

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 30
WEDNESDAY, 11 OCTOBER 2017

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

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

2. Distinguished Visitors

The President drew attention to the presence in the gallery of Western Australian Indigenous artist Dianne Jones, and, on behalf of Honourable Members, extended a warm welcome to her.

3. Petition

Hon Robin Scott presented a petition from 772 petitioners requesting the Legislative Council to oppose changes to the Western Australia Gold Royalty proposed by the State Government. (Tabled Paper 738).

4. Ministerial Statement — Mental Health Week

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the Government announcement of an almost \$1 million injection into university research for the workplace mental health and wellbeing of fly-in fly-out workers.

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Management of Pastoral Lands in Western Australia (Report No. 17) (October 2017) 720

Leader of the House

Annual Reports —

Culture and the Arts, Department of (2016-2017) (Date received 10/10/2017)..... 721

Local Government and Communities, Department of (Final Report) (2016-2017)
(Date received 10/10/2017)..... 722

National Trust (2016-2017) (Date received 10/10/2017)..... 723

State Records Commission (2016-2017) (Date received 11/10/2017)..... 724

Minister for Environment

Annual Reports —

Kimberley Ports Authority (2016-2017) (Date received 10/10/2017) 725

Landgate (2016-2017) (Date received 10/10/2017) 726

Lands, Department of (2016-2017) (Date received 10/10/2017) 727

National Rail Safety Regulator (2016-2017) (Date received 10/10/2017)..... 728

Planning Commission (2016-2017) (Date received 10/10/2017).....	729
Planning, Department of (2016-2017) (Date received 10/10/2017).....	730
Public Transport Authority (2016-2017) (Date received 10/10/2017).....	731
Southern Ports Authority (2016-2017) (Date received 10/10/2017).....	732
State Finances (2016-2017) (Date received 11/10/2017).....	733
Transport, Department of (2016-2017) (Date received 10/10/2017)	734

Minister for Regional Development

Annual Reports —

Commerce, Department of (2016-2017) (Date received 10/10/2017)	735
Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act 2012 (Date received 10/10/2017)	736
Fisheries, Department of (2016-2017) (Date received 10/10/2017).....	737

6. National Disability Insurance Scheme

Motion No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved —

That this House notes the significant impacts on people with disability and their families of ongoing uncertainty about which form of NDIS will be adopted in Western Australia.

Whether the Government decides to adopt the NDIS or the NDIS My Way model, it is imperative that those whose lives will be most affected by the decision are kept informed in an ongoing and meaningful way.

Furthermore, it is essential that a co-design model for engagement that involves people with disability and their families in the design of governance, policy and operational aspects is developed to inform the delivery of whichever scheme is agreed to.

Noting the significant uncertainty in the funding of disability services in Western Australia, this House calls upon the Government to ensure that there are mechanisms in place to —

- (a) ensure people with disability and their representative organisations are included in governance structures and inform service delivery design; and
- (b) that the decision making process is fully transparent.

Debate ensued.

Interruption pursuant to order.

7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC

Hon Jim Chown moved, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed to the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — The ability of the Corruption and Crime Commission to charge and prosecute

Hon Jim Chown moved, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed to the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 3 — Annual Report 2016–17

Hon Jim Chown moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Standing Committee on Delegated Legislation — Report No. 1 — Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015

Hon Robin Chapple moved, That the Report be noted.

Hon Robin Chapple moved, That consideration be postponed to the next sitting.

Question — put and passed.

The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — *The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC* and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — *The ability of the Corruption and Crime Commission to charge and prosecute* and postponed consideration to the next sitting.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report No. 3 — *Annual Report 2016–17* and had noted same.
- (4) Joint Standing Committee on Delegated Legislation — Report No. 1 — *Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015* and postponed consideration to the next sitting.

Report adopted.

8. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

9. Animal Welfare Amendment Bill 2017

The Minister for Agriculture and Food, pursuant to notice, moved —

That a Bill for “An Act to amend the *Animal Welfare Act 2002*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food moved, That the Bill be read a second time.

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 739).

Debate stands adjourned.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Road Traffic Regulations Amendment (Pilot Vehicle Drivers) Regulations 2016 — Disallowance*, 2, *Town of Cambridge Local Government and Public Property Local Law 2016 — Disallowance*, 4, *Shire of Kulin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, 6, *City of Busselton Waste Local Law 2016 — Disallowance*, 7, *Legal Profession (Law Library Fees) Rules 2017 — Disallowance*, 8, *Shire of Narambeen Animals, Environment and*

Nuisance Local Law 2016 — Disallowance, 9, Shire of Kondinin Animals, Environment and Nuisance Local Law 2016 — Disallowance, 11, Shire of Murray Waste Local Law 2016 — Disallowance, 12, Shire of Chittering Waste Local Law 2017 — Disallowance, 14, City of Gosnells Waste Local Law 2016 — Disallowance, 15, Shire of Moora Dogs Local Law 2016 — Disallowance, 16, Shire of Moora Waste Local Law 2016 — Disallowance, 18, City of Joondalup Animals Amendment Local Law 2016 — Disallowance, 19, Bunbury-Harvey Regional Council Standing Orders Local Law 2017 — Disallowance, 20, City of South Perth Waste Local Law 2017, 21, Police Regulations Amendment (Fees and Charges) Regulations 2017 — Disallowance, 22, City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 — Disallowance, and 23, Town of East Fremantle Plastic Bag Reduction Local Law 2017 — Disallowance, be taken after Order of the Day No. 39, Standing Committee on Procedure and Privileges — Report No. 45 — Outstanding Matters from the 39th Parliament. (Leader of the House).

11. Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — 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, *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

12. Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — 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. 5, *Shire of Lake Grace Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

13. Shire of Capel Waste Local Law 2016 — 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. 10, *Shire of Capel Waste Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

14. Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — 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. 13, *Shire of Cunderdin Animals, Environment and Nuisance Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Town of East Fremantle Waste Local Law 2017 — 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. 17, *Town of East Fremantle Waste Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

16. City of Nedlands Waste Local Law 2016 — 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. 24, *City of Nedlands Waste Local Law 2016 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

17. Shire of Donnybrook-Balingup Waste Local Law 2017 — 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. 25, *Shire of Donnybrook-Balingup Waste Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

18. Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017 — 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. 26, *Shire of Donnybrook-Balingup Animals, Environment and Nuisance Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

19. Mining Amendment Regulations (No. 2) 2017 — Disallowance

The Order of the Day having been read for the adjourned debate on the motion of Hon Jacqui Boyde as follows —

That the *Mining Amendment Regulations (No. 2) 2017* published in the *Gazette* on 29 September 2017 and tabled in the Legislative Council on 10 October 2017 under the *Mining Act 1978*, be and are hereby disallowed.

Debate resumed.

20. 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 the number of Synergy and Horizon disconnections from January 2015 to August 2017, in response to a question without notice asked by Hon Peter Collier.

The Parliamentary Secretary to the Minister for Health tabled details of Legislative Council Tabled Paper 702, *Financial Management Act 2006* (section 82), Notice from the Minister for Health regarding Legislative Council question on notice No. 5(a)(b) asked by Hon Nick Goiran. (Tabled Paper 740).

The Minister for Environment tabled correspondence between the Conservation and Parks Commission and the Department of Parks and Wildlife regarding assessment, identification and demarcation of old growth forest, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 741).

The Leader of the House representing the Attorney General tabled documents in relation to full-time equivalent employee details for each year from 2009-10 to 2017-18 for towns in the South West Region that fall under the Attorney General's portfolio, in response to question on notice No. 285 asked by Hon Diane Evers. (Tabled Paper 742).

The Minister for Environment tabled documents in relation to full-time equivalent employee details for each year from 2009-10 to 2017-18 for towns in the South West Region that fall under the Environment portfolio, in response to question on notice No. 299 asked by Hon Diane Evers. (Tabled Paper 743).

21. Mining Amendment Regulations (No. 2) 2017 — Disallowance

Debate resumed on the motion of Hon Jacqui Boyde (see item 19 above).

Hon Martin Aldridge, by leave, tabled photographs from the rally to stop the proposed gold royalty increase in 2017. (Tabled Paper 744).

Debate resumed.

Interruption pursuant to order.

22. Members' Statements

Statements were taken.

23. Appropriation (Recurrent 2017–18) Bill 2017

The President reported the receipt of Message No. 26 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Treasurer moved, That the Bill be read a second time.

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 745).

Debate stands adjourned.

24. Adjournment

The Council adjourned at 6.40pm until Thursday, 12 October 2017 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Samantha Rowe.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council