



WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 71

TUESDAY, 21 AUGUST 2018

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. President's Ruling — Standing Order 40 — Personal Explanation

The President ruled as follows —

Last Wednesday during Members' Statements, the Leader of the Opposition raised a point of order regarding the use of Standing Order 40 by the Minister for Regional Development to make a personal explanation. The Leader of the Opposition suggested that the Minister should have used the ministerial statement procedure under Standing Order 103 to make her contribution.

The Minister used the personal explanation procedure under Standing Order 40 to respond to a claim made by Hon Martin Aldridge earlier in the day that she had not complied with her notification obligations under section 82 of the *Financial Management Act 2006* regarding her response to questions asked of her by Hon Martin Aldridge during the 2017–18 budget estimates hearings. Standing order 40 states —

Personal Explanation

- (1) When there is no business before the Council, a Member may, by leave, explain a matter of a personal nature.
- (2) A personal explanation shall not be debated.

When the House grants leave, a personal explanation may be used by any Member, including a Minister, to respond to some misrepresentation of a Member in an earlier debate in the Council or in some other forum or publication. It is not necessary for a Member to claim that they have been misrepresented to use this procedure, but the matter must relate to matters personally affecting the Member. I have examined the *Hansard* from last Wednesday and previous *Hansards* when the procedure has been used. I am satisfied that the Minister's personal explanation comes within the scope of the Standing Order. It is a response to claims made by Hon Martin Aldridge in an earlier debate that relate to Hon Alannah MacTiernan personally in her capacity as a Minister. The Minister sought to explain why the Member's earlier statement misrepresents the situation as it relates to her. I therefore rule that there is no point of order.

Members have a variety of procedures under the Standing Orders to respond to other Members. A Minister may use a Ministerial Statement when matters relate to their ministerial responsibilities, which is Standing Order 103. Members who have spoken to a question may speak a second time during the same debate without leave to explain some part of their speech that has been misquoted or misunderstood by another Member, which is Standing Order 38. A Minister may correct answers to questions after question time and Members may also use Members' Statements to respond. The Standing Orders are interpreted so as to facilitate the

business of the House and it may be the case that more than one procedure is available to a Member to achieve the same or a similar outcome.

3. Petition

Hon Pierre Yang presented a petition from 1,448 petitioners requesting the Legislative Council to support measures for palliative care options to be given to patients at Joondalup, Midland, Peel, Fremantle and Bentley Hospitals. (Tabled Paper 1635).

4. Ministerial Statement — Visit to Doha, Qatar

The Minister for Agriculture and Food made a Ministerial Statement with respect to a recent visit to Doha, Qatar to meet with key food production and import companies.

The Minister for Agriculture and Food tabled a report on the *Ministerial Visit to Doha, Qatar, 3–4 July 2018*. (Tabled Paper 1636).

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Information Systems Audit Report 2018 (Report No. 1) (August 2018–19) 1624

Reports —

Corruption and Crime Commission — Report on Corruption in Information
Technology at Horizon Power (August 2018) (Deemed tabled 20/08/2018) 1625

Leader of the House

Annual Reports —

Local Government Advisory Board (2017–2018) (Date received 21/08/2018) 1626

Local Laws —

Local Government Act 1995 (Shire of Capel Cats Amendment Local Law 2018 G.G. 17/08/2018
and Shire of Capel Dogs Amendment Local Law 2018 G.G. 17/08/2018) 1627

Minister for Environment

Regulations —

Criminal Investigation (Covert Powers) Act 2012 (Criminal Investigation (Covert Powers)
Amendment Regulations 2018 G.G. 17/08/2018) 1628

Police Act 1892 (Police (Fees and Charges) Amendment Regulations 2018 G.G. 17/08/2018 and Police
Force (Member Testing) Amendment Regulations (No. 2) 2018 G.G. 17/08/2018) 1629

Reports —

Fremantle Ports — Statement of Corporate Intent (2018–19) 1630

Kimberley Ports Authority — Statement of Corporate Intent (2018–19) 1631

Mid-West Ports Authority — Statement of Corporate Intent (2018–19) 1632

Southern Ports Authority — Statement of Corporate Intent (2018–19) 1633

Minister for Regional Development

Notices —

Fish Resources Management Act 1994 (Marine Aquarium Fish Managed Fishery Management
Plan 2018 [1191] Correction Notice 2018 G.G. 14/08/2018) 1634

6. Health Services (Information) Amendment Regulations 2018 — Disallowance

Hon Nick Goiran: To move on the next day of sitting —

That the *Health Services (Information) Amendment Regulations 2018* published in the *Gazette* on 10 August 2018 and tabled in the Legislative Council on 14 August 2018 under the *Health Services Act 2016*, be and are hereby disallowed. (Tabled paper No. 1591).

7. Select Committee into Mining on Pinjin Station

Hon Robin Scott: To move on the next day of sitting —

- (1) A Select Committee into Mining on Pinjin Station be established.
- (2) The Select Committee is to inquire into mining operations on Pinjin Station, with particular reference to the following —
 - (a) the mining operations by Hawthorn Resources Limited, ABN 44 009 157 439;
 - (b) the role of government agencies and Ministers in the approval and regulation of mining operations;
 - (c) all allegations, including those of intimidation, abuse and racial discrimination, set out in the documentation tabled in the Legislative Council on 26 June 2018 (Tabled Paper 1489) and other allegations dating back to 2012;
 - (d) actions of all parties relevant to mining operations, including but not limited to mine operators, pastoral leaseholders, government agencies and their employees and agents;
 - (e) responses by Ministers and government agencies to complaints;
 - (f) the actions of any other persons or bodies associated with mining operations;
 - (g) reasons why the Department of Mines Industry Regulation and Safety formerly the Department of Mines and Petroleum and successive Ministers have not approved the incorporation of the Common Reserve 10041 into the Pinjin Station Pastoral Lease; and
 - (h) any other related matter.
- (3) The Select Committee is to report no later than six months after the Committee has been established.
- (4) The Select Committee shall consist of five members; Hon Robin Scott (Chair), Hon Robin Chapple, Hon Jacqui Boydell, Hon Kyle McGinn and Hon Michael Mischin (Deputy Chair).

8. Select Committee into Mining on Pinjin Station

The Leader of the House moved, without notice —

That the motion to appoint a Select Committee into Mining on Pinjin Station be made an Order of the Day for the next sitting of the House.

Question — put and passed.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Northam Cemeteries Amendment Local Law 2017 — Disallowance*, 2, *Shire of Toodyay Health Local Law 2017 — Disallowance*, 3, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 5, *City of Karratha Fencing Local Law 2018 — Disallowance*, 8, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, and 9, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, be taken after Order of the Day No. 13, *Occupational Safety and Health Amendment Bill 2017*. (Leader of the House).

10. City of Busselton Standing Orders Local Law 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 4, *City of Busselton Standing Orders Local Law 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

11. Shire of Quairading Animals, Environment and Nuisance Local Law 2017 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Shire of Quairading Animals, Environment and Nuisance Local Law 2017 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

12. Cremation Amendment Regulations 2018 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Cremation Amendment Regulations 2018 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

13. Appropriation (Recurrent 2018–19) Bill 2018 and Appropriation (Capital 2018–19) Bill 2018

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

Debate resumed.

Question — That the *Appropriation (Recurrent 2018–19) Bill 2018* be read a second time — put and passed.

Bill read a second time.

Question — That the *Appropriation (Capital 2018–19) Bill 2018* be read a second time — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

The Minister for Environment representing the Treasurer moved, That the *Appropriation (Recurrent 2018–19) Bill 2018* be read a third time.

Question — put and passed.

Bill read a third time and passed.

The Minister for Environment representing the Treasurer moved, That the *Appropriation (Capital 2018–19) Bill 2018* be read a third time.

Question — put and passed.

Bill read a third time and passed.

14. Industrial Hemp Amendment Bill 2018

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

Debate resumed.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled briefing notes regarding the upgrade of the administration building at Halidon Primary School, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 1637).

The Minister for Environment tabled the landfill waste classification and waste definition ambient background levels found in soil on the Swan Coastal Plain, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 1638).

The Minister for Environment tabled the licence for Yara Pilbara Nitrates to operate the ammonium nitrate plant, in response to question on notice No. 1335 asked by Hon Robin Chapple. (Tabled Paper 1639).

The Minister for Environment representing the Minister for Lands tabled documents in relation to diversification permits for the Gogo Station lease and a map of the permit areas, in response to question on notice No. 1396 asked by Hon Robin Chapple. (Tabled Paper 1640).

The Minister for Environment representing the Minister for Finance, by leave, incorporated into *Hansard* information in relation to foreign investment in the property market, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development representing the Minister for Forestry tabled documents in relation to costs associated with archiving services and records management consultancy for the past five financial years, in response to question on notice No. 1339 asked by Hon Alison Xamon. (Tabled Paper 1641).

The Minister for Regional Development representing the Minister for Fisheries tabled documents in relation to costs associated with archiving services and records management consultancy for the past five financial years, in response to question on notice No. 1340 asked by Hon Alison Xamon. (Tabled Paper 1642).

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled documents in relation to costs associated with archiving services and records management consultancy for the past five financial years, in response to question on notice No. 1349 asked by Hon Alison Xamon. (Tabled Paper 1643).

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled documents in relation to costs associated with archiving services and records management consultancy for the past five financial years, in response to question on notice No. 1350 asked by Hon Alison Xamon. (Tabled Paper 1644).

The Minister for Agriculture and Food tabled documents in relation to costs associated with archiving services and records management consultancy for the past five financial years, in response to question on notice No. 1370 asked by Hon Alison Xamon. (Tabled Paper 1645).

The Minister for Regional Development representing the Minister for Water tabled annual reports for the past three years for Liveringa Station and Fishes of Snake Creek, in response to question on notice No. 1391 asked by Hon Robin Chapple. (Tabled Paper 1646).

16. Industrial Hemp Amendment Bill 2018

Debate resumed on the second reading of this Bill (*see item 14 above*).

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

The Minister for Agriculture and Food moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

17. Historical Homosexual Convictions Expungement Bill 2017

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.

On the motion of Leader of the House the consideration of the Bill in Committee was adjourned to a later stage of this day's sitting.

18. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018

The Acting President reported the receipt of Message No. 74 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1647).

Debate stands adjourned.

19. Road Traffic Amendment (Driving Offences) Bill 2018

The Acting President reported the receipt of Message No. 75 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Road Safety tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1648).

Debate stands adjourned.

20. Order of Business

Ordered — That Order of the Day No. 17, *Historical Homosexual Convictions Expungement Bill 2017*, be taken forthwith. (Leader of the House).

21. Historical Homosexual Convictions Expungement Bill 2017

The Order of the Day for the consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4 agreed to.

Clause 5.

Debate ensued.

Hon Michael Mischin moved —

Page 5, line 6 — To delete “CEO” and insert:

Minister

Debate ensued.

Interruption pursuant to order.

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.

22. Members’ Statements

Statements were taken.

23. Adjournment

The Council adjourned at 10.14pm until Wednesday, 22 August 2018 at 1.00pm.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Jacqui Boydell, Hon Kyle McGinn and Hon Matthew Swinbourn.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council