

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 198

TUESDAY, 9 JUNE 2020

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### 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. President's Ruling — Matter of Privilege — Select Committee into Mining on Pinjin Station

The President ruled as follows —

I refer to a matter of privilege raised on 19 May 2020 by the Leader of the House in relation to the Final Report of the Select Committee into Mining on Pinjin Station. The Leader of the House highlighted two matters raised in Appendix 2 of that Report. Namely:

- (a) that the Hon Robin Scott tabled a letter at a Committee meeting that was provided to his electorate office by representatives from Tisala Pty Ltd; and
- (b) that Hon Robin Scott asked his electorate officer, Mr Steven Kean, to type up some questions that Hon Robin Scott later intended to ask at a Committee hearing.

Standing Order 93(5) provides that, upon a matter of privilege being raised in the Council, the President shall determine whether there is some substance to the matter and, if so, refer the matter to the Procedure and Privileges Committee for inquiry and report to the Council.

The question as to whether some substance exists in relation to a particular matter requires me to make a preliminary assessment. This preliminary assessment exists to provide an initial threshold in relation to such matters. Schedule 4 to the Standing Orders, prescribes the criteria I must take into account when determining whether matters possibly involving contempt should be referred to the Procedure and Privileges Committee.

Importantly, Standing Order 93(5) does not require me to inquire into a matter of privilege beyond that necessary to make an initial assessment.

On 3 May 2012 the President, Hon Barry House, provided a ruling in relation to the Standing Committee on Public Administration Special Report tabled in the House that day. In adjudging that the matters contained in that report should not be referred to the Procedure and Privileges Committee, Hon Barry House said:

The intent of new Standing Order 93 and Schedule 4 is to ensure that only the most serious instances of possible contempt are brought before the House. In this case there was no substantial obstruction of the Standing Committee on Public Administration in the performance of its functions.

As the matter of privilege in this instance arose in the context of the proceedings of a Select Committee, the question is whether the evidence indicates that the Select Committee has been substantially obstructed in the performance of its functions. This matter is unusual in that the

Committee, being aware of the two matters raised by the Leader of the House, has not raised a matter of privilege.

The Select Committee reported that it was aware of the potential for a conflict of interest and allegations of bias and took active measures to address the issue when taking evidence. The Select Committee states at page 111 of its report that “the Committee is of the view that these complexities have not resulted in any diminution of the integrity, quality and rigour of the findings and recommendations contained in this report”.

Given the express view of the Select Committee and after reviewing the arguments put before the House, I do not consider that the matters raised indicate a substantial obstruction of the Select Committee in the performance of its functions. Therefore, my ruling is that there is no substance to the matter of privilege.

### **3. Statement by President — Standing Committee on Legislation – Substitution of Committee Members**

The President made the following Statement —

I have received the following letter from the Standing Committee on Legislation —

Dear Madam President

I am writing to you in relation to the Committee’s inquiry into the *Work Health and Safety Bill 2019*, referred to the Committee on 21 May 2020.

The Committee met on Tuesday 2 June 2020 and pursuant to Standing Order 163, resolved to order the substitution of the Hon Pierre Yang MLC with the Hon Matthew Swinbourn MLC, for the duration of the inquiry.

Yours sincerely

Hon Dr Sally Talbot MLC

Chair

### **4. 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>27 May 2020 — Message No. 24</b>	<b>Act No.</b>
Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019	22 of 2020
Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020	23 of 2020

### **5. Petitions**

Hon Nick Goiran presented a petition from 1,112 petitioners requesting the Legislative Council to refer the *Children and Community Services Bill 2019* to the Standing Committee on Legislation. (Tabled Paper 3916).

Hon Colin Holt presented a petition from 309 petitioners requesting the Legislative Council to inquire into the introduction of a classic car and street rod registration discount. (Tabled Paper 3917).

Hon Simon O’Brien presented a petition from 313 petitioners requesting the Legislative Council to oppose any housing development plans on the Crown land occupied by the Mount Pleasant Bowling Club. (Tabled Paper 3918).

### **6. Ministerial Statement — Tick-Borne Disease in the Kimberley**

The Minister for Agriculture and Food made a Ministerial Statement with respect to tick-borne disease in dogs in the Kimberley.

## 7. Papers

The following Papers were laid on the Table by —

### President

#### *Auditor General's Papers —*

Opinion on Ministerial Notification (Report No. 23) (2019–2020)  
(Deemed tabled 29/05/2020) ..... 3893

#### *Reports —*

Report of Interstate and Overseas Travel Undertaken by Members and Officers of the  
Legislative Council on Official Business Funded by the Department of the  
Legislative Council (for the six months ended 31 December 2019) ..... 3915

### Leader of the House

#### *Annual Reports —*

Australian Children's Education and Care Quality Authority (2018–19)  
(Date received 26/05/2020) ..... 3894

Carers Advisory Council (2018-19) (Date received 4/06/2020) ..... 3895

#### *Local Laws —*

Cemeteries Act 1986 (Shire of Kojonup Cemeteries Local Law 2020 G.G. 22/05/2020) ..... 3896

Dog Act 1976 (Shire of Kojonup Dogs Local Law 2020 G.G. 22/05/2020) ..... 3897

Local Government Act 1995 (Shire of Kojonup Activities in Thoroughfares and Public Places and  
Trading Local Law 2020 G.G. 22/05/2020, Shire of Kojonup Fencing Local  
Law 2020 G.G. 22/05/2020, Shire of Kojonup Local Government (Council Meetings) Local  
Law 2020 G.G. 22/05/2020 and Shire of Kojonup Local Government Property Local  
Law 2020 G.G. 22/05/2020) ..... 3898

Local Government Act 1995 (City of Fremantle Cat Management Local  
Law 2020 G.G. 25/05/2020, City of Vincent Parking and Parking Facilities Amendment Local  
Law 2020 G.G. 05/06/2020 and Shire of Northam Waste Local Law 2020 G.G. 02/06/2020) ..... 3899

#### *Regulations —*

Cat Act 2011 (Cat Amendment Regulations (No. 3) 2020 G.G. 05/06/2020) ..... 3900

Dog Act 1976 (Dog Amendment Regulations (No. 2) 2020 G.G. 05/06/2020) ..... 3901

Restraining Orders Act 1997 (Restraining Orders Amendment Regulations 2020 G.G. 22/05/2020) .. 3902

#### *Reports —*

Ministerial Office Staffing Report (as at 30 April 2020) ..... 3903

#### *Rules —*

Magistrates Court (Civil Proceedings) Act 2004 (Magistrates Court Rules Amendment Rules  
2020 G.G. 28/05/2020) ..... 3904

### Minister for Environment

#### *Annual Reports —*

Electoral Commission — Political Finance (2019) (Date received 4/06/2020) ..... 3905

#### *Regulations —*

Jetties Act 1926; Marine and Harbours Act 1981; Shipping and Pilotage Act 1967;  
Transport Co-ordination Act 1966 (Transport Regulations Amendment  
(Fees and Charges) Regulations 2020 G.G. 22/05/2020) ..... 3906

Land Administration Act 1997; Land Information Authority Act 2006 (Lands Regulations  
Amendment (Geocentric Datum) Regulations 2020 G.G. 22/05/2020) ..... 3907

Mandatory Testing (Infectious Diseases) Act 2014 (Mandatory Testing (Infectious Diseases)  
Regulations 2020 G.G. 21/05/2020) ..... 3908

Surveillance Devices Act 1998 (Surveillance Devices Amendment Regulations (No. 2) 2020 G.G. 22/05/2020) .....	3909
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### **Minister for Regional Development**

#### *Orders —*

Fish Resources Management Act 1994 (Prohibition on Fishing (Montebello Islands and Barrow Island Marine Park) Order 2020 [181380] G.G. 22/05/2020) .....	3910
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#### *Regulations —*

Commercial Tenancies (COVID-19 Response) Act 2020 (Commercial Tenancies (COVID-19 Response) Regulations 2020 G.G. 29/05/2020).....	3911
Home Building Contracts Act 1991 (Home Building Contracts Amendment Regulations 2020 G.G. 26/05/2020).....	3912
Liquor Control Act 1988 (Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2020 G.G. 22/05/2020).....	3913

### **Parliamentary Secretary to the Deputy Premier**

#### *Orders —*

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 3) 2020 G.G. 19/05/2020).....	3914
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## **8. Select Committee into Local Government — Interim Report — Inquiry into Local Government – Extension of Time**

Hon Simon O’Brien presented an Interim Report of the Select Committee into Local Government, *Inquiry into Local Government – Extension of Time*. (Tabled Paper 3919).

Hon Simon O’Brien moved, without notice —

That the reporting date for the Committee’s inquiry into Local Government be extended from 25 June 2020 to 26 November 2020.

Hon Simon O’Brien sought leave to continue his remarks at a later stage of this day’s sitting.

Leave granted.

Debate stands adjourned.

## **9. 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 25 June 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.

## 10. Joint Select Committee into Palliative Care in Western Australia

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 194

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments contained in Legislative Council Message No. 124 in relation to the establishment of a *Joint Select Committee into Palliative Care in Western Australia*.

Ms M.M. Quirk

Acting Speaker

Legislative Assembly Chamber

Perth, 28 May 2020

## 11. 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. 17, *High Risk Offenders Bill 2019*. (Leader of the House).

## 12. Procurement Bill 2020

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

## 13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Lands tabled a map of the new Class A Reserve in Beeliar Regional Park, in response to a question without notice asked by Hon Peter Collier on behalf of Hon Dr Steve Thomas. (Tabled Paper 3920).

The Leader of the House representing the Attorney General tabled the Department of the Attorney General Volunteer Management Policy Statement — Victim Support Services, in response to question on notice 2882 asked by Hon Alison Xamon. (Tabled Paper 3921).

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

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to proposals referred for assessment under the *Environmental Protection Act 1986* since the start of the 2016 calendar year to date, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Environment tabled the Northbridge noise monitoring report, in response to question on notice 2884 asked by Hon Alison Xamon. (Tabled Paper 3922).

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests tabled a corrected answer in relation to the Voluntary Targeted Separation Scheme, in response to question on notice 1511 asked by Hon Tjorn Sibma. (Tabled Paper 3923).

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests tabled a corrected answer in relation to the total dollar value of accrued annual leave within the Minister's department portfolio, in response to question on notice 1529 asked by Hon Tjorn Sibma. (Tabled Paper 3924).

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests tabled a corrected answer in relation to the total dollar value of accrued annual leave within the Minister's portfolios, in response to question on notice 1942 asked by Hon Tjorn Sibma. (Tabled Paper 3925).

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests tabled a corrected answer in relation to the use of booking agents, booking platforms or multinational online travel agencies, in response to question on notice 1995 asked by Hon Robin Chapple. (Tabled Paper 3926).

The Minister for Regional Development representing the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests tabled a corrected answer in relation to the advertising by private businesses on mail out bills, in response to question on notice 2021 asked by Hon Diane Evers. (Tabled Paper 3927).

The Minister for Regional Development, by leave, incorporated into *Hansard* a corrected answer in relation to the total dollar value of accrued annual leave within the Minister's portfolios, in response to question on notice 2626 asked by Hon Tjorn Sibma.

The Parliamentary Secretary to the Minister for Health tabled documents in relation to data collected for regional public hospital emergency departments from 1 September 2019 to 4 April 2020, in response to question on notice 2889 asked by Hon Martin Aldridge. (Tabled Paper 3928).

#### **14. Procurement Bill 2020**

Debate resumed on the second reading of this Bill (*see item 12 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

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#### **In Committee**

(Hon Robin Chapple in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Environment representing the Minister for Finance moved —

Page 2, line 8 — To delete “proclamation.” and insert:

proclamation, and different days may be fixed for different provisions.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 3 to 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 13 agreed to.

Clause 14.

Debate ensued.

The Minister for Environment representing the Minister for Finance moved —

Page 10, after line 24 — To insert:

- (1A) The Department CEO must, in connection with the management of the State's vehicle fleet under subsection (1)(e) —
  - (a) minimise, so far as practicable, the net greenhouse gas emissions associated with the use of the vehicles in the fleet by maximising, so far as practicable, the fuel efficiency of those vehicles and offsetting the greenhouse gas emissions of those vehicles; and

- (b) report annually on the greenhouse gas emissions associated with the use of the vehicles in the fleet.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 30 agreed to.

Clause 31.

Debate ensued.

Clause agreed to.

Clause 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clause 35 agreed to.

Clause 36.

Debate ensued.

Clause agreed to.

Clauses 37 to 39 agreed to.

Clause 40.

The Minister for Environment representing the Minister for Finance moved —

Page 32, line 31 — To delete “this Part” and insert:

section 41

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 41 to 51 agreed to.

Clause 52.

The Minister for Environment representing the Minister for Finance moved —

Page 38, line 9 — To delete “transition day,” and insert:

the day on which this section comes into operation,

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 53 to 73 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

The Minister for Environment representing the Minister for Finance, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Environment representing the Minister for Finance moved, without notice —

That so much of Standing Orders be suspended so as to enable the Procurement Bill 2020 to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

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

The Deputy 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.

## **15. Order of Business**

Ordered — That Orders of the Day relating to the Select Committee into Local Government – Interim Report – Inquiry into Local Government – Extension of Time, be taken forthwith. (Leader of the House).

## **16. Select Committee into Local Government — Interim Report — Inquiry into Local Government — Extension of Time**

The Order of the Day having been read for the adjourned debate on the motion of Hon Simon O'Brien, as follows —

That the reporting date for the Committee's inquiry into Local Government be extended from 25 June 2020 to 26 November 2020.

Question — put and passed.

## **17. Environmental Protection Amendment Bill (No. 2) 2020**

The President reported the receipt of Message No. 193 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3929).

Debate stands adjourned.



**18. Environmental Protection Amendment Bill 2020**

The President reported the receipt of Message No. 192 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

The Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3930).

Debate stands adjourned.

**19. Members' Statements**

Statements were taken.

**20. Planning and Development Amendment Bill 2020**

The President reported the receipt of Message No. 191 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Environment representing the Minister for Planning tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3931).

Debate stands adjourned.

**21. Adjournment**

The Council adjourned at 10.30pm until Wednesday, 10 June 2020 at 1.00pm.

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

Attendance: Present all Members except Hon Adele Farina, Hon Aaron Stonehouse and Hon Darren West.

**NIGEL PRATT**  
Clerk of the Legislative Council

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