



## LEGISLATIVE COUNCIL

**TUESDAY, 14 NOVEMBER 2023**

**1.00pm**

### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

**10 November 2023 — Message No. 31**

Liquor Control Amendment (Banned Drinkers Register) Bill 2023

**Act No.**

25 of 2023

### 3. Petitions

Hon Kate Doust presented an E-Petition from 1,786 petitioners requesting the Legislative Council to make recommendations to amend the *Criminal Code Compilation Act 1913*, to impose higher maximum penalties for assaults on retail and fast-food workers. (Tabled Paper 2813).

Hon Kate Doust presented a petition from 7,839 petitioners requesting the Legislative Council to make recommendations to amend the *Criminal Code Compilation Act 1913*, to impose higher maximum penalties for assaults on retail and fast-food workers. (Tabled Paper 2814).

Hon Colin de Grussa presented an E-Petition from 12,672 petitioners requesting the Legislative Council to request that the State Government extend the consultation period regarding their proposed firearms reforms from one month to three. (Tabled Paper 2815).

### 4. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*By-laws* —

University of Western Australia Act 1911 (The University of Western Australia Lands By-laws (2023) G.G. 10/11/2023) .....	2797
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*Local Laws* —

Cat Act 2011 (Shire of Wyalkatchem Cats Local Law 2023 G.G. 07/11/2023) .....	2798
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Dog Act 1976 (City of Vincent Animal Amendment Local Law 2023 G.G. 07/11/2023) .....	2799
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Local Government Act 1995 (Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law 2023 (No. 2) G.G. 07/11/2023 and Town of Cottesloe Parking and Parking Facilities Amendment Local Law 2023 G.G. 10/11/2023).....	2800
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*Orders —*

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 6) 2023) .....	2801
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**Minister for Agriculture and Food on behalf of the Minister for Emergency Services**

*Annual Reports —*

Corruption and Crime Commission — Misuse of Drugs Act 1981 — Border Search Areas (for the period of 27 June 2023 to 30 June 2023) (October 2023) (Date received 14/11/2023).....	2802
Police Force, Western Australia — Criminal Investigation (Covert Powers) Act 2012 Witness Identity Protection Certificates (2022-23) (Date received 14/11/2023).....	2803
Western Australian Future Health Research and Innovation Fund (2022-23) (Date received 09/11/2023).....	2804

*Reports —*

Western Australian Police Force — Terrorism (Preventative Detention) Act 2006, section 54(2) — Quarterly Report (30 September 2023) .....	2805
Western Australian Treasury Corporation — Quarterly Performance Report (for the period ending September 2023) .....	2806

*Local Laws —*

Bush Fires Act 1954 (Shire of Wyalkatchem Bush Fire Brigades Amendment Local Law 2023 G.G. 07/11/2023) .....	2807
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**Minister for Agriculture and Food**

*Annual Reports —*

Primary Industries and Regional Development, Department of (2022-23) (Date received 14/11/2023).....	2808
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**Parliamentary Secretary to the Attorney General**

*Rules —*

Electricity Industry (Wholesale Electricity Market) Regulations 2004 — Wholesale Electricity Market Amendment (FCESS shortfall pricing) Rules (01 November 2023) .....	2809
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**Parliamentary Secretary to the Minister for Environment**

*Orders —*

Environmental Protection Act 1986 (Environmental Protection (Renewable Energy Proposals) Exemption Order 2023) .....	2810
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**Parliamentary Secretary to the Minister for Regional Development**

*Annual Reports —*

Disability Justice Centre (2022-23) (Date received 14/11/2023).....	2811
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*Reports —*

Communities, Department of — Disability Access and Inclusion Plan — Ministers' Progress Report (2022-2023).....	2812
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## 5. Armadale Line Shutdown

Hon Tjorn Sibma: To move on the next day of sitting —

That this House notes —

- (a) the Minister for Transport's decision to shut down the Armadale line for at least 18 months from 20 November 2023;
- (b) the cost and inconvenience of this decision which further exacerbates the financial costs of the METRONET project;
- (c) the hallmark secrecy which surrounded this decision and the ensuing inadequate consultation with passengers;
- (d) the Minister's failure to provide any compelling evidence that this shutdown is the best solution to facilitate the METRONET program of works; and
- (e) the absence of any plan to mitigate the potential for the shutdown extending beyond 18 months, and the impacts this will have on many commuters across the metropolitan area.

## 6. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so as to enable the Council to sit beyond 8.45pm on this day's sitting and take Members' Statements at a time ordered by the House.

Debate ensued.

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 and with the concurrence of an absolute majority.

## 7. Order of Business

Ordered — That Order of the Day No 1, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, be taken after Order of the Day No. 4, *School Education Amendment Bill 2023*. (Leader of the House).

## 8. Electoral Amendment (Finance and Other Matters) Bill 2023

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

The President left the Chair.

### In Committee

(Hon Stephen Pratt in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Hon Ben Dawkins, by leave, tabled a summary of disclosures and public funding through the 2020-21 financial year. (Tabled Paper 2816).

Debate resumed.

Hon Ben Dawkins, by leave, moved —

Page 5, lines 24 to 27 — To delete the lines.

Page 10, lines 22 and 23 — To delete “A person who is enrolled under section 17AA(1) is taken, under section 17AA(2)(c),” and insert:

An elector who has not attained 18 years of age is taken, under section 51BA,

Page 23, after line 2 — To insert:

(aa) in paragraph (b) delete “18 years” and insert:

16 years

Debate ensued.

Amendments — put and negatived.

Question — That the clause stand as printed — put and passed.

Clauses 5 to 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16 agreed to.

Clauses 17 to 33 agreed to.

Clause 34 agreed to.

Clause 35 agreed to.

Clause 36 agreed to.

Clause 37 agreed to.

Clause 38 agreed to.

Clauses 39 to 42 agreed to.

Clause 43 agreed to.

Clauses 44 and 45 agreed to.

Clause 46.

Debate ensued.

Clause agreed to.

Clauses 47 to 51 agreed to.

Clause 52.

Debate ensued.

Hon Ben Dawkins, by leave, moved —

Page 67, after line 13 — To insert:

- (2) In section 62C(1) insert:

**democratic endorsement principle** means the constitution of the eligible political party must provide the endorsement of a party member to stand as a candidate following a plebiscite of party members in the particular division, district, electorate or state, excepting where the party member to be endorsed is —

- (a) a sitting member; or
- (b) has applied to be endorsed but is the only member of that party to apply for endorsement (is unopposed); and

for a member of a political party to be entitled to apply for endorsement via a plebiscite of members, a political party may —

- (a) require the member to have been a member of the eligible political party for a minimum period;
- (b) disqualify from participating in the process of endorsement by plebiscite any member who is not a fit and proper person as set out in the relevant sections of the *Electoral Act 1907*, the *Electoral Regulations 1996*, the *Constitution Acts Amendment Act 1899* and the *Public Sector Management Act 1994*; and
- (c) require their member to make party specific undertakings as the party may see fit.

Page 67, lines 14 to 22 — To delete the lines and insert:

- (3) In section 62C(1) in the definition of **eligible political party** delete “that has at least 500 members who are electors and that has a constitution that specifies as one of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it;” and insert:

that —

- (a) has at least 500 members who are electors; and
- (b) has a constitution that specifies as 1 of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it; and
- (c) has a constitution that complies with the democratic endorsement principle for candidates.

Debate ensued.

Hon Ben Dawkins, by leave, tabled *The West Australian* article, dated 20 September 2023, regarding increases of taxpayer funding in return for donor transparency. (Tabled Paper 2817).

Debate resumed.

Amendments — put and negatived.

Question, That the clause stand as printed — put and passed.

Clauses 53 to 60 agreed to.

Clause 61.

Debate ensued.

The Parliamentary Secretary to the Minister for Electoral Affairs moved —

Page 71, line 21 — To delete “Friday” and insert:

Thursday

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 62 to 77 agreed to.

Clause 78.

Debate ensued.

The Parliamentary Secretary to the Minister for Electoral Affairs moved —

Page 97, lines 1 to 6 — To delete the lines and insert:

- (j) in paragraph (c) delete “or deputy returning officer, who shall forthwith,” and insert:

for the whole of State electorate or returning officer for a district who must,

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 79.

Debate ensued.

## **9. Questions Without Notice**

Questions without notice were taken.

The Minister for Forestry tabled a response to a question without notice asked by Hon Louise Kingston. (Tabled Paper 2818).

The Leader of the House representing the Minister for Education tabled a response to question on notice 1702 asked by Hon Donna Faragher. (Tabled Paper 2819).

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 1612 and 1659 asked by Hon Martin Aldridge will be provided on 16 November 2023.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 1672, 1673, 1674, 1675 and 1676 asked by Hon Steve Martin will be provided on 28 November 2023.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1679 asked by Hon Donna Faragher will be provided on 28 November 2023.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1682 asked by Hon Martin Aldridge will be provided on 28 November 2023.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Colin de Grussa.

The Minister for Emergency Services, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Martin Aldridge.

The Minister for Agriculture and Food representing the Minister for Planning, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Neil Thomson.

The Minister for Forestry tabled a response to question on notice 1709 asked by Hon Steve Martin. (Tabled Paper 2820).

The Minister for Agriculture and Food representing the Minister for Child Protection, in accordance with Standing Order 108(2), advised that an answer to question on notice 1668 asked by Hon Dr Brad Pettitt will be provided on 28 November 2023.

The Parliamentary Secretary to the Attorney General, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Tjorn Sibma.

The Parliamentary Secretary to the Minister for Environment, in accordance with Standing Order 108(2), advised that an answer to question on notice 1667 asked by Hon Dr Steve Thomas will be provided by 28 November 2023.

The Parliamentary Secretary to the Minister for Environment, Climate Action, Racing and Gaming in accordance with Standing Order 108(2), advised that an answer to question on notice 1698 asked by Hon Peter Collier will be provided by 28 November 2023.

## **10. Electoral Amendment (Finance and Other Matters) Bill 2023**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

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### **In Committee**

(Hon Steve Martin in the Chair)

Clause 79.

Debate resumed.

Clause agreed to.

Clause 80.

Debate ensued.

Clause agreed to.

Clauses 81 to 112 agreed to.

Clause 113.

Debate ensued.

Hon Dr Brad Pettitt moved —

Page 226, lines 13 to 16 — To delete the lines and insert:

***specified amount*** means \$1 000;

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Hon Dr Brad Pettitt, by leave, moved —

Page 222, after line 19 — To insert:

***close associate***, of a body corporate, means —

- (a) an officer (as defined in the *Corporations Act 2001* (Commonwealth) section 9) of the body corporate; or
- (b) a person whose voting power (as defined in the *Corporations Act 2001* (Commonwealth) section 610) in the body corporate is greater than 20%; or
- (c) the spouse or de facto partner of a person referred to in paragraph (a) or (b); or
- (d) if the body corporate is a stapled entity in relation to a stapled security — the other stapled entity in relation to the stapled security; or
- (e) if the body corporate is a trustee, manager or responsible entity in relation to a discretionary trust — a beneficiary of the trust;

Page 223, lines 1 and 2 — To delete the lines.

Page 225, after line 5 — To insert:

***liquor or gambling industry business entity*** means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with either or both of the following, but only if it is for the ultimate purpose of making a profit —
  - (i) the manufacture or sale of liquor products;
  - (ii) wagering, betting or other gambling (including the manufacture of machines used primarily for wagering, betting or other gambling);
 or
- (b) a close associate of a body corporate referred to in paragraph (a);



Page 225, after line 7 — To insert:

***mineral resources or fossil fuel industry business entity*** means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with exploring or prospecting for, or the discovery, development or extraction of, mineral resources or fossil fuels; or
- (b) a close associate of a body corporate referred to in paragraph (a);

Page 225, after line 29 — To insert:

***prohibited contribution*** means a political contribution the donor of which is a prohibited donor;

***prohibited donor*** means any of the following —

- (a) a foreign donor;
- (b) a liquor or gambling industry business entity;
- (c) a mineral resources or fossil fuel industry business entity;
- (d) a property developer;
- (e) a tobacco industry business entity;
- (f) a representative organisation if the majority of its members are persons referred to in paragraphs (a) to (e);

***property developer*** means any of the following —

- (a) a person who engages in an activity —
  - (i) in the course of carrying on a business or undertaking mainly concerned with the residential or commercial development of land for the ultimate purpose of the sale or lease of the land for profit; but
  - (ii) that is not for the dominant purpose of providing commercial premises at which the person will carry on the business, unless the business involves the sale or lease of a substantial part of the premises;
- (b) if a person referred to in paragraph (a) is an individual — the spouse or de facto partner of the person;
- (c) if a person referred to in paragraph (a) is a body corporate — a close associate of the body corporate;

Page 226, after line 16 — To insert:

***stapled entity*** —

- (a) means an entity the interests in which are traded along with the interests in another entity as stapled securities; and
- (b) if an entity referred to in paragraph (a) is a trust — includes any trustee, manager or responsible entity in relation to the trust;

Page 227, after line 20 — To insert:

***tobacco industry business entity*** means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with the manufacture, sale or supply of tobacco products; or
- (b) a close associate of a body corporate referred to in paragraph (a).

Page 247, line 23 — To delete “foreign” and insert:

prohibited

Page 273, line 13 — To delete “**foreign**” and insert:

**prohibited**

Page 273, line 17 — To delete “foreign” and insert:

prohibited

Page 273, line 20 — To delete “foreign” and insert:

prohibited

Page 273, line 22 — To delete “foreign” and insert:

prohibited

Page 273, line 26 — To delete “foreign” and insert:

prohibited

Page 274, line 1 — To delete “foreign” and insert:

prohibited

Page 274, line 6 — To delete “foreign” and insert:

prohibited

Page 274, line 7 — To delete "foreign" and insert:

prohibited

Page 274, line 10 — To delete "foreign" and insert:

prohibited

Page 274, line 12 — To delete "foreign" and insert:

prohibited

Page 274, line 17 — To delete "foreign" and insert:

prohibited

Page 274, line 18 — To delete "foreign" and insert:

prohibited

Page 274, line 23 — To delete "foreign" and insert:

prohibited

Page 274, line 29 — To delete "foreign" and insert:

prohibited

Page 274, line 32 — To delete "foreign" and insert:

prohibited

Page 275, line 4 — To delete "foreign" and insert:

prohibited

Page 275, line 8 — To delete "foreign" and insert:

prohibited

Page 278, lines 8 to 13 — To delete the lines and insert:

receives a prohibited contribution or the benefit of a prohibited contribution; and

- (b) at the end of the acceptable action period in relation to the prohibited contribution, acceptable action has not been taken in relation to the prohibited contribution.

Page 278, line 20 — To delete "foreign" and insert:

prohibited

Page 278, line 22 — To delete "foreign" and insert:

prohibited

Page 278, line 27 — To delete "foreign" and insert:

prohibited

Page 279, line 5 — To delete "foreign" and insert:

prohibited

Page 279, line 10 — To delete "foreign" and insert:

prohibited

Page 279, line 16 — To delete "foreign" and insert:

prohibited

Page 279, line 20 — To delete "foreign" and insert:

prohibited contribution, or the benefit of a prohibited

Page 279, line 23 — To delete "foreign" and insert:

prohibited

Page 280, lines 20 and 21 — To delete the lines and insert:

- (a) the third-party campaigner receives a prohibited contribution, or the benefit of a prohibited

Page 280, line 28 — To delete "foreign" and insert:

prohibited

Page 280, line 30 — To delete "foreign" and insert:

prohibited

Page 281, line 7 — To delete "foreign" and insert:

prohibited

Page 281, line 18 — To delete "foreign" and insert:

prohibited

Page 281, line 22 — To delete "foreign" and insert:

prohibited

Page 281, line 29 — To delete "foreign" and insert:

prohibited

Page 281, line 33 — To delete the line and insert:

prohibited contribution, or the benefit of a prohibited

Page 282, line 2 — To delete "foreign" and insert:

prohibited

Page 282, line 5 — To delete “foreign” and insert:

prohibited

Page 282, line 8 — To delete “foreign” and insert:

prohibited

Page 283, line 1 — To delete “foreign” and insert:

prohibited

Debate ensued.

Amendments — put.

The Committee divided.

**Ayes (2)**

Hon Wilson Tucker

Hon Dr Brad Pettitt (*Teller*)

**Noes (26)**

Hon Martin Aldridge  
Hon Klara Andric  
Hon Dan Caddy  
Hon Peter Collier  
Hon Stephen Dawson  
Hon Colin de Grussa  
Hon Kate Doust  
Hon Sue Ellery  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Louise Kingston  
Hon Kyle McGinn  
Hon Shelley Payne

Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Rosie Sahanna  
Hon Tjorn Sibma  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Dr Steve Thomas  
Hon Neil Thomson  
Hon Dr Brian Walker  
Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

Amendments thus negatived.

Question, That the clause stand as printed — put and passed.

Clause 114 agreed to.

Clauses 115 to 127 agreed to.

Clause 128.

Debate ensued.

The Parliamentary Secretary to the Minister for Electoral affairs, by leave, moved —

Page 244, after line 20 — To insert:

**eligible SCA nominee**, in relation to a political entity, means —

- (a) for an endorsed candidate — the political party that endorsed the candidate; or
- (b) for a candidate included in a group — the group; or
- (c) for an elected member —
  - (i) if the elected member is a member of a political party — the political party; or
  - (ii) if the member is a member of a group — the group;
 or
- (d) for an associated entity — a political party, or the party group of a political party, to which the associated entity relates;

Page 245, line 25 — To delete the line and insert:

Penalty for this subsection:

Page 245, after line 28 — To insert:

- (2) Subsection (1) does not apply if —
  - (a) a political entity (the **relevant political entity**) who or which is not a group, political party or third-party campaigner, does not have a State campaign account because the relevant political entity intends to make use of the State campaign account of another political entity; and
  - (b) the other political entity is an eligible SCA nominee in relation to the relevant political entity; and
  - (c) the other political entity consents to make payments for electoral expenditure on behalf of the relevant political entity out of the other political entity's State campaign account; and
  - (d) the responsible person for the relevant political entity lodges a notice under section 175LN(1).

Page 246, lines 5 and 6 — To delete the lines and insert:

- (a) that the political entity —
  - (i) has a State campaign account; or
  - (ii) intends to make use of the State campaign account of another political entity named in the notice that is an eligible SCA nominee in relation to the political entity and has given the consent mentioned in section 175LM(2)(c);

and

Page 246, line 12 — To delete “subsection (1)(b) or (c)” and insert:

this section

Page 246, lines 16 to 18 — To delete “stating the changes within the period of 5 business days after the day on which the change occurs.” and insert:

stating, within the period of 5 business days after the day on which the change occurs, details about the changes to the information, including —

- (a) if the change is that a new State campaign account is established — the information about that State campaign account mentioned in subsection (1)(b) and (c); and
- (b) if the change is that the political entity intends to make use of the State campaign account of another political entity — that the other political entity is an eligible SCA nominee in relation to the relevant political entity and has given the consent mentioned in section 175LM(2)(c).

Page 352, after line 11 — To insert:

- (2A) For the purposes of sections 175LM, 175LN and 175U(1) and this section, the first participation day of a person who is, on commencement day, an elected member is the day on which the elected member was nominated for election at the most recent election for which they were a candidate.

Page 352, after line 31 — To insert:

- (aa) the responsible person for the political entity complies with section 175LM(2) by the end of the period of 5 business days after commencement day; or

Debate ensued.

Amendments — put and passed.

Clause, as amended, agreed to.

Clause 129 agreed to.

Clause 130.

Debate ensued.

Clause agreed to.

Clause 131.

Debate ensued.

Clause agreed to.



Clauses 132 to 134 agreed to.

Clause 135.

Debate ensued.

Clause agreed to.

Clauses 136 and 137 agreed to.

Clause 138.

Debate ensued.

Clause agreed to.

Clause 139.

Debate ensued.

Clause agreed to.

Clauses 140 to 144 agreed to.

Clause 145.

Debate ensued.

Clause agreed to.

Clauses 146 to 179 agreed to.

Clause 180, as amended, agreed to.

Clauses 181 to 199 agreed to.

Title agreed to.

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The 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.

## **11. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

## **12. Members' Statements**

Statements were taken.

## **13. Planning and Development Amendment Bill 2023**

The President reported the receipt of Message No. 131 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Agriculture and Food representing the Minister for Planning tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2821).

Debate stands adjourned.

**14. Adjournment**

The Council adjourned at 10.40pm until Wednesday, 15 November 2023 at 1.00pm.

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

Attendance: Present all Members except Hon Sandra Carr, Hon Donna Faragher, Hon Ayor Makur Chuot and Hon Sophia Moermond.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council