

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 132**  
**WEDNESDAY, 12 JUNE 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. Statement by President — New Seating Arrangement**

The President made the following Statement —

As a result of Hon Charles Smith's advice yesterday that he is now sitting as an independent Member of the Legislative Council, I have authorised new seating arrangements in the Chamber effective immediately.

**3. Statement by President — Matter of Privilege**

The President made the following Statement —

Recently, I have become aware of a matter of privilege that I have determined is of sufficient substance to warrant consideration by the Council under Standing Order 93. Accordingly, I have referred the matter to the Standing Committee on Procedure and Privileges for inquiry and report to the Council.

**4. Ministerial Statement — Automation Courses**

The Minister for Education and Training made a Ministerial Statement with respect to automation courses skilling Western Australian workers in preparation for industry advancements and innovation.

**5. Ministerial Statement — Doppler Rader**

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Geraldton Doppler Radar upgrade.

**6. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers* —

Improving Aboriginal Children's Ear Health (Report No. 23) (June 2018–19)..... 2776

**Leader of the House**

*Annual Reports* —

National Education and Care Services Freedom of Information and Privacy  
Commissioners and Ombudsman (2017–2018) (Date received 11/06/2019) ..... 2777

## 7. Standing Committee on Procedure and Privileges

Hon Simon O'Brien: To move on the next day of sitting —

That the Procedure and Privileges Committee is granted authority by the Legislative Council to make any orders and do all things necessary and expedient to ensure that any documents or data created or received by a current or former Member of the Legislative Council are released to an investigative agency only where —

- (a) its description falls within the lawful scope of any warrant, notice to produce, or other similar power granted to an investigative agency under a written law; and
- (b) the documents or data is not proceedings in Parliament within the meaning of Article 9 of the *Bill of Rights 1688* or does not otherwise fall within the scope of parliamentary privilege.

## 8. Standing Committee on Procedure and Privileges

The Leader of the House moved, without notice —

That —

- (1) The notice of motion given today by the Hon Simon O'Brien be made an Order of the Day for this day's sitting; and
- (2) So much of the Standing Orders be suspended so as to permit the motion to be made Order of the Day No. 1 and moved at this day's sitting.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

## 9. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing and Temporary Orders be suspended so that Consideration of Committee Reports not be taken at this day's sitting.

The motion requiring the concurrence of an absolute majority.

Question — put.

The 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.

## 10. Private Property Rights

Motion No. 2 having been called, Hon Rick Mazza, pursuant to notice, moved —

That the House —

- (a) recognises the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
- (b) recognises the threat to the probity of the Torrens Title system, that guarantees disclosure, and re-establish the necessity for registration of all encumbrances that affect land including Environmentally Sensitive Areas (ESAs), bushfire prone areas and implied easements for Western Power which currently sit behind the certificate of title;
- (c) recognises the property rights of government issued licenses and authorities including commercial fishing;
- (d) asserts that fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit; and
- (e) directs the Public Administration Committee to conduct an inquiry into the matters described above (as its terms of reference) and to report to the House within nine months of the date of the referral.

Debate ensued.

Question — put.

The Council divided.

**Ayes (18)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Jim Chown  
 Hon Peter Collier  
 Hon Colin de Grussa  
 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 Ken Baston (*Teller*)

**Noes (17)**

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Diane Evers  
 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 Alison Xamon  
 Hon Pierre Yang (*Teller*)

Motion thus passed.

**11. Standing Committee on Procedure and Privileges**

The Order of the Day having been read, Hon Simon O'Brien, pursuant to notice, moved —

That the Procedure and Privileges Committee is granted authority by the Legislative Council to make any orders and do all things necessary and expedient to ensure that any documents or data created or received by a current or former Member of the Legislative Council are released to an investigative agency only where —

- (a) its description falls within the lawful scope of any warrant, notice to produce, or other similar power granted to an investigative agency under a written law; and
- (b) the documents or data is not proceedings in Parliament within the meaning of Article 9 of the *Bill of Rights 1688* or does not otherwise fall within the scope of parliamentary privilege.

Question — put and passed.

**12. Order of Business**

Ordered — That Orders of the Day Nos 1, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, 2, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, 3, *Transport (Road Passenger Services) Regulations 2019 — Disallowance*, and 4, *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 — Disallowance*, be taken after Order of the Day No. 19, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

### 13. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020

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 2664A–D (2019–2020 Budget Statements), laid upon the Table of the House on 9 May 2019.

Debate resumed.

### 14. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled a map of identified sites for transportable classrooms at Woodbridge Primary School, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2778).

The Minister for Regional Development tabled an agenda for the Energy and Mines Australia Summit (June 19-20), in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 2779).

The Leader of the House representing the Attorney General, in accordance with Standing Order 108(2), advised that an answer to question on notice 2110 asked by Hon Nick Goiran will be provided on 27 June 2019.

The Minister for Environment representing the Minister for Transport tabled documents in relation to communications between the Minister for Transport's staff and the Peel Development Commission regarding contaminated soil excavated from Forrestfield Link Project, in response to question on notice 2127 asked by Hon Dr Steve Thomas. (Tabled Paper 2780).

The Minister for Environment representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice 2119 asked by Hon Alison Xamon will be provided on 13 June 2019.

The Minister for Regional Development representing the Minister for Industrial Relations tabled notices issued by WorkSafe inspectors for the Forrestfield Airport Link Project for the years 2017, 2018 and 2019 to date, in response to question on notice 2124 asked by Hon Tjorn Sibma. (Tabled Paper 2781).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2109 asked by Hon Martin Aldridge will be provided on 13 June 2019.

### 15. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 13 above*).

#### *Point of Order*

Hon Pierre Yang raised the following Point of Order —

I seek guidance in relation to the timer. I stand to be corrected.

#### *President's Ruling*

The President ruled as follows —

Hon Charles Smith is now sitting in this Chamber as an Independent. You will note that he has been allocated an hour to provide his budget debate contribution, as has every other Member except for the leaders of parties.

Debate resumed.

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

### 16. Infrastructure Western Australia Bill 2019

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

The Acting President left the Chair.

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**In Committee**

(Hon Martin Aldridge in the Chair)

Title.

Debate ensued.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendments.

Report adopted.

The Leader of the House representing the Premier moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Infrastructure Western Australia Bill 2019* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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 Leader of the House representing the Premier moved, That the Bill be read a third time.

The Acting 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.

**17. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019**

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

Debate resumed.

*Interruption pursuant to order.*

**18. President's Ruling — Independent Members — Speaking Times**

The President ruled as follows —

Hon Pierre Yang raised a point of order about the speaking time Hon Charles Smith had applied to him during his response to the budget speech. Hon Charles Smith is not a member of a party; he is therefore not a leader of a party, so he does not get unlimited time. He is not the lead speaker of a party. He is an Independent Member of Parliament and therefore he is treated as any other ordinary Member in respect of speaking time. For the purposes of that matter, he would, or should, have been allocated an hour, as every other Member who is not a lead speaker or a leader of a party is allocated.

**19. Members' Statements**

Statements were taken.

**20. Adjournment**

The Council adjourned at 6.43pm until Thursday, 13 June 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