

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 154

THURSDAY, 26 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. Ministerial Statement — Late Tabling of 2018–19 Annual Reports

The Leader of the House made a Ministerial Statement with respect to the late tabling of the *Western Australian Museum 2018–19 Annual Report* and the *Equal Opportunity Commission Annual Report 2018–19 Annual Report*, and Audit Statement.

3. Ministerial Statement — Mental Health Week 2019

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to Mental Health Week taking place across Western Australia from 6 to 12 October 2019.

4. Papers

The following Papers were laid on the Table by —

President

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5. Firearms Amendment (Airsoft) Bill 2019

Non-Government Business No. 1 having been called, Hon Aaron Stonehouse, pursuant to notice, moved —

That a Bill for “An Act to amend the *Firearms Act 1973*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Aaron Stonehouse moved, That the Bill be read a second time.

Hon Aaron Stonehouse tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3202).

Debate stands adjourned.

6. Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017

Non-Government Business No. 2 having been called for the adjourned debate on the second reading of this Bill.

Debate resumed.

Hon Alison Xamon moved, without notice —

- (1) That the Order of the Day for the *Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017* be discharged and the Bill be referred to the Standing Committee on Legislation for consideration and report not later than 12 May 2020.

- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Question — put and passed.

Debate stands adjourned and the Bill referred to the Standing Committee on Legislation.

7. Freedom of Expression

Non-Government Business No. 3 having been called, Hon Aaron Stonehouse moved, without notice —

That this House —

- (a) recognises that the free expression of ideas is central to a parliamentary democracy, and that all Australians have a natural right to freedom of expression; and
- (b) expresses concern at efforts by Government and Non-Government entities to curtail the free expression of ideas as a means of enforcing politically correct language or behaviour.

Debate ensued.

Motion lapsed.

8. Protecting Workers from Silicosis

Private Members’ Business No. 1 having been called, Hon Matthew Swinbourn moved, without notice —

That this House notes the increasing number of cases of silicosis being found in construction workers arising from them working with engineered stone products and the continued need to remain vigilant about protecting workers from this fatal industrial disease and to provide continuing support to those who have contracted it.

Debate ensued.

Motion lapsed.

9. Voluntary Assisted Dying Bill 2019

The Acting President reported the receipt of Message No. 140 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment tabled a document outlining the proposed process relating to voluntary assisted dying. (Tabled Paper 3203).

The Minister for Environment tabled a Summary of Safeguards relating to voluntary assisted dying. (Tabled Paper 3204).

The Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3205).

Debate stands adjourned.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Health Regulations Amendment (Fees and Charges) Regulations 2019 — Disallowance*, 2, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, 3, *City of Bunbury — Fees Notice 2019 — Disallowance*, and 4, *Public Health Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 10, *Appropriation (Capital 2016–17) Supplementary Bill 2017*. (Leader of the House).

11. Terrorism (Preventative Detention) Amendment Bill 2019

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 Martin Aldridge in the Chair)

Clause 1 agreed to.

Clauses 2 to 16 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 Police moved, That the Bill be read a third time.

The Acting President announced that the Deputy 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.

12. 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 Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 72.

Debate resumed.

Clause agreed to.

Clauses 73 to 79 agreed to.

Clause 80.

Debate ensued.

Clause agreed to.

Clauses 81 and 82 agreed to.

Clause 83.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce tabled a document detailing prosecutions commenced or completed for trust account defalcations as at 18 September 2019. (Tabled Paper 3223).

Debate resumed.

Clause agreed to.

Clauses 84 to 88 agreed to.

Clause 89.

Debate ensued.

Clause agreed to.

Clauses 90 to 94 agreed to.

Postponed clause 67.

Debate ensued.

Clause, as amended, agreed to.

The Minister for Regional Development representing the Minister for Commerce moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.

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.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That the *Consumer Protection Legislation Amendment Bill 2018* be recommitted for the purposes of reconsidering Clause 67.

Question — put and passed.

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Recommitted clause 67.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved —
Page 40, lines 13 to 18 — To delete the lines and insert:

subsection (2A)(a) if, and only if —

- (a) the tenant has given the lessor a request, in a form approved by the Commissioner, seeking the lessor's consent to affix the item to the wall; and
- (b) the lessor has not refused consent under subsection (2A)(b) within 14 days after the day on which the lessor receives the request.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled a letter from the Premier to the Federal Minister for Immigration; Citizenship and Multicultural Affairs regarding the 2019–20 Migration Program, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3224).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to the domestic lobster meeting outcomes (26 April 2019) and the Review of the Local Lobster Program (November 2018), in response to a question without notice asked by Hon Jim Chown. (Tabled Paper 3225).

The Minister for Environment representing the Minister for Planning tabled an updated full list of all Bush Forever sites, their owners and managers, in response to question on notice 2404 asked by Hon Alison Xamon. (Tabled Paper 3226).

The Parliamentary Secretary to the Minister for Health tabled details of assaults in public hospitals for 2017–18 and 2018–19, in response to question on notice 2347 asked by Hon Martin Aldridge. (Tabled Paper 3227).

14. Reserves (Marmion Marine Park) Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 142

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Reserves (Marmion Marine Park) Bill 2019* without amendment.

Mr S.J. Price

Acting Speaker

Legislative Assembly Chamber

Perth, 26 September 2019

15. Papers

The following Papers were laid on the Table by —

President

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16. Statement by President — Clerk Assistant (House) — Appointment of Sam Hastings

The President made the following Statement —

In August this year, a selection process was commenced to fill the vacant position of Clerk Assistant (House) in the Legislative Council. Today, I am pleased to announce that Mr Sam Hastings has been appointed to this position, effective from 12 November 2019. As Members will be aware, Mr Hastings has been an advisory officer in the Committee Office since 2017 and acted as Clerk Assistant (Committees) and Advisory Officer (Procedure) from time to time. He has also commenced training as a table officer. This training is regularly offered to staff as part of the Department’s capacity-building strategy. On behalf of all Members, I congratulate Sam on his appointment. I welcome him to our small and dedicated staff at the House and wish him every success in his new role.

17. Consumer Protection Legislation Amendment Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 12 above*).

The President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Recommitted clause 67.

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

Page 40, lines 13 to 18 — To delete the lines and insert:

subsection (2A)(a) if, and only if —

- (a) the tenant has given the lessor a request, in a form approved by the Commissioner, seeking the lessor’s consent to affix the item to the wall; and
- (b) the lessor has not refused consent under subsection (2A)(b) within 14 days after the day on which the lessor receives the request.

Amendment — put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Regional Development representing the Minister for Commerce, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Consumer Protection Legislation Amendment Bill 2018* to be read a third time.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a third time.

The Acting President announced that the Deputy 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.

18. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

19. Members' Statements

Statements were taken.

20. Adjournment

The Council adjourned at 5.38pm until Tuesday, 15 October 2019 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Robin Chapple, Hon Adele Farina and Hon Simon O'Brien.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council