

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 98**  
**TUESDAY, 27 NOVEMBER 2018**

**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

**2. Ministerial Statement — Western Australian Education Awards 2018**

The Minister for Education and Training made a Ministerial Statement with respect to the winners of the Western Australian Education Awards 2018.

**3. Ministerial Statement — Albany Wave Energy Technology Development Project**

The Minister for Regional Development made a Ministerial Statement with respect to Carnegie Clean Energy's funding plan for their contribution to the Albany Wave Energy Technology Development project.

**4. Ministerial Statement — Government Response to the Joint Select Committee on End of Life Choices**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the Government's response to the Joint Select Committee on End of Life Choices Report, *My Life, My Choice*.

The Parliamentary Secretary to the Minister for Health tabled the Government's response to the Joint Select Committee on End of Life Choices Report, *My Life, My Choice*. (Tabled Paper 2234).

**5. Ministerial Statement — Methamphetamine Action Plan Taskforce**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the Government's boost to its Methamphetamine Action Plan.

The Parliamentary Secretary to the Minister for Health tabled the *Methamphetamine Action Plan Taskforce, Final Report*. (Tabled Paper 2235).

**6. Papers**

The following Papers were laid on the Table by —

**President**

*Reports* —

Inspector of Custodial Services, Office of the — Prisoner Access to Secure Mental Health Treatment (September 2018) ..... 2228

**Minister for Environment***Addendums* —

Department of Fire and Emergency Services — Annual Report (2017–2018)..... 2229

*Annual Reports* —

Conservation and Parks Commission — Annual Report (2017–18)  
(Date received 22/11/2018)..... 2230

*Directions* —

Ministerial Direction from Minister for Planning — In relation to DR279 (2018)  
between Woodside Energy Ltd and Presiding Member of Kimberley Pilbara  
Gascoyne Joint Development Assessment Panel — Pursuant to section  
246 (2) (A) of the Planning and Development Act 2005 ..... 2231

*Regulations* —

Police Act 1892 (Police Force Amendment Regulations (No. 3) 2018 G.G. 23/11/2018)..... 2232

*Reports* —

Independent Scientific Panel Inquiry into Hydraulic Fracture Stimulation in Western  
Australia ..... 2236

Appendices — Independent Scientific Panel Inquiry into Hydraulic Fracture  
Stimulation in Western Australia ..... 2237

**Parliamentary Secretary to the Deputy Premier***Local Laws* —

Health (Miscellaneous Provisions) Act 1911 (Shire of Kulin Animals, Environment and Nuisance  
Amendment Local Law 2018 G.G. 23/11/2018)..... 2233

**7. Petroleum and Geothermal Energy Resources Amendment (banning the use of hydraulic fracture stimulation) Bill 2018**

Hon Robin Chapple: To move on the next day of sitting —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* to ban the use of hydraulic fracture stimulation (fracking) for onshore exploration or development of shale and coal seam gas in Western Australia.” be introduced and read a first time.

**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*. (Leader of the House).

**9. 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 Simon O’Brien in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clauses 2 to 12 agreed to.

Clause 13.

Debate ensued.

The Leader of the House representing the Attorney General tabled a table explaining the proposed Government amendments to the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018*. (Tabled Paper 2238).

The Leader of the House representing the Attorney General moved —

Page 10, lines 16 to 19 — To delete the lines.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 14.

Debate ensued.

Question — put and negatived.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.

Hon Nick Goiran moved —

Page 12, lines 6 to 8 — To delete the lines.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

New Part 6.

Hon Michael Mischin moved —

Page 13, after line 6 — To insert:

### Part 6 — Tabling particular documents

#### 18. Tabling documents relating to scheme reviews

(1) In this section —

*intergovernmental agreement* means the Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse between the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia as in force from time to time;

*scheme review* means —

- (a) a review under the National Redress Act section 192(1) or (3); or
- (b) a review of the operation and objectives of the intergovernmental agreement carried out under clause 36 of that agreement.

(2) If a scheme review is carried out, the Minister must —

- (a) if a report or other document is prepared as a result of the scheme review — cause the document to be laid before each House of Parliament as soon as practicable after the Minister receives the document, but not later than 6 sitting days of the House after the day the Minister received it; or

- (b) if there is no report or other document to which paragraph (a) applies — prepare a report about the scheme review and cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 6 sitting days of the House after the day on which the scheme review is finalised.
- (3) If a report or other document to which subsection (2)(a) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (2)(a) by removing the sensitive, confidential or personal information from the document before causing the document to be laid before each House.

Debate ensued.

Hon Michael Mischin moved to amend the amendment as follows —

At 18(1), to insert after “between” —

the Commonwealth of Australia,

Debate ensued.

Amendment to the amendment— put.

The Committee divided.

**Ayes (21)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Diane Evers  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Colin Holt  
 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 Alison Xamon  
 Hon Ken Baston (*Teller*)

**Noes (12)**

Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Laurie Graham  
 Hon Alannah MacTiernan  
 Hon Kyle McGinn

Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Amendment to the amendment thus passed.

Debate resumed on the amendment, as amended.

**10. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to the number of dedicated palliative care doctors currently employed in the Western Australian health system, in response to a question without notice asked by Hon Jim Chown.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to residential customers either in arrears or on payment plans with Horizon Power, in response to a question without notice asked by Hon Ken Baston.

The Leader of the House representing the Minister for Child Protection, by leave, incorporated into *Hansard* information in relation to Operation Flederemaus, in response to a question without notice asked by Hon Nick Goiran.

The Minister for Regional Development representing the Minister for Mines and Petroleum, by leave, incorporated into *Hansard* information in relation to the lithium mine at Old Newdegate Road, Raventhorpe, being operated by Galaxy Resources, in response to a question without notice asked by Hon Diane Evers.

The Minister for Agriculture and Food, by leave, incorporated into *Hansard* information in relation to a budget underspend by the Department of Primary Industries and Regional Development, in response to a question without notice asked by Hon Rick Mazza.

The Parliamentary Secretary to the Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to the consumer feedback survey questions and answer options, in response to a question without notice asked by Hon Alison Xamon.

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

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

#### **In Committee**

(Hon Dr Steve Thomas in the Chair)

New Part 6.

Debate resumed on the amendment, as amended, of Hon Michael Mischin as follows —

Page 13, after line 6 — To insert:

#### **Part 6 — Tabling particular documents**

#### **18. Tabling documents relating to scheme reviews**

(1) In this section —

*intergovernmental agreement* means the Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse between the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia as in force from time to time;

*scheme review* means —

- (a) a review under the National Redress Act section 192(1) or (3); or
  - (b) a review of the operation and objectives of the intergovernmental agreement carried out under clause 36 of that agreement.
- (2) If a scheme review is carried out, the Minister must —
- (a) if a report or other document is prepared as a result of the scheme review — cause the document to be laid before each House of Parliament as soon as practicable after the Minister receives the document, but not later than 6 sitting days of the House after the day the Minister received it; or
  - (b) if there is no report or other document to which paragraph (a) applies — prepare a report about the scheme review and cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 6 sitting days of the House after the day on which the scheme review is finalised.
- (3) If a report or other document to which subsection (2)(a) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (2)(a) by removing the

sensitive, confidential or personal information from the document before causing the document to be laid before each House.

The Leader of the House representing the Attorney General moved to amend the amended amendment as follows —

To delete clause 18(2) and 18(3) and insert —

- (2) Subsection (3) applies if —
  - (a) a scheme review is carried out; and
  - (b) a report is prepared by the person carrying out the review; and
  - (c) the Minister receives the report.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives the report, but not later than 6 sitting days of the House after the Minister received it.
- (4) If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

Debate ensued.

Amendment to the amended amendment — put and passed.

New Part 6 agreed to.

New Part 7.

The Leader of the House representing the Attorney General moved —

Page 13, after line 6 — To insert:

**Part 7 — *Criminal Injuries Compensation Act 2003* amended**

**18. Act amended**

This Part amends the *Criminal Injuries Compensation Act 2003*.

**19. Section 42 amended**

- (1) In section 42(3) delete “received by way of compensation or damages, or under a contract of insurance,” and insert:

received, whether under a contract of insurance or otherwise,

- (2) In section 42(4) delete “amount by way of compensation or damages, or under a contract of insurance,” and insert:

amount, whether under a contract of insurance or otherwise,

Debate ensued.

Amendment — put and passed.

New Part 7 agreed to.

Title.

The Leader of the House representing the Attorney General moved —  
Page 1, after the 2<sup>nd</sup> bullet point — To insert:

- **to amend the *Criminal Injuries Compensation Act 2003*; and**

Amendment — put and passed.

Title, as amended, agreed to.

The Acting President resumed the Chair.

Bill reported with amendment and an amendment to the long title.

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 *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018* 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. Cognate Debate — Betting Tax Bill 2018 and Betting Tax Assessment Bill 2018**

The Minister for Environment representing the Minister for Finance sought leave of the Council to debate Order of the Day No. 20, *Betting Tax Bill 2018*, and Order of the Day No. 21, *Betting Tax Assessment Bill 2018*, cognately [SO 127].

Leave granted.

## **13. Betting Tax Bill 2018 and Betting Tax Assessment Bill 2018**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

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

## **14. Order of Business**

Ordered — That Order of the Day No. 28, *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, be taken forthwith. (Minister for Environment).

## **15. 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.

*Interruption pursuant to order.*

## **16. Members' Statements**

Statements were taken.

Hon Martin Aldridge, by leave, tabled a WA Labor advertisement in relation to Border Force and a partial article about Christmas retail trading hours in Perth. (Tabled Paper 2239).

**17. Residential Parks (Long-stay Tenants) Amendment Bill 2018**

The President reported the receipt of Message No. 103 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2240).

Debate stands adjourned.

**18. Adjournment**

The Council adjourned at 10.14pm until Wednesday, 28 November 2018 at 1.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council