

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 68

TUESDAY, 14 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. Statement by President — Legislative Drafting — Private Members' Bills

The President made the following Statement —

Following comments in the House and approaches to me by several Members on the subject of legislative drafting services for private members' Bills, I wrote to the Premier on 12 March and 16 May 2018. In my letters, I expressed my concerns about the availability of drafting services to private members, arising from apparent resourcing limitations in the Parliamentary Counsel's Office. In view of these limitations, I requested that the Premier provide a suitable replacement drafting service to ensure the provision of this important work to private members of the Legislative Council.

The Premier responded on 22 June 2018. He advised that the Parliamentary Counsel's Office continues to provide a drafting service to private members in drafting amendments to Bills before the Parliament, for parliamentary committees, and is in a position to draft relatively uncomplicated private members' Bills. In summary, the Government is unable to increase drafting capacity. It will not revisit a previous arrangement in which it funded a private law firm to provide this service and its extensive legislative agenda means that there will be no change to the current situation for private members' drafting services.

For the record, I table my correspondence to the Premier and his reply.

The President tabled correspondence between the President and the Premier in relation to legislative drafting services. (Tabled Paper 1592).

3. President's Ruling — A Matter of Privilege raised by Hon Jim Chown

The President ruled as follows —

On Thursday, 28 June 2018, Hon Jim Chown raised a matter of privilege pursuant to Standing Order 93. The alleged breach of privilege is that Hon Darren West provided false and misleading information to the Minister for Education and Training and that that information was then provided to the House in an answer to a question asked by Hon Jim Chown. Previously, the House has determined that false and misleading information knowingly provided by a person for the purpose of a Minister answering a parliamentary question is a contempt. This is because such an action constitutes a substantial interference to the proceedings of the Council, in particular a procedure for obtaining information for the purpose of the Council's function to make the Government accountable to Parliament. In this particular case, the matter relates to alleged commitments that Hon Darren West provided to two Moora shire councillors, regarding his willingness to engage an independent assessor to assess the repairs required for Moora

Residential College to remain open and operational, and his alleged undertaking to source \$500,000 if that was the amount required to repair the college. Hon Jim Chown has tabled statutory declarations from two witnesses that support the giving of these alleged commitments. Hon Darren West has made no comment in the House regarding the alleged commitments.

On 12 April 2018, Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training, provided a response to Hon Jim Chown's question without notice No. 284, in which it was stated that the Minister did not agree that Hon Darren West gave such a commitment. On 9 May 2018, Hon Jim Chown asked the Minister for Education and Training the following in question without notice No. 329 —

(1) Has the Minister asked Hon Darren West whether he provided such a commitment?

(2) If yes, what was the honourable Member's reply?

The Minister replied —

(1) Yes.

(2) That he did not say what they claimed he said.

The evidence set out above and relied upon by Hon Jim Chown in support of his allegation that the House has been misled has been met by a denial with no further detail. There has been no comment on the record by Hon Darren West about these matters, and from the Minister's brief responses to Hon Jim Chown's questioning, it is not clear exactly what part or parts of the two shire councillors' statements is, according to Hon Darren West, inaccurate.

Nevertheless, I have two Moora shire councillors who have sworn statutory declarations that certain commitments were made by Hon Darren West in apparent contradiction to the Government's stated policy on Moora Residential College. The councillors provided their declarations in full knowledge that they would be tabled in the Legislative Council, and then also possibly referred to the Standing Committee on Procedure and Privileges. There are significant penalties for giving false evidence to the Standing Committee on Procedure and Privileges.

I am of the view that the two Moora shire councillors deserve a more detailed response to their claims, and that the most appropriate way of clarifying this issue and of determining, if possible, whether the Legislative Council has been misled in any way is to refer this matter to the Procedure and Privileges Committee. I therefore rule that pursuant to Standing Order 93(5), there is some substance to the matter raised by Hon Jim Chown and I shall refer the matter to the Standing Committee on Procedure and Privileges for inquiry and report to the Legislative Council.

4. Message from His Excellency the Governor — Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills —

13 July 2018 — Message No. 14	Act No.
Liquor Control Amendment Bill 2018	9 of 2018
Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017	10 of 2018
Terrorism (Extraordinary Powers) Amendment Bill 2018	11 of 2018

5. Petitions

Hon Diane Evers presented a petition from 543 petitioners requesting the Legislative Council to oppose the development of Greenpatch, Dalyellup and recommend that the area be added to the Shearwater Tuart Forest to form part of the Preston River to Ocean Regional Park. (Tabled Paper 1593).

Hon Laurie Graham presented a petition from 377 petitioners requesting the Legislative Council to recommend the City of Greater Geraldton maintain a rural ward. (Tabled Paper 1594).

6. Ministerial Statement — WorkCover WA's Review of the Workers' Compensation and Injury Management Act 1981 — Final Report — Submissions

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations made a Ministerial Statement with respect to the publication of submissions made to WorkCover WA's review of the *Workers' Compensation and Injury Management Act 1981*.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled submissions made to WorkCover WA's review of the *Workers' Compensation and Injury Management Act 1981*. (Tabled Paper 1595).

7. Ministerial Statement — South West Saleyards

The Minister for Agriculture and Food made a Ministerial Statement with respect to developing the South West Saleyards to replace the Boyanup Saleyards.

8. Papers

The following Papers were laid on the Table by —

President

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9. Standing Committee on Uniform Legislation and Statutes Review — Report No. 115 — Education and Care Services National Law (WA) Amendment Bill 2018

Hon Michael Mischin presented Report No. 115 of the Standing Committee on Uniform Legislation and Statutes Review, *Education and Care Services National Law (WA) Amendment Bill 2018*. (Tabled Paper 1596).

10. Misuse of Drugs Amendment Bill 2018

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

That a Bill for “An Act to amend the *Misuse of Drugs Act 1981*.” be introduced and read a first time.

11. Tax Incentives for Regional Businesses

Hon Robin Scott, pursuant to Standing Order 62(a), amended Motion No. 3 to read as follows —

That as an incentive for West Australians to expand and operate businesses in the productive remote areas of Western Australia, this House calls upon the Government of Western Australia to:

- (a) halve payroll taxes from 5.5% to 2.75% for businesses with less than 100 employees operating in Zone B as defined by the Australian Taxation Office in the Australian Zone list for Western Australia; and
- (b) eliminate payroll tax for businesses with less than 100 employees operating in Zone A as defined by the Australian Taxation Office in the Australian Zone list for Western Australia.

12. 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, *Police (Fees and Charges) Regulations 2018 — Disallowance*, 4, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 5, *Shire of Murray Health Local Law 2018 — Disallowance*, 6, *Shire of Woodanilling Animals, Environment and Nuisance Amendment Local Law 2018 — Disallowance*, 7, *Rights in Water and Irrigation Amendment Regulations 2018 — Disallowance*, and 8, *Shire of York Cat Local Law 2017 — Disallowance*, be taken after Order of the Day No. 18, *Industrial Hemp Amendment Bill 2018*. (Leader of the House).

13. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1340A-D (2018–2019 Budget Statements), laid upon the Table of the House on 10 May 2018.

Debate resumed.

Point of Order

Hon Stephen Dawson raised the following Point of Order —

Mr Acting President, I do not believe it is appropriate for the member to use the language that he has used, and I ask that he withdraw, please.

Acting President's Ruling

The Acting President ruled as follows —

Honourable Member, I must agree that the use of the word “criminals” in this case is unparliamentary and I would ask you to withdraw.

Hon Robin Scott withdrew his remark.

Debate resumed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* the 2018 fee structure for each camp school, in response to a question without notice asked by Hon Diane Evers.

The Minister for Environment tabled a list of key source documents considered in the development of the thresholds for uncontaminated fill, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 1597).

The Minister for Environment tabled documents in relation to poly fluoro alkyl substances impacted sites regulated under the *Contaminated Sites Act 2003*, in response to question on notice No. 1312 asked by Hon Dr Steve Thomas. (Tabled Paper 1598).

The Minister for Environment representing the Minister for Road Safety tabled documents in relation to a joint inquest into deaths by the State Coroner, in response to question on notice No. 1393 asked by Hon Martin Aldridge. (Tabled Paper 1599).

The Minister for Environment representing the Minister for Police tabled the Western Australia Police Standard Operating Procedure for Custodial Lock-Up, in response to question on notice No. 1401 asked by Hon Martin Aldridge. (Tabled Paper 1600).

15. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2018–2019

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 13 above*).

Question — put and passed.

16. Natural Gas (Canning Basin Joint Venture) Agreement (Termination) 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.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 1.

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.

17. Members' Statements

Statements were taken.

18. Appropriation (Recurrent 2016–17) Supplementary Bill 2017

The President reported the receipt of Message No. 71 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1601).

Debate stands adjourned.

19. Appropriation (Capital 2016–17) Supplementary Bill 2017

The President reported the receipt of Message No. 72 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1602).

Debate stands adjourned.

20. Adjournment

The Council adjourned at 10.23pm until Wednesday, 15 August 2018 at 1.00pm.

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