

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 236

WEDNESDAY, 25 NOVEMBER 2020

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. Statement by President — Election of a Senator — Mr Benjamin Small

The President made the following Statement —

I have the honour to inform you that at a joint sitting of the Houses of Parliament of the State of Western Australia held in Perth on 25 November 2020, the Members of such Houses, sitting and voting together in pursuance of section 15 of the *Commonwealth of Australia Constitution Act*, did choose Benjamin John Small of 2/94 Mackie Street, Victoria Park, Western Australia, to hold the place vacated by former Senator the Honourable Mathias Cormann.

3. Petitions

Hon Alison Xamon presented a petition from 2,929 petitioners requesting the Legislative Council to support the retention of land in Percy Doyle Reserve as Crown Land. (Tabled Paper 4664).

Hon Alison Xamon presented a petition from 950 petitioners requesting the Legislative Council to support the construction of Karnup Train Station. (Tabled Paper 4665).

Hon Diane Evers presented a petition from 38 petitioners requesting the Legislative Council to support the re-opening of the Tier 3 rail lines. (Tabled Paper 4666).

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Reports —

Ministerial Office Staffing as at 29 October 2020	4660
Report on Consultants Engaged by Government (for the six months ended 30 June 2020).....	4661

Parliamentary Secretary to the Deputy Premier

Annual Reports —

Australian Health Practitioner Regulation Agency (2019-20) (Date received 25/11/2020)	4662
National Health Practitioner Ombudsman (2019-20) (Date received 25/11/2020).....	4663

5. Standing Committee on Public Administration — Report 35 — Government Response to Report 31 — Coming home safely: WorkSafe and the workplace culture in Western Australia

Hon Adele Farina presented Report 35 of the Standing Committee on Public Administration, *Government Response to Report 31 — Coming home safely: WorkSafe and the workplace culture in Western Australia*. (Tabled Paper 4667).

6. Standing Committee on Legislation — Report 48 — Guardianship and Administration Amendment (Medical Research) Bill 2020 and amendments made by the Guardianship and Administration Amendment (Medical Research) Act 2020

Hon Dr Sally Talbot presented Report 48 of the Standing Committee on Legislation, *Guardianship and Administration Amendment (Medical Research) Bill 2020 and amendments made by the Guardianship and Administration Amendment (Medical Research) Act 2020*. (Tabled Paper 4668).

7. Matter of Privilege

Hon Peter Collier, pursuant to SO93, raised a matter of privilege resulting from the response by the Leader of the House to the order to produce documents in relation to COVID-19 pandemic restrictions, as passed by the House on 4 November 2020.

Statement by President

The President made the following Statement —

I will go and review all the documents and the *Hansard* and I will defer the matter and provide a ruling at a later stage.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

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

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report 13 — Annual Report 2018–19

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report 5 — From Words to Action: Fulfilling the obligation to be child safe

Debate resumed on the motion of Hon Stephen Dawson, That the Report be noted.

Question — put and passed.

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 —

- (1) Standing Committee on Environment and Public Affairs — Report 52 — *Punitive not protective: when the mandatory registration of young people is not based on risk* and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 13 — *Annual Report 2018–19* and had noted same.

- (3) Joint Standing Committee on the Commissioner for Children and Young People — Report 5 — *From Words to Action: Fulfilling the obligation to be child safe* and had noted same.

Report adopted.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *Curtin University Statute No. 12 — Admission and Enrolment — Disallowance*, and 2, *Curtin University Statute No. 5 — Election of Council Members — Disallowance*, be taken after Order of the Day No. 43, *National Disability Insurance Scheme (Worker Screening) Bill 2020*. (Leader of the House).

10. Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Dr Steve Thomas moved, without notice — That Order of the Day No. 3, *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance*, be discharged from the Notice Paper.

Debate ensued.

Question — put and passed.

11. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Minister for Agriculture and Food).

12. Veterinary Practice Bill 2020

The Minister for Agriculture and Food, pursuant to notice, moved —

That a Bill for “An Act —

- to provide for the regulation of the practice of veterinary medicine in Western Australia; and
- to facilitate the regulation of the practice of veterinary medicine on a national basis; and
- to repeal the *Veterinary Surgeons Act 1960* and the *Veterinary Surgeons Regulations 1979*; and
- to make consequential amendments to various Acts; and
- for related purposes.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food moved, That the Bill be read a second time.

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4669).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

13. Swan Valley Planning Bill 2020

The Order of the Day having been read for the consideration of the Committee of the Whole House’s report upon this Bill.

The Minister for Environment representing the Minister for Planning moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

14. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 1.

Debate ensued.

The Leader of the House representing the Attorney General tabled a table of the maximum number of change of name applications applicable in each Australian jurisdiction. (Tabled Paper 4670).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Nick Goiran moved —

Page 2, lines 6 to 7 — To delete the lines and insert:

- (a) sections 1 to 3 — on the day on which this Act receives the Royal Assent;

Debate ensued.

Hon Michael Mischin moved to amend the amendment as follows —

To insert after “Royal Assent”:

(assent day)

Amendment — put and passed.

Amendment, as amended, put and passed.

Hon Michael Mischin moved —

Page 2, after line 9 — 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 assent day, 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 assent day, that provision is repealed on the day after that period ends.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

The Leader of the House representing the Attorney General moved —

Page 2, lines 22 to 24 — To delete the lines.

Amendment — put and passed.

The Leader of the House representing the Attorney General moved —
Page 2, after line 28 — To insert:

high risk serious offender means a person subject to —

- (a) a supervision order as defined in the *High Risk Serious Offenders Act 2020* section 27(1); or
- (b) an order under the *High Risk Serious Offenders Act 2020* section 58;

Debate ensued.

Amendment — put and passed.

The Leader of the House representing the Attorney General moved —
Page 3, line 11 — To delete “dangerous sexual” and insert:

high risk serious

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

15. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled the Lotterywest board meeting minutes for 20 August 2020 in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 4671).

The Minister for Environment representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the average operating cost per public rental property, in response to a question without notice asked by Hon Ken Baston.

The Minister for Regional Development tabled documents in relation to projects funded in the Geraldton area by the Local Projects, Local Jobs program, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 4672).

The Minister for Environment tabled the *2018 and 2019 Dalyellup Annual Environmental Reports*, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 4673).

The Leader of the House representing the Minister for Child Protection tabled a breakdown of each of the 31 investigable child deaths in 2019-20, in response to question on notice 3348 asked by Hon Nick Goiran. (Tabled Paper 4674).

The Leader of the House representing the Minister for Local Government; Heritage; Culture and the Arts tabled the terms of reference of the Monument Assessment and Advisory Committee and Premier’s Circular 2019/07, in response to question on notice 3350 asked by Hon Aaron Stonehouse. (Tabled Paper 4675).

The Minister for Environment representing the Minister for Housing tabled the structure plan of lots 8019, 9076 and 9105 in the Dalyellup Beach Estate, in response to question on notice 3403 asked by Hon Diane Evers. (Tabled Paper 4676).

16. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018

Resumption of consideration of this Bill in Committee of the Whole House (*see item 14 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 8.

Debate resumed.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 and 12 agreed to.

Clause 13.

Debate ensued.

The Leader of the House representing the Attorney General, by leave, moved —

Page 11, line 10 — To delete “dangerous sexual” and insert:

high risk serious

Page 11, line 21 — To delete “dangerous sexual” and insert:

high risk serious

Page 11, lines 23 and 24 — To delete “*Dangerous Sexual Offenders Act 2006* Part 2 Division 1; or” and insert:

High Risk Serious Offenders Act 2020 Part 4 Division 2; or

Page 14, lines 13 and 14 — To delete “*Dangerous Sexual Offenders Act 2006*;” and insert:

High Risk Serious Offenders Act 2020;

Amendments — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 14 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Ordered — That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

17. Mutual Recognition (Western Australia) 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.

Leave was granted to proceed forthwith to the third reading.

The Leader of the House representing the Premier moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

18. Criminal Law Amendment (Uncertain Dates) Bill 2019

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

Interruption pursuant to order.

19. Members' Statements

Statements were taken.

Hon Robin Chapple, by leave, tabled a letter to Western Australian employees of the Australian Broadcasting Corporation in relation to the special high cost mining allowance. (Tabled Paper 4677).

20. Adjournment

The Council adjourned at 7.00pm until Thursday, 26 November 2020 at 10.00am.

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