

WESTERN AUSTRALIA  
**LEGISLATIVE COUNCIL**  
**MINUTES OF PROCEEDINGS**  
**No. 135**  
**WEDNESDAY, 26 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. Message from the Lieutenant-Governor and deputy of the Governor — Assent to Bill**

The President reported the receipt of a Message from the Lieutenant-Governor and deputy of the Governor assenting to the following Bill —

**24 June 2019 — Message No. 13**

Infrastructure Western Australia Bill 2019

**Act No.**

13 of 2019

**3. Ministerial Statement — Southern Ports Authority Restructure**

The Minister for Ports made a Ministerial Statement with respect to an organisational restructure that will be less top heavy and more regionally focussed.

**4. Papers**

The following Papers were laid on the Table by —

**President**

*Auditor General's Papers —*

Local Government Building Approvals (Report No. 28) (June 2018-19)..... 2820

**Minister for Environment**

*Proposals —*

Land Administration Act 1997 — Proposal No. 1/2019 for the cancellation of Class B

Reserve No. 3269 Highgate Primary School..... 2821

**Minister for Regional Development**

*Notices —*

Financial Management Act 2006 (section 82) — Notice from the Minister for Ports in relation to Parts (A) and (B) of questions asked in the Legislative Council 2019-

20 Budget Estimates Hearings by the Hon Martin Aldridge..... 2822

## 5. Select Committee into Local Government

Motion No. 2 having been called, Hon Simon O'Brien, pursuant to notice, moved —

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
  - (a) whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
  - (b) the scope of activities of Local Governments;
  - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
  - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
  - (e) the funding and financial management of Local Governments; and
  - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members.
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

Debate ensued.

Hon Charles Smith moved, without notice —

To insert after paragraph 2(e) —

- (f) the scope, activities and future role of the Western Australian Local Government Association (WALGA); and

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Question — put.

The Council divided.

### Ayes (20)

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Diane Evers  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Colin Holt

Hon Rick Mazza  
 Hon Simon O'Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

### Noes (11)

Hon Alanna Clohesy  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Laurie Graham  
 Hon Alannah MacTiernan

Hon Kyle McGinn  
 Hon Samantha Rowe  
 Hon Matthew Swinbourn  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Question thus passed.

## 6. Select Committee into Local Government — Appointment

Hon Simon O'Brien moved, without notice —

- (1) That the following Members be appointed as Members to the Select Committee into Local Government —
  - Hon Simon O'Brien;
  - Hon Diane Evers;
  - Hon Charles Smith;
  - Hon Martin Aldridge; and
  - Hon Laurie Graham.
- (2) That the Chair is to be Hon Simon O'Brien.  
That the Deputy Chair is to be Hon Laurie Graham.

Question — put and passed.

## 7. Order of Business

Ordered — That Order of the Day No. 1, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 15, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

## 8. Public Health Amendment (Immunisation Requirements for Enrolment) 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 Adele Farina in the Chair)

Clause 8.

Debate resumed on the amendment of Hon Rick Mazza as follows —

Page 6, lines 24 to 26 — To delete the lines.

Amendment — put.

The Committee divided.

### Ayes (11)

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

Hon Simon O'Brien  
Hon Robin Scott  
Hon Charles Smith  
Hon Dr Steve Thomas  
Hon Ken Baston (*Teller*)

### Noes (20)

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 Samantha Rowe  
Hon Aaron Stonehouse  
Hon Matthew Swinbourn  
Hon Darren West  
Hon Alison Xamon  
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to Castletown Primary School Esperance, spreadsheet of works undertaken, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2823).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to FTE officers allocated to the Priorities Implementation Unit, in response to a question without notice asked by Hon Martin Aldridge.

The Minister for Environment tabled documents in relation to Yara Fertiliser Plant, Works approvals, licences and amendment notices, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2824).

The Leader of the House representing the Minister for Community Services tabled documents in relation to organisations contracted to deliver a community and neighbourhood development services in the last five years (2014-15 to 2018-19) in the Pilbara Region, in response to question on notice 2159 asked by Hon Jacqui Boyde. (Tabled Paper 2825).

The Minister for Environment tabled written advice regarding Mineral Resources LTD's request from the Department of Water and environmental Regulation (18 February 2019) and letters from the Minister of Environment to the Environmental Protection Authority (28 February 2019), in response to question on notice 2158 asked by Hon Peter Collier. (Tabled Paper 2826).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to WA Country Health Service nursing staff at hospitals and nursing posts 2017-18 to 2018-19 to date, in response to question on notice 2071 asked by Hon Martin Aldridge. (Tabled Paper 2827).

## 10. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

### In Committee

(Hon Martin Aldridge in the Chair)

Clause 8.

Debate resumed.

Hon Aaron Stonehouse moved —

Page 9, after line 4 — To insert:

- (2A) The responsible person for a child may apply to the State Administrative Tribunal for a review of a decision by the Chief Health Officer to refuse to issue an immunisation certificate for the child under subsection (1).

Debate ensued.

Amendment — put and passed.

The Minister for Education and Training moved —

Page 12, after line 12 — To insert:

#### **Subdivision 4 — Reporting requirements**

##### **142A. Annual report to include information about enrolments**

- (1) In this section —  
**enrolment** means an enrolment of a child in —
  - (a) a school, before the child's compulsory education period; or
  - (b) a community kindergarten; or
  - (c) a child care service.
- (2) The accountable authority of the Department must include the following information in each annual report submitted under the *Financial Management Act 2006* Part 5 —
  - (a) the number of enrolments in the financial year to which the annual report relates that were of a child whose immunisation certificate did not state that the child's immunisation status is up-to-date;
  - (b) in relation to the enrolments referred to in paragraph (a), the number that were of a child who, by the end of the financial year to which the annual report relates —
    - (i) has an immunisation certificate that states that the child's immunisation status is up-to-date; or
    - (ii) is following a catch-up schedule referred to in section 141D(2)(d).
- (3) The information included in an annual report under subsection (2) must not include any information that identifies, or is likely to identify, any child to whom the information relates.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 9 to 11 agreed to.

New clause 11A.

Hon Nick Goiran moved —

Page 13, after line 34 — To insert:

##### **11A. Section 306A inserted**

After section 306 insert:

##### **306A. Review of amendments made by *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019***

- (1) In this section —  
**relevant amendments** means —

- (a) the amendments made to this Act by the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019* section 8; and
  - (b) the amendments made to the *School Education Act 1999* by the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019*.
- (2) The Minister must review the operation and effectiveness of the relevant amendments, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019* section 1 comes into operation.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3<sup>rd</sup> anniversary.

Debate ensued.

New Clause — put.

The Council divided.

**Ayes (19)**

Hon Martin Aldridge	Hon Michael Mischin
Hon Robin Chapple	Hon Simon O'Brien
Hon Tim Clifford	Hon Robin Scott
Hon Peter Collier	Hon Tjorn Sibma
Hon Colin de Grussa	Hon Charles Smith
Hon Diane Evers	Hon Aaron Stonehouse
Hon Donna Faragher	Hon Colin Tincknell
Hon Nick Goiran	Hon Alison Xamon
Hon Colin Holt	Hon Ken Baston ( <i>Teller</i> )
Hon Rick Mazza	

**Noes (10)**

Hon Alanna Clohesy	Hon Kyle McGinn
Hon Stephen Dawson	Hon Samantha Rowe
Hon Sue Ellery	Hon Matthew Swinbourn
Hon Adele Farina	Hon Darren West
Hon Laurie Graham	Hon Pierre Yang ( <i>Teller</i> )

New Clause thus passed.

The Leader of the House 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 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. Extension of Sitting Hours

The Leader of the House moved, without notice —

- (a) that the House do sit beyond 6.20pm; and
- (b) that Members' Statements be taken no later than 9.45pm.

Question — put and passed.

### 12. Public Health Amendment (Immunisation Requirements for Enrolment) 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.

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#### In Committee

(Hon Simon O'Brien in the Chair)

Clauses 12 to 21 agreed to.

Postponed Clause 4.

Debate ensued.

Clause agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported with amendments.

The Minister for Education and Training, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Education and Training moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019* to be read a third time.

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.

The Minister for Education and Training moved, That the Bill be read a third time.

The President announced that the 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

### 13. Order of Business

Ordered — That Members' Statements, be taken forthwith. (Leader of the House).

### 14. Members' Statements

Statements were taken.

**15. Adjournment**

The Council adjourned at 6.27pm until Thursday, 27 June 2019 at 9.00am.

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

Attendance: Present all Members except Hon Martin Pritchard and Hon Dr Sally Talbot.

**NIGEL PRATT**  
Clerk of the Legislative Council

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

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