

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 93
WEDNESDAY, 7 NOVEMBER 2018

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. Standing Committee on Estimates and Financial Operations Inquiry into the Government's Local Projects Local Jobs program

Motion No. 1 having been called, debate resumed on the motion, as amended, of Hon Tjorn Sibma as follows —

- (1) The Estimates and Financial Operations Committee shall conduct an inquiry into the Government's *Local Projects Local Jobs* program.
- (2) The Committee is to inquire into the *Local Projects Local Jobs* program ("the program") with particular reference to the following —
 - (a) how each project was developed, evaluated and selected for funding;
 - (b) how payments were made and acquitted under each project to ensure financial probity and accountability;
 - (c) how actual or perceived conflicts of interest were declared and managed under each project;
 - (d) the number of projects funded and for each project the amount of funding provided and number of jobs created;
 - (e) whether community, education, arts and sporting groups within the State were afforded an equal opportunity to access the program;
 - (f) whether funding to the program affected the quantum of funds available for grants or other funding sources for community, education, arts and sporting groups within the State and if so in what way; and
 - (g) any other related matter.
- (3) For the purposes of this inquiry only, the Hon Tjorn Sibma is appointed Chair of the Committee and the Hon Alanna Clohesy is appointed Deputy Chair.
- (4) The Committee is to report no later than twelve months after the referral.

Hon Diane Evers moved, without notice —

To amend the motion by inserting after paragraph (2) the following —

- (3) The Committee is to also inquire into the establishment of a Parliamentary Budget Office for the independent costing of election promises and related purposes.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Hon Dr Sally Talbot moved, without notice —

To amend the motion by inserting after paragraph (f) the following —

- (g) how the program compares with the development and implementation of election commitments of other parties in the past in respect to the matters referred to in (a) to (f) above;

Debate ensued.

Amendment — put.

The Council divided.

Ayes (15)

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

Noes (16)

Hon Martin Aldridge
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.

Motion, as amended — put.

The Council divided.

Ayes (20)

Hon Martin Aldridge
Hon Robin Chapple
Hon Tim Clifford
Hon Peter Collier
Hon Colin de Grussa
Hon Diane Evers
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 Alison Xamon
Hon Ken Baston (*Teller*)

Noes (11)

Hon Alanna Clohesy
Hon Stephen Dawson
Hon Sue Ellery
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan

Hon Martin Pritchard
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Pierre Yang (*Teller*)

Motion, as amended, thus passed.

3. **Publication of Committee Minutes of Meetings — Select Committee on End of Life Choices**

Motion No. 2 having been called, Hon Nick Goiran, pursuant to notice, moved —

- (1) That the Speaker of the Legislative Assembly cause to be Tabled in both the Legislative Council and the Legislative Assembly, within three sitting days of both Houses having so ordered, all minutes of meetings of the Select Committee on End of Life Choices, redacted only to maintain as private the details of any private evidence or personal information; and
- (2) That the Legislative Assembly be invited to pass a resolution in similar terms.

Debate ensued.

Interruption pursuant to order.

4. **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 No. 7 — The Corruption and Crime Commission's response to the Committee's report on Dr Cunningham and Ms Atoms

Hon Adele Farina moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — 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

Hon Peter Collier moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 76 — 2018-19 Budget Cycle — Part 1: Estimates hearings and related matters

Debate resumed on the motion of Minister for Environment, That the Report be noted.

Question — put and passed.

Select Committee into Elder Abuse — Report No. 1 — '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.

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

Question — put and passed.

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 No. 7 — *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.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report No. 8 — *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 postponed consideration to the next sitting.
- (3) Standing Committee on Estimates and Financial Operations — Report No. 76 — *2018-19 Budget Cycle — Part 1: Estimates hearings and related matters* and had noted same.

- (4) Select Committee into Elder Abuse — Report No. 1 — *'I never thought it would happen to me': When trust is broken*, made progress and postponed further consideration to the next sitting.

Report adopted.

5. Order of Business

Ordered — That Orders of the Day Nos 1, *Environmental Protection Amendment Regulations (No. 2) 2018 — Disallowance*, 2, *Water Services Regulations Amendment (Fees and Charges) Regulations 2018 — Disallowance*, 3, *Planning and Development (Development Assessment Panels) Amendment Regulations 2018 — Disallowance*, and 4, *Public Transport Authority Amendment Regulations 2018 — Disallowance*, be taken after Order of the Day No. 28, *Standing Committee on Procedure and Privileges — Report No. 49 — Treaty Function — Standing Committee on Uniform Legislation and Statutes Review — Recommendation 1*. (Minister for Environment).

6. Railway (METRONET) Bill 2018

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. On the motion of Hon Pierre Yang the debate was adjourned to a later stage of this day's sitting.

7. Order of Business

Ordered — That Order of the Day No. 10, *Animal Welfare Amendment Bill 2017*, be taken forthwith. (Minister for Environment).

8. Animal Welfare Amendment Bill 2017

The Order of the Day having been read for the third reading of this Bill.

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

The Deputy President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

9. Order of Business

Ordered — That Order of the Day No. 9, *Railway (METRONET) Bill 2018*, be taken forthwith. (Minister for Environment).

10. Railway (METRONET) Bill 2018

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

Debate resumed.

11. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to outcomes of the ActiveSmart Program, in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 2158).

The Minister for Regional Development representing the Minister for Tourism tabled documents in relation to projects funded from the \$4,669,000 Asset Investment Program for 2018–19, in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 2159).

The Minister for Environment representing the Minister for Transport tabled documents in relation to Department of Finance Government Procurement, Request Conditions and General Conditions of Contract, in response to question on notice No. 1665 asked by Hon Martin Aldridge. (Tabled Paper 2160).

The Minister for Regional Development; Agriculture and Food; Minister Assisting the Minister for State Development, Jobs and Trade, in accordance with Standing Order No. 108(2), advised that an answer to questions on notice Nos 1666 and 1667 asked by Hon Martin Aldridge will be provided on 8 November 2018.

12. Railway (METRONET) Bill 2018

Debate resumed on the second reading of this Bill (*see item 10 above*).

Question — put and passed.

Bill read a second time.

Ordered — That consideration of the Bill, in Committee of the Whole House, be made an Order of the Day for the next sitting.

13. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

14. Members' Statements

Statements were taken.

15. Sentence Administration Amendment (Multiple Murderers) Bill 2018

The President reported the receipt of Message No. 98 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2161).

Debate stands adjourned.

16. Community Titles Bill 2018

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 99

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Community Titles Bill 2018*.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 6 November 2019

17. Adjournment

The Council adjourned at 6.37pm until Thursday, 8 November 2018 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kyle McGinn (leave of absence) and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council