



LEGISLATIVE COUNCIL

THURSDAY, 5 AUGUST 2021

10.00am

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.
The President, Hon Alanna Clohesy, took the Chair.
Prayers and an Acknowledgement of Country were read.

2. Petition

Hon Tjorn Sibma presented a petition from 107 petitioners requesting the Legislative Council to investigate amending the *Dog Act 1976* to introduce stronger penalties to deter dog owners from disobeying regulations, remove and destroy a dog where it has caused serious injury or death, and to introduce a compulsory education program for dog owners of nuisance dogs. (Tabled Paper 435).

3. Ministerial Statement — Launch of Valiant Wheat Variety

The Minister for Agriculture and Food made a Ministerial Statement with respect to the launch of a new wheat variety 'Valiant'.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Staff Exit Controls (Report No. 3) (August 2021) 431

Reports —

Corruption and Crime Commission — A review of the Department of Transport's management of unlawful access to TRELIS (August 2021) 432

Leader of the House

Annual Reports —

Australian Children's Education & Care Quality Authority (2019-2020)
(Date received 04/08/2021) 433

Parliamentary Secretary to the Attorney General

Documents —

Corruption, Crime and Misconduct Amendment Bill 2021 — Supplementary information 434

5. Supporting the Western Australian Community

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

That this House expresses its concern at the McGowan Government's failure to protect and support the Western Australian community at a time of unprecedented high State income, including failures in relation to —

- (a) the exposure of victims of abuse to their attackers in schools;
- (b) the lack of appropriate housing, including social housing, causing a housing crisis in this State; and
- (c) the management of ambulance ramping and our health system.

Debate ensued.

Motion lapsed.

6. Jobs for Western Australians

Private Members' Business No. 1 having been called, Hon Pierre Yang moved, without notice —

That the Legislative Council acknowledge the McGowan Labor Government's achievements of creating tens of thousands of jobs between 2017 and 2021 and the Government's new commitment to create more Western Australian jobs, including manufacturing jobs, for Western Australians.

Debate ensued.

Motion lapsed.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Bunbury Public Places and Local Government Property Local Law 2020 — Disallowance*, 2, *Boxing Contest Rules 2020 — Disallowance*, 3, *Kickboxing Contest Rules 2020 — Disallowance*, 4, *MMA Contest Rules 2019 — Disallowance*, 5, *Muay Thai Contest Rules 2020 — Disallowance*, 6, *Road Traffic (Towing of Vehicles) Regulations 2020 — Disallowance*, 7, *City of Greater Geraldton Public Places and Local Government Property Local Law 2020 — Disallowance*, 8, *Shire of Coolgardie Waste Local Law 2020 — Disallowance*, 9, *Town of Port Hedland Waste Local Law 2020 — Disallowance*, 10, *City of Belmont Consolidated Local Law 2020 — Disallowance*, 11, *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020 — Disallowance*, 12, *Consumer Goods (Button/Coin Batteries) Information Standard 2020 — Disallowance*, 13, *Consumer Goods (Button/Coin Batteries) Safety Standard 2020 — Disallowance*, 14, *Consumer Goods (Products Containing Button/Coin Batteries) Information Standard 2020 — Disallowance*, 15, *City of Bayswater Waste Local Law 2020 — Disallowance*, 16, *Bush Fires Amendment Regulations 2021 — Disallowance*, 17, *National Disability Insurance Scheme (Worker Screening) Regulations 2021 — Disallowance*, 18, *Curtin University Statute No. 5 — Election of Council Members — Disallowance*, 19, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2020 — Disallowance*, 20, *City of Cockburn Parking and Parking Facilities Amendment No. 1 Local Law 2021 — Disallowance*, 21, *Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2020 — Disallowance*, 22, *Shire of Broomehill-Tambellup Cemeteries Local Law 2020 — Disallowance*, 23, *Shire of Broomehill-Tambellup Fencing Local Law 2020 — Disallowance*, 24, *Shire of Broomehill-Tambellup Health Local Law 2020 — Disallowance*, 25, *Shire of Broomehill-Tambellup Waste Local Law 2020 — Disallowance*, 26, *City of Gosnells Standing Orders Amendment Local Law (Number 2) 2020 — Disallowance*, 27, *Town of Cottesloe Local Government (Meetings Procedure) Local Law 2021 — Disallowance*, 28, *City of Rockingham Fencing Local Law 2020 — Disallowance*, 29, *City of Canning*

Dog Local Law 2021 — Disallowance, 30, Shire of Broome Waste Local Law 2021 — Disallowance, 31, Town of Victoria Park Fencing Local Law 2021 — Disallowance, 32, Shire of Gingin—Meeting Procedures Amendment Local Law 2021 — Disallowance, 33, Racing Bets Levy Amendment Regulations 2021 — Disallowance, 34, City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020 — Disallowance, 35, City of Kalamunda Dogs Local Law 2021 — Disallowance, 36, City of Kalamunda Extractive Industries Local Law 2021 — Disallowance, 37, Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021 — Disallowance, 38, Shire of Peppermint Grove Fencing Local Law 2021 — Disallowance, and 39, Shire of Peppermint Grove Waste Local Law 2021 — Disallowance, be taken after Order of the Day No. 41, Legislation Bill 2021. (Leader of the House).

8. Agricultural Produce Commission Amendment Bill 2021

The Order of the Day having been read for the third reading of this Bill.

The Minister for Agriculture and Food 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 (22)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Peter Foster
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Shelley Payne
 Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Wilson Tucker
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Noes (7)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Donna Faragher
 Hon James Hayward

Hon Steve Martin
 Hon Neil Thomson
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Bill read a third time and passed.

9. Metropolitan Region Scheme (Beeliar Wetlands) Bill 2021

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon James Hayward in the Chair)

Clause 1.

Debate resumed.

Point of Order

The Leader of the House representing the Minister for Planning raised the following Point of Order —

In the strongest possible terms, the suggestion that I have lied to the Parliament is unparliamentary and, frankly, unbecoming of this Member, who normally conducts himself close to the edge, but he does not usually go over it.

Chair's Ruling

The Chair ruled as follows —

Members, the Minister in charge of the Bill has raised a point of order that is upheld. You cannot accuse a Member of lying unless you wish to raise a matter of privilege consistent with Standing Order 93. All other allegations in that regard are unparliamentary and I ask the Member to withdraw.

Hon Nick Goiran withdrew his remark.

Debate resumed.

Point of Order

The Leader of the House representing the Minister for Planning raised the following Point of Order —

The Member is now revisiting the argument about whether there is a case for privilege. For the Member to suggest that somehow I am obstructing the conduct of the consideration of this clause and this Bill is not accurate, and it is certainly not within the bounds of a clause 1 debate.

Chair's Ruling

The Chair ruled as follows —

It is not accepted by the Chamber that a Member should suggest that someone has potentially committed, or has committed, a contempt, without raising a matter consistent with Standing Order 93. I ask the Member not to continue to make allegations about potential contempt, unless he stands and raises a matter of privilege consistent with Standing Order 93 under the process that I have already outlined.

Debate resumed.

The Leader of the House representing the Minister for Planning tabled a map of the Beeliam Regional Park area of interest relating to the *Metropolitan Region Scheme (Beeliam Wetlands) Bill 2021*. (Tabled paper 436).

Debate resumed.

Question — put.

The Committee divided.

Ayes (20)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Shelley Payne
 Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Noes (7)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Nick Goiran
 Hon James Hayward

Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Schedule 1 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for Planning 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.

Debate ensued.

Question — put.

The Council divided.

Ayes (21)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Shelley Payne

Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Wilson Tucker
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Noes (7)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Nick Goiran
 Hon James Hayward

Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Bill read a third time and passed.

10. Railway (BBI Rail Aus Pty Ltd) Agreement Amendment Bill 2021

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

11. Questions Without Notice

Questions without notice were taken.

Hon Dr Brian Walker, by leave, tabled a document in relation to question without notice No. 459, study conducted by the Lambert Initiative for Cannabinoid Therapeutics – University of Sydney (2019). (Tabled paper 437).

The Leader of the House representing the Minister for Ports, by leave, incorporated into *Hansard* a corrected answer in relation to operations at the Southern Ports Authority, Port of Esperance, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Mental Health representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 146 asked by Hon Neil Thomson will be provided on 10 August 2021.

The Minister for Mental Health representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 147 asked by Hon Steve Martin will be provided on 10 August 2021.

12. Railway (BBI Rail Aus Pty Ltd) Agreement Amendment Bill 2021

Debate resumed on the second reading of this Bill (*see item 10 above*).

Question — put and passed.

Bill read a second time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade sought leave to proceed to the third reading of the Bill forthwith.

Leave denied.

Ordered — That consideration of the Bill, in Committee of the Whole House, be made an Order of the Day for the next sitting.

13. Members' Statements

Statements were taken.

14. Transfer of Land Amendment Bill 2021

The President reported the receipt of Message No. 25 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Lands moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Lands moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Lands tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 438).

Debate stands adjourned.

15. Adjournment

The Council adjourned at 5.36pm until Tuesday, 10 August 2021 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ayor Makur Chuot and Hon Rosetta Sahanna.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council