

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 218

THURSDAY, 17 SEPTEMBER 2020

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 Donna Faragher presented a petition from 1,024 petitioners requesting the Legislative Council to support a redesign of the Bayswater Train Station. (Tabled Paper 4232).

3. Ministerial Statement — Drought Resilience Adoption and Innovation Hubs

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Commonwealth Government’s proposal to establish eight Drought Resilience Adoption and Innovation Hubs across Australia, including at least one in Western Australia.

4. Ministerial Statement — Step Up/Step Down Update

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to community mental health step up/step down services across regional Western Australia.

5. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Ombudsman — Western Australia (2019-20) (Date received 16/09/2020)..... 4228

Reviews —

Corruption and Crime Commission — Review of recommendations made following reports on dangerous drugs in hospitals in Western Australia 4229

Leader of the House on behalf of the Minister for Environment

Annual Reports —

Country Housing Authority (2019-20) (Date received 16/09/2020) 4230

Minister for Regional Development

Annual Reports —

Busselton Water (2019-20) (Date received 16/09/2020)..... 4231

6. Standing Committee on Environment and Public Affairs — Report 54 — The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?

Hon Matthew Swinbourn presented Report 54 of the Standing Committee on Environment and Public Affairs, *The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?* (Tabled Paper 4233).

Hon Matthew Swinbourn moved, without notice —

That recommendations 1, 3, 7, 8, 9, 11, 12, 13 and 14 of Report 54 of the Standing Committee on Environment and Public Affairs, *The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?* be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

Hon Matthew Swinbourn sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned.

7. Shire of Narembeen Cemeteries Local Law 2020 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narembeen Cemeteries Local Law 2020* published in the *Gazette* on 16 June 2020 and tabled in the Legislative Council on 23 June 2020 under the *Cemeteries Act 1986*, be and is hereby disallowed. (Tabled paper 3977).

8. Shire of Narembeen Fencing Local Law 2020 — Disallowance

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

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Narembeen Fencing Local Law 2020* published in the *Gazette* on 16 June 2020 and tabled in the Legislative Council on 23 June 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 3979).

9. Western Australia's Heritage and Culture

Hon Aaron Stonehouse: To move on the next day of sitting —

That the House:

- (a) expresses its concern over increasingly radical and divisive attacks upon Western Australia's heritage and culture, in particular —
 - (i) the City of Perth's attempted cancellation of the Christmas Nativity Event;
 - (ii) recent calls to remove statues and monuments;
 - (iii) the vandalism of statues and monuments;
 - (iv) proposals to rename various locations and structures that bear the names of historical figures;
 - (v) recent and renewed calls to change the date of Australia Day; and
- (b) rejects policies and proposals that divide Western Australians on the basis of their racial identity or religious beliefs

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 2, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 3, *Local Government (Rules of Conduct) Amendment Regulations 2020 — Disallowance*, 4, *City of Vincent Parking and Parking Facilities Amendment Local Law 2020 — Disallowance*, 5, *Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 — Disallowance*, and 6, *Energy Operators (Electricity Generation and Retail*

Corporation) (Charges) Amendment By-laws 2020 — Disallowance, be taken after Order of the Day No. 48, Standing Committee on Public Administration — Extension of Time. (Leader of the House).

11. Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Work Health and Safety Bill 2019

Clause 1.

Debate resumed.

The Minister for Regional Development representing the Minister for Industrial Relations tabled the Government Response to the Standing Committee on Uniform Legislation and Statutes Review *Report on the Work Health and Safety Bill 2019 and the Safety Levies Amendment Bill 2019*. (Tabled Paper 4234).

Debate resumed.

Point of Order

The Leader of the House raised the following Point of Order —

I rise on the issue around what a Clause 1 debate is supposed to be about. Since we started, we have canvassed at what point various MPs were offered briefings on various amendments and we have certainly canvassed the policy of the Bill, which has actually already been set by the second reading vote. I would appreciate the Deputy Chair's guidance in making sure that this debate on Clause 1, is not used to challenge the policy of the Bill nor repeat matters raised by Members in their second reading contributions.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

Debate on clause 1 has traditionally been given a fair degree of largesse in that it encompasses a broad area of debate. I accept that the Member is making a broad range of points about the history of the Bill and not necessarily about improving the policy of the Bill. At this point I am not convinced that it is outside the scope that is generally considered.

Debate resumed.

The Minister for Regional Development representing the Minister for Industrial Relations tabled a report entitled *Families Left Behind, Taking Action for Workplace Safety Reform*. (Tabled Paper 4235).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Nick Goiran moved —

Page 2, line 8 — To insert after “Royal Assent”:

(assent day)

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 2, after line 8 — To insert:

(aa) Part 14, other than Divisions 1 to 3 — on the day after assent day;

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 2, after line 9 — To insert:

- (2) However, if no day is fixed under subsection (1)(b) before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved to postpone further consideration of Clause 4 until after Clause 34.

Question — put and passed.

Clause 4A.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Hon Alison Xamon moved —

Page 12, after line 15 — To insert:

- (7A) A strata company that is responsible for any common areas used only for residential purposes may be taken not to be a person conducting a business or undertaking in relation to those premises.
- (7B) Subsection (7A) does not apply if the strata company engages any worker as an employee.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (18)

Hon Martin Aldridge
 Hon Ken Baston
 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 Simon O'Brien
 Hon Robin Scott
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Colin Tincknell
 Hon Alison Xamon (*Teller*)

Noes (9)

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 Pierre Yang (*Teller*)

Amendment thus passed.

Hon Alison Xamon moved —

Page 12, after line 16 — To insert:

strata company means a body corporate established under section 14 of the *Strata Titles Act 1985* on registration of a strata titles scheme;

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved to postpone further consideration of Clause 7 until after Schedule 3.

Question — put and passed.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12 agreed to.

Clause 12A.

Debate ensued.

Clause — put and negatived.

Clause 12B.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations tabled correspondence from the Chief Magistrate to the Minister for Mines and Petroleum. (Tabled Paper 4236).

The Minister for Regional Development representing the Minister for Industrial Relations moved —

Page 15, line 21 — To delete the line.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clauses 14 and 15 agreed to.

Clause 16 agreed to.

Clause 17.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations tabled a track changed comparison of the Bill as passed by the Legislative Assembly in February 2020. (Tabled Paper 4237).

Debate resumed.

Clause agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20.

Debate ensued.

Clause agreed to.

Clauses 21 to 26 agreed to.

Clause 26A.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

The Deputy 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 Regional Development tabled documents in relation to unexpended balances of Country Aged Pension Fuel Cards for 2019-20, as per postal locality, in response to question on notice 3100 asked by Hon Colin Holt. (Tabled Paper 4238).

13. Order of Business

Ordered — That Order of the Day No. 48, *Standing Committee on Public Administration — Extension of Time*, be taken forthwith. (Leader of the House).

14. Standing Committee on Public Administration — Report 32 — Inquiry into Private Property Rights — Extension of Time

The Order of the Day having been called for the adjourned debate on the motion of Hon Adele Farina as follows —

That the reporting date for the Standing Committee on Public Administration inquiry into the Private Property Rights be extended from 24 September 2020 to 22 October 2020.

Question — put and passed.

15. Order of Business

Ordered — That the Order of the Day relating to the Standing Committee on Environment and Public Affairs — Report 54 — *The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?*, be taken forthwith. (Leader of the House).

16. Standing Committee on Environment and Public Affairs — Report 54 — The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?

The Order of the Day having been called for the adjourned debate on the motion of Hon Matthew Swinbourn as follows —

That recommendations 1, 3, 7, 8, 9, 11, 12, 13 and 14 of Report 54 of the Standing Committee on Environment and Public Affairs, *The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role?* be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

Question — put and passed.

17. Order of Business

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

18. Members' Statements

Statements were taken.

19. Adjournment

The Council adjourned at 5.37pm until Tuesday, 22 September 2020 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jacqui Boydell, Hon Adele Farina and Hon Colin Holt.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council