

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 196

WEDNESDAY, 20 MAY 2020

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. Paper

The following Paper was laid on the Table by —

Minister for Environment

Leases —

CALM Lease No. 1683/97 between the Conservation and Land Management Executive
Body and Sand Box Holdings in State Forest No. 39 3883

3. COVID-19 Virus

Hon Peter Collier: To move on the next day of sitting —

That this House —

- (a) recognises the significant impact that the COVID-19 virus has had on the Western Australian community and economy; and
- (b) requests that the Leader of the House representing the Premier and the Parliamentary Secretary to the Minister for Health table all health and other advice provided to Government to assist it in making decisions to lift or relax restrictions it imposed as a result of the COVID-19 virus.

4. Work Health and Safety Bill 2019

Minister for Regional Development moved, without notice —

- (1) That the *Work Health and Safety Bill 2019* be discharged and referred to the Standing Committee on Legislation for consideration of only clauses 30(A), 30(B) and 31 of the Bill and report by no later than Thursday, 18 June 2020.
- (2) The Committee has the power to inquire into and report on the policy of these specified clauses of the Bill.

On the motion of Leader of the House the debate was adjourned to the next day's sitting.

5. Agricultural sector and impediments to the right to farm

Motion No. 1 having been called, Hon Rick Mazza, pursuant to notice, moved —

That this House acknowledges the agriculture sector as an essential service and recognises impediments that impact farming enterprises including, but not limited to:

- (a) trespass by activists;
- (b) environmental green tape;
- (c) supermarket purchasing power;
- (d) nuisance neighbours, and

the need for protection of primary producers' right to farm.

Debate ensued.

Motion — put and passed.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Adele Farina in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 12 — An unreasonable suspicion — Parliamentary Inspector's report

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

Question — put and passed.

Standing Committee on Uniform Legislation and Statutes Review — Report 124 — Inquiry into the Form and Content of the Statute Book

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 13 — Annual Report 2018–19

Hon Alison Xamon 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 Standing Committee on the Corruption and Crime Commission — Report 12 — *An unreasonable suspicion — Parliamentary Inspector's report* and had noted same.
- (2) Standing Committee on Uniform Legislation and Statutes Review — Report 124 — *Inquiry into the Form and Content of the Statute Book* and postponed consideration to the next sitting.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 13 — *Annual Report 2018–19*, made progress, and seeks to sit again.

Report adopted.

7. Order of Business

Ordered — That Order of the Day No. 2, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, be taken after Order of the Day No. 26, *Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019*. (Minister for Environment).

8. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019

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

The Acting President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 9.

Hon Alison Xamon moved —

Page 13, lines 1 to 4 — To delete the lines.

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled a statement from the Western Australian Chief Health Officer in relation to COVID-19 restrictions in Western Australia, in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 3884).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to medical supplies procured by the Minderoo Foundation for resale in Australia arising from the COVID-19 pandemic, in response to a question without notice asked by Hon Martin Aldridge.

10. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 9.

Debate resumed on the amendment of Hon Alison Xamon as follows —

Page 13, lines 1 to 4 — To delete the lines.

Amendment — put and passed.

Hon Alison Xamon moved —

Page 14, after line 15 — To insert:

4H. Conflicts of interest

- (1) For each member of the advisory group under section 4F(3)(c) to (f), the conditions referred to in section 4G(1)(d) must include a condition that does the following —
 - (a) requires the member to disclose any actual, or potential, material conflict of interest that the member has arising out of the advisory group's function;
 - (b) specifies when, how and to whom the disclosure must be made;

- (c) specifies any other steps that the member must take in relation to the conflict of interest.
- (2) The Minister for Health must ensure that a condition of the kind described in subsection (1) applies to any alternate member appointed under section 4G(6).
- (3) In cases where the Minister for Health considers it appropriate for a condition to apply, the Minister for Health must ensure that a condition similar to that described in subsection (1) applies to any person, other than a public service officer, who has a role of providing assistance to the advisory group.
- (4) The CEO must do the following —
 - (a) keep a record of —
 - (i) each disclosure that is made by a member of the advisory group, or another person, under a condition that applies to the member or person as required under subsection (1), (2) or (3); and
 - (ii) any other steps that are taken in relation to any actual, or potential, conflict of interest that is disclosed;
 - (b) make a summary of the record available, on request, for inspection.
- (5) The regulations may prescribe how a summary of the record is to be made available under subsection (4)(b).

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clauses 10 to 13 agreed to.

Clause 14.

Debate ensued.

Hon Martin Aldridge moved —

Page 17, after line 26 — To insert:

9B. Estimate of income to be laid before each House of Parliament in certain circumstances

- (1) If the budget papers for a financial year will not be tabled in the Legislative Assembly before the commencement of the financial year, the Treasurer must, before the commencement of the financial year, cause a statement setting out an estimate of the income that will be derived during the financial year from the investment of money standing to the credit of the FHRI Fund, to be laid before each House of Parliament.
- (2) If subsection (1) requires the Treasurer to cause a document to be laid before a House of Parliament and the House is not sitting, the Treasurer may give the document to the Clerk of the House.
- (3) A document given to the Clerk of a House under subsection (2) is taken to have been laid before the House.
- (4) The laying of a document before a House that is taken to have occurred under subsection (3) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the document.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

New Clause 16A.

Hon Alison Xamon moved —

Page 18, after line 24 — To insert:

16A. Section 10A inserted

After section 10 insert:

10A. Governance framework

(1) In this section —

FHRI scheme means the scheme of this Act for supporting, and facilitating support for, qualifying activities through —

- (a) the operation of the FHRI Account and the FHRI Fund; and
- (b) the exercise and performance of related functions by the Minister for Health, the Treasurer, the advisory group and others;

governance framework means the framework referred to in subsection (2);

priorities means the priorities referred to in subsection (3)(b);

strategic arrangement means an arrangement that is made or approved under section 4C(1) and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategic document means a document, other than the strategy or priorities, that is prepared under the governance framework and that the Minister for Health considers to be of strategic importance to the operation of the FHRI scheme;

strategy means the strategy referred to in subsection (3)(a).

- (2) The Minister for Health must prepare and maintain a framework for the governance of the FHRI scheme.
- (3) The governance framework must (without limitation) do the following —
 - (a) provide for the preparation and maintaining of a strategy for the operation of the FHRI scheme;
 - (b) provide for the setting of priorities for the operation of the FHRI scheme;
 - (c) include a framework for the making and approving of arrangements under section 4C(1) and the administration of arrangements made or approved.
- (4) The Minister for Health must cause the following to be laid before each House of Parliament —
 - (a) a copy of each of the following —
 - (i) the governance framework;
 - (ii) the strategy;
 - (iii) the priorities;

- (iv) if a document listed in subparagraphs (i) to (iii) is modified or replaced — the modified or new document;
 - (b) a copy of each strategic document and, if a strategic document is modified, a copy of the modified document;
 - (c) details of each strategic arrangement and, if a strategic arrangement is modified, details of the modified arrangement.
- (5) The CEO must ensure that the current version of each of the following is publicly available on a website maintained by, or on behalf of, the FHRI Account Department —
- (a) the governance framework;
 - (b) the strategy;
 - (c) the priorities;
 - (d) each strategic document;
 - (e) the details of each strategic arrangement.

Debate ensued.

Amendment — put and passed.

New Clause agreed to.

Clause 17 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

The Parliamentary Secretary to the Minister for Health sought leave to move that the report be adopted at this day's sitting.

Point of Order

Hon Nick Goiran raised the following Point of Order —

When this matter was before the Committee of the Whole House yesterday, I raised a point of order about an amendment proposed by the Parliamentary Secretary. In fact, the Parliamentary Secretary at the time was in the process of moving the amendment when I interrupted her moving it by way of a point of order. My point of order was upheld because the Parliamentary Secretary was trying to move an amendment on a part of clause 9 of the Bill that had already been passed. It was indicated that we would need to recommit the Bill. I raise as a point of order why this is not being done now when we were provided and circulated with an amendment by the Parliamentary Secretary.

President's Ruling

The President ruled as follows —

The proposed amendment was not proceeded with and was not put on the supplementary notice paper, so it essentially fell away.

The Parliamentary Secretary to the Minister for Health, by leave, moved, That the report be adopted.

Report adopted.

The Parliamentary Secretary to the Minister for Health moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

Debate ensued.

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.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a third time.

The President announced that the 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.

Statement by President

The President made the following Statement —

The third reading of this Bill requires an absolute majority pursuant to section 10 of the *Western Australian Future Fund Act 2012*. If there is a dissentient voice when I put the question on the third reading, I will divide the House.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice, the President ordered the House to divide.

The Council divided.

Ayes (24)

Hon Ken Baston	Hon Alannah MacTiernan
Hon Robin Chapple	Hon Kyle McGinn
Hon Jim Chown	Hon Michael Mischin
Hon Tim Clifford	Hon Simon O'Brien
Hon Alanna Clohesy	Hon Martin Pritchard
Hon Stephen Dawson	Hon Samantha Rowe
Hon Sue Ellery	Hon Robin Scott
Hon Diane Evers	Hon Tjorn Sibma
Hon Donna Faragher	Hon Dr Sally Talbot
Hon Adele Farina	Hon Dr Steve Thomas
Hon Nick Goiran	Hon Alison Xamon
Hon Laurie Graham	Hon Pierre Yang (<i>Teller</i>)

Noes (8)

Hon Jacqui Boydell	Hon Charles Smith
Hon Colin de Grussa	Hon Aaron Stonehouse
Hon Colin Holt	Hon Colin Tincknell
Hon Rick Mazza	Hon Martin Aldridge (<i>Teller</i>)

Question thus passed with an absolute majority of the whole number of Members being met.

Bill read a third time and passed.

11. Members' Statements

Statements were taken.

12. Joint Select Committee into Palliative Care

The following Message from the Legislative Assembly was reported —

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

Madam President

Message No. 188

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council into Palliative Care in Western Australia be established.
- (2) That the Joint Select Committee inquire into and report on:
 - (a) the progress in relation to palliative care, in particular implementation of recommendations of the Joint Select Committee into End of Life Choices;

- (b) the delivery of the services associated with palliative care funding announcements in 2019–2020;
 - (c) the delivery of palliative care into regional and remote areas; and
 - (d) the progress on ensuring greater equity of access to palliative care services between metropolitan and regional areas.
- (3) That the Joint Select Committee consist of six members, of whom:
- (a) three will be members of the Assembly; and
 - (b) three will be members of the Council.
- (4) That the Standing Orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (5) That the Joint Select Committee report to both Houses by 19 November 2020.
- (6) That the Legislative Council be requested to agree to a similar resolution.
- (7) That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed:
- (a) the Member for Dawesville;
 - (b) the Member for Moore; and
 - (c) the Member for Thornlie.

Hon P.B. Watson
Speaker
Legislative Assembly Chamber
Perth, 20 May 2020

Ordered — That consideration of Message No. 188 be made an Order of the Day for the next sitting.

13. Adjournment

The Council adjourned at 6.55pm until Thursday, 21 May 2020 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council