

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 151

THURSDAY, 19 SEPTEMBER 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. Message from the Deputy of the Governor — Assent to Bills

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

18 September 2019 — Message No. 18	Act No.
TAB (Disposal) Bill 2019	21 of 2019
Betting Control Amendment (Taxing) Bill 2019	22 of 2019

3. Statement by President — Non-Government Business Days

The President made the following Statement —

In accordance with my statement of 12 October 2017 regarding arrangements for swapping Non-Government Business time, I have received letters from Hon Peter Collier and Hon Rick Mazza advising that they have arranged to swap their parties' Non-Government Business time. The Non-Government Business scheduled for 17 October 2019 is now allocated to the Liberal Party and the Non-Government Business scheduled for 21 November 2019 is now allocated to the Shooters, Fishers and Farmers Party. The Non-Government Business schedule on the website will be updated to reflect this agreement.

The President tabled the letters and updated Non-Government Business Schedule (2019) (Version 5). (Tabled Papers 3072 and 3073).

4. Petition

Hon Donna Faragher presented a petition from 1,061 petitioners requesting the Legislative Council to support the safety of residents at Araluen Residential Estate from bushfire, by establishing an additional entry and exit point from the estate. (Tabled Paper 3074).

5. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Auditor General (2018–19) (Date received 19/09/2019)	3063
Ombudsman (2018–19) (Date received 18/09/2019)	3064

Parliamentary Inspector of the Corruption and Crime Commission (2018–19) (Date received 18/09/2019).....	3065
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Reports —

Corruption and Crime Commission — Report on misconduct risks in Health Support Services and North Metropolitan Health Services (September 2019).....	3066
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Minister for Environment

Annual Reports —

Country Housing Authority (2018–19) (Date received 18/09/2019)	3067
Economic Regulation Authority (2018–19) (Date received 18/09/2019)	3068
Government Employees Superannuation Board (2018–19) (Date received 18/09/2019).....	3069
Treasury Corporation (2019) (Date received 18/09/2019).....	3070

Proposals —

Land Administration Act 1997 — Submission No. 7/2019 — Amendment of Class A Reserve 17098 to facilitate a telecommunications site at Hatfield Park Kalamunda	3071
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6. Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 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 *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019* published in the *Gazette* on 26 June 2019 and tabled in the Legislative Council on 6 August 2019 under the *Road Traffic (Authorisation to Drive) Act 2008*; *Road Traffic (Vehicles) Act 2012*; *Taxi Act 1994*; *Transport (Road Passenger Services) Act 2018*; *Transport Co-ordination Act 1966*, be and are hereby disallowed. (Tabled paper 2865).

7. City of Bunbury — Fees Notice 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 *City of Bunbury - Fees Notice 2019* published in the *Gazette* on 5 July 2019 and tabled in the Legislative Council on 6 August 2019 under the *Health (Miscellaneous Provisions) Act 1911*, be and is hereby disallowed. (Tabled paper 2889).

8. Public Health 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 *Public Health Amendment Regulations 2019* published in the *Gazette* on 19 July 2019 and tabled in the Legislative Council on 6 August 2019 under the *Public Health Act 2016*, be and are hereby disallowed. (Tabled paper 2891).

9. Ministers' regard for the Legislative Council

Non-Government Business No. 1 having been called, Hon Peter Collier moved, without notice —

That this House expresses its disappointment and grave concern at the ongoing disrespect shown by Ministers of the McGowan Labor Government toward the Legislative Council.

Debate ensued.

Motion lapsed.

10. Natural Resource Management Groups

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

That this House recognises the important work being undertaken by Natural Resource Management groups across the State in protecting and rehabilitating our natural resources.

Debate ensued.

Motion lapsed.

11. Order of Business

Ordered — That Order of the Day No. 1, *Health Regulations Amendment (Fees and Charges) Regulations 2019 — Disallowance*, be taken after Order of the Day No. 7, *Appropriation (Capital 2016–17) Supplementary Bill 2017*. (Minister for Environment).

12. Reserves (Marmion Marine Park) Bill 2019

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.

The Acting President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Schedule 1 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting 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.

13. Consumer Protection Legislation Amendment Bill 2018

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 67.

Debate resumed on the amendment moved by the Minister for Regional Development representing the Minister for Commerce as follows —

Page 39, line 8 — To delete “child,” and insert:

child or other vulnerable person,

The Minister for Regional Development representing the Minister for Commerce, by leave, withdrew her amendment.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 38, after line 28 — To insert:

(1A) Before section 47(1) insert:

(1A) In this section —

disability, in relation to a person, has the meaning given in the *Disability Discrimination Act 1992* (Commonwealth) section 4(1).

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce, by leave, withdrew her amendment.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 38, after line 28 — To insert:

(1A) Before section 47(1) insert:

(1A) In this section —

disability means a disability —

- (a) which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments; and
- (b) which is permanent or likely to be permanent; and
- (c) which may or may not be of a chronic or episodic nature; and
- (d) which results in a substantially reduced capacity of the person for communication, social interaction, learning or mobility.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 39, line 8 — To delete “child,” and insert:

child or a person with a disability,

Amendment — put and passed.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce tabled a letter from Real Estate Institute of Western Australia to Ms P Lipscome regarding proposed amendments to the *Residential Tenancies Act 1987* in relation to affixing furniture, dated 18 February 2018. (Tabled Paper 3075).

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Environment on behalf of the Leader of the House representing the Minister for Child Protection tabled the *Workload Management Report (September 2019)*, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 3076).

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled a document entitled *Australian Energy Market Operator, Western Australian Gas Statement of Opportunities (December 2018)*, in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 3077).

The Minister for Environment on behalf of the Leader of the House representing the Premier; Minister for Public Sector Management; Federal-State Relations tabled documents in relation to Diversify WA — Strong Economy Jobs Diverse Industries (July 2019), in response to question on notice 2389 asked by Hon Martin Aldridge. (Tabled Paper 3078).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to doctor and nursing staff levels and hours of overtime at the emergency departments of the Karratha Health Campus and the Hedland Health Campus, in response to a question without notice asked by Hon Jacqui Boydell.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to changes to the Community Dental Vans schedule in regional Western Australia, in response to a question without notice asked by Hon Jim Chown.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2347 asked by Hon Martin Aldridge will be provided by 26 September 2019.

The Parliamentary Secretary to the Minister for Health tabled WA Country Health Service facilities — code declarations from January 2019, in response to question on notice 2350 asked by Hon Martin Aldridge. (Tabled Paper 3079).

The Minister for Regional Development representing the Minister for Tourism tabled the Minister's itinerary for his visit to Paraburdoo between 16 April 2019 and 18 April 2019, in response to question on notice 2400 asked by Hon Martin Aldridge. (Tabled Paper 3080).

15. Consumer Protection Legislation Amendment Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 67.

Debate resumed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 39, line 26 to page 40, line 10 — To delete the lines and insert:

- (c) unless the lessor agrees otherwise in writing, the tenant must remove the item from the wall when the tenant vacates the premises and either —
 - (i) restore the wall to its original condition (taking into account fair wear and tear); or
 - (ii) compensate the lessor for any reasonable expenses incurred by the lessor in doing that restoration;
- and
- (d) the cost of affixing the item to the wall, removing it and restoring the wall to its original condition must be borne by the tenant; and

- (e) if the tenant causes damage to the premises when affixing or removing the item or restoring the wall to its original condition —
 - (i) the tenant must notify the lessor in writing that damage has been caused to the premises; and
 - (ii) the lessor may require the tenant to repair the damage and restore the premises to their original condition (taking into account fair wear and tear) or compensate the lessor for the reasonable expenses incurred in doing the repair and restoration.

Debate ensued.

Hon Rick Mazza moved to amend the amendment as follows —

In proposed paragraphs (c)(i) and (e)(ii) in each line where it occurs — To delete the words “(taking into account fair wear and tear)”.

Debate ensued.

Amendment — put and passed.

Amendment, as amended, agreed to.

Interruption pursuant to order.

The President resumed the Chair.

The 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.

16. Members' Statements

Statements were taken.

The Minister for Environment on behalf of the Minister for Education and Training, by leave, incorporated into *Hansard* an answer in relation to the Department of Education 2019–20 Vacswim program, in response to a question without notice asked by Hon Colin Holt.

Debate resumed.

17. Adjournment

The Council adjourned at 5.48pm until Tuesday, 24 September 2019 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Jim Chown and Hon Sue Ellery.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council