

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 175

TUESDAY, 11 FEBRUARY 2020

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### 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. Statement by President — Chris Hunt — 35 Years of Service

The President made the following Statement —

I have something I want to say about one of our very long serving staff members, Mr Chris Hunt, who has served 35 years working in this Chamber. I want to acknowledge with great pleasure that today marks the thirty-fifth anniversary of our longest-serving staff member's commencement at the Legislative Council. We see Chris tucked away at the back of the Chamber! Chris is indeed a very highly regarded team member of the Department of the Legislative Council, and during his time at the Parliament, Members will recall that Chris has served as a parliamentary officer, Deputy Usher of the Black Rod and Usher of the Black Rod. Chris's wealth of parliamentary knowledge and experience, coupled with his willingness to share this with his team, has earned him the respect and appreciation of the close-knit Chamber team. Chris, on behalf of all the Members of the Legislative Council whom you have assisted over the years, I thank you for your service to this House and express appreciation for your continued support.

### 3. Petitions

Hon Diane Evers presented a petition from 110 petitioners requesting the Legislative Council request the Government to direct 10 percent of all Royalties for Regions funding on an annual basis to environmental rehabilitation. (Tabled Paper 3582).

Hon Nick Goiran presented a petition from 6,221 petitioners requesting the Legislative Council to inquire into post-20 week abortions in Western Australia. (Tabled Paper 3583).

Hon Jacqui Boydell presented a petition from 895 petitioners requesting the Legislative Council to examine the viability of the Western Australian egg industry. (Tabled Paper 3584).

Hon Peter Collier presented a petition from 510 petitioners requesting the Legislative Council to oppose the Local Planning Scheme No. 5 in the City of Subiaco. (Tabled Paper 3585).

### 4. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

**19 December 2019 — Message No. 24**

Voluntary Assisted Dying Bill 2019

**Act No.**

27 of 2019

## 5. Ministerial Statement — Delegation to China — International Education

The Minister for Education and Training made a Ministerial Statement with respect to a recent education and training delegation to China to promote Western Australia as an ideal location for international students to live and study.

## 6. Ministerial Statement — Coronavirus Impacts on Western Australia Agriculture

The Minister for Agriculture and Food made a Ministerial Statement with respect to the potential trade impacts on Western Australian agriculture due to the coronavirus outbreak.

## 7. Ministerial Statement — Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community Final Report — State Response Update

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to an update on the progression of a whole-of-government response to the Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community Final Report: Help, not Handcuffs: Evidence-based Approaches to Reducing Harm from Illicit Drug Use.

## 8. Papers

The following Papers were laid on the Table by —

### President

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## 9. Voluntary Assisted Dying Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 155

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Voluntary Assisted Dying Bill 2019*.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 10 December 2019

## 10. Order of Business

Ordered — That Orders of the Day Nos 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, and 2, *Weapons Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 33, *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*. (Leader of the House).

# 11. 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 President left the Chair.

## In Committee

(Hon Simon O'Brien in the Chair)

Clause 14.

Debate resumed.

The Leader of the House representing the Attorney General moved to postpone further consideration of Part 2 of the Bill until after consideration of Part 1.

Debate ensued.

Question — put and passed.

Clause 1.

Debate resumed.

The Leader of the House representing the Attorney General tabled a document prepared by Parliamentary Counsel's Office entitled *Dangerous Sexual Offenders Act 2006 and High Risk Offenders Bill 2019 — Comparison of Provisions*. (Tabled Paper 3586).

Debate resumed.

Hon Michael Mischin moved —

Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert —

## *High Risk Dangerous Offenders Act 2019*

Debate ensued.

Amendment — put.

The Committee divided.

## Ayes (16)

Hon Martin Aldridge  
Hon Jacqui Boydell  
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 Dr Steve Thomas  
Hon Colin Tincknell  
Hon Ken Baston (*Teller*)

## Noes (16)

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 Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

The votes being equal, the amendment was resolved in the negative.

Hon Michael Mischin moved —

Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert —

*High Risk Violent Offenders Act 2019*

Debate ensued.

Hon Michael Mischin, by leave, withdrew his amendment.

Hon Michael Mischin moved —

Page 2, line 3 — To delete “*High Risk Offenders Act 2019*” and insert —

*High Risk Serious Offenders Act 2019*

Debate ensued.

Amendment — put.

The Committee 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*)

Amendment thus passed.

Clause, as amended, agreed to.

Clause 2.

Debate ensued.

Hon Michael Mischin moved —

Page 2, after line 7 — To insert —

(ab) section 90A — on the day after that day;

Debate ensued.



Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3.

Debate ensued.

Hon Michael Mischin moved —

Page 2, line 26 — To delete “*high risk offender*” and insert —

*high risk serious offender*

Debate ensued.

Amendment — put and passed.

Debate resumed.

## 12. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Water, by leave, incorporated into *Hansard* a list of communities receiving carted water, in response to a question without notice asked by Hon Rick Mazza.

The Minister for Regional Development tabled maps in relation to drought and water resilience in Western Australia, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 3587).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to Western Australian Schools’ participation in the Confucius Institute’s Classroom Teaching Support Program, in response to a question without notice asked by Hon Charles Smith.

The Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts, by leave, incorporated into *Hansard* information in relation to the Karrakatta Cemetery renewal process, in response to a question without notice asked by Hon Aaron Stonehouse.

The Leader of the House representing the Premier tabled documents in relation to various grants programs administered by agencies under the Minister’s control for the years 2017, 2018 and 2019, in response to question on notice 2670 asked by Hon Tjorn Sibma. (Tabled Paper 3588).

The Minister for Education and Training tabled documents in relation to various grants programs administered by agencies under the Minister’s control for the years 2017, 2018 and 2019, in response to question on notice 2678 asked by Hon Tjorn Sibma. (Tabled Paper 3589).

The Leader of the House representing the Minister for Child Protection; Women’s Interests; Prevention of Family and Domestic Violence; Community Services tabled documents in relation to various grants programs administered by agencies under the Minister’s control for the years 2017, 2018 and 2019, in response to question on notice 2683 asked by Hon Tjorn Sibma. (Tabled Paper 3590).

The Minister for Environment representing the Minister for Police; Road Safety tabled documents in relation to various grants programs administered by agencies under the Minister’s control for the years 2017, 2018 and 2019, in response to question on notice 2673 asked by Hon Tjorn Sibma. (Tabled Paper 3591).

The Minister for Regional Development tabled information in relation to the number of staff employed or assigned to each Regional Development Commission by employment level as at 1 January of 2017, 2018 and 2019 and as at 30 June 2019, in response to question on notice 2660 asked by Hon Martin Aldridge. (Tabled Paper 3592).

The Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade tabled documents in relation to all positions currently vacant in the Department of Primary Industries and Regional Development, in response to question on notice 2709 asked by Hon Jim Chown. (Tabled Paper 3593).

### 13. High Risk Offenders Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).  
The President left the Chair.

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#### In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 3.

Debate resumed.

Clause, as amended, agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Hon Nick Goiran moved —

Page 6, line 26 — To insert after “found” —

not

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 7

Debate ensued.

Hon Michael Mischin moved —

Page 6, line 30 — To delete “*high risk offender*” and insert —

*high risk serious offender*

Debate ensued.

Amendment — put and passed.

Hon Aaron Stonehouse moved —

Page 7, line 1 — To delete “to a high degree of probability,” and insert —

beyond reasonable doubt,

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Clause, as amended, agreed to.

Clause 8

Debate ensued.

Hon Nick Goiran moved —

Page 8, line 11 — To delete “persons of a particular class” and insert —

high risk serious offenders

Amendment — put and passed.

Hon Nick Goiran moved —

Page 8, line 15 — To delete “persons of a particular class” and insert —

high risk serious offenders

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 9 agreed to.

Clause 10

Debate ensued.

Clause agreed to.

Clause 11

Debate ensued.

*Interruption pursuant to order.*

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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.

#### **14. Members’ Statements**

Statements were taken.

#### **15. Adjournment**

Council adjourned at 10.09pm until Wednesday, 12 February 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