

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 129
WEDNESDAY, 5 JUNE 2019

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Michael Mischin presented a petition from 246 petitioners requesting the Legislative Council to recommend the State Government support the easement of parking congestion during drop off and pickup times at Western Australian Schools (Tabled Paper 2741).

Hon Simon O'Brien presented a petition from 390 petitioners requesting the Legislative Council to recommend a review of the *Young Offenders Act 1994* and increase the number of police officers in Western Australia. (Tabled Paper 2742).

Hon Colin de Grussa presented a petition from 374 petitioners requesting the Legislative Council to ensure that services are retained at the Quadriplegic Centre. (Tabled Paper 2743).

3. Ministerial Statement — Reducing Single-Use Plastics Consultation

The Minister for Environment made a Ministerial Statement with respect to the Government taking effective action to reduce the environmental impacts of plastic waste.

4. Paper

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Engaging Consultants to Provide Strategic Advice (Report No. 21) (Date received 5/06/2019).....	2739
Opinions on Ministerial Notifications (Report No. 22) (Date received 5/06/2019)	2740

5. Food Amendment (Shark Fin Prohibition) Bill 2019

Hon Diane Evers: To move on the next day of sitting —

That a Bill for “An Act to amend *Food Act 2008* to prohibit the sale and supply of shark fin products and for incidental and related purposes.” be introduced and read a first time.

6. Select Committee into Local Government

Hon Simon O'Brien: To move on the next day of sitting —

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
 - (a) whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of Local Governments;
 - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
 - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of Local Governments; and
 - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members.
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

7. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing and Temporary Orders be suspended so that Consideration of Committee Reports not be taken at this day's sitting.

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.

8. 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).

Point of Order

Hon Nick Goiran raised the following Point of Order —

I note that Standing Order 15(2) states —

After the conclusion of formal business each Wednesday, motions on notice shall be taken for a period of 120 minutes.

For some reason we have moved directly to orders of the day.

President's Ruling

The President ruled as follows —

Member, I refer you to the Temporary Standing Order on motions on notice. Section 4(6)(b) states that if no written notification is provided to the Clerk by the specified deadline—that would have been last Friday, so that it could be put on the Weekly Bulletin, but, as I understand it, that did not happen—and unless the Council otherwise orders on motion without notice, business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business. As you would have noted, the

House has just agreed to suspend Standing Orders and not deal with committee reports, which means that the next item of business would be to move to Orders of the Day.

Point of Order

Hon Nick Goiran raised the following Point of Order —

On the *Daily Notice Paper* I notice there is a motion standing in the name of Hon Pierre Yang, a Member of the Australian Labor Party, which had been allocated this Wednesday's session, according to the schedule of allocation under Temporary Order 4. I question, Madam President, whether we would not now simply move to Hon Pierre Yang's motion.

President's Ruling

The President ruled as follows —

Hon Pierre Yang may have moved at some point when we last sat that he would put forward that motion, but I refer you to what I have just said. Once the motion has been moved in the House, there is still another process to be followed. The Clerk has to be advised by that Member that they are going to proceed with that motion. My understanding is that that did not happen by the deadline last Friday, so that the motion could have been listed on the Weekly Bulletin. Therefore, we do not proceed with that item, and move on to the next matter of business on the Notice Paper. Ordinarily, that would have been consideration of committee reports. However, the House has just agreed to suspend Standing Orders and not deal with committee reports. Therefore, the next item to move on to is Orders of the Day.

Point of Order

Hon Nick Goiran raised the following Point of Order —

Further to the point of order, I hope Hon Rick Mazza has been listening to this. I note that his is the next motion listed on the Notice Paper. It is clear that the ruling of the House is that it is insufficient to simply give notice of the Motion, and that before the Friday prior to the next occasion, extra notice must be given. That is two lots of notice. But be that as it may, my point of order is about Standing Order 70, which states that Motions not moved shall be discharged from the Notice Paper. I seek your ruling on whether Hon Pierre Yang's Motion will stay on the Notice Paper or has been discharged.

President's Ruling

The President ruled as follows —

Honourable Member, it stays, yes. It may very well be that whilst the Member may not have elected to proceed with the Motion today, it does not prevent that particular Member from seeking to move and deal with that Motion on another occasion..

Point of Order

Hon Peter Collier raised the following Point of Order —

In terms of clarification, and on the point of order, Madam President, I thought there was still a likelihood that we would be dealing with this Motion, but we got a bit of wind that perhaps Hon Pierre Yang was not going to move it. However, because it was on the *Daily Notice Paper* yesterday, I assumed that it would be dealt with today, and that it would be up to the Government to determine today whether that would be the case. I think that confusion did legitimately exist, and that is where it stemmed from.

President's Ruling

The President ruled as follows —

I am just going to say that whilst Bills and Motions might be listed on the *Daily Notice Paper*, the Weekly Bulletin determines what we actually do in here. The Motion was not listed on the Weekly Bulletin. Just coming back to the earlier comments of Hon Nick Goiran about the process, whilst it might come as news that there are additional layers, if you like, the system has actually been operating for some time now. This is the first time there has been a hiccup, or a change. Other Members who have been dealing with Motions have obviously worked through that process and have notified the Clerk by the appropriate time so that the Motion they wanted to deal with was listed on the Weekly Bulletin. I think that those people who are

engaged in that process have been following it quite well, but it does not hurt to remind people.

Point of Order

Hon Rick Mazza raised the following Point of Order —

Madam President. I just want to clarify the Motions on Notice today, if I can. The Motion moved by Hon Pierre Yang remains on the Notice Paper and Hon Pierre Yang's Motion will be deferred to a later time on the roster for the ALP so, next week, the Motion I have on the Notice Paper will be debated?

President's Ruling

The President ruled as follows —

Hon Pierre Yang has vacated the space today. The next time we get to deal with Motions on Notice, it is whoever is next in the queue, on the list. The question of whether Hon Pierre Yang's Motion is moved for debate and is debated is really up to his party in terms of its next allocated time and whether it provides that opportunity to Hon Pierre Yang or to another Member. So yes, so long as you notify the Clerk in due course by the appropriate time.

9. 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 Finance 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.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

10. Taxation Administration Amendment Bill 2018 and Revenue Laws Amendment Bill 2018 — Cognate Debate

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

The Minister for Environment representing the Minister for Finance moved, That the *Taxation Administration Amendment Bill 2018*, 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.

The Minister for Environment representing the Minister for Finance moved, That the *Revenue Laws Amendment Bill 2018* 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.

11. 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.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development tabled documents in relation to Primed; Preparing Students for Futures in Australian Primary Industries, An initiative of the Department of Primary Industries and Regional Development, Department of Training and Workforce Development and the Department of Education, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2744).

The Minister for Environment representing the Minister for Transport tabled a report entitled, *Joondalup Drive and Wanneroo Road Intersection Overpass Rapid Economic Analysis Final Report (November 2017)*, in response to a question without notice asked by Hon Colin Tincknell. (Tabled Paper 2745).

The Minister for Education and Training representing the Minister for Prevention of Family and Domestic Violence, in accordance with Standing Order 108(2), advised that an answer to questions on notice 2079 asked by Hon Alison Xamon will be provided on 11 June 2019.

The Minister for Regional Development representing the Minister for Tourism tabled documents in relation to the Minister for Tourism's visit to the Agricultural Region on 5 April 2019, itinerary, travel arrangements and briefing notes, in response to question on notice 2083 asked by Hon Martin Aldridge. (Tabled Paper 2746).

The Minister for Regional Development representing the Minister for Tourism tabled the itinerary for the Minister for Tourism's visit to the Central Wheatbelt on 1 April 2019, in response to question on notice 2089 asked by Hon Martin Aldridge. (Tabled Paper 2747).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to questions on notice 2071 asked by Hon Martin Aldridge will be provided on 13 June 2019.

13. Personal Explanation

Minister for Regional Development, by leave, made a personal explanation in relation to comments made by Hon Nick Goiran.

14. Infrastructure Western Australia Bill 2019

Debate resumed on the second reading of this Bill (*see item 11 above*).

The Leader of the House sought leave to continue her remarks at the next sitting of the House.

Leave granted.

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

15. Road Traffic Amendment (Blood Alcohol Content) Bill 2019

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

Debate resumed.

Interruption pursuant to order.

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 6.58pm until Thursday, 6 June 2019 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Laurie Graham and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council