

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 114
WEDNESDAY, 20 MARCH 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. Ministerial Statement — Dry Season Response Grants

The Minister for Regional Development made a Ministerial Statement with respect to Dry Season Response Grants for the management and control of large feral herbivores.

3. Ministerial Statement — Drug Aware Public Education Program

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to the Drug Aware public education program.

4. Paper

The following Paper was laid on the Table by —

Leader of the House

Annual Report —

University of Western Australia (2018) (Date Received 19/03/2019) 2499

5. Electoral Amendment (Ticket Voting Associated Reforms) Bill 2019

Hon Alison Xamon: To move on the next day of sitting —

That a Bill for “An Act to amend the *Electoral Act 1907*.” be introduced and read a first time.

6. Tobacco Products Control Amendment Regulations 2019 — Disallowance

Hon Aaron Stonehouse: To move on the next day of sitting —

That the *Tobacco Products Control Amendment Regulations 2019* published in the *Gazette* on 12 March 2019 and tabled in the Legislative Council on 19 March 2019 under the *Tobacco Products Control Act 2006*, be and is hereby disallowed. (Tabled paper 2489).

7. Access to Specialist Palliative Care

Hon Jim Chown: To move on the next day of sitting —

That this House —

- (a) notes that access to inpatient specialist palliative care is limited and that this State has the lowest number of publicly funded inpatient palliative care beds per head of population;
- (b) acknowledges that access to hands-on inpatient and community based specialist palliative care is limited for metropolitan and non-metropolitan patients;

- (c) considers that access to specialist palliative care in the early stages of a diagnosis might improve remaining quality of life, mood, resilience, symptom management and allow for death in the patient's preferred location;
- (d) observes that more can be done to promote understanding of palliative care in the community to ensure that all patients who could benefit from palliative care are receiving it, and that community palliative care is easily accessible for all patients at end of life who wish to die at home; and
- (e) calls on the Government to ensure palliative care is funded to meet demand.

8. Cashless Debit Card

Motion No. 1 having been called, Hon Jacqui Boydell, pursuant to notice, moved —

That this House —

- (a) notes the operation of the Cashless Debit Card (CDC) in the East Kimberley and Goldfields regions of Western Australia;
- (b) recognises the positive social, health and financial impacts of the trial;
- (c) notes the strong community support for continuation of the trial; and
- (d) supports further expansion of the trial in Western Australia and calls on the current and future Federal Governments to maintain support for the Cashless Debit Card.

Debate ensued.

The Minister for Environment moved, without notice —

To delete paragraphs (b), (c) and (d) and insert —

- (b) notes there are varying claims on the success of the trial and that evaluation on the social, health and financial impacts of the trial is continuing; and
- (c) supports further expansion of the trial only where the community wants it and there is proper consultation and informed community consent.

Debate ensued.

Question — put.

The Council divided.

Ayes (16)

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

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

Noes (17)

Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Colin de Grussa
 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 Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Peter Collier, by leave, tabled submissions to the Cashless Debit Card Senate inquiry. (Tabled Paper 2500).

Debate resumed.

Question — put.

The Council divided.

Ayes (15)

Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Colin de Grussa
 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 Colin Tincknell
 Hon Ken Baston (*Teller*)

Noes (15)

Hon Robin Chapple
 Hon Tim Clifford
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 Hon Adele Farina
 Hon Alannah MacTiernan

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

Motion thus negated.

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 7 — Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Debate resumed on the motion of Hon Jim Chown, That the Report be noted.

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

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report 8 — The More Things Change...Matters arising from the Corruption and Crime Commission's Report on Operation Avimore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke

Debate resumed on the motion of Hon Jim Chown, 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.

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 Standing Committee on the Corruption and Crime Commission — Report 7 — *Unfinished business — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms*, made progress and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 8 — *The More Things Change...Matters arising from the Corruption and Crime Commission's Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke* 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.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* a table in relation to the funding and enrolment data for community kindergartens, in response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Racing and Gaming, by leave, incorporated into *Hansard* a table showing the percentage of Lotterywest revenue derived from the Lotterywest website and App, in response to a question without notice asked by Hon Colin Holt.

The Minister for Environment tabled documents in relation to the industry funded voluntary buy-back scheme of Perth owned taxi plates and regulation of the on-demand taxi and charter transport industry, in response to a question without notice asked by Hon Simon O'Brien. (Tabled Paper 2501).

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 questions on notice 1845, 1846, 1847, 1848, 1849 and 1850 asked by Hon Colin de Grussa will be provided on 11 April 2019.

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 1836 asked by Hon Robin Scott will be provided on 11 April 2019.

The Minister for Regional Development representing the Minister for Mines and Petroleum; Energy; Industrial Relations, in accordance with Standing Order 108(2), advised that an answer to question on notice 1857 asked by Hon Martin Aldridge will be provided on 2 April 2019.

The Minister for Regional Development representing the Minister for Tourism, in accordance with Standing Order 108(2), advised that an answer to question on notice 1826 asked by Hon Jim Chown will be provided by 2 April 2019.

The Minister for Regional Development representing the Minister for Tourism, in accordance with Standing Order 108(2), advised that an answer to question on notice 1859 asked by Hon Martin Aldridge will be provided by 2 April 2019.

The Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade tabled the Ministers itinerary for a visit to the Agricultural Region on Wednesday, 23 January 2019, in response to question on notice 1865 asked by Hon Martin Aldridge. (Tabled Paper 2502).

The Minister for Agriculture and Food tabled documents in relation to Royalties for Regions Services Agreement, in response to question on notice 1876 asked by Hon Martin Aldridge. (Tabled Paper 2503).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to the Elizabeth Hansen Autumn Centre accommodation facility for visiting renal patients from the Kimberley and Pilbara, in response to a question without notice asked by Hon Jacqui Boydell.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Health Practitioner Regulation National Law Regulation 2018 — Disallowance*, 2, *Prohibition on Fishing (Greens Pool) Order 2018 — Disallowance*, 3, *Shire of Morawa Cemeteries Local Law 2018 — Disallowance*, and 4, *Biodiversity Conservation (Exemptions) Order 2018 — Disallowance* be taken after Order of the Day No. 18, *Criminal Code Amendment (Child Marriage) Bill 2018*. (Leader of the House).

12. Bail Amendment (Persons Linked to Terrorism) Bill 2018

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

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 11.

Debate resumed.

Hon Alison Xamon moved —

Page 8, after line 6 — To insert:

66D. Annual report to include information about application of s. 66C

- (1) The accountable authority, as defined in the *Financial Management Act 2006*, of the department of the Public Service principally assisting in the administration of this Act must, in each annual report submitted under the *Financial Management Act 2006* Part 5, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates.
- (2) The information referred to in subsection (1) must, without disclosing terrorist intelligence information, specify —
 - (a) the number of proceedings in which action was taken under section 66C(1); and
 - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether, and to what extent —
 - (i) evidence by or on behalf of the accused was received; and
 - (ii) argument by or on behalf of the accused was heard.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The 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 6.46pm until Thursday, 21 March 2019 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council