

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

**MINUTES OF PROCEEDINGS**

**No. 121**

**THURSDAY, 11 APRIL 2019**

**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. Statement by President — Christchurch Terrorist Attack**

The President made the following Statement —

On Tuesday, 19 March, the Legislative Council expressed its deepest sympathy to the people of New Zealand and those affected by the abhorrent terrorist attack in Christchurch. I wrote to the Right Honourable Trevor Mallard, Speaker of the New Zealand House of Representatives, advising him of the resolution, and today I received a response from him and I thought I would share it with you. It states —

Dear Madam President

Thank you for your moving words of support and solidarity. It is certainly a comfort to know we are not alone in our sense of a deep loss.

As a country, we are all deeply shocked and heartbroken by Friday's horrific acts of terrorism and hate. The outpouring of love and generosity displayed across the country over these past few days has shown that no matter one's religion, ethnicity, or country of birth, we are all New Zealanders, and we will not tolerate violence or racism of any kind. We will continue to be proud of our multi-cultural and inclusive society and continue to promote these values to the world.

On behalf of the New Zealand Parliament, thank you once again for expressing your sympathy and support, and that of the Legislative Council of Western Australia. We shall hold this close as we continue to grieve, support the victims, their families, and our cherished Muslim communities.

Yours sincerely

Rt Hon Trevor Mallard

Speaker of the New Zealand House of Representatives

**3. Petition**

Hon Donna Faragher presented a petition from 28 petitioners requesting the Legislative Council to urge the State Government to make safety issues at the corner of Thomas Road. and Nicholson Road a state priority. (Tabled Paper 2619).

#### 4. Ministerial Statement — Ministerial Visit — Boao Forum, China

The Minister for Regional Development made a Ministerial Statement with respect to her Ministerial visit to the Hainan Province in China to represent the Western Australian Government at the Boao Forum for Asia Annual Conference.

The Minister for Regional Development tabled a report on her trip entitled *Report on Ministerial Visit to Boao Forum, China, 26–29 March 2019*. (Tabled Paper 2620).

#### 5. Ministerial Statement — Mobile Abattoir

The Minister for Agriculture and Food made a Ministerial Statement with respect to a working prototype of the first Australian mobile slaughtering unit design and built in Western Australia.

#### 6. Papers

The following Papers were laid on the Table by —

##### Leader of the House on behalf of the Minister for Environment

##### *Annual Reports —*

Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act 2012 (2017–2018) — Police Force Western Australia — Report for the Minister for Police (Date received 10/04/2019)..... 2616

Police Force, Western Australia — Criminal Investigation (Covert Powers) Act 2012 (WA) Assumed Identities (2013–2014) (Date received) ..... 2617

##### *Reports —*

Economic Regulation Authority — Report to the Minister for Energy on the Effectiveness of the Wholesale Electricity Market 2018 (Final Report April 2019) ..... 2618

#### 7. Standing Committee on Environment and Public Affairs — Report 50 — Terms of Reference: Inquiry into children and young people on the Sex Offenders Register — is mandatory registration appropriate?

Hon Matthew Swinbourn presented Report 50 of the Standing Committee on Environment and Public Affairs, *Terms of Reference: Inquiry into children and young people on the Sex Offenders Register — is mandatory registration appropriate?* (Tabled Paper 2621).

#### 8. Australian Computer Society Professional Standards Scheme — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Australian Computer Society Professional Standards Scheme* published in the *Gazette* on 12 February 2019 and tabled in the Legislative Council on 19 February 2019 under the *Professional Standards Act 1997*, be and is hereby disallowed. (Tabled paper 2408).

#### 9. Dangerous Sexual Offenders Amendment Regulations 2019 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Dangerous Sexual Offenders Amendment Regulations 2019* published in the *Gazette* on 15 February 2019 and tabled in the Legislative Council on 19 February 2019 under the *Dangerous Sexual Offenders Act 2006*, be and is hereby disallowed. (Tabled paper 2407).

## 10. Stamp Duty Exemptions for Retirees

Hon Colin Tincknell: To move on the next day of sitting —

That this House calls on the State Government to extend stamp duty exemptions to Western Australian retirees to:

- (a) provide an incentive when downsizing from their current home; and
- (b) allow them to maximise the equity in their current home and encourage them to move to a dwelling that would better suit their circumstances.

## 11. Energy — Plans and Policies

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

That this House calls on the Government to outline to the House —

- (a) what plans or policies does the State Government have to manage the maintenance and lifespan issues facing coal fired electricity generation units in Collie, including Muja and Collie power stations;
- (b) how will those plans and policies deliver a stable and reliable base load of electricity to the South West integrated system into the future;
- (c) what role will the Government's election commitments of:
  - (i) a biomass plant in Collie;
  - (ii) a solar farm in Collie; and
  - (iii) a wave energy project in Albany,
 play in the implementation of those plans and policies, and whether the Government can give a commitment that any of those projects will proceed;
- (d) how close is Synergy Corporation to reaching the twenty percent renewable energy target by 2020, and how will the Government achieve that target; and
- (e) what are the expected or modelled impacts on the Western Australian energy system that would result from the Federal ALP Opposition's policy of a fifty percent renewable energy target by 2030 if this became law?

Debate ensued.

*Motion lapsed.*

## 12. Emergency Services

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

That this House —

- (a) extends its gratitude to all emergency services personnel in Western Australia for the vital role that they play in protecting our communities; and
- (b) acknowledges the extraordinary efforts of our emergency services during the recent natural disasters across the State.

Debate ensued.

*Motion lapsed.*

## 13. Order of Business

Ordered — That Orders of the Day Nos 1, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 2, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance*, 3, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, 4, *Shire of Dowerin Local Government Property Local Law 2018 — Disallowance*, 5, *City of Bunbury Cats Local Law 2018 — Disallowance*, 6, *City of Bunbury Parking and Parking Facilities Local Law 2018 — Disallowance*, 7, *Town of Victoria Park Dog Local Law 2018 — Disallowance*, and 8, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 20, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Minister for Environment).

**14. Suitors' Fund Amendment Bill 2017 and Suitors' Fund Amendment (Levy) Bill 2017**

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

Debate resumed.

Question — That the *Suitors' Fund Amendment Bill 2017* be read a second time — put and passed.

Bill read a second time.

Question — That the *Suitors' Fund Amendment (Levy) Bill 2017* be read a second time — put and passed.

Bill read a second time.

The Acting President left the Chair.

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(Hon Robin Chapple in the Chair)

***Suitors' Fund Amendment Bill 2017***

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General moved —

Page 2, line 5 — To delete “and 2 — ” and insert:

to 3 and 6 —

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

**15. Questions Without Notice**

Questions without notice were taken.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to Western Power's 'Make a Claim' page on their website from 2014–15 to 2018-19, in response to a question without notice asked by Hon Tim Clifford.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to annual leave liability balances across health services as at 30 June 2018 and 31 December 2018, in response to a question without notice asked by Hon Tjorn Sibma.

The Minister for Education and Training tabled documents in relation to a Ministerial Statement on school violence, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2622).

The Minister for Education and Training tabled the itinerary, travel arrangements and briefing notes in relation to the Minister's visit to the Agricultural region on 26 February 2019, in response to question on notice 1980 asked by Hon Martin Aldridge. (Tabled Paper 2623).

The Minister for Education and Training tabled documents in relation to details of booking agents, travellers and reasons for travel, in response to question on notice 1985 asked by Hon Robin Chapple. (Tabled Paper 2624).

The Minister for Environment representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the Department of Communities housing stock in Newman, in response to a question without notice asked by Hon Colin Holt.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that an answer to questions on notice 1977 asked by Hon Alison Xamon will be provided on 7 May 2019.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice 1987 asked by Hon Robin Chapple will be provided on 7 May 2019.

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science tabled documents in relation to Government revenue from rock lobster license holders in 2010–11 to 2018–19, in response to question on notice 1836 asked by Hon Robin Scott. (Tabled Paper 2625).

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science tabled a list of people consulted within the rock lobster industry while developing the Western Rock Lobster Industry Growth Plan, in response to question on notice 1845 asked by Hon Colin de Grussa. (Tabled Paper 2626).

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled details of booking agents, travellers and reasons for travel, in response to question on notice 1983 asked by Hon Robin Chapple. (Tabled Paper 2627).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1966 asked by Hon Alison Xamon will be provided on 7 May 2019.

#### **16. Suitors' Fund Amendment Bill 2017 and Suitors' Fund Amendment (Levy) Bill 2017**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 14 above*).

The President left the Chair.

#### **In Committee**

(Hon Adele Farina in the Chair)

#### ***Suitors' Fund Amendment Bill 2017***

Clause 5.

Debate resumed.

Clause agreed to.

New Clause 6.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General moved —

Page 3, after line 12 — To insert:

#### **6 Section 18 inserted**

After section 17 insert —

#### **18. Review of Act**

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 2<sup>nd</sup> anniversary of the

day on which the *Suitors' Fund Amendment Act 2017* section 6 comes into operation.

- (2) The review must address the following —
- (a) the effect of the levy payable under section 5 on access by litigants to the courts;
  - (b) the extent to which recommendations from reports of the Law Reform Commission of Western Australia relating to the operation of this Act have not been implemented; and
  - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 2<sup>nd</sup> anniversary.

Debate ensued.

New Clause agreed to.

Title agreed to.

***Suitors' Fund Amendment (Levy) Bill 2017***

Clause 1.

Debate ensued.

Clauses 2 to 4 agreed to.

Title agreed to.

—————  
The President resumed the Chair.

The *Suitors' Fund Amendment Bill 2017* was reported with amendments.

The Minister for Environment on behalf of the Leader of the House representing the Attorney General, by leave, moved, That the report be adopted.

Report adopted.

The *Suitors' Fund Amendment (Levy) Bill 2017* was reported without amendment.

Report adopted.

Ordered — That the third reading of the Bills be made an Order of the Day for the next sitting.

**17. Members' Statements**

Statements were taken.

**18. Local Government Legislation Amendment Bill 2019**

The President reported the receipt of Message No. 120 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Local Government 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 Minister for Local Government moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2628).

Debate stands adjourned.

**19. Adjournment**

The Council adjourned at 6.10pm until Tuesday, 7 May 2019 at 2.00pm.

**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