

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 223

TUESDAY, 13 OCTOBER 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. Petitions

Hon Colin Holt presented a petition from 2,644 petitioners requesting the Legislative Council to investigate and develop legislation and planning guidelines for the location, design and management of solid waste disposal sites and develop a three year exit plan for the Banksia Road, Dardanup Waste Precinct. (Tabled Paper 4459).

Hon Diane Evers presented a petition from 146 petitioners requesting the Legislative Council to support the re-opening of the Tier 3 rail lines. (Tabled Paper 4460).

3. Ministerial Statement — Creation of Marine Park Reserves

The Minister for Environment representing the Minister for Aboriginal Affairs made a Ministerial Statement with respect to the Aboriginal Affairs Planning Authority report which will facilitate removal of the Part III vesting of Intertidal Reserves 15530 and 23079 to enable the creation of marine park reserves.

The Minister for Environment representing the Minister for Aboriginal Affairs tabled the report entitled *Aboriginal Affairs Planning Authority (Reserve 15530 and 23079 Land) Proclamation 2020*. (Tabled Paper 4461).

4. Ministerial Statement — Mental Health Week 2020

The Parliamentary Secretary to the Minister for Mental Health made a Ministerial Statement with respect to Mental Health Week 2020.

5. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Governor's Establishment (2019–2020) (Date received 12/10/2020)..... 4435

Parliamentary Inspector of the Corruption and Crime Commission (2019-20)
(Date received 09/10/2020)..... 4436

Standing Committee on Procedure and Privileges —

Corruption, Crime and Misconduct Amendment Bill 2017 (second referral)
(Report No. 59) (October 2020) (Date published 13/10/2020)..... 4437

Leader of the House*Local Laws —*

Local Government Act 1995 (City of Albany Jetties, Bridges, Boat Pens, and Swimming Structures Local Law 2020 G.G. 06/10/2020, Shire of Broome Meetings Procedures Local Law 2020 G.G. 07/10/2020 and Shire of Manjimup Health Local Law 2020 G.G. 08/10/2020)	4438
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Regulations —

Public Sector Management Act 1994 (Public Sector Management (General) Amendment Regulations (No. 2) 2020 G.G. 09/10/2020).....	4439
Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations (No. 3) 2020 G.G. 09/10/2020).....	4440

Leader of the House on behalf of the Minister for Environment*Annual Reports —*

State Finances (2019–2020) (Date received 12/10/2020)	4441
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Leases —

CALM Lease No. 2061/100 between the Conservation and Land Management Executive Body and the Western Australian Gould League for the purpose of an office and administration centre for conservation and education activities at Herdsman Lake Wildlife Centre within Herdsman Lake Regional Park	4442
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Proposals —

Land Administration Act 1997 — Submission No. 18/2020 — Proposed excision to Class A Reserve No. 7804 and 19349 (Allen Park) City of Nedlands for the purpose of creating a site for the Perth Children’s Hospice	4443
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Regulations —

National Gas Access (WA) Act 2009 (National Gas Access (WA) (Act Amendment) Regulations 2020 G.G. 09/10/2020).....	4444
Waste Avoidance and Resource Recovery Act 2007 (Waste Avoidance and Resource Recovery (Container Deposit Scheme) Amendment Regulations 2020 G.G. 09/10/2020)	4445

Minister for Regional Development*Annual Reports —*

Corruption and Crime Commission — Criminal Investigation (Covert Powers) Act 2012 — Department of Fisheries (2019–2020) (Date received 12/10/2020)	4446
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Regulations —

Building Act 2011 (Building Amendment Regulations (No. 5) 2020 G.G. 09/10/2020).....	4447
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety Regulations Amendment Regulations 2020 G.G. 09/10/2020).....	4448
Workers’ Compensation and Injury Management Act 1981 (Workers’ Compensation and Injury Management Amendment Regulations (No. 2) 2020 G.G. 09/10/2020)	4449

Parliamentary Secretary to the Deputy Premier*Annual Reports —*

Animal Resources Authority (2019-2020) (Date received 13/10/2020)	4450
East Metropolitan Health Service (2019-2020) (Date received 13/10/2020)	4451
Health Support Services (2019-2020) (Date received 13/10/2020)	4452
Health, Department of (2019-2020) (Date received 13/10/2020)	4453
Mental Health Advocacy Service (2019-2020) (Date received 13/10/2020)	4454
Mental Health Commission (2019-2020) (Date received 13/10/2020)	4455
PathWest (2019-2020) (Date received 13/10/2020).....	4456
South Metropolitan Health Service (2019-2020) (Date received 13/10/2020)	4457

WA Country Health Service (2019-2020) (Date received 13/10/2020)..... 4458

6. Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance

Hon Dr Steve Thomas: To move on the next day of sitting —

That the *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020* published in the *Gazette* on 2 October 2020 and tabled in the Legislative Council on 8 October 2020 under the *Animal Welfare Act 2002*, be and are hereby disallowed. (Tabled Paper 4417).

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, *Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 — Disallowance*, 5, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2020 — Disallowance*, 6, *Shire of Narembeen Cemeteries Local Law 2020 — Disallowance*, and 7, *Shire of Narembeen Fencing Local Law 2020 — Disallowance*, be taken after Order of the Day No. 35, *Criminal Law (Unlawful Consorting) 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 ensued.

9. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to the Lotterywest grant process, in response to a question without notice asked by Hon Peter Collier.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to school psychologists for the 2018 and 2019 school years, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Environment representing the Treasurer, by leave, incorporated into *Hansard* information in relation to the \$600 credit towards household electricity costs, in response to a question without notice asked by Hon Alison Xamon.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to Synergy and Horizon residential accounts that are currently in arrears or on a payment plan, in response to a question without notice asked by Hon Peter Collier.

The Minister for Environment representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to Western Power and Synergy employees who received more than double their base salary in 2019-20, in response to a question without notice asked by Hon Peter Collier.

The Minister for Agriculture and Food representing the Minister for Commerce, by leave, incorporated into *Hansard* information in relation to fire sprinkler installation at all aged care facilities in Western Australia, in response to a question without notice asked by Hon Peter Collier.

The Minister for Agriculture and Food tabled documents detailing the actions and progress of the 2015-2019 Western Australian Invasive Species Plan, in response to question on notice 3168 asked by Hon Dr Steve Thomas. (Tabled Paper 4462).

The Parliamentary Secretary to the Minister for Mental Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 3166 asked by Hon Jacqui Boydell will be provided by 15 October 2020.

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

Debate resumed on the motion of the Minister for Environment representing the Treasurer (*see item 8 above*).

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

11. Work Health and Safety Bill 2019 and Safety Levies Amendment Bill 2019

The Orders of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Robin Chapple in the Chair)

Work Health and Safety Bill 2019

Clause 155A.

Debate ensued.

Clause agreed to.

Clause 155B agreed to.

Clause 155C agreed to.

Clause 272A.

Debate resumed on the amendment of Hon Rick Mazza, as follows —

Page 177, line 21 — To delete “an offence against this Act.” and insert:

a crime under section 30A or a Category 1 offence.

Amendment — put and negatived.

Hon Nick Goiran moved —

Page 178, lines 6 to 8 — To delete the lines.

Debate ensued.

Hon Nick Goiran, by leave, withdrew his amendment.

The Minister for Regional Development representing the Minister for Industrial Relations moved —

Page 178, line 7 — To delete “\$55000” and insert:

\$51000

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Industrial Relations moved —

Page 178, line 8 — To delete “\$285000” and insert:

\$255000

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 273 agreed to.

Clause 274.

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 Bill, made progress, and seeks to sit again.

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

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 10.00pm until Wednesday, 14 October 2020 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Adele Farina, Hon Kyle McGinn and Hon Colin Tincknell.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council