

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 176

WEDNESDAY, 12 FEBRUARY 2020

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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. Ministerial Statement — Tropical Cyclone Damien — Pilbara Schools Update

The Minister for Education and Training made a Ministerial Statement with respect to the status of Pilbara schools affected by Tropical Cyclone Damien.

### 3. Ministerial Statement — Royal Commission into Institutional Responses to Child Sexual Abuse — Annual Report on Progress

The Leader of the House representing the Minister for Child Protection made a Ministerial Statement with respect to the Royal Commission into Institutional Responses to Child Sexual Abuse — Annual Report on Progress.

The Leader of the House representing the Minister for Child Protection tabled the Royal Commission into Institutional Responses to Child Sexual Abuse — Annual Report on Progress. (Tabled Paper 3594).

### 4. Reduction in TAFE Student Fees

Hon Samantha Rowe: To move on the next day of sitting —

That this House notes the reduction in TAFE student fees for high priority courses supports access to affordable training in targeted areas of projected jobs growth and responds to emerging skills needs.

### 5. Regional Western Australia

Motion No. 1 having been called, Hon Jim Chown, pursuant to notice, moved —

That this House expresses its concerns regarding the McGowan Government's policies and decisions affecting regional Western Australia.

Debate ensued.

#### *Point of Order*

Hon Martin Aldridge raised the following Point of Order —

Madam Acting President, I draw your attention to Standing Order 59. I observed Hon Darren West's speech quite intently, and I noticed that he quoted extensively from a document. I ask that he identify the document and that the document be tabled.

*Acting President's Ruling*

The Acting President ruled as follows —

Standing Order 59(2) states that at the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document. It is my understanding that as the Member has stated that the document is confidential, the Member does not need to table the document.

Debate resumed.

Motion — put.

The Council divided.

**Ayes (21)**

Hon Martin Aldridge  
Hon Jacqui Boyde  
Hon Robin Chapple  
Hon Jim Chown  
Hon Tim Clifford  
Hon Peter Collier  
Hon Colin de Grussa  
Hon Diane Evers  
Hon Nick Goiran  
Hon Colin Holt  
Hon Rick Mazza

Hon Michael Mischin  
Hon Simon O'Brien  
Hon Robin Scott  
Hon Tjorn Sibma  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Dr Steve Thomas  
Hon Colin Tincknell  
Hon Alison Xamon  
Hon Ken Baston (*Teller*)

**Noes (12)**

Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Adele Farina  
Hon Laurie Graham  
Hon Alannah MacTiernan

Hon Kyle McGinn  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Motion thus passed.

*Point of Order*

Hon Martin Aldridge raised the following Point of Order —

I respect that you made a ruling earlier on a point of order that I made, Madam Acting President, but subsequent to your ruling I observed Hon Darren West provide a document to *Hansard*. I understand that the document he provided was the document he was quoting from. I ask you to consider this matter and confer with the President and the Clerk as you require so I can understand whether the status of that document's confidentiality has changed, since the Member has released it to *Hansard*.

*The Acting President left the Chair at 3.11pm*

*The President resumed the Chair at 3.24pm*

**6. Statement by President — Later Ruling**

The President made the following Statement —

Members, I understand that a point of order was moved by Hon Martin Aldridge. I advise you that once question time has been completed, I will provide a response to that point of order.

## 7. 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 Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings**

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

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

#### **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.

Question — put and passed.

#### **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.

On the motion of Hon Nick Goiran, debate was postponed to the next sitting.

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

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Question — put and passed.

#### **Select Committee into Elder Abuse — Final Report — 'I never thought it would happen to me': When trust is broken**

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

## 8. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* a list of assaults of nurses, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development tabled a document entitled *Department of Primary Industries and Regional Development, Evaluation of Sector Support Services for Community Resource Centres (April 2019)*, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3595).

The Minister for Environment tabled a document entitled *Department of Water and Environmental Regulation, Investigation into the cause of the change in acidity at Site 4 (the Big Goanna) petroglyph on Murujuga (February 2020)*, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 3596).

The Minister for Regional Development tabled documents in relation to Collie Futures Fund, Approved Projects, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 3597).

The Minister for Environment representing the Minister for Police tabled documents in relation to Western Australia police officers leave without pay over the years 2016–17, 2017–18 and 2018–19, in response to question on notice 2725 asked by Hon Martin Aldridge. (Tabled Paper 3598).

The Minister for Regional Development tabled documents in relation to successful Regional Economic Development grant applicants, in response to question on notice 2724 asked by Hon Jacqui Boydell. (Tabled Paper 3599).

## 9. President's Ruling — Standing Order 59 — Quoting from Official Documents

The President ruled as follows —

Earlier today Hon Martin Aldridge requested a clarification by me of a ruling made by the Acting President in relation to his point of order under Standing Order 59. The ruling was that Hon Darren West had quoted from a document that he confirmed was a confidential document, and consequently he was not required to table it at Hon Martin Aldridge's request.

Standing Order 59 states —

### Documents Quoted in Debate

- (1) A Member must identify any document quoted from by the Member in debate, including an uncorrected version of *Hansard*.
- (2) At the conclusion of a speech in which a Member has quoted from a document, the document shall be tabled upon the request of any other Member, unless the Member states the document is a confidential document.

Hon Martin Aldridge subsequently sought clarification of the document's confidential status due to the fact that Hon Darren West had provided the document to *Hansard* for the purposes of verifying the accurate transcription of the debate. I affirm the ruling of the Acting President. Standing Order 59 requires the Member to identify only whether a document from which they have quoted is a confidential document. Having made that identification, the matter is concluded. That the confidential document was subsequently provided by the Member to *Hansard* does not alter its status as a confidential document.

## 10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 7 above*).

### In Committee

(Hon Simon O'Brien in the Chair)

#### Select Committee into Elder Abuse — Final Report — 'I never thought it would happen to me': When trust is broken

Debate resumed on the motion of Hon Nick Goiran, That the Report be noted.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

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

- (1) Standing Committee on Estimates and Financial Operations — Report 77 — *2017-18 Budget Cycle — Part 2: Annual Report Hearings*, made progress, and postponed further consideration until the next sitting.
- (2) 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* and had noted same.
- (3) Joint Standing Committee on Audit — Report 1 — *Second review of the Financial Management Act 2006*, made progress, and postponed further consideration until the next sitting.
- (4) Joint Standing Committee on the Corruption and Crime Commission — Report 11 — *Parliamentary Inspector's report on 'a saga of persistence'* and had noted same.
- (5) Select Committee into Elder Abuse — Final Report — *'I never thought it would happen to me': When trust is broken*, made progress, and seeks to sit again.

Report adopted.

# **11. Order of Business**

Ordered — That Orders of the Day Nos 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, and 2, *Weapons Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 33, *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*. (Leader of the House).

# **12. High Risk Offenders Bill 2019**

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.

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## **In Committee**

(Hon Martin Aldridge in the Chair)

Clause 11.

Debate resumed.

*Interruption pursuant to order.*

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The 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. Members' Statements**

Statements were taken.

# **14. Adjournment**

The Council adjourned at 6.32pm until Thursday, 13 February 2020 at 10.00am.

## **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