

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 92

TUESDAY, 6 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. Message from His Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills —

2 November 2018 — Message No. 30	Act No.
Court Jurisdiction Legislation Amendment Bill 2017	28 of 2018
Courts Legislation Amendment Bill 2017	29 of 2018

3. Petition

Hon Pierre Yang presented a petition from 17 petitioners requesting the Legislative Council inquire into the conduct and performance of the City of Melville and the Local Government Insurance Services in regards to a claim made by Mr Ian Rice as a result of damage to Mr Rice's property. (Tabled Paper 2154).

Hon Tjorn Sibma presented a petition from 389 petitioners requesting the Legislative Council to oppose the eviction of Picabar from the Perth Cultural Centre. (Tabled Paper 2155).

4. Ministerial Statement — Albany Step Up Step Down

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the opening of the Albany community mental health step up/step down service.

5. Standing Committee on Procedure and Privileges — Report No. 53 — Review of the Standing Orders relating to motions on notice

The President presented Report No. 53 of the Standing Committee on Procedure and Privileges, *Review of the Standing Orders relating to motions on notice*. (Tabled Paper 2146).

Hon Simon O'Brien moved, without notice —

That consideration of Recommendation 1 contained in Report No. 53 of the Standing Committee on Procedure and Privileges, *Review of the Standing Orders relating to motions on notice*, be made an order of the day for consideration in the Committee of the Whole House.

Question — put and passed.

6. Papers

The following Papers were laid on the Table by —

Leader of the House

Local Laws —

Local Government Act 1995 (City of Karratha Fencing Amendment Local Law 2018 G.G. 02/11/2018)..... 2147

Regulations —

Sentencing Act 1995 (Sentencing Amendment Regulations (No. 2) 2018 G.G. 30/10/2018) 2148

Minister for Environment

Local Laws —

Bush Fires Act 1954 (City of Karratha Bush Fire Brigades Local Law 2018 G.G. 02/11/2018) 2149

Parliamentary Secretary to the Deputy Premier on behalf of the Minister for Regional Development

By-laws —

Iron Ore (Robe River) Agreement Act 1964 (Iron Ore (Robe River) Cape Lambert Ore and Service Wharves Amendment By-laws 2018 G.G. 02/11/2018)..... 2150

Management Plans —

Fish Resources Management Act 1994 (Abrolhos Islands and Mid West Trawl Managed Fishery Management Plan Amendment 2018 [1152] G.G. 02/11/2018) 2151

Regulations —

Rights in Water and Irrigation Act 1914 (Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 G.G. 30/10/2018)..... 2152

Parliamentary Secretary to the Deputy Premier

Addendums —

Animal Resources Authority Annual Report (2017–2018)..... 2153

7. Rights in Water and Irrigation Amendment Regulations (No. 2) 2018 — Disallowance

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

That the *Rights in Water and Irrigation Amendment Regulations (No. 2) 2018* published in the *Gazette* on 30 October 2018 and tabled in the Legislative Council on 6 November 2018 under the *Rights in Water and Irrigation Act 1914*, be and are hereby disallowed. (Tabled Paper No. 2152).

8. Decriminalising possession of non-lethal means of self-defence

Hon Aaron Stonehouse: To move on the next day of sitting —

That this House recognise the inherent right of individuals to defend themselves from attack in a timely and measured manner, and calls upon the McGowan Government to decriminalise the sale and possession of non-lethal means of self-defence.

9. Leave of Absence — Hon Kyle McGinn

The Leader of the House moved, without notice —

That leave of absence be granted to Hon Kyle McGinn for 6 sitting days due to illness.

Question — put and passed.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 2, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, 4, *Planning and Development (Development Assessment Panels) Amendment Regulations 2018 — Disallowance*, and 5, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, be taken after Order of the Day No. 33, *Standing Committee on Procedure and Privileges — Report No. 49 — Treaty Function — Standing Committee on Uniform Legislation and Statutes Review — Recommendation 1*. (Leader of the House).

11. Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Commerce and Industrial Relations Regulations Amendment (Fees and Charges) Regulations 2018*, be discharged from the Notice Paper.

Question — put and passed.

12. Shire of Morawa Fencing Local Law 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Shire of Morawa Fencing Local Law 2018*, be discharged from the Notice Paper.

Question — put and passed.

13. Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2018*, be discharged from the Notice Paper.

Question — put and passed.

14. Community Titles Bill 2018 and Community Titles Amendment (Consistency of Charging) Bill 2018 — Cognate Debate

The Order of the Day having been read for the third reading of these Bills.

The President moved, That the *Community Titles Bill 2018* be read a third time.

The President announced that the 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.

The President moved, That the *Community Titles Amendment (Consistency of Charging) Bill 2018* be read a third time.

The President announced that the 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.

15. Criminal Law Amendment (Intimate Images) 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.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to mental stress claims in the public service, in response to a question without notice asked by Hon Jacqui Boydell.

The Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services tabled documents in relation to organisations funded by the Department of Communities, in response to question on notice No. 1674 asked by Hon Alison Xamon. (Tabled Paper 2156).

The Minister for Education and Training tabled documents in relation to the number of times students with a disability were physically restrained by school staff in 2015–2016 and 2017 to date, in response to question on notice No. 1680 asked by Hon Alison Xamon. (Tabled Paper 2157).

17. Criminal Law Amendment (Intimate Images) Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 15 above*).

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 4.

Debate resumed.

The Leader of the House representing the Attorney General moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting 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.

18. Order of Business

Ordered — That Order of the Day No. 13, *Animal Welfare Amendment Bill 2017*, be taken forthwith. (Minister for Environment).

19. Animal Welfare Amendment Bill 2017

The Order of the Day having been read for the consideration of the Committee's report upon this Bill. The Minister for Environment moved, That the report be adopted.

Question — put and passed.

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

20. Order of Business

Ordered — That Order of the Day No. 12, *Railway (METRONET) Bill 2018*, be taken forthwith. (Minister for Environment).

21. Railway (METRONET) 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.

22. Members' Statements

Statements were taken.

23. Adjournment

The Council adjourned at 9.57pm until Wednesday, 7 November 2018 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin Holt, Hon Alannah MacTiernan, Hon Kyle McGinn (leave of absence).

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council