

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 192

TUESDAY, 12 MAY 2020

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 — COVID-19 Sitting Arrangements for May 2020

The President made the following Statement —

Following consultation with Party Leaders, I confirm that the sitting arrangements that applied during the last sitting period in April 2020 are extended through to the end of the May 2020 sitting block.

Take away lunch and dinner will be available for Members from the Members' Dining Room on sitting days. A limited, pre-packaged complimentary afternoon tea will be available from the Members Dining Room including a self-service tea and coffee station on sitting Tuesdays and Wednesdays from 4pm.

3. Statement by President — Hon Charles Smith MLC — Membership of the Western Australia Party

The President made the following Statement —

I have today received correspondence from Hon Charles Smith regarding his membership of a registered political party:

Dear Madam President,

I write to advise you and the House I have joined the Western Australia Party and will sit as their parliamentary representative in the Legislative Council.

All good wishes.

The Hon. Charles Smith MLC

Member for the East Metropolitan Region

Following formal business today, and consistent with the current COVID-19 related seating arrangement for party leaders, I will allocate Hon Charles Smith a place as the leader of the Western Australia Party in the Legislative Council.

4. Messages from His Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills —

20 April 2020 — Message No. 13

Lotteries Commission Amendment (COVID-19 Response) Bill 2020

Pay-roll Tax Relief (COVID-19 Response) Bill 2020

Act No.

15 of 2020

16 of 2020

Local Government Amendment (COVID-19 Response) Bill 2020	17 of 2020
23 April 2020 — Message No. 14	Act No.
Residential Tenancies (COVID-19 Response) Bill 2020	18 of 2020
Commercial Tenancies (COVID-19 Response) Bill 2020	19 of 2020

5. Petition

Hon Colin Holt presented a petition from 65 petitioners requesting the Legislative Council to support the installation of effective sound and noise mitigation barriers along Yallinda Drive for the construction of the Southern Bunbury Outer Ring Road. (Tabled Paper 3843).

6. Ministerial Statement — Lotterywest

The Leader of the House representing the Premier made a Ministerial Statement with respect to the Lotterywest grants that have been deferred as a result of a change of focus to COVID-19 support and recovery.

The Leader of the House representing the Premier tabled a list of Lotterywest grants that have been deferred as a result of COVID-19, (28 February 2020 to 9 April 2020). (Tabled Paper 3845).

7. Ministerial Statement — TAFE enrolment data

The Minister for Education and Training made a Ministerial Statement with respect to TAFE enrolments.

The Minister for Education and Training tabled enrolment figures at each individual TAFE campus for the years 2016, 2017, 2018, 2019 and 2020 to date. (Tabled Paper 3844).

8. Ministerial Statement — Proposed Chinese tariff on Australian Barley

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Chinese Ministry of Commerce's proposed tariff on Australian barley.

9. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Control of Monies Held for a Specific Purpose (Report No. 19) (April 2020) (Deemed tabled 30/04/2020)	3812
Local Government Contract Extensions and Variations and Ministerial Notice Not Required (Report No. 20) (May 2020) (Deemed tabled 4/05/2020)	3813
Audit Results Report — Annual 2019 Financial Audits (Report No. 21) (May 2020).....	3814

Reports —

Corruption and Crime Commission — Review of a WA Police Force Investigation into use of Force in Respect of a Child (April 2020) (Deemed tabled 20/04/2020)	3815
Corruption and Crime Commission — Report into Misconduct Risks and Access to Confidential Information in the Office of the Auditor General (April 2020) (Deemed tabled 23/04/2020)	3816
Inspector of Custodial Services, Office of the — 2019 Inspection of Roebourne Regional Prison (Report No. 128) (March 2020).....	3817
Inspector of Custodial Services, Office of the — 2019 Inspection of Casuarina Prison (Report No. 129) (March 2020)	3818

Leader of the House

Directions —

Direction from the Minister for Community Services to suspend the Carers Advisory Council 2019-20 annual compliance report (Deemed tabled 4/05/2020).....	3819
--	------

Local Laws —

Cemeteries Act 1986 (Shire of Plantagenet Cemeteries Local Law 2020 G.G. 22/04/2020) 3820

Local Government Act 1995 (City of Perth Outdoor Dining Amendment Local Law 2019 G.G. 24/04/2020, Shire of Plantagenet Extractive Industries Local Law 2020 G.G. 22/04/2020, Shire of Plantagenet Repeal Local Law 2020 G.G. 22/04/2020, Shire of Plantagenet Standing Orders Local Law 2020 G.G. 22/04/2020 and Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019 G.G. 28/04/2020) 3821

Orders —

Local Government Act 1995 (Local Government (COVID-19 Response) Order 2020 G.G. 08/05/2020) 3822

Regulations —

Control of Vehicles (Off-road Areas) Act 1978 (Control of Vehicles (Off-road Areas) Amendment Regulations 2020 G.G. 17/04/2020) 3823

Local Government Act 1995 (Local Government (Functions and General) Amendment Regulations 2020 G.G. 08/05/2020 and Local Government (Parking for People with Disabilities) Amendment Regulations 2020 G.G. 24/04/2020) 3824

Reports —

Terrorism (Preventative Detention) Act 2006 (section 54 (2)) — Quarterly Report (31 March 2020) 3825

Rules —

Criminal Procedure Act 2004 (Criminal Procedure Amendment Rules 2020 G.G. 08/05/2020) 3826

Lotteries Commission Act 1990 (Lotteries Commission Rules Amendment (COVID-19 Response) Rules 2020 G.G. 05/05/2020) 3827

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020 G.G. 05/05/2020) 3828

Schemes —

Professional Standards Act 1997 (The Western Australian Bar Association Professional Standards Scheme (2020) G.G. 24/04/2020) 3829

Minister for Environment*Local Laws —*

Bush Fires Act 1954 (Shire of Plantagenet Bush Fire Brigade Local Law 2020 G.G. 22/04/2020) 3830

Waste Avoidance and Resource Recovery Act 2007 (Town of Bassendean Waste Local Law 2019 G.G. 28/04/2020) 3831

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Police and Road Safety in relation to Legislative Council Question on Notice No, 2753 asked by the Hon Martin Aldridge 3832

Proposals —

Land Administration Act 1997 — Submission No. 3/2020 — Excision from Class A Reserve No. 27004 in Kalbarri National Park for part of North West Coastal Highway 3833

Regulations —

Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 3) 2020 G.G. 24/04/2020 and Taxation Administration Amendment Regulations 2020 G.G. 17/04/2020) 3834

Reports —

Treasury Corporation — Quarterly Report (31 March 2020) 3835

Minister for Regional Development*Notices —*

Energy Safety Act 2006 (Energy Safety Levy Notice 2020 G.G. 17/04/2020) 3836

Regulations —

Agricultural Produce Commission Act 1988 (Agricultural Produce (Beekeeping Industry) Amendment Regulations 2020 G.G. 24/04/2020) 3837

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations 2020 G.G. 17/04/2020) 3838

Building Act 2011 (Building Amendment Regulations (No. 3) 2020 G.G. 24/04/2020) 3839

Liquor Control Act 1988 (Liquor Control (Jigalong Restricted Area) Amendment Regulations 2020 G.G. 24/04/2020) 3840

Soil and Land Conservation Act 1945 (Soil and Land Conservation Amendment Regulations 2020 G.G. 01/05/2020) 3841

Parliamentary Secretary to the Deputy Premier*Regulations —*

Public Health Act 2016 (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2020 G.G. 24/04/2020) 3842

10. Standing Committee on Legislation — Report 42 — Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017

Hon Dr Sally Talbot presented Report 42 of the Standing Committee on Legislation, *Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017*. (Tabled Paper 3846).

11. Standing Committee on Uniform Legislation and Statutes Review — Report 126 — Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019

Hon Michael Mischin presented Report 126 of the Standing Committee on Uniform Legislation and Statutes Review, *Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019*. (Tabled Paper 3847).

12. Select Committee on Personal Choice and Community Safety — Final Report — Community safety: for the greater good, but at what cost?

Hon Aaron Stonehouse presented the Final Report of the Select Committee on Personal Choice and Community Safety, *Community safety: for the greater good, but at what cost?* (Tabled Paper 3848).

13. Suspension of Standing Orders — Special Arrangements for Members Speaking and Voting

The Leader of the House moved, without notice —

That, until the House is adjourned on 21 May 2020, so much of Standing Orders be suspended so that:

- (a) when called to speak, a Member may speak from a place in the Chamber other than the Member's own; and
- (b) during a division Members shall gather in the Chamber, which includes the President's Gallery, and indicate an "Aye" vote by standing and a "No" vote by 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.

14. Residential Tenancies (COVID-19 Response) Bill 2020

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 182

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Residential Tenancies (COVID-19 Response) Bill 2020*.

Hon P. B. Watson

Speaker

Legislative Assembly Chamber

Perth, 20 April 2020

15. Commercial Tenancies (COVID-19 Response) Bill 2020

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 183

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Commercial Tenancies (COVID-19 Response) Bill 2020*.

Ms J Freeman

Acting Speaker

Legislative Assembly Chamber

Perth, 20 April 2020

16. Order of Business

Ordered — That Order of the Day Nos 1, *Shire of Boddington — Fees and Charges 2019-2020 — Disallowance*, 2, *Strata Titles (General) Regulations 2019 — Disallowance*, 3, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, and 4, *Shire of Exmouth Bush Fire Brigades Local Law 2020 — Disallowance*, be taken after Order of the Day No. 15, *Residential Parks (Long-stay Tenants) Amendment Bill 2018*. (Leader of the House).

17. Business of the House — Prisons Amendment Bill 2020 — Time Limits

The Leader of the House advised the Council that the *Prisons Amendment Bill 2020* was COVID-19 related business, and pursuant to Temporary Order (6), set maximum time limits to apply to the debate.

18. Prisons Amendment Bill 2020

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

Debate ensued.

Hon Colin de Grussa, by leave, tabled a media statement relating to mandatory COVID-19 testing for police officers. (Tabled Paper 3849)

Debate resumed.

Hon Alison Xamon moved, without notice —

- (1) That the Prisons Amendment Bill 2020 be discharged and referred to the Legislation Committee for consideration and report by no later than 12 July 2020; and
- (2) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Question — put and negatived.

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 11 agreed to.

Clause 12.

Debate ensued.

Minister for Environment representing the Minister for Corrective Services, by leave, moved —

Page 4, line 23 — To insert after “**blood**”:

or other body

Page 5, lines 6 and 7 — To delete the lines and insert:

the purpose of having a blood or other body sample taken to test the sample for the presence of an infectious

Page 5, line 11 — To delete “blood”

Page 5, line 13 — To delete “blood”

Page 5, line 18 — To delete “blood sample; and” and insert:

sample taken; and

Page 5, line 24 — To delete “blood sample.” and insert:

sample taken.

Debate ensued.

Amendments — put and passed.

19. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to exemptions granted for interstate and international travel restrictions, in response to a question without notice asked by Hon Peter Collier.

The Minister for Education and Training tabled operational guidelines for the return of students to Department of Education Residential Facilities, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 3850).

The Minister for Regional Development representing the Minister for Commerce tabled a letter from the Master Builders Association to the Attorney General in relation to a request to defer policy reviews of the National Construction Code due to COVID-19 emergency management and implications, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 3851).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to the daily COVID-19 testing figures per region since 1 April 2020, in response to a question without notice asked by Hon Colin Holt.

The Minister for Environment representing the Minister for Police tabled from Western Australia Police Force documents in relation to hate crimes towards LGBTIQ people, in response to question on notice 2846 asked by Hon Alison Xamon. (Tabled Paper 3852).

The Minister for Environment tabled a map in relation to the current comprehensive, adequate and representative areas (CARS) in the South West, in response to question on notice 2864 asked by Hon Diane Evers. (Tabled Paper 3853).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to the Port Hedland Regional Water Supply Scheme, in response to question on notice 2842 asked by Hon Robin Chapple (Tabled Paper 3854).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to performance indicator levels regarding the Yule bore field in the Pilbara, in response to question on notice 2843 asked by Hon Robin Chapple (Tabled Paper 3855).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to monitoring bores in the Namagoorie bore field in the Pilbara, in response to question on notice 2844 asked by Hon Robin Chapple (Tabled Paper 3856).

The Minister for Regional Development representing the Minister for Mines and Petroleum tabled documents in relation to the code of practice for mineral exploration drilling and emergency management for Western Australian mines, in response to question on notice 2874 asked by Hon Martin Aldridge (Tabled Paper 3857).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to service provider details at the Geraldton Health Campus, in response to question on notice 2867 asked by Hon Martin Aldridge (Tabled Paper 3858).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to correspondence between the Commonwealth and State governments about the use of telehealth under the *Voluntary Assisted Dying Bill 2019*, in response to question on notice 2868 asked by Hon Martin Aldridge (Tabled Paper 3859).

The Parliamentary Secretary to the Minister for Health tabled Department of Health guidelines, policies and other relevant documents in relation to managing anaphylaxis, in response to question on notice 2873 asked by Hon Martin Aldridge (Tabled Paper 3860).

20. Prisons Amendment Bill 2020

Resumption of consideration of this Bill in Committee of the Whole House (*see item 18 above*).

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 12.

Debate resumed.

Hon Alison Xamon moved —

Page 5, after line 24 — To insert:

- (5) Nothing in this section authorises the taking of a sample before the chief executive officer has obtained a statement in writing from a medical practitioner that in the medical practitioner's professional opinion the transfer of bodily fluid from the prisoner to the prison officer has exposed the prison officer to the risk of transmission of an infectious disease.

Debate ensued.

Amendment — put and negatived.

Clause, as amended, agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 23 agreed to.

The Minister for Environment representing the Minister for Corrective Services moved, That the Deputy Chair report progress and seek to sit again.

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.

Ordered — That the Committee of the Whole House sit again.

21. Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020

The President reported the receipt of Message No. 184 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for the Environment representing the Minister for Police tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3861).

Debate stands adjourned.

22. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) 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 Robin Chapple in the Chair)

Clause 1.

Debate resumed.

Interruption pursuant to order.

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.

23. Members' Statements

Statements were taken.

24. Adjournment

The Council adjourned at 10.10pm until Wednesday, 13 May 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