

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 147

WEDNESDAY, 4 SEPTEMBER 2019

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### 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. Petition

Hon Jacqui Boydell presented a petition from 448 petitioners requesting the Legislative Council to recommend the movement of the compliance point for dust emissions in the west end of Port Hedland from its present location in Taplin Street further westwards to Richardson Street. (Tabled Paper 2993).

### 3. Papers

The following Papers were laid on the Table by —

#### Minister for Environment

*Leases* —

CALM Lease No. 1703/97 — Between the Conservation and Land Management Executive Body and the West Australian Rifle Association INC for a further term of 17 years in State Forest No. 7 in the Perth Hills..... 2991

CALM Lease No. 1709/97 — Between the Conservation and Land Management Executive Body and the Sporting Shooters Association of Australia (WA) INC for a further term of 15 years in State Forest No. 7 in the Perth Hills..... 2992

### 4. Standing Committee on Procedure and Privileges — Report 56 — Interim Report Judicial Proceedings for Declaration Challenging the Validity of the Order made by Legislative Council on 15 August 2019

The President presented Report 56 of the Standing Committee on Procedure and Privileges, *Parliamentary Privilege and Intrusive Powers — Interim Report Judicial Proceedings for Declaration Challenging the Validity of the Order made by Legislative Council on 15 August 2019*. (Tabled Paper 2994).

Hon Simon O'Brien moved, without notice —

That consideration of Recommendations 1 to 4 contained in Report No. 56 of the Standing Committee on Procedure and Privileges, *Parliamentary Privilege and Intrusive Powers — Interim Report Judicial Proceedings for Declaration Challenging the Validity of the Order made by Legislative Council on 15 August 2019*, be made an Order of the Day for consideration in the Committee of the Whole House for the next day's sitting.

Question — put and passed.

Hon Simon O'Brien moved, without notice —

That the Order of the Day regarding Report No. 56 of the Standing Committee on Procedure and Privileges, *Parliamentary Privilege and Intrusive Powers — Interim Report Judicial Proceedings for Declaration Challenging the Validity of the Order made by Legislative Council on 15 August 2019*, be made Order of the Day No. 1 for the next sitting of the House, and to remain as Order of the Day No. 1 until resolved.

Question — put and passed.

Hon Simon O'Brien moved, without notice —

That so much of the standing orders be suspended so as to enable me, during consideration in the Committee of the Whole House of Recommendations 1 to 4 contained in Report No. 56 of the Standing Committee on Procedure and Privileges, *Parliamentary Privilege and Intrusive Powers — Interim Report Judicial Proceedings for Declaration Challenging the Validity of the Order made by Legislative Council on 15 August 2019*, to move the following motion without notice —

That in relation to Recommendation 2 —

That the vote passed by the Legislative Council on 15 August 2019 adopting and agreeing to the order contained in Recommendation 4 in report No. 55 of the Standing Committee on Procedure and Privileges, *A Refusal to Comply with a Summons to Produce Documents* is hereby rescinded.

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.

## 5. Climate Change

Motion No. 1 having been called, Hon Tim Clifford, pursuant to notice, moved —

That this House —

- (a) acknowledges the climate crisis and declares a climate emergency; and
- (b) notes that climate change will increase the likelihood of extreme weather events including more regular and intense bushfires, and drought, and cause extreme disruption to Western Australia's biodiversity, coastlines, water and food security, economy, and to its people and their livelihoods.

Debate ensued.

The Minister for Environment moved, without notice —

To amend the motion by deleting paragraphs (a) and (b) and inserting —

- (a) acknowledges the reality of climate crisis and calls on the Federal Government to take action to ensure Australia meets its obligations under the Paris Agreement; and
- (b) notes that climate change has increased the likelihood of extreme weather events including more regular and intense bushfires, and drought, and cause extreme disruption to Western Australia's biodiversity, coastlines, water and food security, economy, and to its people and their livelihoods.

Debate ensued.

Amendment — put.

The Council divided.

**Ayes (25)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Nick Goiran  
 Hon Laurie Graham  
 Hon Colin Holt  
 Hon Rick Mazza

Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Pierre Yang (*Teller*)

**Noes (6)**

Hon Robin Chapple  
 Hon Diane Evers  
 Hon Charles Smith

Hon Aaron Stonehouse  
 Hon Alison Xamon  
 Hon Tim Clifford (*Teller*)

Amendment thus passed.

Debate on the motion, as amended, resumed.

Motion, as amended — put and passed.

**6. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Simon O'Brien in the Chair)

**Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material**

Debate resumed on the motion of Hon Matthew Swinbourn, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

**Joint Standing Committee on Audit — Report 1 — Second review of the Financial Management Act 2006**

Debate resumed on the motion of Hon Diane Evers, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

**7. Questions Without Notice**

Questions without notice were taken.

The Minister for Education and Training tabled final lease agreements in relation to Landsdale Farm and Camp Schools managed by Fairbridge WA, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2995).

The Minister for Regional Development representing the Minister for Tourism, by leave, incorporated into *Hansard* information in relation to passenger numbers on various bus routes, in response to a question without notice asked by Hon Colin Tincknell.

The Minister for Environment representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to buses in the Transperth fleet in each of the last three financial years, in response to a question without notice asked by Hon Simon O'Brien.

The Minister for Regional Development representing the Minister for Water, in accordance with Standing Order 108(2), advised that an answer to question on notice 2343 asked by Hon Jacqui Boydell will be provided on 17 September 2019.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 2347, 2348, 2349 and 2350 asked by Hon Martin Aldridge will be provided by 19 September 2019.

## 8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 6 above*).

### In Committee

(Hon Martin Aldridge in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report 11 — Parliamentary Inspector's report on 'a saga of persistence'**

Hon Alison Xamon moved, That the Report be noted.

*Interruption pursuant to order.*

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Environment and Public Affairs — Report 49 — *Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material*, made progress and seeks to sit again.
- (2) Joint Standing Committee on Audit — Report 1 — *Second review of the Financial Management Act 2006*, made progress and seeks to sit again.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 11 — *Parliamentary Inspector's report on 'a saga of persistence'*, made progress and seeks to sit again.

Report adopted.

## 9. Order of Business

Ordered — That Order of the Day No. 1, *City of Armadale Bush Fire Brigades Local Law 2019 — Disallowance*, be taken after Order of the Day No. 7, *Appropriation (Capital 2016–17) Supplementary Bill 2017*. (Leader of the House).

## 10. TAB (Disposal) Bill 2019 and Betting Control Amendment (Taxing) Bill 2019

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

(Hon Martin Aldridge in the Chair)

#### **TAB (Disposal) Bill 2019**

Postponed clause 13.

Debate resumed.

Clause agreed to.

Postponed clause 35.

Debate resumed.

Clause agreed to.

#### **Betting Control Amendment (Taxing) Bill 2019**

Clause 1 agreed to.

Clauses 2 to 4 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Environment representing the Treasurer moved, That the *TAB (Disposal) Bill 2019*, be read a third time.

The Deputy 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

The Minister for Environment representing the Treasurer moved, That the *Betting Control Amendment (Taxing) Bill 2019* be read a third time.

The Deputy 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. Order of Business**

Ordered — That Order of the Day No. 33, *Select Committee into alternate approaches to reducing illicit drug use and its effects on the community — Interim Report — Extension of Time*, be taken forthwith. (Leader of the House).

#### **12. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community — Interim Report — Extension of Time**

The Order of the Day having been called for the adjourned debate on the motion of Hon Alison Xamon as follows —

That the reporting date for the Inquiry into alternate approaches to reducing illicit drug use be extended from 17 October 2019 to 5 December 2019.

Question — put and passed.

#### **13. Order of Business**

Ordered — That Order of the Day No. 22, *High Risk Offenders Bill 2019*, be taken forthwith. (Leader of the House).

#### **14. High Risk Offenders 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.*

#### **15. Members' Statements**

Statements were taken.

#### **16. Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018**

The President reported the receipt of Message No. 139 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Minister for Planning tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2996).

Debate stands adjourned.

**17. Adjournment**

The Council adjourned at 6.45pm until Thursday, 5 September 2019 at 10.00am.

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

Attendance: Present all Members except Hon Colin de Grussa.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council