

# LEGISLATIVE COUNCIL

---

---

## MINUTES OF PROCEEDINGS

No. 214

WEDNESDAY, 9 SEPTEMBER 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. Petitions

Hon Charles Smith presented a petition from 626 petitioners requesting the Legislative Council to support the conversion of the Midland Railway Workshops into a railway heritage museum. (Tabled Paper 4177).

Hon Alison Xamon presented a petition from 472 petitioners requesting the Legislative Council to oppose any incursion into Bush Forever site number 325, at the Ocean Reef Marina Development. (Tabled Paper 4178).

### 3. Ministerial Statement — Department of Primary Industries and Regional Development Headquarters

The Minister for Agriculture and Food made a Ministerial Statement with respect to funding to upgrade and relocate the headquarters of the Department of Primary Industries and Regional Development in South Perth.

### 4. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Annual Reports* —

Local Government Standard Panel (2019-20) (Date received 8/09/2020)..... 4174

#### Minister for Environment

*Annual Reports* —

Corruption and Crime Commission — Surveillance Devices Act 1998 (2019-20)  
(Date received 8/09/2020)..... 4175

#### Minister for Regional Development

*Annual Reports* —

ChemCentre (2019-20) (Date received 8/09/2020)..... 4176

**5. City of Vincent Parking and Parking Facilities Amendment 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 *City of Vincent Parking and Parking Facilities Amendment Local Law 2020* published in the *Gazette* on 5 June 2020 and tabled in the Legislative Council on 9 June 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 3899).

**6. Suspension of Standing Orders**

Leader of the House moved, without notice —

- (1) That the House at its rising on Thursday, 24 September 2020, adjourn until 1:15pm on Thursday, 8 October 2020.
- (2) That so much of the Standing Orders be suspended as would enable the following variations to the order of business on Thursday, 8 October 2020:
  - (a) Non-Government Business; Private Members' Business; and Orders of the Day are dispensed with;
  - (b) Questions without Notice shall be taken at the completion of Formal Business;
  - (c) At 2:00pm any business then before the House is interrupted and stands adjourned and the procedure for the tabling of the 2020-2021 Budget Papers and a motion pursuant to SO 69(1) shall be taken; and
  - (d) That Members Statements are taken at a time ordered by the House and SO5(5) applies.

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.

**7. Third Party Appeal Rights**

Motion No. 3 having been called, Hon Charles Smith, pursuant to notice, moved —

That this House —

- (a) acknowledges the current deficiency in community consultation and the absence of third party appeal rights in planning and development processes and decisions during the COVID-19 emergency period; and
- (b) notes the consequential erosion of Western Australia's democracy.

Debate ensued.

Motion — put.

The Council divided.

**Ayes (6)**

Hon Robin Chapple  
Hon Tim Clifford  
Hon Diane Evers

Hon Aaron Stonehouse  
Hon Alison Xamon  
Hon Charles Smith (*Teller*)

**Noes (24)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Adele Farina  
 Hon Laurie Graham

Hon Colin Holt  
 Hon Alannah MacTiernan  
 Hon Rick Mazza  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Steve Thomas  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Motion thus negated.

**8. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Adele Farina in the Chair)

**Standing Committee on Estimates and Financial Operations — Report 78 — 2019-20 Budget Cycle – Part 1: Estimates hearings and related matters**

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

Pursuant to Temporary Order 4, consideration of the report was postponed.

**Standing Committee on Estimates and Financial Operations — Report 80 — 2018-19 Budget Cycle – Part 2: Annual Report Hearings**

Debate resumed on the motion of Hon Alanna Clohesy, That the Report be noted.

Hon Aaron Stonehouse moved, That consideration be postponed until the next sitting.

*Point of Order*

Leader of the House raised the following Point of Order —

*Take in Hansard.*

*Chair's Ruling*

The Chair ruled as follows —

*Take in Hansard.*

Question — put and passed.

**Select Committee on Personal Choice and Community Safety — Final Report — Community safety: for the greater good, but at what cost?**

Hon Aaron Stonehouse moved, That the Report be noted.

Debate ensued.

*Interruption pursuant to order.*

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Estimates and Financial Operations — Report 78 — 2019-20 Budget Cycle – Part 1: Estimates hearings and related matters, made progress and postponed further consideration until the next sitting.
- (2) Standing Committee on Estimates and Financial Operations — Report 80 — 2018-19 Budget Cycle – Part 2: Annual Report Hearings, made progress and postponed further consideration until the next sitting.

- (3) Select Committee on Personal Choice and Community Safety — Final Report — *Community safety: for the greater good, but at what cost?*, made progress and seeks to sit again.

Report adopted.

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Transport tabled the Wanneroo Road and Joondalup Drive Interchange Project newsletter of February 2018, in response to a question without notice asked by Hon Charles Smith. (Tabled Paper 4179).

The Minister for Environment representing the Minister for Aboriginal Affairs tabled notices under section 18 of the *Aboriginal Heritage Act 1972*, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4180).

The Minister for Agriculture and Food tabled the Auditor General's report *Managing the Impact of Plant and Animal Pests: Follow-Up*, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 4181).

## 10. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

## 11. Statutes (Repeals and Minor Amendments) Bill 2020

The Leader of the House representing the Attorney General, pursuant to notice, moved —

That a Bill for “An Act to —

- repeal various obsolete Acts; and
- repeal various obsolete Imperial Acts or provisions of them in so far as they are part of the law of Western Australia; and
- make minor amendments to various Acts.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4182).

The Leader of the House representing the Attorney General moved, without notice —

That the Bill be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review.

Question — put and passed.

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

## 12. Electoral Amendment Bill 2020

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

Debate resumed.

*Interruption pursuant to order.*

## 13. Members' Statements

Statements were taken.

Hon Pierre Yang, by leave, tabled screenshots of purchases made on an Apple device. (Tabled Paper 4183).

**14. National Disability Insurance Scheme (Worker Screening) Bill 2020**

The President reported the receipt of Message No. 218 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Disability Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4184).

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

**15. Adjournment**

The Council adjourned at 6.55pm until Thursday, 10 September 2020 at 10.00am.

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

Attendance: Present all Members except Hon Kyle McGinn, Hon Michael Mischin and Hon Dr Sally Talbot.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council