

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 83

TUESDAY, 9 OCTOBER 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. Statement by President — Delegation from Western Cape Provincial Parliament

The President made the following Statement —

The first statement is about the delegation from the Western Cape Provincial Parliament. Members from that Parliament are due to be visiting us as part of a delegation this week. The delegation is being led by the Speaker of the Western Cape Provincial Parliament, Hon Sharna Fernandez, and comprises three other Members of Parliament and four staff. I remind Members that there will be a welcome reception for the delegation in the parliamentary courtyard at six this evening. I encourage you to attend, if you have time, and welcome that delegation. I also let you know that the delegation will be joining Legislative Council Members for afternoon tea this Thursday afternoon and I hope that you will give them a warm welcome to the upper house on Thursday as well.

3. Statement by President — Borderless Gandhi

The President made the following Statement —

Members, you may have noticed that we have a new photographic exhibition on display in the Parliament located in the Lee-Steer Foyer. The exhibition, 'Borderless Gandhi presents Mahatma in Colour', was launched last week on 2 October, which was Mahatma Gandhi's birthday and the United Nations International Day of Nonviolence.

The exhibition consists of 30 photographs of Mahatma Gandhi taken throughout his adult life. The original photographs were taken in the early 1900s in black and white and those on display have been digitally restored and coloured for presentation to a contemporary audience. Gandhi's successful campaign for an independent India was achieved through a message of non-violence and peaceful non-cooperation with India transforming in the post-World War II era from a colonial outpost of Great Britain to the world's largest democratic nation by population.

During the four-week exhibition, approximately 3,000 school students who visit Parliament will learn about Gandhi's legacy.

They will have the opportunity to participate in the activity 'What would you tell your leader', where they will write in a book displayed near the exhibit. Members of Parliament and other visitors will be able to read and reflect on the comments.

Borderless Gandhi presents Mahatma in Colour is one of a number of exhibitions planned by the Parliament House Art Advisory Committee. The recent exhibition by Frances Andrijich, the Year of Living Dangerously, and the upcoming Exhibition on the Warsaw Uprising, as well as

the monthly art tours of Parliament House, all aim to bring people to Parliament and to build connections with our diverse community.

I encourage you to view the exhibition and promote it via your social media and other networks.

4. Statement by President — Local Government Art Collection

The President made the following Statement —

Members, as you are aware, the Parliament has an extensive art collection, including the 1964 Local Government Art Collection.

The Local Government Art Collection was developed in 1964 to mark a very significant event in the history of this building, the opening of the eastern extension of Parliament House. For this occasion, each local government in Western Australia donated a piece of artwork that represented their local area to be displayed in the newly constructed corridors.

The collection is of significant interest to the Western Australian Parliament as it supports Parliament's community focus. The art collection was featured in the recent series on Parliament, *Key to Your House* and most of it is available to view on the Parliament's website.

To enhance this community focus, the Parliament House Art Advisory Committee is offering members the opportunity to display some of the Local Government Art Collection from their electorates in their Parliament House offices.

It is hoped that by relocating some of the Local Government Art Collection to Members' offices, Parliament can provide further opportunities to display artwork of significance to Members and the community.

If you are interested in taking up this offer, you are invited to contact Building Services to view the artworks available.

5. Message from His Excellency the Governor — Assent to Bill

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

21 September 2018 — Message No. 25

Coroners Amendment Bill 2017

Act No.

23 of 2018

6. Petitions

Hon Robin Chapple presented a petition from 62 petitioners requesting the Legislative Council to support the protection of rock art in Murujuga. (Tabled Paper 2007).

Hon Robin Chapple presented a petition from 20 petitioners requesting the Legislative Council to inquire into the performance of the Office of the Information Commissioner, the Public Sector Commissioner and the Ombudsman in relation to their handling of complaints and applications put to them with respect to local government. (Tabled Paper 2008).

7. Ministerial Statement — Mobile Blackspot Program

The Minister for Regional Development made a Ministerial Statement with respect to round four of the national Mobile Black Spot Program.

8. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Ombudsman (2017–2018) (Deemed tabled 26/09/2018) 1948

Parliamentary Inspector of the Corruption and Crime Commission (2017–2018)
(Date received 25/09/2018) 1949

Financial Statements —

Members of Parliament (Financial Interest) Act 1992 — Annual Returns (2017–2018) .. 1950

Leader of the House*Annual Reports —*

CBD Court Project Contract (2017–2018) (Date received 9/10/2018).....	1951
Court Security and Custodial Services Contract (2017–2018) (Date received 9/10/2018)	1952
Director of Public Prosecutions, Office of the (2017–2018) (Date received 9/10/2018).....	1953
Justice, Department of (2017–2018) (Date received 9/10/2018)	1954
Legal Costs Committee (2017–2018) (Date received 4/10/2018)	1955
Local Government, Sport and Cultural Industries, Department of (2017–2018) (Date received 9/10/2018).....	1956
Premier and Cabinet, Department of the (2017–2018) (Date received 3/10/2018)	1957
State Administrative Tribunal (2017–2018) (Date received 9/10/2018)	1958
State Coroner, Office of the (2017–2018) (Date received 9/10/2018).....	1959
State Records Commission (2017–2018) (Date received 27/09/2018)	1960
Training Accreditation Council (2017–2018) (Date received 4/10/2018)	1961

Reviews —

Independent Review of the Public Sector Commission	1962
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Local Laws —

Cat Act 2011 (Shire of Mount Magnet Cats Local Law 2018 G.G. 03/10/2018)	1963
Cemeteries Act 1986 (Shire of Mount Magnet Cemeteries Local Law 2018 G.G. 03/10/2018).....	1964
Dog Act 1976 (Shire of Mount Magnet Dogs Local Law 2018 G.G. 03/10/2018).....	1965
Local Government Act 1995 (City of Armadale Street Numbering Amendment Local Law 2018 G.G. 25/09/2018, Shire of Collie Standing Orders Amendment Local Law 2018 G.G. 02/10/2018, Shire of Mount Magnet Activities in Thoroughfares and Public Places and Trading Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Animals, Environment and Nuisance Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Extractive Industries Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Fencing Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Health Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Repeal Local Law 2018 G.G. 03/10/2018, Shire of Mount Magnet Standing Orders Local Law 2018 G.G. 03/10/2018 and Shire of Northam Activities In Thoroughfares and Public Places and Trading 2nd Amendment Local Law 2018 G.G. 28/09/2018)	1966

Regulations —

Building and Construction Industry Training Fund and Levy Collection Act 1990 (Building and Construction Industry Training Fund and Levy Collection Amendment Regulations 2018 G.G. 28/09/2018).....	1967
Dangerous Sexual Offenders Act 2006 (Dangerous Sexual Offenders Regulations 2018 G.G. 02/10/2018).....	1968
Education and Care Services National Law (WA) Act 2012 (Education and Care Services National Amendment Regulations (No. 3) 2018 G.G. 28/09/2018).....	1969
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations (No. 2) 2018 G.G. 28/09/2018).....	1970

Rules —

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court Rules Amendment Rules 2018 G.G. 18/09/2018)	1971
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Minister for Environment*Annual Reports —*

Acacia Prison Services Agreement (2017–2018) (Date received 9/10/2018).....	1972
Housing Authority (2017–2018) (Date received 5/10/2018)	1973
Melaleuca Remand and Reintegration Facility Services Agreement (2017–2018) (Date received 9/10/2018).....	1974

Police Force WA (2017–2018) (Date received 9/10/2018)	1975
State Finances (2017–2018) (Date received 9/10/2018).....	1976
Young Adult Facility Contract (Wandoo Reintegration Facility) (2017–2018) (Date received 9/10/2018).....	1977
<i>Leases —</i>	
CALM Lease No. 2969/100 Between the Conservation and Land Management Executive Body and Five E’s Pty Ltd — Reserve No. 50273.....	1978
<i>Regulations —</i>	
Biodiversity Conservation Act 2016 (Biodiversity Conservation Amendment Regulations 2018 G.G. 17/09/2018).....	1979
Bush Fires Act 1954 (Bush Fires (Infringements) Amendment Regulations 2018 G.G. 18/09/2018).....	1980
Owner-Drivers (Contracts and Disputes) Act 2007 (Owner-Drivers (Contracts and Disputes) (Code of Conduct) Amendment Regulations 2018 G.G. 02/10/2018).....	1981
<i>Reports —</i>	
Treasury Corporation — Statement of Corporate Intent (2018–2019)	1982
Minister for Regional Development	
<i>Annual Reports —</i>	
ChemCentre (2017–2018) (Date received 9/10/2018).....	1983
Forest Products Commission (2017–2018) (Date received 9/10/2018).....	1984
Gascoyne Development Commission (2017–2018) (Date received 9/10/2018).....	1985
Goldfields-Esperance Development Commission	1986
Great Southern Development Commission (2017–2018) (Date received 9/10/2018)	1987
Meat Industry Authority (2017–2018) (Date received 9/10/2018).....	1988
Primary Industries and Regional Development (2017–2018) (Date received 9/10/2018).....	1989
Rural Business Development Commission (2017–2018) (Date received 9/10/2018)	1990
South West Development Commission (2017–2018) (Date received 9/10/2018).....	1991
Water and Environmental Regulation, Department of (2017–2018) (Date received 9/10/2018).....	1992
<i>Management Plans —</i>	
Fish Resources Management Act 1994 (Pilbara Crab Managed Fishery Management Plan 2018 [1314] G.G. 21/09/2018)	1993
<i>Regulations —</i>	
Building Act 2011 (Building Amendment Regulations (No. 2) 2018 G.G. 05/10/2018).....	1994
Building Services (Registration) Act 2011 (Building Services (Registration) Amendment Regulations 2018 G.G. 21/09/2018).....	1995
Debt Collectors Licensing Act 1964 (Commerce and Industrial Relations Regulations Amendment (Administration) Regulations 2018 G.G. 02/10/2018)	1996
Electricity Act 1945 (Electricity Amendment Regulations 2018 G.G. 02/10/2018)	1997
Fair Trading Act 2010 (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2018 G.G. 28/09/2018).....	1998
Gas Standards Act 1972 (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2018 G.G. 02/10/2018 and Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2018 G.G. 02/10/2018).....	1999
Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 3) 2018 G.G. 02/10/2018)....	2000
Mining Act 1978 (Mining Amendment Regulations (No. 3) 2018 G.G. 18/09/2018).....	2001
Retirement Villages Act 1992 (Retirement Villages Amendment Regulations (No. 2) 2018 G.G. 28/09/2018).....	2002
Western Australian Jobs Act 2017 (Western Australian Jobs Regulations 2018 G.G. 25/09/2018)....	2003

Reports —

Report of Official Visit to India by the Minister for Tourism (5 August 2018 to 9 August 2018)..... 2004

Parliamentary Secretary to the Deputy Premier*Local Laws —*

Health (Miscellaneous Provisions) Act 1911 (Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 05/10/2018 and Shire of Narembeen Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 28/09/2018) 2005

Regulations —

Human Reproductive Technology Act 1991 (Human Reproductive Technology (Licences and Registers) Amendment Regulations 2018 G.G. 18/09/2018) 2006

9. District Court Amendment Rules (No. 2) 2018 — 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 *District Court Amendment Rules (No. 2) 2018* published in the *Gazette* on 7 September 2018 and tabled in the Legislative Council on 11 September 2018 under the *District Court of Western Australia Act 1969*, be and are hereby disallowed. (Tabled paper No. 1724).

10. 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.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 2, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 3, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 4, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 5, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 6, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, 7, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, 8, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 9, *Duties Amendment Regulations 2018 — Disallowance*, and 10, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, be taken after Order of the Day No. 33, *Transport (Road Passenger Services) Bill 2018*. (Leader of the House).

12. Duties Amendment (Additional Duty for Foreign Persons) 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 15 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Environment representing the Minister for Finance moved, That the Bill be read a third time.

The Deputy 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

13. Financial Transaction Reports Amendment Bill 2018

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

Debate resumed.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

The Leader of the House representing the Attorney General moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

14. Strata Titles Amendment Bill 2018

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

Debate resumed.

Hon Donna Faragher, by leave, tabled a letter from the Strata Community Association in relation to the *Strata Titles Amendment Bill 2018*. (Tabled Paper 2023).

Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development, by leave, incorporated into *Hansard* information in relation to the Financial Assistance Agreement with Carnegie Clean Energy, in response to a question without notice asked by Hon Peter Collier.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to 2018-2019 targets for the North Metropolitan Health Service, in response to a question without notice asked by Hon Peter Collier.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to regional schools and student numbers that learning specialists will support, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled the WorkSafe Investigation into South Ports Authority Feedback on Outcomes, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 2027).

The Minister for Education and Training tabled a list of opening ceremonies of school projects commissioned by the former Liberal-National Government, in response to question on notice No. 1606 asked by Hon Donna Faragher. (Tabled Paper 2028).

16. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Communities, Department of (2017–2018) (Date received 9/10/2018) 2009

Minister for Environment

Annual Reports —

Fire and Emergency Services Superannuation Board (2017–2018) (Date received 9/10/2018)
..... 2010

Kimberley Ports Authority (2017–2018) (Date received 9/10/2018) 2011

Landgate (2017–2018) (Date received 9/10/2018) 2012

National Rail Safety Regulator (2015–2016) (Date received 9/10/2018)..... 2013

National Rail Safety Regulator (2017–2018) (Date received 9/10/2018)..... 2014

Planning Commission (2017–2018) (Date received 9/10/2018)..... 2015

Southern Ports Authority (2017–2018) (Date received 9/10/2018)..... 2016

Parliamentary Secretary to the Deputy Premier

Annual Reports —

Child and Adolescent Health Service (2017–2018) (Date received 9/10/2018)..... 2017

Health, Department of (2017–2018) (Date received 9/10/2018) 2018

Mental Health Advocacy Service (2017–2018) (Date received 9/10/2018) 2019

North Metropolitan Health Service (2017–2018) (Date received 9/10/2018) 2020

Quadriplegic Centre Board of Management (2017–2018) (Date received 9/10/2018)..... 2021

Queen Elizabeth II Medical Trust (2017–2018) (Date received 9/10/2018) 2022

South Metropolitan Health Service (2017–2018) (Date received 9/10/2018) 2024

WA Country Health Service (2017–2018) (Date received 9/10/2018)..... 2025

Health Support Services (2017–2018) (Date received 9/10/2018) 2026

17. Strata Titles Amendment Bill 2018

Debate resumed on the second reading of this Bill (*see item 14 above*).

Point of Order

Hon Donna Faragher raised the following Point of Order —

I appreciate why the Minister is referring to these proposed sections of the Bill, because they were referred to in contributions to the secondary debate, but I have to say that we seem to be going into a lot of detail about the provisions that have been referred to the Standing Committee on Legislation, so I ask your advice, Madam Acting President. I am not trying to be difficult here. There is a process that we need to follow in this place. I want to make sure that we are not straying beyond what we should be doing in looking at these provisions. I appreciate that we find ourselves in a unique circumstance of having a proposed part of the Bill referred and we are still debating the Bill, so I appreciate that some latitude may need to be given, but I seek your advice about how much latitude can be given.

Acting President's Ruling

The Acting President ruled as follows —

The motion that was agreed by the House actually stated that the House may proceed with consideration of the Bill other than the matters referred under paragraph (a), that is, the part that was referred to the Standing Committee on Legislation. But the Committee of the Whole shall not agree to a resolution to report the Bill to the House until after the Legislation Committee reports on the referral of proposed Part 12 and any related matter. So the part that has been referred to the Legislation Committee still forms part of the Bill that is being considered as part

of the second reading debate. A Member in the House has raised questions in relation to that particular provision, and I do not think it is unreasonable for the Minister to respond to the questions that have been asked. I think the point that Hon Donna Faragher makes is valid in that we may have to repeat all this once we get the committee report. But I do not think it is unreasonable for the Minister to respond to questions that have been asked by a Member during this debate. This is very unusual, and I think we will have a fair degree of repetition as a result of how we have chosen to handle this matter.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 29 agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clause 31.

Debate ensued.

Clause agreed to.

Clause 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.
 Clauses 34 to 45 agreed to.
 Clause 46.
 Debate ensued.
 Clause agreed to.
 Clause 47 agreed to.
 Clause 48.
 Debate ensued.
 Clause agreed to.
 Clause 49.
 Debate ensued.
 Clause agreed to.
 Clause 50.
 Debate ensued.
 Clause agreed to.
 Clauses 51 to 78 agreed to.
 Clause 79.
 Debate ensued.
 Clause agreed to.
 Clauses 80 to 82 agreed to.
 Clause 83.

Interruption pursuant to order.

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.

18. Members' Statements

Statements were taken.

19. Adjournment

The Council adjourned at 9.53pm until Wednesday, 10 October 2018 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kyle McGinn (leave of absence) and Hon Aaron Stonehouse.

NIGEL PRATT
 Clerk of the Legislative Council

HON KATE DOUST MLC
 President of the Legislative Council