

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 195

TUESDAY, 19 MAY 2020

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — TAFE enrolment data

The Minister for Education and Training made a Ministerial Statement with respect to a direction by the House to table TAFE enrolment data.

The Minister for Education and Training tabled additional enrolment data for each individual TAFE campus for the years 2016, 2017, 2018, 2019 and 2020 to date. (Tabled Paper 3877).

3. Ministerial Statement — China's Tariffs on Australian Barley

The Minister for Agriculture and Food made a Ministerial Statement with respect to China's tariffs on Australian barley.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Local Laws —

Local Government Act 1995 (Shire of Serpentine-Jarrahdale Repeal Local Law 2020 G.G. 15/05/2020)..... 3874

Reports —

Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the quarter ending 31 December 2019) 3875

Parliamentary Secretary to the Deputy Premier

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Health in regards to Legislative Council Question without Notice No. 182(2) asked by the Hon Tjorn Sibma 3876

5. Joint Standing Committee on the Corruption and Crime Commission

Hon Nick Goiran: To move on the next day of sitting —

That this House —

- (a) acknowledges the work of the Joint Standing Committee on the Corruption and Crime Commission in this 40th Parliament;
- (b) notes that the Standing Orders of the Legislative Assembly apply, as far as they are able, to the work of the Committee and that;
 - (i) pursuant to Standing Order 270 committee deliberations will be conducted in closed session;
 - (ii) pursuant to Standing Order 271(2) no member of the committee nor any other person may publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee;
- (c) notes the comments of Mr Matthew Hughes MLA on 13 May 2020;
- (d) expresses its concern about the ongoing membership of Mr Hughes on the Joint Standing Committee on the Corruption and Crime Commission; and
- (e) acquaints the Legislative Assembly accordingly.

6. Corruption, Crime and Misconduct Amendment Bill 2017

Hon Michael Mischin moved, without notice —

- (1) That the *Corruption, Crime and Misconduct Amendment Bill 2017* be discharged and referred to the Procedure and Privileges Committee for consideration of the possible impact of the Bill on any current legal proceedings and to report by no later than Tuesday, 13 October 2020.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put.

The Council divided.

Ayes (22)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Jim Chown
 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 (13)

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

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

Question thus passed.

7. Matter of Privilege — Final Report — Select Committee into Mining on Pinjin Station

The Leader of the House, pursuant to SO93, raised a matter of privilege resulting from the *Final Report — Select Committee into Mining on Pinjin Station*.

Statement by President

The President made the following Statement —

Given that this report has only just been tabled in the House, I intend to go away and review the comments that have been made by the Leader of the House and read the report and other materials in detail. I will come back at a later stage with a ruling on whether this matter should be referred to the Standing Committee on Procedure and Privileges. I will provide a ruling on that at a later stage.

8. Order of Business

Ordered — That Order of the Day No. 1, *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*. (Leader of the House).

9. 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 President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate resumed.

The Parliamentary Secretary to the Minister for Health tabled correspondence from the Minister for Health regarding the Future Health Research and Innovation Fund. (Tabled Paper 3878).

Debate resumed.

The Parliamentary Secretary to the Minister for Health tabled the Deloitte Access Economics final report entitled *Baseline Review for the Future Health Research and Innovation (FHRI) Fund* (28 September 2018). (Tabled Paper 3879).

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Hon Martin Aldridge moved —

Page 4, after line 19 — To insert:

- (iii) if, the budget papers for the financial year have not been tabled in the Legislative Assembly before the commencement of the financial year — the statement tabled under section 9(5);

Debate ensued.

The Parliamentary Secretary to the Minister for Health moved to amend the amendment as follow —

To delete “(5)” and to insert:

(B)

Debate ensued.

Amendment to the amendment – put and passed.

Amendment, as amended, agreed to.

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Finance, by leave, incorporated into *Hansard* information in relation to the annual transfer duty revenue, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Premier tabled correspondence between the Premier and the Joint Standing Committee on the Corruption and Crime Commission regarding the appointment of a Commissioner, in response to a question without notice asked by Hon Peter Collier on behalf of Hon Michael Mischin. (Tabled Paper 3880).

The Minister for Regional Development representing the Minister for Forestry tabled operational maps in relation to logging of Karri Forest at Treenbrook, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3881).

11. 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 9 above*).

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 7.

Debate resumed.

Clause, as amended, agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Hon Martin Aldridge moved —

Page 8, after line 2 — To insert:

(3A) Subsections (1) to (3) are subject to section 4CA.

Debate ensued.

Amendment — put.

The Committee 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 (13)

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

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

Amendment thus passed.

Debate resumed.

The Parliamentary Secretary to the Minister for Health tabled documents relating to an undertaking regarding prior arrangements dated 19 May 2020 regarding the *Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019*. (Tabled Paper 3882).

Statement by Deputy Chair

The Deputy Chair made the following Statement —

Members, earlier we had a division during which there was an error in counting the numbers in the division. The clerks have consulted with the whips and the correct numbers for the division are Ayes, 20, and Noes, 13. For the sake of the record, that is the correct count.

The Parliamentary Secretary to the Minister for Health moved —

Page 9, after line 5 — To insert:

- (9) When deciding the following matters, the Minister for Health must, as the Minister for Health considers appropriate, give priority to qualifying activities that relate to human coronaviruses with pandemic potential —
- (a) what arrangements to make or approve under subsection (1) for operation during the financial year beginning on 1 July 2020;
 - (b) how money standing to the credit of the FHRI Account is to be applied during that financial year.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Hon Martin Aldridge moved —

Page 9, after line 5 — To insert:

4CA. Requirements to be met before FHRI Account applied

- (1) Before making or approving arrangements under section 4C(1) that will operate during a financial year, or applying during a financial year money standing to the credit of the FHRI Account under section 4C, the Minister for Health must —
 - (a) direct the advisory group to make a recommendation on how money standing to the credit of the FHRI Account should be applied during the financial year under section 4C; and
 - (b) consider the advisory group's recommendation.
- (2) A direction under subsection (1)(a) may —
 - (a) include proposals for how money standing to the credit of the FHRI Account is to be applied during the financial year under section 4C; and
 - (b) require the advisory group's recommendation to state 1 of the following —
 - (i) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals;
 - (ii) that money standing to the credit of the FHRI Account should not be applied during the financial year in accordance with the proposals;
 - (iii) that money standing to the credit of the FHRI Account should be applied during the financial year in accordance with the proposals as the proposals are modified as specified in the recommendation.
- (3) Within 14 days after the day on which the Minister for Health receives a recommendation for the purposes of subsection (1)(a), the Minister for Health must cause the following documents to be laid before each House of Parliament —
 - (a) a copy of the Minister for Health's direction to the advisory group to make the recommendation;
 - (b) a copy of the recommendation.
- (4) Subsection (5) applies if —
 - (a) at the beginning of the 14-day period referred to in subsection (3), a House of Parliament is not sitting; and
 - (b) in the Minister for Health's opinion, the House will not sit before the end of the period.
- (5) If this subsection applies —
 - (a) the Minister for Health must, before the end of the period, send the documents to the Clerk of the House; and
 - (b) when a document is sent to the Clerk it is taken to have been laid before the House; and
 - (c) the laying of a document that is taken to have occurred under paragraph (b) 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.
The Committee 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 Kyle McGinn
Hon Martin Pritchard
Hon Samantha Rowe
Hon Matthew Swinbourn
Hon Pierre Yang (*Teller*)

Amendment thus passed.

Debate resumed.

Hon Martin Aldridge moved —

Page 10, line 29 to page 11, line 8 — To delete the lines and insert:

- (2) The function of the advisory group is as follows —
- (a) as and when directed by the Minister for Health, to make a recommendation for a financial year for the purposes of section 4CA(1)(a);
 - (b) as and when directed by the Minister for Health or the FHRI Account Department, to provide other advice or assistance in relation to 1 or both of the following —
 - (i) furthering, or facilitating the furthering of, the purpose referred to in section 4A(1);
 - (ii) other matters relating to any function of the Minister for Health under section 4A or section 4C (including any regulations made for the purposes of section 4C(3)).

Debate ensued.

Amendment — put and passed.

Debate resumed.

Point of Order

Hon Nick Goiran raised the following Point of Order —

The Parliamentary Secretary is moving an amendment to a part of the clause that has already passed. I understood from previous rulings that that is not permissible. The last amendment dealt with was 6/9 on the Supplementary Notice Paper, which was an amendment to page 10, line 29 onwards. Therefore, we are up to that point in clause 9 and the Parliamentary Secretary is proposing to go back to a previous portion of page 10.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

The point of order raised by Hon Nick Goiran has validity. We have moved past that point of the Bill at this stage. The Parliamentary Secretary may seek to recommit the clause at a later date to deal with her amendment. However, at this stage, we must proceed through the Bill sequentially.

Debate resumed.

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.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 10.13pm until Wednesday, 20 May 2020 at 1.00pm.

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