

# LEGISLATIVE COUNCIL

## MINUTES OF PROCEEDINGS

No. 181

TUESDAY, 10 MARCH 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. 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>3 March 2020 — Message No. 2</b>	<b>Act No.</b>
Railway (METRONET) Amendment Bill 2019	1 of 2020
Criminal Code Amendment (Child Marriage) Bill 2018	2 of 2020

### 3. Ministerial Statement — COVID-19 — Government Response

The Leader of the House made a Ministerial Statement with respect to the Government's response to COVID-19.

### 4. Ministerial Statement — COVID-19 — Education and Training

The Minister for Education and Training made a Ministerial Statement with respect to an update on the response from the education and training sectors to COVID-19.

### 5. Ministerial Statement — Trespass and Animal Welfare Laws

The Minister for Agriculture and Food made a Ministerial Statement with respect to the release of a draft Bill for consultation, designed to protect farming families from trespass while strengthening transparency in animal welfare in intensive farming facilities.

### 6. Papers

The following Papers were laid on the Table by —

#### **President**

*Auditor General's Papers* —

Opinion on Ministerial Notification (Report No. 15) (2019–2020)  
(Deemed tabled 28/02/2020) ..... 3632

*Letters* —

Letter from the President to the Standing Committee on Public Administration —  
Request for clarification on the Standing Committee on Public Administration  
Terms of Reference (6 March 2020) ..... 3633

*Reports —*

Inspector of Custodial Services, Office of the — 2019 Inspection of Broome Regional Prison (Report No. 126) (January 2020) .....	3634
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**Leader of the House***Local Laws —*

Dog Act 1976 (City of Gosnells Dogs Local Law 2020 G.G. 25/02/2020) .....	3635
Local Government Act 1995 (City of Gosnells Local Government Property Amendment Local Law 2020 G.G. 25/02/2020, City of Gosnells Standing Orders Amendment Local Law 2020 G.G. 25/02/2020 and Shire of Kellerberrin Animals, Environment and Nuisance Local Law 2019 G.G. 26/02/2020) .....	3636

*Regulations —*

Caravan Parks and Camping Grounds Act 1995 (Caravan Parks and Camping Grounds Amendment Regulations 2020 G.G. 03/03/2020) .....	3637
Cat Act 2011 (Cat Amendment Regulations (No. 2) 2020 G.G. 25/02/2020) .....	3638
Dog Act 1976 (Dog Amendment Regulations 2020 G.G. 25/02/2020) .....	3639
School Education Act 1999 (School Education (Student Residential Colleges) Amendment Regulations 2020 G.G. 21/02/2020) .....	3640

*Rules —*

Lotteries Commission Act 1990 (Lotteries Commission (Authorised Lotteries) (Set For Life) Amendment Rules 2020 G.G. 03/03/2020) .....	3641
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**Minister for Environment***Addendums —*

Housing Authority — Annual Report (2018–19) .....	3642
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*Leases —*

CALM Lease No. 2509/100 — Between the Conservation and Land Management Executive Body and Summerstar Pty Ltd to operate and maintain an existing bore and pump located in the Walpole Nornalup National Park as the primary water source for the Rest Point Caravan Park .....	3643
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*Regulations —*

Metropolitan Redevelopment Authority Act 2011 (Metropolitan Redevelopment Authority Amendment Regulations 2020 G.G. 03/03/2020) .....	3644
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*Reports —*

Treasury Corporation, Western Australia — Quarterly Report (for the quarter ending 31 December 2019) .....	3645
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**Minister for Regional Development***Regulations —*

Building Act 2011 (Building Amendment Regulations 2020 G.G. 03/03/2020) .....	3646
Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations 2020 G.G. 03/03/2020) .....	3647

**Parliamentary Secretary to the Deputy Premier***Regulations —*

Mental Health Act 2014 (Mental Health Amendment Regulations 2020 G.G. 03/03/2020) .....	3648
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**7. Order of Business**

Ordered — That Order of the Day No. 1, *Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2019 — Disallowance*, be taken after Order of the Day No. 18, *Wittenoom Closure Bill 2019*. (Leader of the House).

## 8. North West Gas Development (Woodside) Agreement Amendment Bill 2019

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

*The President left the Chair at 2.18pm*  
*The President resumed the Chair at 2.50pm*

Debate resumed.

Hon Robin Chapple, by leave, tabled a report in relation to the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* entitled *BP Statistical Review of World Energy 2019* (68<sup>th</sup> Edition). (Tabled Paper 3649).

Debate resumed.

Hon Robin Chapple, by leave, tabled a letter in relation to the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* from Dr Judy Edwards MLA, Minister for Environment and Heritage, to the Deputy Premier regarding the Burrup Heritage Committee, dated 22 May 2003. (Tabled Paper 3650).

Debate resumed.

Hon Robin Chapple, by leave, tabled a memo in relation to the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* from Mr Jim Limerick, Director General of the Department of State Development regarding possible World Heritage listing of the Burrup Peninsula and Dampier Archipelago Rock Art, dated 13 June 2003. (Tabled Paper 3651).

Debate resumed.

Hon Robin Chapple, by leave, tabled a report in relation to the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* entitled *CSIRO Burrup Peninsula Air Pollution Study six monthly report* (May 2005). (Tabled Paper 3652).

Debate resumed.

Hon Robin Chapple, by leave, tabled a report in relation to the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* entitled *The Burrup Agreement: a case study in future act negotiation*. (Tabled Paper 3653).

Debate resumed.

## 9. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Sport and Recreation, by leave, incorporated into *Hansard* information in relation to the potential relocation of the State Tennis Centre, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development representing the Minister for Forestry tabled maps in relation to the Forest Products Commission detailing the indicative 2020 harvest plan, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3654).

The Leader of the House representing the Minister for Local Government tabled the minutes of the Department of Local Government, Sport and Cultural Industries, Stop Puppy Farming Working Group, from meetings in 2017–2018, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 3655).

The Minister for Regional Development tabled maps in relation to Western Australian rainfall (February 2020), in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 3656).

The Leader of the House representing the Minister for Public Sector Management tabled a corrected answer in relation to question without notice 1430 asked by Hon Tjorn Sibma. (Tabled Paper 3657).

The Minister for Education and Training tabled a report entitled *KPMG Final Report, evaluation of the Alternative Learning Setting Pilot*, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3658).

The Minister for Environment representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to the Police Redress Scheme, in response to a question without notice asked by Hon Charles Smith.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to language development centres and school outreach services, in response to question without notice 120 asked by Hon Donna Faragher.

### 10. North West Gas Development (Woodside) Agreement Amendment Bill 2019

Debate resumed on the second reading of this Bill (*see item 8 above*).

Hon Robin Chapple moved, without notice —

- (1) That the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* be discharged and referred to the Standing Committee on Uniform Legislation for consideration and report by no later than 28 March 2020; and
- (2) That the committee has the power to inquire into and report on the content of the yet to be disclosed community development plan and the local participation plan established as part of the *North West Gas Development (Woodside) Agreement Amendment Bill 2019*.

Debate ensued.

Hon Diane Evers moved to amend the motion as follows —

In paragraph (1) — To delete “28 March 2020” and insert:

23 June 2020

Amendment — put.

The Council divided.

#### Ayes (4)

Hon Robin Chapple  
Hon Tim Clifford

Hon Diane Evers  
Hon Alison Xamon (*Teller*)

#### Noes (27)

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 Nick Goiran  
Hon Laurie Graham  
Hon Colin Holt  
Hon Alannah MacTiernan

Hon Rick Mazza  
Hon Michael Mischin  
Hon Simon O’Brien  
Hon Robin Scott  
Hon Tjorn Sibma  
Hon Charles Smith  
Hon Aaron Stonehouse  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Dr Steve Thomas  
Hon Colin Tincknell  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question — put.

The Council divided.

#### Ayes (4)

Hon Robin Chapple  
Hon Tim Clifford

Hon Diane Evers  
Hon Alison Xamon (*Teller*)

**Noes (27)**

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 Nick Goiran  
 Hon Laurie Graham  
 Hon Colin Holt  
 Hon Alannah MacTiernan

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Question thus negatived.

Debate resumed.

Hon Diane Evers, by leave, tabled a document in relation to the share price for Woodside Petroleum. (Tabled Paper 3659).

Hon Diane Evers moved, without notice —

- (1) A Select Committee into the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* is established.
- (2) The Select Committee is to inquire into the *North West Gas Development (Woodside) Agreement Amendment Bill 2019* with particular reference to —
  - (a) the community development plan referenced in the Bill and the manner in which the Joint Venturers will develop the draft plan, including community collaboration; and
  - (b) the local participation plan referenced in the Bill and the manner in which the Joint Venturers will develop the plan, including local industry collaboration.
- (3) The Select Committee shall consist of 5 members.
- (4) The Select Committee is to report by no later than 23 June 2020.

Debate ensued.

Question — put.

The Council divided.

**Ayes (4)**

Hon Robin Chapple  
 Hon Tim Clifford

Hon Diane Evers  
 Hon Alison Xamon (*Teller*)

**Noes (27)**

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 Nick Goiran  
 Hon Laurie Graham  
 Hon Colin Holt  
 Hon Alannah MacTiernan

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Question thus negatived.

Debate resumed.

Question — put.

The Council divided.

**Ayes (27)**

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 Nick Goiran  
 Hon Laurie Graham  
 Hon Colin Holt  
 Hon Alannah MacTiernan

Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

**Noes (4)**

Hon Robin Chapple  
 Hon Tim Clifford

Hon Diane Evers  
 Hon Alison Xamon (*Teller*)

Question thus passed.

Bill read a second time.

**11. Order of Business**

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

**12. Members' Statements**

Statements were taken.

**13. Adjournment**

The Council adjourned at 9.56pm until Wednesday, 11 March 2020 at 1.00pm.

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

Attendance: Present all Members except Hon Martin Aldridge and Hon Martin Pritchard.

**NIGEL PRATT**  
Clerk of the Legislative Council

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