

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 128
TUESDAY, 4 JUNE 2019

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 — Parliament of Western Australia Website

The President made the following Statement —

Members, I remind you that Katherine Galvin, project manager, Parliamentary Services Department, will be delivering an information session on how to use the new Parliament website tomorrow at midday in the Members' lounge. The new website was launched on 28 April 2019 and was designed to make it easier for all users to access information and engage with Parliament. The information session will showcase the new and impending features of the website. Staff will be available to answer any content or technical questions that you may have.

3. Ministerial Statement — Water Deficiency Declaration – Hollands Rock

The Minister for Agriculture and Food made a Ministerial Statement with respect to the State Government having declared a water deficiency in the Hollands Rock area of the Shire of Kent.

4. Papers

The following Papers were laid on the Table by —

President

Reports —

Corruption and Crime Commission — Serious misconduct in procurement of environmental services (May 2019) (Deemed tabled 21/05/2019)..... 2715

Leader of the House

Local Laws —

Local Government Act 1995 (City of Armadale Parking and Parking Facilities Amendment Local Law 2019 G.G. 24/05/2019, City of Perth Outdoor Dining Local Law 2019 G.G. 27/05/2019 and Olympic Swimming Pool Repeal Local Law 2019 G.G. 31/05/2019) 2716

Regulations —

Combat Sports Act 1987 (Combat Sports Amendment Regulations 2019 G.G. 17/05/2019) 2717
Legal Profession Act 2008 (Legal Profession Amendment Regulations 2019 G.G. 21/05/2019)..... 2718

Reports —

Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 31 December 2018)	2719
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Minister for Environment*Local Laws —*

Bush Fires Act 1954 (City of Armadale Bush Fire Brigades Local Law 2019 G.G. 24/05/2019)	2720
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Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Emergency Services in regards to Legislative Assembly Question on Notice No. 4964 asked by the Hon Terry Redman	2721
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Regulations —

Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2019 G.G. 31/05/2019)	2722
Jetties Act 1926 (Transport Regulations Amendment (Fees and Charges) Regulations 2019 G.G. 17/05/2019)	2723
Marine and Harbours Act 1981 (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2019 G.G. 31/05/2019)	2724
Metropolitan Redevelopment Authority Act 2011 (Metropolitan Redevelopment Authority Amendment Regulations 2019 G.G. 31/05/2019)	2725
Misuse of Drugs Act 1981 (Misuse of Drugs Amendment Regulations 2019 G.G. 28/05/2019)	2726
Registration of Deeds Act 1856 (Lands Regulations Amendment (Fees and Charges) Regulations 2019 G.G. 21/05/2019)	2727

Minister for Regional Development*Orders —*

Fish Resources Management Act 1994 (Prohibition on Fishing (Ngari Capes Marine Park) Amendment Order 2019 [1418] G.G. 14/05/2019)	2728
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Regulations —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations 2019 G.G. 17/05/2019)	2729
Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations (No. 3) 2019 G.G. 31/05/2019)	2730
Mining Act 1978 (Mining Amendment Regulations (No. 3) 2019 G.G. 24/05/2019)	2731

Parliamentary Secretary to the Deputy Premier*Regulations —*

Western Australian Health Promotion Foundation Act 2016 (Western Australian Health Promotion Foundation Amendment Regulations 2019 G.G. 14/05/2019)	2732
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5. **Standing Committee on Uniform Legislation and Statutes Review — Report 122 — Fair Trading Amendment Bill 2019 — Extension of Time**

Hon Michael Mischin presented Report 122 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019 — Extension of Time*. (Tabled Paper 2733).

Hon Michael Mischin moved, without notice —

That the reporting date for the Committee inquiry into the Fair Trading Amendment Bill 2019 be extended from 4 June 2019 to 22 August 2019.

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned pursuant to order.

6. Private Property Rights

Hon Rick Mazza: To move on the next day of sitting —

That the House —

- (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
- (b) recognises the threat to the probity of the Torrens Title system, that guarantees disclosure, and re-establish the necessity for registration of all encumbrances that affect land including Environmentally Sensitive Areas (ESAs), bushfire prone areas and implied easements for Western Power which currently sit behind the certificate of title;
- (c) recognises the property rights of government issued licenses and authorities including commercial fishing;
- (d) asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit; and
- (e) directs the Public Administration Committee to conduct an inquiry into the matters described above (as its terms of reference) and to report to the House within nine months of the date of the referral.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance*, 2, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, 3, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, 4, *Transport (Road Passenger Services) Regulations 2019 — Disallowance* and 5, *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 — Disallowance*, be taken after Order of the Day No. 20, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

8. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2664A–D (2019–2020 Budget Statements), laid upon the Table of the House on 9 May 2019.

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to the total cost of services for the Education portfolio via State and Commonwealth funding for 2019–20, 2020–21, 2012–22 and 2022–23, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* information in relation to the Forest Products Commission table depicting Native Log Stumpage prices from 1 January 2019, in response to a question without notice asked by Hon Diane Evers.

The Minister for Agriculture and Food tabled, and by leave incorporated into *Hansard*, the Department of Primary Industries and Regional Development's online lime comparison calculator and long-hand lime comparison, soil acidity and plant growth, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 2734).

The Minister for Regional Development representing the Minister for Fisheries tabled a map and a report to the Department of Primary Industries and Regional Development and Liveringa Station entitled "Rescue of Freshwater Sawfish, Blina Creek, Liveringa Station" (December 2018), in response to question on notice 2043 asked by Hon Robin Chapple. (Tabled Paper 2735).

10. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 8 above*).

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

11. Pay-roll Tax Assessment Amendment 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.

Leave was granted to proceed forthwith to the third reading.

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

Question — put and passed.

Bill read a third time and passed.

12. Order of Business

Ordered — That Order of the Day No. 27, *Infrastructure Western Australia Bill 2019*, be taken forthwith. (Leader of the House).

13. Infrastructure Western Australia Bill 2019

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

Debate resumed.

Hon Alison Xamon, by leave, tabled a list of State planning policies prepared by the Department of Planning, Lands and Heritage. (Tabled Paper 2736).

Debate resumed.

Hon Alison Xamon, by leave, tabled the Regional and Sub-Regional Strategies prepared by the Department of Planning, Lands and Heritage. (Tabled Paper 2737).

Debate resumed.

Hon Alison Xamon, by leave, tabled a document defining the meaning of agency in the *Financial Management Act 2006*. (Tabled Paper 2738).

Debate resumed.

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

14. Order of Business

Ordered — That the Order of the Day relating to the *Standing Committee on Uniform Legislation and Statutes Review — Report 122 — Fair Trading Amendment Bill 2019 — Extension of Time*, be taken forthwith. (Leader of the House).

15. Standing Committee on Uniform Legislation and Statutes Review — Report 122 — Fair Trading Amendment Bill 2019 — Extension of Time

The Order of the Day having been called, debate resumed on the motion of Hon Michael Mischin as follows —

That the reporting date for the Committee inquiry into the *Fair Trading Amendment Bill 2019* be extended from 4 June 2019 to 22 August 2019.

Question — put and passed.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 10.12pm until Wednesday, 5 June 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Laurie Graham.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council