

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 81
WEDNESDAY, 19 SEPTEMBER 2018

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair and read prayers.

Prayers and an Acknowledgement of Country were read.

2. Papers

The following Papers were laid on the Table by —

Leader of the House

Addendums —

Lotterywest — Annual Report (2017–2018)..... 1831

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School Curriculum and Standards (2017–2018) (Date received 18/09/2018)..... 1845

State Training Board (2017–2018) (Date received 18/09/2018)..... 1846

Swan Bells Foundation (2017–2018) (Date received 18/09/2018)..... 1847

Training and Workforce Development, Department of (2017–2018)
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Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Education and Training in relation to Legislative Council Question without Notice No. 627 asked by the Hon Alison Xamon regarding TAFE Student Management System Business Case	1849
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Treasury, Department of (2017–2018) (Date received 18/09/2018)	1863

Parliamentary Secretary to the Minister for Regional Development*Annual Reports —*

Construction Industry Long Service Leave Scheme (2017–2018) (Date received 18/09/2018)	1864
Electoral Commission (2017–2018) (Date received 18/09/2018)	1865
Minerals Research Institute of Western Australia (2017–2018) (Date received 18/09/2018) ..	1866
Mines, Industry Regulation and Safety, Department of (2017–2018) (Date received 18/09/2018)	1867
Regional Development Trust (2017–2018) (Date received 18/09/2018)	1868
Registrar WA, Industrial Relations Commission, Department of (2017–2018) (Date received 18/09/2018)	1869
Workcover WA (2017–2018) (Date received 18/09/2018)	1870

3. Standing Order 6(3) — Referral to the Standing Committee on Procedure and Privileges

Motion No. 1 having been called, debate resumed on the motion of Hon Martin Aldridge as follows —

- A. That a proposed amendment to Standing Order 6(3) be considered by the House in the following terms —

- (3) When the Council is adjourned the President:

- (a) may on the request of the Leader of the House and after consultation with the leaders of all parties vary the day and time at which the Council may next meet; or
- (b) shall, at the written request of an absolute majority of the whole number of Members that the Council meet at a certain day and time, fix a day and time of meeting in accordance with that request.

- (4) When varying or fixing a day and time of meeting not less than 4 days' notice shall be given to each Member.
- (5) For the purposes of (3)(b):
 - (a) A request by the leader or deputy leader of a party in the Council shall be deemed to be a request by every member of that party who is a member of the Council.
 - (b) A request may be made to the President by delivery to the Clerk, who shall immediately notify the President.
 - (c) If the President is unavailable, the Clerk shall notify the Deputy President, or, should the Deputy President be unavailable, any one of the Deputy Chairs of Committees, who shall be required to summon the Council on behalf of the President, in accordance with this temporary order.

- B. That the proposed amendment is referred to the Standing Committee on Procedure and Privileges for consideration and report within three months.

Leader of the House moved, without notice —

To amend Motion No. 1 – *Standing Order 6(3) — Referral to the Standing Committee on Procedure and Privileges* as follows —

- C. That each party leader not a member of the Standing Committee on Procedure and Privileges be co-opted to the committee for the purpose of this referral.

Debate ensued.

Point of Order

Hon Simon O'Brien raised the following Point of Order —

The point of order is that it is a convention of this House that the President not be involved personally or that no Member seeks to involve personally the President of the House in the debate before the Chair. I think the Member should perhaps find another line of argument.

President's Ruling

The President ruled as follows —

You are correct, Hon Simon O'Brien. I think that Hon Martin Aldridge might have received that message and he will not be going back over that ground again today.

Debate resumed.

Point of Order

Hon Simon O'Brien raised the following Point of Order —

The point of order that I raised just now is a valid one and the discipline and dignity of the House relies on such precedents. Although my friend is pursuing this matter with vigour, and that is fine, the fact of the matter is that I think the ruling that was very genteelly made was that my point of order was upheld. Therefore, the honourable Member is out of order in then persisting with his remark that he had "made the point". That is not the way that we conduct ourselves in this House, and I would ask that he withdraw that remark.

President's Ruling

The President ruled as follows —

You are right, we do have to maintain, as you already referenced, some of those conventions. It is appropriate. So, Member, I ask you to withdraw those comments you made previously about the election of the President in this Chamber and then you can continue on with your other remarks about this amendment.

Hon Martin Aldridge withdrew his remark.

Debate resumed.

Amendment — put and passed.

Debate resumed.

Motion, as amended, agreed to.

4. **Select Committee into alternate approaches to reducing illicit drug use and its effects on the community**

Motion No. 2 having been called, Hon Alison Xamon, pursuant to notice, moved —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
 - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
 - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
 - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
 - (d) consider any other relevant matter.
- (3) The Select Committee is to report no later than twelve months after the motion is agreed to.
- (4) The Select Committee shall consist of five members; Hon Alison Xamon (Chair); Hon Samantha Rowe (Deputy Chair); Hon Colin de Grussa; Hon Michael Mischin; and Hon Aaron Stonehouse

Debate ensued.

Interruption pursuant to order.

5. **Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Joint Select Committee on End of Life Choices — Report No. 1 — My Life, My Choice

Debate resumed on the motion of Hon Colin Holt, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Elder Abuse — Report No. 1 — 'I never thought it would happen to me': When trust is broken

Hon Nick Goiran moved, That the Report be noted.

Debate ensued.

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) Joint Select Committee on End of Life Choices — Report No. 1 — *My Life, My Choice*, made progress and postponed further consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 7 — *Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms* and postponed consideration to the next sitting.
- (3) Select Committee into Elder Abuse — Report No. 1 — *'I never thought it would happen to me': When trust is broken*, made progress and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Karratha Fencing Local Law 2018 — Disallowance*, 2, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 3, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, 4, *City of Kalgoorlie-Boulder Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2018 — Disallowance*, 5, *City of Kalgoorlie-Boulder Local Government Property Amendment Local Law 2018 — Disallowance*, 6, *City of Karratha Standing Orders Local Law 2018 — Disallowance*, 7, *Health Services (Information) Amendment Regulations 2018 — Disallowance*, and 8, *Jetties Amendment Regulations (No. 2) 2018 — Disallowance*, be taken after Order of the Day No. 35, *Standing Committee on Procedure and Privileges — Review of the Standing Orders relating to Motions on Notice*. (Leader of the House).

7. Order of Business

Ordered — That Order of the Day, *Standing Committee on Procedure and Privileges — Report No. 51 — Review of the Standing Orders relating to motions on notice — Request for extension of reporting time and discussion paper*, be taken forthwith. (Leader of the House).

8. Standing Committee on Procedure and Privileges — Report No. 51 — Review of the Standing Orders relating to motions on notice — Request for extension of reporting time and discussion paper

The Order of the Day having been called for the adjourned debate on the motion of Hon Simon O'Brien as follows —

That the reporting date for the Standing Committee on Procedure and Privileges inquiry into the *Review of the Standing Orders relating to motions on notice* be extended from 20 September 2018 to 20 November 2018.

Debate resumed.

Question — put and passed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled the Fairbridge commercial lease terms, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 1871).

The Leader of the House representing the Attorney General, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1579 asked by Hon Michael Mischin will be provided on 20 September 2018.

The Minister for Environment representing the Minister for Police tabled the Western Australia Police Commercial Carriers Policy regarding the transportation of licenced firearms, in response to question on notice No. 1566 asked by Hon Martin Aldridge. (Tabled Paper 1872).

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

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

Debate resumed.

11. Members' Statements

Statements were taken.

Hon Nick Goiran, by leave, tabled documents in relation to the reporting of the unnatural deaths of 27 infants in Western Australia between July 1999 and December 2016. (Tabled Paper 1873).

12. Adjournment

The Council adjourned at 6.41pm until Thursday, 20 September 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell, Hon Alannah MacTiernan, Hon Kyle McGinn and Hon Samantha Rowe (leave of absence).

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council