

# LEGISLATIVE COUNCIL

## MINUTES OF PROCEEDINGS

No. 163

THURSDAY, 31 OCTOBER 2019

### 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. Petition

Hon Alanna Clohesy presented a petition from 282 petitioners requesting the Legislative Council to support the installation of sound barriers along Tonkin Highway. (Tabled Paper 3357).

### 3. Ministerial Statement — Incident Involving Kookaburra at Parkerville Tavern

The Minister for Agriculture and Food made a Ministerial Statement with respect to an incident involving a kookaburra at Parkerville Tavern.

### 4. Papers

The following Papers were laid on the Table by —

#### Minister for Regional Development

##### *Annual Reports —*

Greyhound Racing Association Western Australia (2018–19) (Date received 30/10/2019) ..... 3354

Racing and Wagering Western Australia (2019) (Date received 30/10/2019)..... 3355

##### *Reviews —*

Review of the Chemistry Centre (WA) Act 2007 (WA)..... 3356

### 5. Rights of Nature and Future Generations Bill 2019

Hon Diane Evers: To move on the next day of sitting —

That a Bill for “An Act to *protect the rights of nature and future generations and for related purposes.*” be introduced and read a first time.

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

Hon Robin Chapple: To move on the next day of sitting —

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).

## 7. Greenhouse Gas Emissions

Hon Alison Xamon: To move on the next day of sitting —

That this House:

- (a) notes that the greenhouse gas emissions of the proposed Browse Basin and Burrup Hub LNG development will be several times the amount produced by the proposed Adani mine and will become Australia's largest source of greenhouse gas emissions;
- (b) notes that this development, should it go ahead, will actively undermine Australia's ability to meet its global commitments to reduce greenhouse gas emissions and limit the effects of climate change; and
- (c) recognises that on balance the cumulative impact on the environment is simply too great to justify proceeding and calls on the Government to instead prioritise the creation and retention of ongoing jobs in clean and renewable energy industries.

## 8. Water Security

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

That this House acknowledges the important issue of water security in our State, and calls on the Government to investigate the feasibility of constructing a pipeline from the North of the State to supply water to the South.

Debate ensued.

*Motion lapsed.*

## 9. Order of Business

Ordered — That Orders of the Day Nos 1, *Transport Regulations Amendment (Road Passenger Services) Regulations (No. 2) 2019 — Disallowance*, and 2, *Public Health Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 19, *High Risk Offenders Bill 2019*. (Leader of the House).

## 10. Voluntary Assisted Dying 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 Dr Steve Thomas in the Chair)

Clause 2.

Debate resumed.

Hon Nick Goiran moved —

Page 2, after line 8 — To insert:

- (aa) Part 1 (other than Division 1) and section 161A — on the day after the day on which this Act receives the Royal Assent;

Amendment — put.

The Committee divided.

**Ayes (9)**

Hon Jim Chown  
Hon Donna Faragher  
Hon Adele Farina  
Hon Nick Goiran  
Hon Rick Mazza

Hon Simon O'Brien  
Hon Charles Smith  
Hon Colin Tincknell  
Hon Ken Baston (*Teller*)

**Noes (25)**

Hon Martin Aldridge  
Hon Jacqui Boydell  
Hon Robin Chapple  
Hon Tim Clifford  
Hon Alanna Clohesy  
Hon Peter Collier  
Hon Stephen Dawson  
Hon Colin de Grussa  
Hon Sue Ellery  
Hon Diane Evers  
Hon Laurie Graham  
Hon Colin Holt  
Hon Alannah MacTiernan

Hon Kyle McGinn  
Hon Michael Mischin  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Tjorn Sibma  
Hon Aaron Stonehouse  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Dr Steve Thomas  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Hon Nick Goiran moved —

Page 2, after line 9 — To insert:

- (2) The day fixed under subsection (1)(b) cannot be earlier than the day on which the first regulations made under section 161A have all come into operation.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (11)**

Hon Jim Chown  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Rick Mazza  
Hon Simon O'Brien  
Hon Martin Pritchard

Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Dr Steve Thomas  
Hon Colin Tincknell  
Hon Ken Baston (*Teller*)

**Noes (23)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Adele Farina  
 Hon Laurie Graham

Hon Colin Holt  
 Hon Alannah MacTiernan  
 Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Samantha Rowe  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Nick Goiran moved —

Page 2, after line 9 — To insert:

- (2) The day fixed under subsection (1)(b) cannot be earlier than the 5<sup>th</sup> anniversary of the day on which this Act receives the Royal Assent.

Debate ensued.

Amendment — put and negated.

Question, That the clause stand as printed — put and passed.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Hon Nick Goiran moved —

Page 2, line 28 to page 3, line 1 — To delete “treatment, including palliative care and treatment,” and insert:

treatment (including palliative care and treatment, psycho-oncology treatment and consultation-liaison psychiatric treatment)

Debate ensued.

The Minister for Environment moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day’s sitting.

Question — put and passed.

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 at a later stage of this day’s sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day’s sitting.

## 11. Suspension of Standing Orders — Extended Sitting Hours

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the order of business and sitting days and times in addition to those agreed to by the House on 16 October 2019 as follows —

- (a) Tuesday, 19 November 2019:
  - (i) Sittings commence at 1.00pm.
- (b) Wednesday, 20 November 2019:
  - (i) No committee reports
- (c) Thursday, 21 November 2019:
  - (i) Members' Statements to be taken at 6.20pm or at an earlier time ordered by the House.
- (d) The House to sit on Friday, 22 November 2019 at 10:00am and conduct the following business:
  - (i) Prayers and Formal Business;
  - (ii) Orders of the Day to be taken until 1.00pm;
  - (iii) Question Without Notice to be taken at 1.00pm; and
  - (iv) Members' Statements to be taken at 1.35pm or at an earlier time ordered by the House.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice the President ordered the Council to divide.

### Ayes (28)

Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 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 Nick Goiran  
 Hon Laurie Graham

Hon Colin Holt  
 Hon Alannah MacTiernan  
 Hon Kyle McGinn  
 Hon Michael Mischin  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

### Noes (6)

Hon Martin Aldridge  
 Hon Rick Mazza  
 Hon Robin Scott

Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Simon O'Brien (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met Standing Orders suspended.

## 12. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled a document comparing drought and rainfall conditions, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 3358).

The Minister for Environment representing the Minister for Energy tabled the State Hazard Plan — Energy Disruption, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 3359).

The Minister for Environment representing the Minister for Aboriginal Affairs, by leave, incorporated into *Hansard* two lists of positions within the Aboriginal section of the department, in response to a question without notice asked by Hon Robin Chapple.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to the further progress of the *Public and Health Sector Legislation Amendment (Right of Return) Bill 2018*, in response to a question without notice asked by Hon Tjorn Sibma.

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 19 November 2019.

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to a stranger danger alert at West Leederville Primary School on 5 September 2019, in response to a question without notice asked by Hon Ken Baston.

The Minister for Regional Development representing the Minister for Tourism tabled Rottnest Island Authority correspondence on coastal erosion, in response to question on notice 2529 asked by Hon Dr Steve Thomas. (Tabled Paper 3360).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to Western Australia Country Health Service working in isolation, minimum safety and security standards for all State policy, in response to question on notice 2463 asked by Hon Jacqui Boyde. (Tabled Paper 3361).

### 13. Voluntary Assisted Dying Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 10 above*).

The President left the Chair.

#### In Committee

(Hon Simon O'Brien in the Chair)

Clause 4.

Debate resumed on the motion of Hon Nick Goiran as follows —

Page 2, line 28 to page 3, line 1 — To delete “treatment, including palliative care and treatment,” and insert:

treatment (including palliative care and treatment, psycho-oncology treatment and consultation-liaison psychiatric treatment)

Amendment — put.

The Committee divided.

#### Ayes (10)

Hon Peter Collier  
Hon Donna Faragher  
Hon Nick Goiran  
Hon Rick Mazza  
Hon Michael Mischin

Hon Simon O'Brien  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Colin Tincknell  
Hon Ken Baston (*Teller*)

**Noes (23)**

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Diane Evers  
 Hon Adele Farina  
 Hon Laurie Graham  
 Hon Colin Holt

Hon Alannah MacTiernan  
 Hon Kyle McGinn  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Alison Xamon  
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Hon Nick Goiran moved —

Page 3, line 4 — To insert after “person’s”:

registered

Debate ensued.

*Interruption pursuant to order.*

The Acting President resumed the Chair.

The 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. Railway (METRONET) Amendment Bill 2019**

The President reported the receipt of Message No. 147 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Transport tabled a Report relating to the Bill. (Tabled Paper 3362).

The Minister for Environment representing the Minister for Transport tabled a Map relating to the Bill. (Tabled Paper 3363).

The Minister for Environment representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3364).

Debate stands adjourned.

**16. Adjournment**

The Council adjourned at 5.50pm until Tuesday, 19 November 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