

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 72
WEDNESDAY, 22 AUGUST 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. Ministerial Statement — National Environment Protection Council Annual Report 2016–2017

The Minister for Environment made a Ministerial Statement with respect to the National Environment Protection Council Annual Report for 2016–2017.

The Minister for Environment tabled the *National Environment Protection Council Annual Report 2016–2017*. (Tabled Paper 1650).

3. Ministerial Statement — Live Sheep Exports

The Minister for Agriculture and Food made a Ministerial Statement with respect to live sheep exports.

4. Paper

The following Paper was laid on the Table by —

President

Auditor General's Papers —

Young People Leaving Care (Report No. 2) (August 2018) 1649

5. Select Committee on Personal Choice and Community Safety

Hon Aaron Stonehouse, pursuant to Standing Order 62(a), amended Motion No. 2 to read as follows —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice 'for the individual's own good', with particular reference to –
 - (a) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.
- (3) The Select Committee shall consist of five members.

- (4) The Select Committee is to report by no later than 12 months after the Committee has been established.

6. Suspension of Standing Orders

Hon Colin Holt moved, without notice —

That so much of the Standing Orders be suspended to enable the Member tabling the report of the *Joint Select Committee on End of Life Choices* on Thursday, 23 August 2018 to make a statement not exceeding 20 minutes and for each of the remaining Members of the committee to make a statement not exceeding 10 minutes. The Members of the committee are:

- Hon Colin Holt
- Hon Nick Goiran
- Hon Robin Chapple
- Hon Dr Sally Talbot.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

7. Local Project, Local Jobs Initiative

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

That this House congratulates the McGowan Labor Government for its Local Projects, Local Jobs initiative and for the positive impact this will have on local communities.

Point of Order

Hon Sue Ellery raised the following Point of Order —

By way of interjection, I clearly heard across the chamber Hon Jim Chown use the words, “Talk about corrupt”. That is pretty serious language to use and I think it is unparliamentary. I draw that to your attention, Madam President.

President’s Ruling

The President ruled as follows —

I did actually hear those words being used. I was surprised to hear that from Hon Jim Chown. I want you to withdraw those comments.

Hon Jim Chown withdrew his remark.

Debate resumed.

Motion — put.

Ayes (11)

Hon Alanna Clohesy
Hon Sue Ellery
Hon Adele Farina
Hon Laurie Graham
Hon Alannah MacTiernan
Hon Kyle McGinn

Hon Martin Pritchard
Hon Samantha Rowe
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Noes (15)

Hon Martin Aldridge
 Hon Jacqui Boyde
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Colin Holt
 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*)

Motion thus negatived.

8. 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 Estimates and Financial Operations — Report No. 73 — 2017–18 Budget Cycle — Part 1: Estimates hearings and related matters

Debate resumed on the motion of Hon Peter Collier, That the Report be noted.

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.

Standing Committee on Estimates and Financial Operations — Report No. 74 — 2016-17 Annual Report hearings

Debate resumed on the motion of Hon Alanna Clohesy, That the Report be noted.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 75 — Corrections to Report 73: 2017-18 Budget Cycle — Part 1: Estimates hearings and related matters

Hon Alanna Clohesy moved, That the Report be noted.

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) Standing Committee on Estimates and Financial Operations — Report No. 73 — *2017–18 Budget Cycle — Part 1: Estimates hearings and related matters* and had noted same.
- (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) Standing Committee on Estimates and Financial Operations — Report No. 74 — *2016-17 Annual Report hearings* and had noted same.
- (4) Standing Committee on Estimates and Financial Operations — Report No. 75 — *Corrections to Report 73: 2017-18 Budget Cycle — Part 1: Estimates hearings and related matters* and had noted same.

Report adopted.

9. 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, *Environmental Protection Amendment Regulations 2018 — Disallowance*, 4, *City of Karratha Fencing Local Law 2018 — Disallowance*, 5, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, and 6, *Environmental Protection (Plastic Bags) Regulations 2018 — Disallowance*, be taken after Order of the Day No. 7, *Coroners Amendment Bill 2017*. (Minister for Environment).

10. Select Committee into Mining on Pinjin Station

The Order of the Day having been read for the debate on the motion of Hon Robin Scott, as follows —

- (1) A Select Committee into Mining on Pinjin Station be established.
- (2) The Select Committee is to inquire into mining operations on Pinjin Station, with particular reference to the following —
 - (a) the mining operations by Hawthorn Resources Limited, ABN 44 009 157 439;
 - (b) the role of government agencies and Ministers in the approval and regulation of mining operations;
 - (c) all allegations, including those of intimidation, abuse and racial discrimination, set out in the documentation tabled in the Legislative Council on 26 June 2018 (Tabled Paper 1489) and other allegations dating back to 2012;
 - (d) actions of all parties relevant to mining operations, including but not limited to mine operators, pastoral leaseholders, government agencies and their employees and agents;
 - (e) responses by Ministers and government agencies to complaints;
 - (f) the actions of any other persons or bodies associated with mining operations;
 - (g) reasons why the Department of Mines Industry Regulation and Safety formerly the Department of Mines and Petroleum and successive Ministers have not approved the incorporation of the Common Reserve 10041 into the Pinjin Station Pastoral Lease; and
 - (h) any other related matter.
- (3) The Select Committee is to report no later than six months after the Committee has been established.
- (4) The Select Committee shall consist of five members; Hon Robin Scott (Chair); Hon Robin Chapple; Hon Jacqui Boydell, Hon Kyle McGinn and Hon Michael Mischin (Deputy Chair).

Debate ensued.

Question — put and passed.

11. Criminal Law Amendment (Intimate Images) Bill 2018

The Deputy President reported the receipt of Message No. 73 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 1651).

Debate stands adjourned.

12. Historical Homosexual Convictions Expungement Bill 2017

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

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Michael Mischin as follows —

Page 5, line 6 — To delete “CEO” and insert:

Minister

13. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Commerce and Industrial Relations tabled documents in relation to a funding proposal for specialist community legal centres, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 1652).

The Leader of the House representing the Minister for Public Sector Management, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1368 asked by Hon Alison Xamon will be provided on 23 August 2018.

The Leader of the House representing the Premier, in accordance with Standing Order No. 108(2), advised that an answer to question on notice Nos 1369 and 1387 asked by Hon Alison Xamon will be provided on 23 August 2018.

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. 1329 asked by Hon Alison Xamon will be provided on 23 August 2018.

The Leader of the House representing the Minister for Sport and Recreation tabled documents in relation to project funding for the Southern River Hockey Club's pavilion at Sunderlands Park, in response to question on notice No. 1395 asked by Hon Nick Goiran. (Tabled Paper 1653).

The Minister for Education and Training tabled the *Official Opening of School Building Guidelines*, in response to question on notice No. 1410 asked by Hon Martin Aldridge. (Tabled Paper 1654).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard*, documents in relation to the Intergovernmental Agreement on Identify Matching Services, in response to a question without notice asked by Hon Simon O'Brien.

The Minister for Education and Training tabled the *Student Management System, Functionality Review*, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 1655).

The Minister for Environment; Disability Services, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1384 asked by Hon Alison Xamon will be provided on 30 August 2018.

The Minister for Regional Development representing the Minister for Racing and Gaming tabled documents in relation to costs associated with archiving services and records management consultancy over the past five financial years, in response to question on notice No. 1352 asked by Hon Alison Xamon. (Tabled Paper 1656).

The Minister for Regional Development tabled documents in relation to grant agreements for the Yamatji Patrol Vehicle, Access Geraldton, Geraldton Mammogram Service, Geraldton University Centre Audio Integration System and the Bundiyarra Newsletter, in response to question on notice No. 1403 asked by Hon Martin Aldridge. (Tabled Paper 1657).

The Minister for Regional Development representing the Minister for Water tabled the *Septic Tank Effluent Disposal (STED) Scheme Planning, Bindoon Planning Report*, in response to question on notice No. 1405 asked by Hon Martin Aldridge. (Tabled Paper 1658).

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled a map of 14 live mining leases held by Alcoa of Australia Ltd and Mitchell Plateau Bauxite Co. Pty Ltd, in response to question on notice No. 1420 asked by Hon Robin Chapple. (Tabled Paper 1659).

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade, in accordance with Standing Order No. 108(2), advised that an answer to question on notice No. 1367 asked by Hon Alison Xamon will be provided on 23 August 2018.

The Minister for Regional Development representing the Minister for Racing and Gaming tabled the *Racing and Wagering Western Australia Strategic Plan* for each racing code, in response to a question without notice asked by Hon Colin Holt. (Tabled Paper 1660).

The Minister for Agriculture and Food, by leave, incorporated into *Hansard* information in relation to the proposal for an irrigated agriculture development on Gogo Station, in response to a question without notice asked by Hon Robin Chapple.

14. Historical Homosexual Convictions Expungement Bill 2017

Resumption of consideration of this Bill in Committee of the Whole House (*see item 12 above*).

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 5.

Debate resumed on the amendment of Hon Michael Mischin as follows —

Page 5, line 6 — To delete “CEO” and insert:

Minister

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clauses 6 to 10 agreed to.

Clause 11.

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.

15. Members’ Statements

Statements were taken.

16. Adjournment

The Council adjourned at 6.50pm until Thursday, 23 August 2018 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Rick Mazza and Hon Matthew Swinbourn.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council