

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 197**

**THURSDAY, 21 MAY 2020**

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**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. Ministerial Statement — Quality and Safeguards Commission**

The Minister for Disability Services made a Ministerial Statement with respect to the deferment of Western Australia's transition to the National Disability Insurance Scheme Quality and Safeguards Commission from 1 July 2020 to 1 December 2020.

**3. Ministerial Statement — Agrifood and Beverage Voucher Program**

The Minister for Agriculture and Food made a Ministerial Statement with respect to funding under the first round of Western Australia's Agrifood and Beverage Voucher program.

**4. Paper**

The following Paper was laid on the Table by —

**President**

*Auditor General's Papers —*

Regulation of Asbestos Removal (Report No. 22) (May 2020)..... 3885

**5. Standing Committee on Environment and Public Affairs — Report 52 — Punitive not protective: when the mandatory registration of young people is not based on risk**

Hon Matthew Swinbourn presented Report 52 of the Standing Committee on Environment and Public Affairs, *Punitive not protective: when the mandatory registration of young people is not based on risk*. (Tabled Paper 3886).

**6. Lack of Transparency**

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

That this House registers its deepening concern with the McGowan Government's continued and determined lack of transparency both within the Parliament and as it relates to the decision-making, negotiation, management and implementation of a number of contracts over the course of this term.

Debate ensued.

*Motion lapsed.*

## 7. Sea Freight Trading Links in Regional Western Australia

Private Members' Business No. 1 having been called, Hon Kyle McGinn moved, without notice —  
That this House calls on the McGowan Government to —

- (a) recognise that regional Western Australia has the opportunity to develop ever-closer sea freight trading links with Asia in a post COVID-19 world and focusses on Western Australian employment; and
- (b) support shipping initiatives and direct general shipping for ports in the Pilbara and elsewhere up the coast, including provisions for future emergency transport needs.

Debate ensued.

*Motion lapsed.*

## 8. Order of Business

Ordered — That Order of the Day No. 2, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, be taken after Order of the Day No. 36, *Select Committee into Palliative Care*. (Leader of the House).

## 9. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020

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

Debate ensued.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

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### In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

The Minister for Education and Training tabled the Government response to recommendations of the 2019 statutory review of the Building and Construction Industry Fund. (Tabled Paper 3887).

Debate resumed.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 9 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Education and Training 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.

**10. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019**

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 189

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019*.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 21 May 2020

**11. Residential Parks (Long-stay Tenants) Amendment Bill 2018**

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)

Clause 2.

Debate resumed.

Hon Nick Goiran moved —

Page 2, after line 8 — To insert:

- (aa) sections 3, 79 and 84 — on the day after that day;

Debate ensued.

Amendment — put and passed.

Hon Michael Mischin moved —

Page 2, after line 10 — To insert:

- (2) However —
- (a) if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, this Act is repealed on the day after that period ends; or
  - (b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

Debate ensued.

Amendment — put.

The Committee divided.

**Ayes (19)**

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

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Robin Scott  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Alison Xamon  
 Hon Ken Baston (*Teller*)

**Noes (10)**

Hon Alanna Clohesy  
 Hon Sue Ellery  
 Hon Laurie Graham  
 Hon Alannah MacTiernan  
 Hon Kyle McGinn

Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Pierre Yang (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 5, after line 10 — To insert:

*DVO* has the meaning given under the *Domestic Violence Orders (National Recognition) Act 2017* section 4(1);

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 5, after line 13 — To insert:

*Family Court injunction* means an injunction under the *Family Court Act 1997* section 235 or 235A or the *Family Law Act 1975* (Commonwealth) section 68B or 114;

*family violence* has the meaning given in the *Restraining Orders Act 1997* section 5A(1);

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 5, line 25 — To delete “agreement” and insert:

agreement, or an interest in the agreement,

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Commerce moved —  
Page 7, lines 1 to 14 — To delete the lines and insert:

*residential park* has the meaning given in section 5B;

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 5.

Debate ensued.

Hon Nick Goiran moved —

Page 10, line 9 — To delete the line.

The Minister for Regional Development representing the Minister for Commerce 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.

## 12. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the Kalgoorlie Health Campus MRI Suite tender, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 3888).

The Minister for Environment representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to the 2019 inspection of Roebourne Regional Prison, in response to a question without notice asked by Hon Alison Xamon on behalf of Hon Robin Chapple.

The Leader of the House, by leave, incorporated into *Hansard* information in relation to funding allocated to repair Hedland Senior High School, in response to a question without notice asked by Hon Jacqui Boydell.

The Minister for Environment representing the Minister for Transport tabled documents in relation to the supply and delivery of buses to the Public Transport Authority, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 3889).

The Minister for Regional Development representing the Minister for Forestry tabled documents in relation to the Department of Parks and Wildlife informal reserve amendment request, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3890).

## 13. Order of Business

Ordered — That Order of the Day No. 36, *Joint Select Committee into Palliative Care*, be taken forthwith. (Leader of the House).

**14. Joint Select Committee into Palliative Care**

The Order of the Day having been read for the consideration of Message No. 188 from the Legislative Assembly as follows —

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council into Palliative Care in Western Australia be established.
- (2) That the Joint Select Committee inquire into and report on:
  - (a) the progress in relation to palliative care, in particular implementation of recommendations of the Joint Select Committee into End of Life Choices;
  - (b) the delivery of the services associated with palliative care funding announcements in 2019 - 2020;
  - (c) the delivery of palliative care into regional and remote areas; and
  - (d) the progress on ensuring greater equity of access to palliative care services between metropolitan and regional areas.
- (3) That the Joint Select Committee consist of six members, of whom:
  - (a) three will be members of the Assembly; and
  - (b) three will be members of the Council.
- (4) That the Standing Orders of the Legislative Assembly relating to standing and select committees will be followed as far as they can be applied.
- (5) That the Joint Select Committee report to both Houses by 19 November 2020.
- (6) That the Legislative Council be requested to agree to a similar resolution.
- (7) That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed:
  - (a) the Member for Dawesville;
  - (b) the Member for Moore; and
  - (c) the Member for Thornlie.

The Leader of the House moved, without notice —

- (1) That in response to Legislative Assembly Message No. 188, the Legislative Council agrees to the Legislative Assembly's resolution for the establishment of a Joint Select Committee into Palliative Care in Western Australia subject to the following amendments to which the Legislative Council seeks the concurrence of the Legislative Assembly:
  - (a) Delete the words in paragraph 4 and insert –  
That the Standing Orders of the Legislative Council relating to standing and select committees will be followed as far as they can be applied.
  - (b) Insert new paragraph 8 –  
That the Member for Thornlie be appointed Chair of the Committee and that the Hon Nick Goiran be appointed Deputy Chair of the Committee.
- (2) That subject to the Legislative Assembly agreeing to the amendments, the following Legislative Council Members be appointed to the Joint Select Committee:
  - (a) Hon Nick Goiran;
  - (b) Hon Kyle McGinn;
  - (c) Hon Alison Xamon.

Debate ensued.

Question — put and passed.

Legislative Assembly acquainted accordingly.

**15. Work Health and Safety Bill 2019**

The Minister for Regional Development representing the Minister for Industrial Relations moved, without notice —

- (1) That the *Work Health and Safety Bill 2019* be discharged and referred to the Standing Committee on Legislation for consideration of Part 2 of the Bill and report no later than Tuesday, 11 August 2020.
- (2) The Committee has the power to inquire into and report on the policy of the Bill.
- (3) The Committee is to consider any government response to Report 126 of the Uniform Legislation and Statutes Review Committee.

Debate ensued.

Question — put and passed.

**16. Order of Business**

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

**17. Members' Statements**

Statements were taken.

**18. Message from His Excellency the Governor — Assent to Bills**

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

<b>21 May 2020 — Message No. 23</b>	<b>Act No.</b>
Prisons Amendment Bill 2020	20 of 2020
Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020	21 of 2020

**19. Procurement Bill 2020**

The President reported the receipt of Message No. 187 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3891).

Debate stands adjourned.

**20. Children and Community Services Amendment Bill 2019**

The President reported the receipt of Message No. 190 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Child Protection moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Child Protection moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Child Protection tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3892).

Debate stands adjourned.

**21. Adjournment**

The Council adjourned at 6.05pm until Tuesday, 9 June 2020 at 2.00pm.

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

Attendance: Present all Members except Hon Adele Farina, Hon Colin Holt, Hon Simon O'Brien and Hon Darren West.

**NIGEL PRATT**  
Clerk of the Legislative Council

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