

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 229

TUESDAY, 3 NOVEMBER 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

The President made the following Statement —

I sent an email to all Members on Friday, 30 October 2020, advising arrangements that had been made for the coming sitting weeks.

I confirm that, I contacted Dr Andrew Robertson, Western Australia's Chief Health Officer, regarding seating arrangements in the Legislative Council. Following his advice and in consultation with Party Leaders, I am pleased to confirm a return to substantially normal Chamber operations.

Seating Arrangements

Seating arrangements will return to normal and you will be able to speak from your allocated seat. The President's Gallery is no longer designated as part of the floor of the House.

Doors and Bar of the House

Chamber doors will return to being closed and will be manned by Chamber staff at the usual times, for example during Divisions. The Bar of the House will return to its usual closed position during sitting.

Hygiene and Social Distancing

Admission to the Chamber is subject to all persons strictly adhering to hygiene requirements. Hand sanitiser is available at each of the entrances to the Chamber and all persons are required to use this on entry to the Chamber. Please also follow other health guidelines including only attending if you are well, coughing / sneezing into your elbow or a tissue and immediately discarding it in a bin.

Advisers

Arrangements for Government advisers sitting behind the President's dais return to normal. During Committee of the Whole, advisers will continue to sit at the table of the House along with the Minister.

Committee of the Whole

The Chair of Committees and Deputy Chairs will sit at the Clerk's Table during Committee of the Whole House.

Divisions

Divisions will be conducted with Members crossing the Chamber. Those voting with the Ayes will move to the right of the Chair and those voting with the Noes will move to the left.

Question Time

Hard copy answers will continue to not be distributed in the Chamber. Answers will be provided to Members by email via the Parliamentary Liaison Officer to minimise staff movement in the Chamber and handling of papers. Should you require a hard copy, please advise the Parliamentary Liaison Officer who can print this for you to collect after Question Time.

Public Gallery

The Public Gallery will remain closed to the general public, with the exception of guests attending the Legislative Council as part of Condolence Motion debates.

Hansard

Hansard will return to normal in-Chamber reporting.

Water in the Chamber

Water will be available in jugs at the rear of the Chamber. Members can help themselves using the paper cups provided.

I thank Members for their forbearance during this unprecedented time, and look forward to a return to more familiar sitting arrangements over the last weeks of this parliamentary term.

I table my letter to the Chief Health Officer, and his reply, for the information of Members.

The President tabled correspondence between the Chief Health Officer and the President of the Legislative Council regarding sittings of the Legislative Council COVID-19 Pandemic Phase 4 (October 2020). (Tabled Paper 4536).

3. Petitions

Hon Diane Evers presented a petition from 3,112 petitioners requesting the Legislative Council to withdraw State Government approval and funding for the Southern Forest Irrigation Scheme. (Tabled Paper 4537).

Hon Rick Mazza presented a petition from 524 petitioners requesting the Legislative Council to oppose the *Dog Amendment (Stop Puppy Farming) Bill 2020*. (Tabled Paper 4538).

4. Ministerial Statement — Future Health Research and Innovation Fund Strategy 2020-2022

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the Future Health Research and Innovation Fund Strategy 2020-2022.

The Parliamentary Secretary to the Minister for Health tabled the *WA Future Health Research and Innovation Fund Strategy 2020-2022*. (Tabled Paper 4539).

5. Papers

The following Papers were laid on the Table by —

President*Annual Reports —*

Inspector of Custodial Services, Office of the (2019-20) (Date received 27/10/2020)..... 4511

Auditor General's Papers —

Transparency Report: Major Projects (Report No. 6) (October 2020)
(Deemed tabled 29/10/2020) 4512

Standing Committee on Uniform Legislation and Statutes Review —

National Disability Insurance Scheme (Worker Screening) Bill 2020 (Report No. 130)
(October 2020) (Deemed tabled 27/10/2020)..... 4513

Leader of the House*Annual Reports —*

Local Government Grants Commission (2019-20) (Date received 30/10/2020)	4514
State Records Office (2019-20) (Date received 27/10/2020)	4515
Witness Protection (Western Australia) (2019-20) (Date received 30/10/2020)	4516

Local Laws —

Local Government Act 1995 (City of Bunbury Public Places and Local Government Property Local Law 2020 G.G. 20/10/2020 and Shire of Exmouth Bushfire Brigade Amendment Local Law 2020 G.G. 23/10/2020)	4517
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Regulations —

Historical Homosexual Convictions Expungement Act 2018 (Historical Homosexual Convictions Expungement Regulations 2020 G.G. 23/10/2020)	4518
Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations (No. 4) 2020 G.G. 23/10/2020)	4519

Reports —

Lotterywest — Statement of Corporate Intent (2020-21)	4520
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Rules —

Combat Sports Act 1987 (Boxing Contest Rules 2020 G.G. 21/10/2020, (Kickboxing Contest Rules 2020 G.G. 21/10/2020, MMA Contest Rules 2019 G.G. 21/10/2020 and Muay Thai Contest Rules (2020) G.G. 21/10/2020)	4521
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Minister for Environment*Annual Reports —*

Bankwest (2020) (Date received 3/11/2020)	4522
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By-laws —

Government Railways Act 1904 (Government Railways (Parking Stations) Amendment By-law 2020 G.G. 23/10/2020 and (Government Railways (Removal and Disposal of Vehicles) Amendment By-law 2020 G.G. 23/10/2020)	4523
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Regulations —

Commonwealth Places (Mirror Taxes Administration) Act 1999; Duties Act 2008; First Home Owner Grant Act 2000; Taxation Administration Act 2003 (Finance Regulations Amendment Regulations 2020 G.G. 23/10/2020)	4524
Electricity Industry Act 2004 (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2020 G.G. 23/10/2020)	4525
Road Traffic Act 1974 (Road Traffic (Drug Driving) Amendment Regulations 2020 G.G. 23/10/2020)	4526
Transport (Road Passenger Services) Act 2018 (Transport (Road Passenger Services) Amendment Regulations (No. 2) 2020 G.G. 23/10/2020)	4527

Minister for Regional Development*Regulations —*

Associations Incorporation Act 2015; Auction Sales Act 1973; Building Services (Registration) Act 2011; Construction Contracts Act 2004; Co-operatives Act 2009; Debt Collectors Licensing Act 1964; Electricity Act 1945; Employment Agents Act 1976; Gas Standards Act 1972; Land Valuers Licensing Act 1978; Limited Partnerships Act 2016; Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003; Plumbers Licensing Act 1995; Real Estate and Business Agents Act 1978; Settlement Agents Act 1981 (Commerce Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 G.G. 27/10/2020)	4528
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Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994 (Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations (No. 2) 2020 G.G. 27/10/2020).....	4529
Fair Trading Act 2010 (Fair Trading (Fitness Industry Interim Code) Regulations (No. 2) 2020 G.G. 27/10/2020).....	4530
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment (COVID-19 Response) Regulations (No. 2) 2020 G.G. 27/10/2020).....	4531
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations 2020 G.G. 30/10/2020).....	4532
Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2020 G.G. 23/10/2020).....	4533

Parliamentary Secretary to the Deputy Premier

Addendums —

Child and Adolescent Health Service — Annual Report (2018-19)	4534
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Annual Reports —

Chief Advocate for Residents of Declared Places (Mentally Impaired Accused) Act 2015 (2019-20) (Date received 22/10/2020)	4535
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6. Electricity Networks Access Code Amendments (No. 2) 2020 — Disallowance

Hon Matthew Swinbourn: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Electricity Networks Access Code Amendments (No. 2) 2020* published in the *Gazette* on 18 September 2020 and tabled in the Council on 22 September 2020 under the *Electricity Industry Act 2004*, be and are hereby disallowed. (Tabled Paper 4243).

7. 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, *Shire of Narembeen Cemeteries Local Law 2020 — Disallowance*, 5, *Shire of Narembeen Fencing Local Law 2020 — Disallowance*, 6, *Curtin University Statute No. 12 — Admission and Enrolment — Disallowance*, 7, *Curtin University Statute No. 5 — Election of Council Members — Disallowance*, 8, *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 — Disallowance*, and 9, *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance*, be taken after Order of the Day No. 38, *Dog Amendment (Stop Puppy Farming) Bill 2020*. (Leader of the House).

8. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2020–2021

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 4389A-D (2020–2021 Budget Statements), laid upon the Table of the House on Thursday, 8 October 2020.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

9. Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020

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

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to *Budget Paper 2, Volume 1* with respect to the Royalties for Regions investment being attributed to non-capital spend by the Mental Health Commission in 2020-21, a breakdown of community support hours across Western Australia by region for 2019-20, and the work the Mental Health Commission is undertaking to ensure that the high school cohort are supported during this exam period and the pandemic, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Environment tabled the *Department of Biodiversity, Conservation and Attractions' Bushfire Reporting Systems Timetable of Events*, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 4540).

The Minister for Environment representing the Minister for Finance, by leave, incorporated into *Hansard* information in relation to the State Government's Building Bonus Grants and its administration of the Federal Government's HomeBuilder Grant, in response to a question without notice asked by Hon Martin Aldridge.

11. Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020

Debate resumed on the second reading of this Bill (*see item 9 above*).

Hon Aaron Stonehouse moved, without notice —

That:

- (1) the *Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020* be discharged and referred to the Standing Committee on Public Administration;
- (2) the Committee is to inquire into the Bill with particular reference to the development of its policy and the consultation undertaken; and
- (3) the Committee is to report by 26 November 2020.

Debate ensued.

Question — put and negatived.

Debate resumed on the question, That the Bill be read a second time.

Question — put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Aaron Stonehouse 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 the day on which this Act receives the Royal Assent, this Act is repealed on the day after that period ends.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 13 agreed to.

Clause 14 agreed to.

Clauses 15 to 27 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

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

Report adopted.

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

That so much of Standing Orders be suspended so as to enable the *Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting 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 Transport, by leave, 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.

Debate ensued.

Question — put.

The Council divided.

Ayes (26)

Hon Martin Aldridge
 Hon Ken Baston
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Laurie Graham

Hon Kyle McGinn
 Hon Michael Mischin
 Hon Simon O'Brien
 Hon Samantha Rowe
 Hon Robin Scott
 Hon Tjorn Sibma
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Noes (3)

Hon Rick Mazza
 Hon Charles Smith

Hon Aaron Stonehouse (*Teller*)

Question thus passed.

Bill read a third time and passed.

12. Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

Question — That the *Environmental Protection Amendment Bill 2020* be read a second time — put and passed.

Bill read a second time.

Question — That the *Environmental Protection Amendment Bill (No. 2) 2020* be read a second time — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Matthew Swinbourn in the Chair)

Environmental Protection Amendment Bill 2020

Clause 1.

Debate ensued.

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 Bills, made progress, and seeks to sit again.

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

13. Members' Statements

Statements were taken.

The Hon Adele Farina, by leave, tabled a letter of concern from Kim Taylor in relation to the Southern Forests Irrigation Scheme and a graph of historic rainfall and future rainfall projections at Manjimup. (Tabled Paper 4541).

14. Appropriation (Recurrent 2020–21) Bill 2020

The President reported the receipt of Message No. 226 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4543).

Debate stands adjourned.

15. Appropriation (Capital 2020–21) Bill 2020

The President reported the receipt of Message No. 227 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4542).

Debate stands adjourned.

16. Work Health and Safety Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 228

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Work Health and Safety Bill 2019*.

Mr Ian Blayney, MLA

Acting Speaker

Legislative Assembly Chamber

Perth, 3 November 2020

17. Adjournment

The Council adjourned at 10.10pm until Wednesday, 4 November 2020 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin Holt and Hon Martin Pritchard.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council