

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 159

WEDNESDAY, 23 OCTOBER 2019

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. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Working With Children Checks — Follow Up (Report No. 10) (October 2019) 3302

Leader of the House

Annual Reports —

Corruption and Crime Commission — Criminal Investigation (Covert Powers)
Act 2012 — Department of Fisheries (2018–2019) (Date received 22/10/2019) 3303

Criminal Injuries Compensation Office (2018–2019) (Date received 22/10/2019)..... 3304

Equal Opportunity Commission (2018–2019) (Date received 22/10/2019) 3305

Legal Contributions Trust (2018–2019) (Date received 22/10/2019) 3306

Legal Costs Committee (2018–2019) (Date received 22/10/2019)..... 3307

State Coroner, Office of the (2018–2019) (Date received 22/10/2019) 3308

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Education
and Training in regards to Legislative Council Question on Notice No. 2188
asked by the Hon Martin Aldridge 3309

3. Regional Healthcare

Motion No. 1 having been called, Hon Martin Aldridge, pursuant to notice, moved —

That the Legislative Council acknowledges the disparity that exists between metropolitan and regional Western Australia with respect to healthcare and calls on the State Government to:

- (a) implement strategies to improve healthcare in regional Western Australia;
- (b) appoint a Rural Health Commissioner to deliver better information and transparency and most importantly to drive innovation and reform in healthcare and population health generally;

- (c) immediately increase and modernise the Patient Assisted Travel Scheme (PATS) to better support those required to access specialist and allied health services; and
- (d) ensure palliative care is accessible across regional Western Australia.

Debate ensued.

Hon Alanna Clohesy moved to amend the motion as follows —

- (1) In paragraph (b) — To delete “appoint” and insert —

consider the appointment of

- (2) In paragraph (b) — To insert after “generally” —

within a Western Australian context

Debate ensued.

Amendments — put and passed.

Debate resumed.

Motion, as amended, agreed to.

4. 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 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings

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

On the motion of Hon Nick Goiran consideration was postponed until the next sitting.

Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material

Debate resumed on the motion of Hon Matthew Swinbourn, That the Report be noted.

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) Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings, made progress, and postponed further consideration to the next sitting.
- (2) Standing Committee on Environment and Public Affairs — Report 49 — *Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material*, made progress, and seeks to sit again.

Report adopted.

5. Order of Business

Ordered — That Orders of the Day Nos 2, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, 3, *City of Bunbury — Fees Notice 2019 — Disallowance*, and 4, *Public Health Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 21, *High Risk Offenders Bill 2019*. (Leader of the House).

6. Standing Committee on Procedure and Privileges — Report 58 — Legal Proceedings by the Attorney General — Authorisation for President to defend

The Order of the Day having been read for consideration in Committee of the Whole House.

The Acting President left the Chair.

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In Committee

(President in the Chair)

Recommendation 1 is as follows —

That the President of the Legislative Council of Western Australia:

- (a) may defend proceedings CIV 2716 of 2019 for and on behalf of the Legislative Council of Western Australia;
- (b) be authorised to conduct the defence of those proceedings in that capacity on behalf of the Legislative Council of Western Australia and to do all such things reasonably necessary for, and incidental to, the conduct of the defence of those proceedings, including to:
 - (i) engage solicitors and counsel to represent the Legislative Council of Western Australia and to act upon their advice with respect to the proceedings in consultation with the Standing Committee on Procedure and Privileges;
 - (ii) without limitation on the preceding paragraph, file any document or take any step in relation to such proceeding, including any defence, counter-claim or other pleading;
 - (iii) maintain the confidentiality and legal professional privilege attaching to communication relating to the proposed proceedings;
 - (iv) take direction from the Standing Committee on Procedure and Privileges with respect to the conduct of the defence of those proceedings and matters related to them;
 - (v) report to the Legislative Council of Western Australia, periodically, and when requested, with respect to the conduct of the defence of those proceedings; and
 - (vi) to consult with the Deputy Clerk of the Legislative Council as the Accountable Authority of the Department of the Legislative Council to permit the authorisation of the expenditure of funds necessary and reasonable with respect to the defence of those proceedings.

Hon Simon O'Brien moved, without notice —

That Recommendation 1 be adopted and agreed to.

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to bandwidth upgrades to boost student learning, in response to a question without notice asked by Hon Martin Aldridge.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to Schedule 8 medication reported as stolen or lost, in response to a question without notice asked by Hon Jim Chown.

The Minister for Regional Development, by leave, incorporated into *Hansard* information in relation to the placements of 46 registrable employees either internally with the department or across the broader Western Australian public sector, in response to a question without notice asked by Hon Colin de Grussa.

The Leader of the House representing the Minister for Child Protection tabled the High-risk casework practice manual (25 September 2019), in response to question on notice 2491 asked by Hon Nick Goiran. (Tabled Paper 3310).

The Minister for Environment representing the Minister for Police tabled an answer in relation to roadside drinking and drug tests in Regional Western Australia for 2017–18 and 2018–19, in response to question on notice 2471 asked by Hon Martin Aldridge. (Tabled Paper 3311).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2463 asked by Hon Jacqui Boyde will be provided by 31 October 2019.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 2474, 2476 and 2478 asked by Hon Martin Aldridge will be provided by 24 October 2019.

8. Standing Committee on Procedure and Privileges — Report 58 — Legal Proceedings by the Attorney General — Authorisation for President to defend

The Order of the Day having been read for further consideration in Committee of the Whole (*see item 6 above*).

The President left the Chair.

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In Committee

(President in the Chair)

Debate resumed on the motion of Hon Simon O’Brien, That Recommendation 1 be adopted and agreed to.

Motion — put and passed.

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The Acting President resumed the Chair.

The President reported that the Committee had considered Recommendation 1 contained in Standing Committee on Procedure and Privileges — Report 58 — *Legal Proceedings by the Attorney General — Authorisation for President to defend*, and had adopted and agreed to same without amendment.

Hon Simon O’Brien moved, That the report be adopted.

Question — put and passed.

Report adopted.

9. Voluntary Assisted Dying Bill 2019

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

Debate resumed.

Question — put.

The Council divided.

Ayes (25)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Jim Chown
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham
 Hon Colin Holt

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Robin Scott
 Hon Tjorn Sibma
 Hon Aaron Stonehouse
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Noes (10)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin

Hon Simon O'Brien
 Hon Charles Smith
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Question thus passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Interruption pursuant to order.

10. Members' Statements

Statements were taken.

11. North West Gas Development (Woodside) Agreement Amendment Bill 2019

The President reported the receipt of Message No. 146 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a second time.

Want of Quorum

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3312).

Debate stands adjourned.

12. Adjournment

The Council adjourned at 10.25pm until Thursday, 24 October 2019 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