

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 219

TUESDAY, 22 SEPTEMBER 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. Ministerial Statement — Oakajee Strategic Industrial Area

The Minister for Regional Development made a Ministerial Statement with respect to the launch of a global expressions of interest process for companies looking to produce or use renewable hydrogen at the Oakajee Strategic Industrial Area.

3. Ministerial Statement — COVID-19 and Aged Care Preparedness

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to COVID-19 and aged care preparedness.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Training Accreditation Council (2019-20) (Date received 17/09/2020) 4239

Local Laws —

Dog Act 1976 (Shire of East Pilbara Dogs Local Law 2020 G.G. 16/09/2020) 4240

Local Government Act 1995 (Shire of East Pilbara Cemeteries Amendment Local Law 2020 G.G. 16/09/2020, Shire of East Pilbara Fencing Amendment Local Law 2020 G.G. 16/09/2020, Shire of East Pilbara Parking Amendment Local Law 2020 G.G. 16/09/2020 and Shire of Manjimup Cat Local Law 2020 G.G. 17/09/2020) 4241

Orders —

School Education Act 1999 (Higher School Leaving Age Options Order 2020 G.G. 15/09/2020) 4242

Leader of the House on behalf of Minister for Environment

Codes —

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments (No. 2) 2020 G.G. 18/09/2020) 4243

Proposals —

Land Administration Act 1997 — Submission No. 8/2020 — Proposed excision from Class A Reserve No. 24575 for dedication as road by the City of Kwinana 4244

Land Administration Act 1997 — Submission No. 10/2020 — Proposed excision from Class A Reserve No. 47881 for dedication as road by the City of Kalamunda.....	4245
Land Administration Act 1997 — Submission No. 13/2020 — Proposed excision from Class A Reserve No, 24653 for the purpose of recreation and camping in the Flinders Bay Caravan Park.....	4246

Minister for Regional Development

Annual Reports —

Agricultural Produce Commission (2019-20) (Date received 17/09/2020)	4247
Biosecurity Council of Western Australia (2019-20) (Date received 17/09/2020).....	4248
Fremantle Ports (2019-20) (Date received 17/09/2020).....	4249
Great Southern Development Commission (2019-20) (Date received 17/09/2020)	4250
Kimberley Development Commission (2019-20) (Date received 17/09/2020)	4251
Kimberley Ports Authority (2019-20) (Date received 17/09/2020)	4252
Landcare Trust (2019-20) (Date received 17/09/2020).....	4253
Mid West Ports (2019-20) (Date received 17/09/2020).....	4254
Pilbara Development Commission (2019-20) (Date received 17/09/2020)	4255
Pilbara Ports Authority (2019-20) (Date received 17/09/2020)	4256
Southern Ports (2019-20) (Date received 17/09/2020)	4257
Veterinary Surgeons' Board (2019-20) (Date received 17/09/2020)	4258
Western Australian Meat Industry Authority (2019-20) (Date received 17/09/2020)	4259
Wheatbelt Development Commission (2019-20) (Date received 17/09/2020)	4260

Notices —

Fair Trading Act 2010 (Consumer Goods (Toys Containing Magnets) Safety Standard 2020 G.G. 16/09/2020).....	4261
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5. Select Committee into Local Government — Final Report — Inquiry into Local Government

Hon Simon O'Brien presented the Final Report of the Select Committee into Local Government, *Inquiry into Local Government*. (Tabled Paper 4262).

6. 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, *City of Vincent Parking and Parking Facilities Amendment Local Law 2020 — Disallowance*, 5, *Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 — Disallowance*, and 6, *Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2020 — Disallowance*, be taken after Order of the Day No. 31, *Environmental Protection Amendment Bill (No. 2) 2020*. (Leader of the House).

7. 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 President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Work Health and Safety Bill 2019

Clause 26A.

Debate resumed.

Question — put.

The Committee divided.

Ayes (15)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham
 Hon Alannah MacTiernan

Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Charles Smith
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Noes (14)

Hon Jacqui Boydell
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Colin Holt
 Hon Rick Mazza

Hon Michael Mischin
 Hon Simon O'Brien
 Hon Robin Scott
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Question thus passed.

Clause agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clauses 28 and 29 agreed to.

Clause 30.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
 Page 34, after line 26 — To insert:

serious harm, in relation to an individual, means an illness or injury that —

- (a) endangers, or is likely to endanger, the individual's life; or
- (b) results, or is likely to result, in permanent injury or harm to the individual's health.

Amendment — put and passed.

Clause, as amended, agreed to.

Part 2 Division 5 Subdivision 2 heading

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved to postpone further consideration of the Division heading until after consideration of Clause 34.

Question — put and passed.

Clause 30A.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 35, line 3 — To insert after “crime”:

(industrial manslaughter)

Debate ensued.

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 35, line 12 — To insert after “of”:

, or serious harm to,

Debate ensued.

Amendment — put and passed.

Debate resumed.

Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 35, line 20 — To insert after “crime”:

(industrial manslaughter)

Amendment — put and passed.

Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 36, line 7 — To insert after “of”:

, or serious harm to,

Amendment — put and passed.

The Minister for Regional Development representing the Minister for Industrial Relations moved to
postpone further consideration of Clause 30A until after consideration of Clause 34.

Question — put and passed.

Clause 30B.

Debate ensued.

Clause — put and negatived.

Part 2 Division 5 Subdivision 3 heading

The Minister for Regional Development representing the Minister for Industrial Relations moved to
postpone consideration of the Division heading until after consideration of Clause 34.

Question — put and passed.

Clause 31.

Debate ensued.

Hon Nick Goiran moved —

Page 37, line 17 — To delete “serious harm to” and insert:

the death of, or serious harm to,

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table in relation to the number of employees of the Western Australian State Government public sector on salaries of more than \$200,000 as at 30 June for the years 2016, 2017, 2018 and 2019, in response to a question without notice asked by Hon Colin Tincknell.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table in relation to the number of employees of the Western Australian State Government public sector on salaries of more than \$150,000 as at 30 June for the years 2016, 2017, 2018 and 2019, in response to a question without notice asked by Hon Colin Tincknell.

The Leader of the House on behalf of the Minister for Environment tabled documents in relation to the Department of Water and Environmental Regulation *BHP Environmental Protection Act 1986* License L4503/1975/14 and Amendment Notices (April 2017), (November 2017), and (March 2020), in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 4263).

The Leader of the House on behalf of the Minister for Environment representing the Minister for Housing, in accordance with Standing Order 108(2), advised that an answer to questions on notice 3124 asked by Hon Jacqui Boydell will be provided on 13 October 2020.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice 3123 asked by Hon Jacqui Boydell will be provided by 8 October 2020.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police, in accordance with Standing Order 108(2), advised that answers to questions on notice 3125 and 3129 asked by Hon Martin Aldridge will be provided by 8 October 2020.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice 3134 asked by Hon Alison Xamon will be provided by 8 October 2020.

The Leader of the House on behalf of the Minister for Environment representing the Minister for Housing tabled documents in relation to houses owned or leased by the Department of Housing in Kalgoorlie-Boulder, Laverton, Norseman, Menzies and Coolgardie, in response to question on notice 3057 asked by Hon Jacqui Boydell. (Tabled Paper 4264).

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 3130 asked by Hon Martin Aldridge will be provided by 22 October 2020.

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

Resumption of consideration of these Bills in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Work Health and Safety Bill 2019

Clause 31.

Debate resumed on the amendment of Hon Nick Goiran as follows —

Page 37, line 17 — To delete “serious harm to” and insert:

the death of, or serious harm to,

Amendment — put.

The Committee divided.

Ayes (15)

Hon Jacqui Boydell
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Nick Goiran
 Hon Colin Holt
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Simon O'Brien

Hon Robin Scott
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Noes (14)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham

Hon Alannah MacTiernan
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Amendment thus passed.

Debate resumed.

Hon Rick Mazza moved —

Page 38, after line 14 — To insert:

- (5) For the purposes of subsections (1) and (2), a person's failure to comply with a duty must be in circumstances of gross negligence.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations tabled comments from family members of deceased workers in evidence to the Senate Inquiry on matters connected to the Bill. (Tabled Paper 4265).

Debate resumed.

Amendment — put.

The Committee divided.

Ayes (11)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Rick Mazza
 Hon Michael Mischin
 Hon Robin Scott

Hon Tjorn Sibma
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

Noes (18)

Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Alanna Clohesy
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham

Hon Colin Holt
 Hon Alannah MacTiernan
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Charles Smith
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Clause, as amended, agreed to.

Clause 32.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
 Page 38, line 16 — To delete “a Category 2 offence” and insert:

an offence (a *Category 2 offence*)

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 33.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
 Page 39, line 2 — To delete “a Category 3 offence” and insert:

an offence (a *Category 3 offence*)

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 34.

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 Bills, made progress, and seeks to sit again.

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

10. Members' Statements

Statements were taken.

11. Adjournment

The Council adjourned at 10.06pm until Wednesday, 23 September 2020 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Stephen Dawson, Hon Kyle McGinn, and Hon Darren West.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council