

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

**MINUTES OF PROCEEDINGS**

**No. 50**

**TUESDAY, 27 MARCH 2018**

**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

**2. Message from Her Excellency the Governor — Assent to Bill**

The President reported the receipt of a Message from Her Excellency the Governor assenting to the following Bill —

**23 March 2018 — Message No. 4**

Sentence Administration Amendment Bill 2017

**Act No.**

2 of 2018

**3. Statement by President — Wheelchair Challenge — Rebound WA — Hon Pierre Yang**

The President made the following Statement —

Members will notice that Hon Pierre Yang is not sitting in his usual place today. Hon Pierre Yang is participating in a wheelchair challenge, an event that challenges people to spend just one day of their life in a wheelchair. The wheelchair challenge is supported by Rebound WA, which is a charitable organisation that aims to raise awareness of the daily issues of accessibility encountered by children and adults who live with a physical disability. As such, I have approved a temporary seating change for Hon Pierre Yang for the balance of this day's sitting to facilitate the challenge. I hope that all Members will support him in his goal to support Rebound WA.

**4. Statement by President — Standing Committee on Legislation — Inquiry into the Animal Welfare Amendment Bill 2017 — Substitution of Member**

The President made the following Statement —

I have a letter from Hon Dr Sally Talbot, Chair of the Standing Committee on Legislation, which states —

Dear Madam President

Inquiry into the *Animal Welfare Amendment Bill 2017*

I am writing to you in relation to the Standing Committee on Legislation's inquiry into the *Animal Welfare Amendment Bill 2017*, referred to the Committee on 21 March 2018.

The Committee met on 21 March 2018 and pursuant to Standing Order 163, resolved to order the substitution of the Hon Jim Chown MLC in place of the Hon Nick Goiran MLC as a Member of the Committee for the duration of the inquiry. Both Members have agreed to this substitution.

Yours sincerely

Hon Dr Sally Talbot MLC

Chair, Standing Committee on Legislation

## 5. Petitions

Hon Ken Baston presented a petition from 660 petitioners requesting the Legislative Council to recommend that the State Government rescind its decision to close the School of the Air. (Tabled Paper 1183).

Hon Simon O'Brien presented a petition from 91 petitioners requesting the Legislative Council to recommend that the State Government reverse its decision in regards to the Murdoch Drive Connection. (Tabled Paper 1184).

## 6. Ministerial Statement — Health Practitioner Regulation National Law (WA) Amendment Bill 2017

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*.

The Parliamentary Secretary to the Minister for Health tabled an amended version of the Explanatory Memorandum to the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*. (Tabled Paper 1185).

The Parliamentary Secretary to the Minister for Health tabled a response to the findings and recommendations of the Standing Committee on Uniform Legislation and Statutes Review contained in Report No. 109, *Health Practitioner Regulation National Law (WA) Amendment Bill 2017*. (Tabled Paper 1186).

## 7. Papers

The following Papers were laid on the Table by —

### President

#### Reports —

Inspector of Custodial Services, Office of the — The Digital Divide: Access to digital technology for people in custody (February 2018) ..... 1173

### Leader of the House

#### Annual Reports —

Edith Cowan University (2017) (Date Received 22/03/2018)..... 1174

North Regional TAFE (2017) (Date Received 22/03/2018)..... 1175

South Regional TAFE (2017) (Date Received 22/03/2018)..... 1176

#### Local Laws —

Local Government Act 1995 (City of Belmont Standing Orders Amendment Local Law 2018 G.G. 20/03/2018)..... 1177

#### Regulations —

Cat Act 2011 (Local Government Regulations Amendment (Cat and Dog) Regulations 2018 G.G. 23/03/2018)..... 1178

### Minister for Environment

#### Regulations —

Jetties Act 1926 (Jetties Amendment Regulations 2018 G.G. 20/03/2018) ..... 1179

### Minister for Regional Development

#### Notices —

Fair Trading Act 2010 (Consumer Goods (Motor Vehicles with Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018 G.G. 19/03/2018)..... 1180

#### Regulations —

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety Regulations Amendment Regulations 2018 G.G. 20/03/2018)..... 1181

*Reports —*

Forest Products Commission — (half-yearly report to 31 December 2017)..... 1182

**8. Standing Committee on Uniform Legislation and Statutes Review — Report No. 112 — Committee’s Treaty Function**

Hon Michael Mischin presented Report No. 112 of the Standing Committee on Uniform Legislation and Statutes Review, *Committee’s Treaty Function*. (Tabled Paper 1187).

Hon Michael Mischin moved, without notice —

That recommendation 1 of Report 112 of the Standing Committee on Uniform Legislation and Statutes Review, *Committee’s Treaty Function* be referred to the Procedure and Privileges Committee for inquiry and report.

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day’s sitting.

Leave granted.

**9. Litter Amendment (Balloons) Bill 2018**

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

That a Bill for “An Act to amend the *Litter Act 1979* to restrict the inflation, use or release of party balloons outdoors.” be introduced and read a first time.

**10. Order of Business**

Ordered — That Orders of the Day Nos 1, *Shire of Chittering Repeal Local Law 2017 — Disallowance*, 2, *Shire of Northampton Local Government Property Local Law 2017 — Disallowance*, 3, *Biosecurity and Agriculture Management Act 2007 Notice Under Section 130(1) — Disallowance*, 4, *Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 — Disallowance*, 5, *Transfer of Land Amendment Regulations 2017 — Disallowance*, 6, *City of Karratha Activities in Thoroughfares and Public Places and Trading Local Law 2017 — Disallowance*, 7, *Shire of Donnybrook-Balingup Meeting Procedures Local Law 2017 — Disallowance*, 8, *Shire of Broome Parking and Parking Facilities Amendment Local Law (2) 2017 — Disallowance*, 9, *Shire of Capel Dogs Local Law 2017 — Disallowance*, 10, *Shire of Collie Parking and Parking Facilities Amendment Local Law 2017 — Disallowance*, and 11, *Western Australian Meat Industry Authority Amendment Regulations 2017 — Disallowance*, be taken after Order of the Day No. 21, *Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017*. (Leader of the House).

**11. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017**

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.

Clause 2.

Debate ensued.

*Interruption pursuant to order.*

**12. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Community Services tabled documents in relation to the National Affordable Housing Agreement, the National Partnership Agreement on Homelessness and the breakdown of the joint State/Commonwealth funded services, in response to question on notice No. 513 asked by Hon Alison Xamon. (Tabled Paper 1188).

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to installation of shore based tensioning units at the Port of Geraldton, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment tabled documents in relation to the Department of Water and Environment Regulation and the Department of Mines, Industry Regulation and Safety application for a clearing permit on the Shenton Park Hospital Redevelopment Site, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 1189).

**13. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).

The President left the Chair.

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**In Committee**

(Hon Martin Aldridge in the Chair)

Clause 2.

Debate resumed.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

New Part 2A.

The Leader of the House representing the Attorney General moved —

Page 14, after line 16 — To insert:

**Part 2A — *Criminal Injuries Compensation Act 2003* amended**

**5A. Act amended**

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

**5B. Section 68 amended**

After section 68(1) insert:

- (1A) Subsection (1) does not apply if the amount referred to in subsection (1)(b) was reduced to take into account the compensation award referred to in subsection (1)(a).

Debate ensued.

Amendment — put and passed.

New Part agreed to.

Clause 6.

Debate ensued.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Deputy 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. Adjournment**

The Council adjourned at 10.11pm until Wednesday, 28 March 2018 at 1.00pm.

**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