

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 158

TUESDAY, 22 OCTOBER 2019

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 — Biosecurity Blitz

The Minister for Agriculture and Food made a Ministerial Statement with respect to the 5th annual biosecurity blitz to safeguard Western Australia's agricultural and fisheries industries.

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

The President presented Report 58 of the Standing Committee on Procedure and Privileges, *Legal Proceedings by the Attorney General — Authorisation for President to defend*. (Tabled Paper 3295).

Statement by President

The President made the following Statement —

The report I have just tabled arises from the action brought by the Attorney General against me as President of the Legislative Council, as first defendant, and the Clerk of the Legislative Council, as second defendant. The Attorney General commenced those proceedings on Friday, 27 September 2019, having given notice of his intention to do so through the State Solicitor the previous day. The House had earlier authorised me by its resolutions of 5 and 25 September 2019 to commence proceedings against the Corruption and Crime Commission challenging the validity of certain notices to produce records, including two notices served on the Clerk. That legal action against the CCC was also commenced on 27 September 2019. The House has not authorised me to defend the Attorney General's proceedings.

Members should note that the validity of the CCC notices to produce records served on the Clerk of the Legislative Council on 10 September 2019 will, among other things, arise as material issues in the Attorney General's proceedings. The two legal actions are likely to be heard together. A failure by me to defend the legal action by the Attorney General would imperil the legal proceedings the House has authorised me to take against the CCC. I have taken the necessary steps as required by the rules of court to file an appearance in the action, and I have replied to the State Solicitor's correspondence. The next step is to file a defence. To enable me to proceed with a defence of the action brought by the Attorney General, the report recommends that the House authorises me in similar terms to the resolution agreed to on 25 September 2019.

Hon Martin Aldridge moved, without notice —

That consideration of Recommendation 1 contained in Report No. 58 of the Standing Committee on Procedure and Privileges, *Legal Proceedings by the Attorney General — Authorisation for President to defend*, be made an Order of the Day for consideration in the Committee of the Whole House for the next day's sitting.

Question — put and passed.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Addendums —

Director of Equal Opportunity in Public Employment — Annual Report (2018–19) 3287

Local Laws —

Local Government Act 1995 (Western Metropolitan Regional Council Local Government (Council Meetings) Local Law 2019 G.G. 18/10/2019) 3288

Regulations —

Local Government Act 1995 (Local Government Regulations Amendment (Gifts) Regulations 2019 G.G. 18/10/2019) 3289

Minister for Environment

Annual Reports —

Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act 2012 — On the Work and Activities of the Australian Crime Commission (2018–2019) (Date received 21/10/2019) 3290

Fire and Emergency Services Superannuation Board (2018–19) (Date received 22/10/2019).. 3291

Police WA — Witness Protection (Western Australia) Act 1996 (2018–19) (Date received 21/10/2019) 3292

Minister for Regional Development

Management Plans —

Fish Resources Management Act 1994 (West Coast Demersal Scalefish (Interim) Managed Fishery Management Plan Amendment 2019 [1407] G.G. 15/10/2019) 3293

Regulations —

Plumbers Licensing Act 1995 (Plumbers Licensing and Plumbing Standards Amendment Regulations (No. 3) 2019 G.G. 18/10/2019) 3294

5. **Standing Committee on Estimates and Financial Operations — Report 79 — The Local Projects Local Jobs Program and the establishment of a Parliamentary Budget Office — Extension of Time**

Hon Tjorn Sibma presented Report 79 of the Standing Committee on Estimates and Financial Operations, *The Local Projects Local Jobs Program and the establishment of a Parliamentary Budget Office — Extension of Time*. (Tabled Paper 3296).

Hon Tjorn Sibma moved, without notice —

That the reporting date for the Committee inquiry into the *Government's Local Projects Local Jobs Program* be extended from 19 November 2019 to 21 May 2020.

Debate stands adjourned pursuant to Standing Orders.

6. Business of the House

Hon Martin Aldridge moved, without notice —

That the Order of the Day regarding Report No. 58 of the Standing Committee on Procedure and Privileges, *Legal Proceedings by the Attorney General — Authorisation for President to defend*, be made Order of the Day No. 1 for the next sitting of the House, and to remain as Order of the Day No. 1 until resolved.

Question — put and passed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, 2, *City of Bunbury — Fees Notice 2019 — Disallowance*, and 3, *Public Health Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 20, *High Risk Offenders Bill 2019*. (Leader of the House).

8. 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.

Hon Rick Mazza moved, without notice —

- (1) That the *Voluntary Assisted Dying Bill 2019* be discharged and referred to the Standing Committee on Legislation ('Committee') for consideration and report by no later than Tuesday, 11 February 2020.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.
- (3) The Committee is instructed to undertake the following in its inquiry —
 - (a) consult with and take evidence from indigenous persons including those residing in regional and remote communities in the State;
 - (b) investigate the provision of palliative care for indigenous persons residing in regional and remote communities in the State; and
 - (c) report on whether the Bill provides for culturally appropriate end of life choices for indigenous persons.

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to mental health presentations in hospitals in Kalgoorlie, Broome, Port Hedland, Karratha and Newman, in response to a question without notice asked by Hon Jacqui Boydell.

The Minister for Regional Development representing the Minister for Racing and Gaming, by leave, incorporated into *Hansard* information in relation to Western Australia racehorses being sent to slaughter, in response to a question without notice asked by Hon Alison Xamon.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to power disconnections 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 Environmental Protection Authority greenhouse gas assessment guidance consultation fact sheet (June 2019), in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 3297).

The Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that an answer to question on notice 2458 asked by Hon Michael Mischin will be provided on 31 October 2019.

The Minister for Education and Training tabled the Minister's itinerary and travel arrangements for her visit to the Mining and Pastoral Region on 7 September 2019, in response to question on notice 2470 asked by Hon Jacqui Boydell. (Tabled Paper 3298).

The Minister for Environment representing the Minister for Planning tabled correspondence between the Minister for Planning and the Western Australia Planning Commission and the City of Bayswater, in response to question on notice 2484 asked by Hon Tim Clifford. (Tabled Paper 3299).

The Parliamentary Secretary to the Minister for Health tabled a list of General Practitioner Urgent Care clinics showing practices endorsed to participate in the pilot effective at 10 September 2019, in response to question on notice 2475 asked by Hon Martin Aldridge. (Tabled Paper 3300).

10. Voluntary Assisted Dying Bill 2019

Debate resumed on the motion of Hon Rick Mazza (*see item 8 above*).

Hon Aaron Stonehouse moved to amend the motion as follows —

To delete paragraph (2).

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Question — put.

The Council divided.

Ayes (6)

Hon Martin Aldridge
Hon Nick Goiran
Hon Charles Smith

Hon Aaron Stonehouse
Hon Colin Tincknell
Hon Rick Mazza (*Teller*)

Noes (29)

Hon Ken Baston
Hon Jacqui Boydell
Hon Robin Chapple
Hon Jim Chown
Hon Tim Clifford
Hon Alanna Clohesy
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Diane Evers
Hon Donna Faragher
Hon Adele Farina
Hon Laurie Graham
Hon Colin Holt

Hon Alannah MacTiernan
Hon Kyle McGinn
Hon Michael Mischin
Hon Simon O'Brien
Hon Martin Pritchard
Hon Samantha Rowe
Hon Robin Scott
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Question thus negatived.

Debate resumed.

Interruption pursuant to order.

11. Members' Statements

Statements were taken.

12. Criminal Law Amendment (Uncertain Dates) Bill 2019

The President reported the receipt of Message No. 145 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 3301).

Debate stands adjourned.

13. Adjournment

The Council adjourned at 10.13pm until Wednesday, 23 October 2019 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