

WESTERN AUSTRALIA

**LEGISLATIVE COUNCIL**

**MINUTES OF PROCEEDINGS**

**No. 120**

**WEDNESDAY, 10 APRIL 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 Jacqui Boydell presented a petition from 781 petitioners requesting the Legislative Council to oppose liquor restrictions in the Pilbara. (Tabled Paper 2608).

Hon Charles Smith presented a petition from four petitioners requesting the Legislative Council to recommend an inquiry into the behaviour of the City of Swan towards occupiers of Lot 52, Victoria Road in West Swan. (Tabled Paper 2609).

**3. Ministerial Statement — Sustainable Health Review Final Report**

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the release of the *Sustainable Health Review, Final Report to the Western Australian Government*.

The Parliamentary Secretary to the Minister for Health tabled the *Sustainable Health Review, Final Report to the Western Australian Government*. (Tabled Paper 2610).

**4. Transparency of Political Funding**

Motion No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved —

- (1) That this House acknowledges the increasing public concern about the role large corporations play in influencing public policy, recognises the urgent need for donations reform at both the state and federal level, and calls on the Government to urgently increase the transparency of political funding by:
  - (a) abolishing third-party donations;
  - (b) instituting ‘real-time’ reporting of gifts and donations; and
  - (c) banning foreign donations.
- (2) That this House further calls on the Government to work through the COAG processes to ensure that financial disclosures to both federal and state bodies uniformly reflect the highest standards of transparency.

Debate ensued.

Hon Rick Mazza moved, without notice —

To delete the words “large corporations” and insert —

any interest groups

Debate ensued.

Question, That the words to be deleted, be deleted — put.

The Council divided.

**Ayes (15)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Peter Collier  
 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 Ken Baston (*Teller*)

**Noes (14)**

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Laurie Graham

Hon Kyle McGinn  
 Hon Martin Pritchard  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

Question thus passed.

Question, That the words to be inserted, be inserted — put and passed.

Debate resumed on the motion, as amended.

Question, That the motion, as amended, be agreed to — put.

The Council divided.

**Ayes (7)**

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Diane Evers  
 Hon Robin Scott

Hon Colin Tincknell  
 Hon Alison Xamon  
 Hon Charles Smith (*Teller*)

**Noes (26)**

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 Donna Faragher  
 Hon Adele Farina  
 Hon Nick Goiran  
 Hon Laurie Graham  
 Hon Colin Holt

Hon Alannah MacTiernan  
 Hon Rick Mazza  
 Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Tjorn Sibma  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Motion, as amended, thus negated.

## 5. 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 No. 4, consideration of the report was postponed.

#### **Joint Standing Committee on the Corruption and Crime Commission — Report 10 — With extraordinary power ... The Corruption and Crime Commission's execution of a search warrant on the Shire of Halls Creek**

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

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.

*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 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 the Corruption and Crime Commission — Report 10 — *With extraordinary power ... The Corruption and Crime Commission's execution of a search warrant on the Shire of Halls Creek* and had noted same.
- (3) 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.

## 6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services tabled documents in relation to out-of-home care, in response to question on notice 1963 asked by Hon Nick Goiran. (Tabled Paper 2612).

The Leader of the House representing the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services tabled the Department for Child Protection and Family Support's report *Building a Better Future: Out-of-Home Care Reform in Western Australia*, in response to question on notice 1964 asked by Hon Nick Goiran. (Tabled Paper 2613).

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice 1924 asked by Hon Martin Aldridge will be provided on 7 May 2019.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice 1934 asked by Hon Tjorn Sibma will be provided on 7 May 2019.

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to the sustainable yield for marri, in response to question on notice 1902 asked by Hon Diane Evers.

The Minister for Environment representing the Minister for Police tabled documents in relation to post traumatic stress disorder issues and operational procedures within Western Australia Police, in response to a question without notice asked by Hon Charles Smith. (Tabled Paper 2611).

The Minister for Environment representing the Minister for Transport; Planning tabled documents in relation to complaints received by the Public Transport Authority regarding the content of advertisements appearing on buses, leading to an investigation and subsequent removal, in response to question on notice 1961 asked by Hon Nick Goiran. (Tabled Paper 2614).

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science tabled details of exemptions issued pursuant to s.7(2)(d) of the *Fish Resources Management Act 1994*, in response to question on notice 1919 asked by Hon Martin Aldridge. (Tabled Paper 2615).

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science, in accordance with Standing Order 108(2), advised that an answer to question on notice 1948 asked by Hon Tjorn Sibma will be provided on 7 May 2019.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to a 1300 number available to doctors and nurses that is manned by a palliative care physician 24 hours a day, seven days a week, in response to a question without notice asked by Hon Jim Chown.

The Minister for Regional Development representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science, in accordance with Standing Order 108(2), advised that an answer to question on notice 1948 asked by Hon Tjorn Sibma will be provided on 7 May 2019.

## 7. Order of Business

Ordered — That Orders of the Day Nos 1, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 2, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance* and 3, *Tobacco Products Control Amendment Regulations 2019 — Disallowance* be taken after Order of the Day No. 16, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Leader of the House).

## 8. Human Reproductive Technology and Surrogacy Legislation 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 Nick Goiran moved, without notice —

- (1) That the *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 27 June 2019; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

The Leader of the House moved, without notice —

To amend the motion to delete paragraph (2) and insert:

- (2) That it be an instruction to the Committee:
  - (a) That it is not to inquire into the policy of the Bill.
  - (b) That it only considers:
    - (i) matters directly relevant to clauses in the Bill that amend the *Surrogacy Act 2009* and *Human Reproductive Technology Act 1991* to address inconsistency with the *Sex Discrimination Act 1984* (Cth); and
    - (ii) the proposed amendments contained in Supplementary Notice Paper No. 88 Issue No. 1.

Debate ensued.

Amendment — put.  
The Council divided.

**Ayes (14)**

Hon Robin Chapple  
Hon Tim Clifford  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Diane Evers  
Hon Adele Farina

Hon Laurie Graham  
Hon Alannah MacTiernan  
Hon Kyle McGinn  
Hon Martin Pritchard  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

**Noes (15)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Peter Collier  
Hon Donna Faragher  
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 Colin Tincknell  
Hon Ken Baston (*Teller*)

Amendment thus negatived.  
Debate resumed.  
Question — put.  
The Council divided.

**Ayes (14)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Rick Mazza  
Hon Michael Mischin

Hon Simon O'Brien  
Hon Robin Scott  
Hon Tjorn Sibma  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Colin Tincknell  
Hon Ken Baston (*Teller*)

**Noes (13)**

Hon Robin Chapple  
Hon Tim Clifford  
Hon Alanna Clohesy  
Hon Stephen Dawson  
Hon Sue Ellery  
Hon Diane Evers  
Hon Adele Farina

Hon Laurie Graham  
Hon Kyle McGinn  
Hon Martin Pritchard  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

Question thus passed.  
*Interruption pursuant to order.*

**9. Members' Statements**

Statements were taken.

**10. Adjournment**

The Council adjourned at 6.59pm until Thursday, 11 April 2019 at 10.00am.

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

Attendance: Present all Members except Hon Colin de Grussa and Hon Samantha Rowe.

**NIGEL PRATT**  
Clerk of the Legislative Council

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