

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

---

**MINUTES OF PROCEEDINGS**

**No. 99**

**WEDNESDAY, 28 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. Petitions**

Hon Alison Xamon presented a petition from 1,071 petitioners requesting the Legislative Council to oppose and review the City of Subiaco's Draft Local Planning Scheme No. 5 and Draft Local Planning Scheme. (Tabled Paper 2245).

Hon Peter Collier presented a petition from 1,062 petitioners requesting the Legislative Council oppose and review the City of Subiaco's Draft Local Planning Scheme No. 5 and Draft Local Planning Scheme. (Tabled Paper 2244).

Hon Charles Smith presented a petition from 32 petitioners requesting the Legislative Council to inquire into the performance of the Local Government Standards Panel. (Tabled Paper 2246).

Hon Tjorn Sibma presented a petition from 1,081 petitioners requesting the Legislative Council to call on the Premier and the Minister for Culture and the Arts to reverse the decision and grant Picabar long term tenure. (Tabled Paper 2247).

Hon Diane Evers presented a petition from 26 petitioners requesting the Legislative Council to support protection of Lake Jasper from mining and reinstate surrounding land into D'Entrecasteaux National Park. (Tabled Paper 2248).

**3. Ministerial Statement — Extension of ACWY Free Vaccine**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the extension of the meningococcal ACWY free vaccination program.

**4. Papers**

The following Papers were laid on the Table by —

**Minister for Environment**

*Reports*

State Emergency Management Committee — Emergency Preparedness Report (2018)... 2241

**Minister for Regional Development**

*Addendums* —

Racing and Wagering — Annual Report (2017–2018)..... 2242

*Reports —*

Department of Mines, Industry Regulation and Safety — Report on the Operation of the Retirement Villages Act 1992 for the 2017–2018 financial year ..... 2243

## **5. Decriminalising possession of non-lethal means of self-defence — Postponement of Notice of Motion**

Hon Aaron Stonehouse moved, without notice —

That Notice of Motion No. 2 standing in my name, *Decriminalising possession of non-lethal means of self-defence*, be postponed until the next day's sitting of the Council.

Question — put and passed.

## **6. Retirement Villages Act 1992 — Reform**

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

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.

Motion — put and passed.

## **7. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

### **In Committee**

(Hon Adele Farina 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**

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Pursuant to Temporary Order No. 4, consideration of the report was postponed.

#### **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.

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*, made progress and seeks to sit again.
- (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.

Report adopted.

## 8. Order of Business

Ordered — That Orders of the Day Nos 1, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, 2, *City of Mandurah Cemeteries Amendment Local Law — Disallowance*, 3, *Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, 4, *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance*, and 5, *Biodiversity Conservation Regulations 2018 — Disallowance*, be taken after Order of the Day No. 14, *Public and Health Sector Legislation Amendment (Right of Return) Bill 2018*. (Minister for Environment)

## 9. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

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

## 10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to funding to the Local Projects, Local Jobs program, in response to a question without notice asked by Hon Michael Mischin.

The Minister for Environment representing the Minister for Emergency Services, by leave, incorporated into *Hansard* information in relation to the 'Are You Bushfire Ready' campaign, in response to a question without notice asked by Hon Colin Holt.

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to the number of sharks that have been detected at each of the 27 acoustic receivers, since 1 January 2017, in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 2249).

The Minister for Agriculture and Food tabled documents in relation to the State Government Voluntary Targeted Separation Scheme, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 2250).

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. 1711 asked by Hon Robin Chapple will be provided on 29 November 2018.

The Minister for Regional Development representing the Minister for Mines and Petroleum, by leave, incorporated into *Hansard* information in relation to petroleum leases in Western Australia, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development representing the Minister for Mines and Petroleum, by leave, incorporated into *Hansard* information in relation to mining lease application M70/1385 that covers areas within the Gingilup-Jasper wetland system, in response to a question without notice asked by Hon Diane Evers.

The Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade tabled documents in relation to briefing notes and advice to the Minister for her visit to the Agricultural Region on 24 October 2018, in response to question on notice No. 1728 asked by Hon Martin Aldridge. (Tabled Paper 2251).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to residential customers either in arrears or on a payment plan for the months of May to October 2018, in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 2252).

The Parliamentary Secretary to the Minister for Health tabled the *WA Health Patient Fees and Charges Manual 2018-2019*, in response to question on notice No. 1727 asked by Hon Martin Aldridge. (Tabled Paper 2253).

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

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 107

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018*.

Mr I.C. Blayney

Acting Speaker

Legislative Assembly Chamber

Perth, 28 November 2018

**12. Statement by President — Filming in Legislative Council Chamber**

The President made the following Statement —

Please note that I have approved of a short period of video-filming in the Chamber during the commencement of proceedings tomorrow morning.

It is intended to capture footage of Prayers, the Acknowledgement of Country and the start of Formal Business.

The film crew will be filming in the Chamber from the President's Gallery.

The footage is intended to be used on the Parliament's redesigned website as part of a short welcome video from the Presiding Officers of both Houses.

**13. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018**

Debate resumed on the second reading of this Bill (*see item 9 above*).

*Interruption pursuant to order.*

**14. Members' Statements**

Statements were taken.

**15. Adjournment**

The Council adjourned at 7.01pm until Thursday, 29 November 2018 at 10.00am.

**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