Body and WA Timber Products Pty Ltd for use of the Department owned Sawmill Site located at Dwellingup in State Forest No. 14..... 2207

Minister for Regional Development

Annual Reports —

Architects Board of Western Australia (2017–2018) (Date received 20/11/2018)..... 2208

6. Publication of Committee Minutes of Meetings — Select Committee on End of Life Choices

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

- (1) That the Speaker of the Legislative Assembly cause to be Tabled in both the Legislative Council and the Legislative Assembly, within three sitting days of both Houses having so ordered, all minutes of meetings of the Select Committee on End of Life Choices,

redacted only to maintain as private the details of any private evidence or personal information; and

- (2) That the Legislative Assembly be invited to pass a resolution in similar terms.

Question — put.

The Council divided.

Ayes (13)

Hon Tim Clifford
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Michael Mischin
Hon Simon O'Brien
Hon Tjorn Sibma

Hon Charles Smith
Hon Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (19)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Adele Farina
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Rick Mazza
Hon Kyle McGinn
Hon Martin Pritchard
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Motion thus negated.

7. Retirement Villages Act 1992 — Reform

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved —

That this House —

- (1) Notes the growing ageing population increasingly looking for suitable accommodation options to facilitate ageing in place;
- (2) Calls on the government to reform the *Retirement Village Act 1992* and associated subsidiary legislation as a matter of priority particularly, but not limited to, strengthening provisions in the following areas —
 - (a) definitions;
 - (b) enforceability of a code of conduct;
 - (c) timely action by the Commissioner for Consumer Protection;
 - (d) training of managers;
 - (e) contracts;
 - (f) responsibility for capital maintenance and upgrade/ replacement;
 - (g) refurbishment of residential units on departure from a village;
 - (h) dispute resolution process; and
 - (i) exit fees.
- (3) Calls on the government to engage in extensive consultation with the sector, including the Western Australian Retirement Villages Residents' Association, prior to finalising any proposed legislation.

Debate ensued.

Interruption pursuant to order.

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. 7 — Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Elder Abuse — Final Report — 'I never thought it would happen to me': When trust is broken

Debate resumed on the motion of Hon Nick Goiran, 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. 7 — *Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms* and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — *Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke* and postponed consideration to the next sitting.
- (3) Select Committee into Elder Abuse — Final Report — *'I never thought it would happen to me': When trust is broken*, made progress and seeks to sit again.

Report adopted.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 2, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, 3, *Shire of Victoria Plains Extractive Industries Local Law 2018 — Disallowance*, 4, *City of Mandurah Cemeteries Amendment Local Law — Disallowance*, 5, *Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, and 6, *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance*, be taken after Order of the Day No. 15, *Public and Health Sector Legislation Amendment (Right of Return) Bill 2018*. (Leader of the House).

10. 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 inquiry into mining on Pinjin Station be extended from 21 February 2019 to 11 June 2019.

Question — put and passed.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to projects funded by the Department of Education that were considered by the Auditor General in the *Audit Results Report, Annual 2017–19 Financial Audits of State Government Entities*, in response to a question without notice asked by Hon Michael Mischin.

The Parliamentary Secretary to the Minister for Mental Health tabled briefing notes from the Mental Health Commissioner regarding Exit International suicides, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2210).

The Minister for Environment representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the members of each District Leadership Group in the East Kimberley, West Kimberley, Pilbara and Goldfields, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Finance tabled documents in relation to the Department of Finance's media booking, buying and planning services for advertising, in response to question on notice No. 1709 asked by Hon Martin Aldridge. (Tabled Paper 2211).

12. Animal Welfare Amendment Bill 2017

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 102

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Animal Welfare Amendment Bill 2017* without amendment.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 20 November 2018

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

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

The President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Attorney General tabled the *National Redress Scheme Participant and Cost Estimates*. (Tabled Paper 2212).

The Leader of the House representing the Attorney General tabled the *National Redress Scheme for Institutional Child Sexual Abuse Declaration 2018*. (Tabled Paper 2213).

The Leader of the House representing the Attorney General tabled the *National Redress Scheme for Institutional Child Sexual Abuse Amendment (2018 Measures No. 4) Declaration 2018* (Tabled Paper 2214).

The Leader of the House representing the Attorney General tabled a chart of the Western Australian Government by the Public Sector Commission. (Tabled Paper 2215).

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.

14. Members' Statements

Statements were taken.

15. Gender Reassignment Amendment Bill 2018

The President reported the receipt of Message No. 101 from the Legislative Assembly forwarding the Bill for concurrence.

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 Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2216).

Debate stands adjourned.

16. Adjournment

The Council adjourned at 6.55pm until Thursday, 22 November 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jim Chown and Hon Robin Scott.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council