

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 224

WEDNESDAY, 14 OCTOBER 2020

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### 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. Death of Hon Thomas McNeil — Motion of Condolence

The Leader of the House moved, without notice —

That this Council expresses its deep regret at the death of Hon Thomas McNeil, a former Member of the Legislative Council for the Upper West Province; and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by Members, including the President, and carried in silence; Members standing in their places.

### 3. Statement by President — Curtin University Design Projects

The President made the following Statement —

I have a brief statement that I want to share with you about the Curtin University planning graphics and design students and the Parliament of Western Australia. The Parliament of Western Australia connects with our tertiary institutions in a variety of ways. Recently, the Parliament assisted the first-year planning graphics and design students from Curtin University in developing a graphic presentation and design for connecting the Parliament and the city. The priorities were to create a new public open space that acknowledges and is representative of all aspects of the history of Western Australia and its peoples, together with providing additional accommodation space for the Parliament, something our recently opened fountains project has gone some way to achieve. The design brief given to the students was for them to use their imagination and their learnt design principles with only a few conditions.

I would like to acknowledge the contribution of our Executive Manager Parliamentary Services, Mr Rob Hunter. His knowledge of the building and reserve is unsurpassed. His briefing of the students and the answering of many of their questions, I am sure, assisted in the very excellent result that was achieved.

The posters judged the best by representatives of the Parliament, industry, tutors and the students themselves are now on display in the Lee Steere Foyer for Members to view until Friday, 23 October. I note that we had a function last Friday and a number of our Members were also present to observe and celebrate that particular occasion. As most of you are aware, this is not a new idea but one worth pursuing. I encourage all Members to take a little bit of time to view the display. I am sure that you will agree that these first-year students from one of our leading universities have done a fabulous job with these design projects.

#### 4. Petition

Hon Donna Faragher presented a petition from 470 petitioners requesting the Legislative Council to oppose the proposed realignment of the Southwest freight rail line. (Tabled Paper 4467).

#### 5. Papers

The following Papers were laid on the Table by —

##### Leader of the House

###### *Annual Reports* —

Australian Criminal Intelligence Commission — Criminal Investigation  
(Covert Powers) Act 2012 (WA) — Assumed Identities (2019-20)  
(Date received 13/10/2020)..... 4463

##### Minister for Environment

###### *Annual Reports* —

Environmental Protection Authority (2019-20) (Date received 13/10/2020) ..... 4464

###### *Regulations* —

Mutual Recognition Amendment (WA Container Deposit Scheme) Regulations 2020 .... 4465

Trans-Tasman Mutual Recognition Amendment (WA Container Deposit Scheme)  
Regulations 2020..... 4466

#### 6. Western Australian Public Sector

Motion No. 3 having been called, Hon Tjorn Sibma, pursuant to notice, moved —

That this House —

- (a) express its concern about the Premier's comprehensive mismanagement of the Western Australian public sector;
- (b) notes the failure of the McGowan Government to deliver on its promise to improve the accountability and performance of senior executive service level officers;
- (c) notes the failed Voluntary Targeted Separation Scheme;
- (d) acknowledges the failure of the McGowan Government's rushed machinery of government (MoG) changes and the consequential negative impact that these MoG changes have had on service delivery in Western Australia; and
- (e) acquaints the Legislative Assembly accordingly.

Debate ensued.

Motion — put.

The Council divided.

#### Ayes (18)

Hon Jacqui Boydell  
Hon Robin Chapple  
Hon Jim Chown  
Hon Tim Clifford  
Hon Peter Collier  
Hon Colin de Grussa  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Colin Holt

Hon Michael Mischin  
Hon Simon O'Brien  
Hon Tjorn Sibma  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Dr Steve Thomas  
Hon Colin Tincknell  
Hon Alison Xamon  
Hon Ken Baston (*Teller*)

**Noes (10)**

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 Dr Sally Talbot  
 Hon Pierre Yang (*Teller*)

Motion thus passed.

Legislative Assembly acquainted accordingly.

**7. 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 80 — 2018-19 Budget Cycle — Part 2: Annual Report Hearings**

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

Pursuant to Temporary Order 4, consideration of the report was postponed.

**Select Committee into Mining on Pinjin Station — Final Report — Inquiry into Mining on Pinjin Station**

Hon Michael Mischin moved, That consideration be postponed until the next sitting.

Question — put and passed.

**Joint Standing Committee on the Corruption and Crime Commission — Report 14 — Red flags...red faces. Corruption risk in public procurement in Western Australia**

Hon Stephen Dawson moved, That the Report be noted.

Debate ensued.

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

*Point of Order*

Hon Pierre Yang raised the following Point of Order —

I understand that Hon Nick Goiran has moved a motion, but I seek your guidance because I wish to make a contribution to the debate on this report.

*Chair's Ruling*

The Chair ruled as follows —

The practice of the Committee of the Whole House in consideration of committee reports has generally been to resolve matters by dealing with a motion to defer when it is raised; that is, if Members do not want it to be deferred, they should vote against that motion.

Hon Nick Goiran, by leave, withdrew his motion.

Debate resumed.

**8. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled the Australian Government COVID-19 information sheet for the marine industry and the Department of Health infection prevention and control for airline, cruise and cargo ships, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 4468).

The Minister for Agriculture and Food, by leave, incorporated into *Hansard* information in relation to biosecurity risks to the grains industry in Western Australia, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Environment tabled documents in relation to the groundwater monitoring program at the former Jangarup mine site, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 4469).

The Leader of the House representing the Attorney General, by leave, incorporated into *Hansard* information in relation to an Attorney General directing the Coroner to conduct inquests, in response to a question without notice asked by Hon Michael Mischin.

The Leader of the House representing the Attorney General tabled *A quick guide to Lotterywest COVID-19 Relief Fund 2020-21 grants*, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 4470).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to the Lotterywest grants process, in response to a question without notice asked by Hon Peter Collier.

The Minister for Education and Training tabled documents in relation to the Minister's visit to the Agricultural region on 6 August 2020, in response to question on notice 3179 asked by Hon Martin Aldridge. (Tabled Paper 4471).

The Minister for Regional Development tabled documents in relation to funding for advertising agencies and market research organisations, in response to question on notice 3172 asked by Hon Martin Aldridge. (Tabled Paper 4472).

The Minister for Regional Development tabled documents in relation to the Minister's visit to the Agricultural region on 16 July 2020, in response to question on notice 3180 asked by Hon Martin Aldridge. (Tabled Paper 4473).

The Minister for Regional Development tabled documents in relation to the Minister's visit to the Agricultural region on 6 August 2020, in response to question on notice 3181 asked by Hon Martin Aldridge. (Tabled Paper 4474).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the catchment area for patient transfer services for Sir Charles Gairdner Hospital, in response to question on notice 3185 asked by Hon Donna Faragher. (Tabled Paper 4475).

## 9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 7 above*).

### In Committee

(Hon Adele Farina in the Chair)

#### **Joint Standing Committee on the Corruption and Crime Commission — Report 14— Red flags...red faces. Corruption risk in public procurement in Western Australia**

Debate resumed on the motion of Hon Stephen Dawson, That the Report be noted.

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

Question — put and passed.

#### **Standing Committee on Environment and Public Affairs — Report 52 — Punitive not protective: when the mandatory registration of young people is not based on risk**

Hon Alison Xamon moved, That the Report be noted.

Debate ensued.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Estimates and Financial Operations — Report 80 — *2018-19 Budget Cycle — Part 2: Annual Report Hearings*, made progress, and postponed further consideration until the next sitting.
- (2) Select Committee into Mining on Pinjin Station — Final Report — *Inquiry into Mining on Pinjin Station*, and postponed consideration to the next sitting.

- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 14 — *Red flags... red faces. Corruption risk in public procurement in Western Australia*, made progress, and postponed further consideration until the next sitting.
- (4) Standing Committee on Environment and Public Affairs — Report 52 — *Punitive not protective: when the mandatory registration of young people is not based on risk*, made progress, and seeks to sit again.

Report adopted.

#### **10. Order of Business**

Ordered — That Orders of the Day Nos 1, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 2, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 3, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 4, *Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 — Disallowance*, 5, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2020 — Disallowance*, 6, *Shire of Narembeen Cemeteries Local Law 2020 — Disallowance*, 7, *Shire of Narembeen Fencing Local Law 2020 — Disallowance*, 8, *Curtin University Statute No. 12 — Admission and Enrolment — Disallowance*, 9, *Curtin University Statute No. 5 — Election of Council Members — Disallowance*, 10, *Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2020 — Disallowance*, and 11, *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 — Disallowance*, be taken after Order of the Day No. 39, *Criminal Law (Unlawful Consorting) Bill 2020*. (Minister for Environment).

#### **11. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2020–2021**

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 4389A-D (2020–2021 Budget Statements), laid upon the Table of the House on Thursday, 8 October 2020.

Debate resumed.

*Interruption pursuant to order.*

#### **12. Members' Statements**

Statements were taken.

#### **13. Adjournment**

The Council adjourned at 6.36pm until Thursday, 15 October 2020 at 10.00am.

#### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Martin Aldridge, Hon Kyle McGinn and Hon Robin Scott.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council