

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 for the future.

5. Ministerial Statement — Doppler Rader

The Minister for Agriculture and Food made a Ministerial Statement advising that the Geraldton Doppler Radar is back online.

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. Procedure and Privileges Committee

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. Notice of Motion relating to the Procedure and Privileges Committee

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.

Hon Jim Chown withdrew his remark.

Debate resumed.

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

Question thus passed.

11. Procedure and Privileges Committee

The Order of the Day having been read for the debate on the motion of Hon Simon O'Brien, as follows —

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 detailing 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 *Hydrogen and mines, The opportunities and applications for mining*, 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; Road Safety, 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 documents in relation to 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 —

To be inserted.

President's Ruling

The President ruled as follows —

To be inserted.

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.

In Committee

(Hon Martin Aldridge in the Chair)

Title.

Debate ensued.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Leader of the House representing the Premier, by leave, moved, That the report be adopted.

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 — Legislative Council Speaking Times

The President ruled as follows —

To be inserted.

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