

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 183

THURSDAY, 12 MARCH 2020

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Statement by President — 2020–2021 Budget Estimates and 2019–2020 Annual Report Hearings

The President made the following Statement —

Members, I have a piece of correspondence from the Standing Committee on Estimates and Financial Operations that states —

Dear Madam President

2020–2021 Budget Estimates; 2019–20 Annual Reports hearings

Thank you for your letter granting permission for the Standing Committee on Estimates and Financial Operations to hold the 2020–21 Estimates hearings in the Legislative Council Chamber.

I request you advise the House about the following administrative procedures for the Estimates hearings given that the week chosen is earlier than previous years and means the Inquiry must be truncated.

- (1) Estimates hearings will be held between Monday, 8 June and Thursday, 11 June 2020 inclusive.
- (2) Members may nominate agencies to appear by 5pm, Tuesday, 12 May.
- (3) A timetable of those agencies chosen to appear and the Procedure Policy will be emailed to Members as soon as possible after 21 May.
- (4) No questions prior to hearings will be permitted. This is because there is insufficient time for Members to submit questions, Ministers to provide answers before the hearings and the Committee to assign status to answers.
- (5) The electronic lodgement system will open on the first day of the hearings for additional questions and will remain open until 5pm, Friday, 26 June.

With respect to Annual Reports hearings, please advise the House that:

- (1) Annual Reports hearings will be held across three sitting weeks on Mondays: 12 October, 19 October and 2 November 2020 as well as Wednesdays: 14 October and 21 October 2020.

- (2) Members may nominate agencies to appear by 5pm, Monday, 21 September.
- (3) A timetable of those agencies chosen to appear and the Procedure Policy will be emailed to Members as soon as possible after 23 September.
- (4) No questions prior to hearings are permitted.
- (5) Additional questions from the hearings are permitted with answers to questions on notice due by Friday, 30 October.

If you have any questions about these matters, please contact myself or Anne Turner, Advisory Officer (Legal), on 9222 7828 or via the Committee's mailbox at [lcefoc@parliament.wa.gov.au](mailto:lcefoc@parliament.wa.gov.au)

Yours sincerely

Hon Alanna Clohesy MLC

Chair

(Tabled Paper 3668).

### 3. Paper

The following Paper was laid on the Table by —

#### **Minister for Environment**

*Proposals —*

Land Administration Act 1997 — Submission No. 9/2019 — Amendment to Class A Reserves No. 24547 and 26177 for amalgamation with adjoining Reserve No. 26177 in Albany ..... 3667

### 4. Government Election Commitments

Hon Michael Mischin: To move on the next day of sitting —

That this House expresses its concern at the McGowan Government's failure to fulfil its election commitments.

### 5. Joint Delegated Legislation Committee – Appointment of Member

Hon Sue Ellery moved, without notice —

That Hon Robin Scott be appointed as a member of the Joint Delegated Legislation Committee and that the Legislative Assembly be acquainted thereof.

Question — put and passed.

### 6. National Security Concerns

Non-Government Business No. 1 having been called, Hon Charles Smith moved, without notice —

This House notes the national security concerns surrounding the awarding of a telecommunications contract to Huawei.

Debate ensued.

*Motion lapsed.*

### 7. Family and Domestic Violence

Private Members' Business No. 1 having been called, Hon Matthew Swinbourn moved, without notice —

This House notes the continuing and unacceptable toll that family and domestic violence takes on women, men and children and condemns all forms of family and domestic violence.

Debate ensued.

*Motion lapsed.*

**8. Order of Business**

Ordered — That Order of the Day No. 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 18, *Wittenoom Closure Bill 2019*. (Minister for Environment).

**9. Petroleum Products Pricing Amendment 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 and passed.

Bill read a second time.

The Acting President left the Chair.

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**In Committee**

(Hon Robin Chapple in the Chair)

Clause 1.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce tabled letters between the Department of Mines; Industry Regulation and Safety; Consumer Protection to Costco regarding Costco entering the Perth Market and Fuelwatch Scheme requirements (October 2019–February 2020). (Tabled Paper 3669).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Nick Goiran moved —

Page 2, line 7 — To delete “a day fixed by proclamation.” and insert:

the day after that day.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (15)**

Hon Martin Aldridge  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Colin Holt  
 Hon Michael Mischin

Hon Simon O’Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Dr Steve Thomas  
 Hon Ken Baston (*Teller*)

**Noes (14)**

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Alannah MacTiernan

Hon Kyle McGinn  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported with amendment.

The Minister for Regional Development representing the Minister for Commerce, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Petroleum Products Pricing Amendment Bill 2019* to be read a third time.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Deputy 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 Minister for Regional Development representing the Minister for Commerce moved, That the *Petroleum Products Pricing Amendment Bill 2019*, be read a third time.

The Deputy President announced that the Deputy 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.

Question — put and passed.

Bill read a third time and passed.

### **10. High Risk Offenders Bill 2019**

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

The Deputy President left the Chair.

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### **In Committee**

(Hon Martin Aldridge in the Chair)

Clause 29.

Debate resumed on the amendment moved by Hon Michael Mischin, as follows —

Page 21, line 1 — To delete “standard”.

The Leader of the House representing the Attorney General moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Acting 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.

#### **11. Order of Business**

Ordered — That Order of the Day No. 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken forthwith. (Leader of the House).

#### **12. Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance**

The Order of the Day having been called for the motion of Hon Robin Chapple moved *pro forma* as follows —

That the *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019* published in the Gazette on 6 September 2019 and tabled in the Legislative Council on 17 September 2019 under the *Petroleum and Geothermal Energy Resources Act 1967*, be and are hereby disallowed. (Tabled paper 3020).

Debate ensued.

Question — put and negatived.

#### **13. Questions Without Notice**

Questions without notice were taken.

The Minister for Environment representing the Minister for Police tabled a letter from the Road Safety Council chairman to the Minister for Road Safety, Regional Road Safety Program (October 2019), in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3670).

The Leader of the House, by leave, incorporated into *Hansard* information in relation to the criteria for school swimming lessons across the State, in response to question without notice 98 asked by Hon Colin de Grussa.

The Minister for Regional Development representing the Minister for Water, in accordance with Standing Order 108(2), advised that an answer to question on notice 2736 asked by Hon Jacqui Boydell will be provided on 31 March 2020.

#### **14. Family Violence Legislation Reform Bill 2019**

The President reported the receipt of Message No. 159 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.  
*Interruption pursuant to order.*

#### **15. Members' Statements**

Statements were taken.

#### **16. Family Violence Legislation Reform Bill 2019**

Debate resumed on the second reading of this Bill (*see item 14 above*).

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3671).

Debate stands adjourned.

**17. Adjournment**

The Council adjourned at 5.53pm until Tuesday, 17 March 2020 at 2.00pm.

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

Attendance: Present all Members except Hon Jacqui Boydell, Hon Adele Farina and Hon Rick Mazza.

**NIGEL PRATT**  
Clerk of the Legislative Council

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