

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

**MINUTES OF PROCEEDINGS**

**No. 113**

**TUESDAY, 19 MARCH 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. Ministerial Statement — Fitzroy River Planning**

The Minister for Regional Development made a Ministerial Statement with respect to a stakeholder forum held in relation to planning for the Fitzroy River.

**3. Ministerial Statement — Voluntary Assisted Dying**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the release of a discussion paper, prepared by the Ministerial Expert Panel, on voluntary assisted dying.

**4. Papers**

The following Papers were laid on the Table by —

**Leader of the House**

*Annual Reports —*

Central Regional TAFE (2018) (Date received 19/03/2019) ..... 2474

South Metropolitan TAFE (2018) (Date received 19/03/2019) ..... 2475

*Local Laws —*

Cemeteries Act 1986 (City of Mandurah Cemeteries Amendment Local Law 2019 G.G. 12/03/2019) .. 2476

Local Government Act 1995 (City of Fremantle Local Government Property Amendment Local Law 2019 G.G. 12/03/2019 and Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 G.G. 15/03/2019) ..... 2477

*Regulations —*

Children’s Court of Western Australia Act 1988 (Attorney General Regulations Amendment (Transcript Fees) Regulations 2019 G.G. 12/03/2019)..... 2478

Evidence Act 1906 (Evidence (Prescribed Persons) Amendment Regulations 2019 G.G. 15/03/2019)... 2479

Gender Reassignment Act 2000 (Gender Reassignment Amendment Regulations 2019 G.G. 12/03/2019)..... 2480

*Reports —*

Royal Commission into Institutional Responses to Child Sexual Abuse — 2018 Progress Report (1 December 2018) ..... 2481

*Reviews —*

Review of the Vocational Education and Training Act 1996..... 2482

**Minister for Environment***Reports —*

Government Mid-Year Financial Projections Statement (2018–19) (December 2018).....	2483
Government of Western Australia — Quarterly Financial Results Report (2018-19) (December 2018).....	2484

**Minister for Regional Development***Determinations —*

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management Determination under s.130(1) - Repeal and Replacement 2019 G.G. 12/03/2019).....	2485
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*Regulations —*

Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations 2019 G.G. 15/03/2019).....	2486
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*Rules —*

Racing and Wagering Western Australia Act 2003 (Rules of Wagering Amendment Rules 2019 G.G. 15/03/2019).....	2487
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**Parliamentary Secretary to the Deputy Premier***Regulations —*

Medicines and Poisons Act 2014 (Medicines and Poisons Amendment Regulations 2019 G.G. 15/03/2019).....	2488
Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations 2019 G.G. 12/03/2019).....	2489

**5. Suspension of Standing Orders**

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as is necessary —

- (1) To enable me to move forthwith a motion in regards to the terrorist attack in New Zealand; and
- (2) To allow Members to speak to the motion for a maximum of 10 minutes each.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

**6. Terrorist attack in New Zealand**

The Leader of the House moved, without notice —

That this House, on behalf of the people of Western Australia, expresses its deepest sympathy to the people of New Zealand and those affected by the abhorrent terrorist attack in Christchurch.

And further, that this House unequivocally condemns all acts of hatred and intolerance within our community.

Debate ensued.

Question — put and passed.

Members stood in their places for one minute's silence.

**7. Statement by President — Christchurch Condolence Book**

The President made the following Statement —

I, too, wish to acknowledge the tragedy that occurred in Christchurch on Friday, 15 March 2019 and share the sentiments that have been expressed by Members in this Chamber. It is difficult

to comprehend the evil that occurred in the two Mosques that day and the impact that these barbaric and cowardly acts will have on countless lives for years to come.

A condolence book has been placed in the foyer of Parliament House today for Members of Parliament, staff, visitors to Parliament and members of the public to sign. This condolence book will be presented to the new High Commissioner of New Zealand on 9 April 2019.

This attack reminds us all of the fragile nature of human life. It reminds us of our obligation, indeed, our duty, as community leaders to prevent extremism and the intolerance that allows it to fester. My thoughts and prayers are with our New Zealand sisters and brothers.

## **8. Order of Business**

Ordered — That Orders of the Day Nos 1, Health Practitioner Regulation National Law Regulation 2018 — Disallowance, 2, Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance, 3, Shire of Morawa Cemeteries Local Law 2018 — Disallowance, and 4, Biodiversity Conservation (Exemptions) Order 2018 — Disallowance be taken after Order of the Day No. 18, Criminal Code Amendment (Child Marriage) Bill 2018. (Leader of the House).

## **9. Bail Amendment (Persons Linked to Terrorism) 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.

The Acting President left the Chair.

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## **In Committee**

(Hon Adele Farina in the Chair)

Clause 1.

Debate ensued.

## **10. Questions Without Notice**

Questions without notice were taken.

The Minister for Agriculture and Food tabled daily trap rates and calculations of costs in relation to the Mediterranean Fruit Fly Eradication Project in Carnarvon, in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 2490).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to funding for palliative care services in regional and metropolitan areas, in response to a question without notice asked by Hon Jim Chown.

The Minister for Environment representing the Minister for Transport tabled documents in relation to tunnel boring machines at the Metronet Forrestfield Airport Link, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2491).

The Leader of the House representing the Minister for Community Services tabled a list of programs in Fitzroy and Halls Creek currently funded by the Department of Communities, in response to question on notice 1839 asked by Hon Robin Chapple. (Tabled Paper 2492).

The Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that answers to questions on notice 1852, 1853, 1855 and 1856 asked by Hon Alison Xamon will be provided on 2 April 2019.

The Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that answers to questions on notice 1861 and 1862 asked by Hon Martin Aldridge will be provided on 2 April 2019.

The Minister for Environment representing the Minister for Lands tabled plans in relation to Class A Reserve 20253, in response to question on notice 1870 asked by Hon Martin Aldridge. (Tabled Paper 2493).

The Minister for Environment tabled the Waste Authority's, *Road to Reuse, Product Specification — recycled road base and recycled drainage rock*, in response to question on notice 1833 asked by Hon Robin Chapple. (Tabled Paper 2494).

The Minister for Environment representing the Minister for Lands tabled a list of pastoral leases in Western Australia, in response to question on notice 1875 asked by Hon Robin Chapple. (Tabled Paper 2495).

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that answers to questions on notice 1822 and 1838 asked by Hon Robin Chapple will be provided on 2 April 2019.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to midwifery full time equivalents and advertising in WA Country Health Services (February 2019), in response to question on notice 1858 asked by Hon Martin Aldridge. (Tabled Paper 2496).

The Parliamentary Secretary to the Minister for Health tabled a report on the Laverton Hospital Redevelopment Project, April 2013, in response to question on notice 1864 asked by Hon Nick Goiran. (Tabled Paper 2497).

The Parliamentary Secretary to the Minister for Health tabled a ministerial briefing note, *Provision of confidential report to the Minister of Health on induced abortions*, in response to question on notice 1863 asked by Hon Nick Goiran. (Tabled Paper 2498).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to questions on notice 1860 asked by Hon Martin Aldridge will be provided on 21 March 2019.

#### **11. Statement by President — Parliamentary Research Program**

The President made the following Statement —

Members, I want to remind you about the parliamentary research program. The program is coordinated by the Parliamentary Education Office and is a cooperative arrangement between the Parliament of Western Australia and Western Australian universities. It involves high-performing students undertaking research topics nominated by Members of Parliament. A number of you may have participated in the program in earlier years. Each of you would have recently received an invitation to submit up to two research topics to the Parliamentary Education Office by close of business on Thursday, 28 March 2019. I would encourage Members, if they are interested to do so, to participate in this program. Excellent work is being done by these students, and in the past Members have found them very useful documents to use in the Chamber on occasion.

#### **12. Bail Amendment (Persons Linked to Terrorism) Bill 2018**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

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#### **In Committee**

(Hon Dr Steve Thomas in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 and 10 agreed to.

Clause 11.

Hon Alison Xamon moved —

Page 8, line 3 — To delete the line.

Debate ensued.

Amendment — put and negatived.

The Leader of the House representing the Attorney General moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Deputy 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.

### **13. Fair Trading 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 Michael Mischin moved, without notice —

- (1) That the *Fair Trading Amendment Bill 2018* be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for the purposes of considering the adoption or disallowance of amending laws;
- (2) That the Committee consider the proposed amendments contained in Supplementary Notice Paper No. 75, Issue No. 5, dated Tuesday, 19 March 2019; and
- (3) The Committee to report by 4 June 2019.

Debate ensued.

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

On the motion of Hon Pierre Yang the debate on the second reading of this Bill was adjourned to the next sitting.

### **14. Cognate Debate — Suitors' Fund Amendment Bill 2017 and Suitors' Fund Amendment (Levy) Bill 2017**

The Minister for Environment on behalf of the Leader of the House sought leave of the Council to debate Order of the Day No. 12, *Suitors' Fund Amendment Bill 2017*, and Order of the Day No. 13, *Suitors' Fund Amendment (Levy) Bill 2017*, cognately [SO 127].

Leave granted.

### **15. Suitors' Fund Amendment Bill 2017 and Suitors' Fund Amendment (Levy) Bill 2017**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

*Interruption pursuant to order.*

### **16. Members' Statements**

Statements were taken.

**17. Adjournment**

The Council adjourned at 10.05pm until Wednesday, 20 March 2019 at 1.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council