

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 201

TUESDAY, 16 JUNE 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. Statement by President — Joint Standing Committee on Delegated Legislation — Resignation of Member

The President made the following Statement —

I have received the following letter from Hon Kyle McGinn, Member for Mining and Pastoral —

Dear Madam President

Resignation — Joint Standing Committee on Delegated Legislation

Please accept my resignation from the Joint Standing Committee on Delegated Legislation effective Thursday, 18 June 2020.

It has been an honour to serve on the Joint Standing Committee on Delegated Legislation since 2017 and I thank you for this opportunity.

Sincerely,

Hon Kyle McGinn MLC

Member for Mining & Pastoral

3. Statement by President — Department of the Legislative Council Annual Members' Survey

The President made the following Statement —

Today, the Clerk emailed you web links to complete the annual performance surveys for the Department of the Legislative Council and the Parliamentary Services Department. Hard copies of these surveys have been distributed in the Chamber and to Members' offices.

These surveys are critical in assisting the Departments to provide better services to you and the results will be incorporated into the 2019-2020 Annual Reports.

It would be appreciated if you would take a few minutes to complete the surveys online or in hard copy by Friday, 26 June 2020.

4. Petitions

Hon Nick Goiran presented a petition from 1,502 petitioners requesting the Legislative Council to inquire into any planning decisions made in relation to the proposed redevelopment of the Glen Iris Golf Course. (Tabled Paper 3955).

Hon Nick Goiran presented a petition from 39 petitioners requesting the Legislative Council refer the *Children and Community Services Amendment Bill 2019* to the Standing Committee on Legislation. (Tabled Paper 3956).

5. Ministerial Statement — COVID-19 Health Advice

The Leader of the House made a Ministerial Statement with respect to the tabling of COVID-19 health advice sought by Hon Peter Collier.

The Leader of the House tabled health advice in relation to COVID-19. (Tabled Paper 3957).

6. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Opinion on Ministerial Notification (Report No. 24)..... 3943

Leader of the House

Regulations —

Evidence Act 1906 (Evidence (Prescribed Persons) Amendment Regulations 2020 G.G. 09/06/2020)... 3944

Minister for Environment

By-laws —

Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2020 G.G. 09/06/2020 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2020 G.G. 09/06/2020)..... 3945

Determinations —

Determination made by the Treasurer — Financial Management (Net Appropriation) Strategic Alliance Fund Determination 2020..... 3946

Regulations —

Energy Coordination Act 1994 (Energy Coordination (Gas Tariffs) Amendment Regulations 2020 G.G. 12/06/2020)..... 3947

Environmental Protection Act 1986 (Environmental Protection (Controlled Waste) Amendment Regulations 2020 G.G. 09/06/2020)..... 3948

First Home Owner Grant Act 2000; Taxation Administration Act 2003 (Finance Regulations Amendment (Interest Rates) Regulations 2020 G.G. 09/06/2020)..... 3949

Rail Safety National Law (WA) Act 2015 (Rail Safety National Law (WA) Amendment Regulations 2020 G.G. 09/06/2020)..... 3950

Registration of Deeds Act 1856; Strata Titles Act 1985; Transfer of Land Act 1893; Valuation of Land Act 1978 (Lands Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 09/06/2020)..... 3951

Road Traffic (Administration) Act 2008; Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012; Western Australian Marine Act 1982; Western Australian Photo Card Act 2014 (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 G.G. 09/06/2020)..... 3952

Road Traffic (Vehicles) Act 2012 (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2020 G.G. 09/06/2020)..... 3953

Parliamentary Secretary to the Deputy Premier

Addendums —

WA County Health Service — Annual Report (2018-19) 3954

7. Shire of Coolgardie Parking Local Law 2019 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Coolgardie Parking Local Law 2019* published in the *Gazette* on 12 March 2020 and tabled in the Council on 17 March 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper No. 3677).

8. Shire of Coolgardie Public Places and Local Government Property Local Law 2019 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Coolgardie Public Places and Local Government Property Local Law 2019* published in the *Gazette* on 12 March 2020 and tabled in the Council on 17 March 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper No. 3677).

9. Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020 — Disallowance

Hon Robin Chapple: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020* published in the *Gazette* on 5 May 2020 and tabled in the Council on 12 May 2020 under the *Magistrates Court (Civil Proceedings) Act 2004*, be and are hereby disallowed. (Tabled Paper No. 3828).

10. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of the Standing Orders be suspended as to enable the following variations to the order of business and sitting times for Wednesday and Thursday of this sitting week —

- (1) On Wednesday, the Council is to sit beyond the usual adjournment time and take Members' Statements at 9.45pm.
- (2) That a dinner adjournment be taken on Wednesday between 6.00pm and 7.00pm.
- (3) That the Council commence sitting at 9:00am on Thursday.

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 with the concurrence of an absolute majority.

11. Order of Business

Ordered — That Order of the Day No. 1, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, be taken after Order of the Day No. 15, *High Risk Offenders Bill 2019*. (Leader of the House).

12. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

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 Simon O'Brien in the Chair)

Clause 8.

Debate resumed.

The Leader of the House representing the Attorney General tabled information relating to types of fines, years and participants relevant to the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*. (Tabled Paper 3958).

Debate resumed.

Clause, as amended, agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clause 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clauses 23 to 55 agreed to.

Clause 56.

Debate ensued.

Leader of the House representing the Attorney General moved —

Page 53, line 22 — To delete “Part 2 Division 3” and insert:

section 56

Debate ensued.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clauses 57 to 64 agreed to.

Clause 65.

Debate ensued.

Clause agreed to.

Clauses 66 to 75 agreed to.

Clause 76.

Debate ensued.

Clause agreed to.

Clause 77 agreed to.

Clause 78.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Environment representing the Minister for Lands, by leave, incorporated into *Hansard* information in relation to the lot numbers and the size of each lot that has not been sold at the Perth City Link, in response to a question without notice asked by Hon Peter Collier.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to the daily COVID-19 testing figures per region since 12 May 2020, in response to a question without notice asked by Hon Colin Holt.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to increases to palliative care funding announced in media statements dated 9 May 2019 and 10 October 2019, in response to a question without notice asked by Hon Martin Aldridge.

The Minister for Environment tabled documents in relation to Southern Forests Irrigation Co-operative Limited's clearing permit and licence, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3959).

The Minister for Environment representing the Minister for Transport by leave, incorporated into *Hansard* information in relation to the total cost of the government subsidy for public transport over the past five years in metropolitan, country and regional areas, in response to a question without notice asked by Hon Rick Mazza.

The Minister for Environment representing the Minister for Planning, in accordance with Standing Order 108(2), advised that an answer to question on notice 2902 asked by Hon Tjorn Sibma will be provided on 17 June 2020.

The Minister for Environment representing the Minister for Planning, in accordance with Standing Order 108(2), advised that an answer to question on notice 2925 asked by Hon Robin Chapple will be provided on 17 June 2020.

The Minister for Environment representing the Minister for Police; Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice 2899 asked by Hon Nick Goiran will be provided on 18 June 2020.

The Parliamentary Secretary to the Minister for Health tabled the updated explanatory memorandum and related emails regarding drafting of the *Voluntary Assisted Dying Bill 2019*, in response to question on notice 2938 asked by Hon Nick Goiran. (Tabled Paper No. 3960).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to the current school nurse FTE in 2020, in response to question on notice 2942 asked by Hon Alison Xamon. (Tabled Paper No. 3961).

14. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 12 above*).

The Deputy President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 78.

Debate resumed.

Clause agreed to.

Clauses 79 to 86 agreed to.

Clause 87.

Hon Nick Goiran moved —

Page 120, line 12 — To insert after “report”:

under subsection (1)

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 120, after line 15 — To insert:

- (3) The Minister must also review the operation and effectiveness of the amendments referred to in subsection (1), and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which section 87 of the amending Act comes into operation.
- (4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.
- (5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —
 - (a) the report has been prepared; and
 - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.
- (7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 88 to 94 agreed to.

Clause 95.

Debate ensued.

Clause agreed to.

Clauses 96 to 102 agreed to.

Clause 103.

Hon Nick Goiran moved —

Page 140, line 12 — To insert after “report”:

under subsection (1)

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 140, after line 15 — To insert:

- (3) The Minister must also review the operation and effectiveness of Part 4 Division 3C Subdivision 2, and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2019* section 103 comes into operation.

- (4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.
- (5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —
 - (a) the report has been prepared; and
 - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.
- (7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 104.

Hon Nick Goiran moved —

Page 140, line 22 — To delete “Part 2 Division 4 comes” and insert:

sections 90 to 102, 104 and 105 come

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 105 to 131 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Leader of the House representing the Attorney General, by leave, moved, That the report be adopted.
Report adopted.

The Leader of the House representing the Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Leader of the House representing the Attorney General 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 and passed.

Bill read a third time and passed.

15. Procurement Bill 2020

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 195

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Procurement Bill 2020*.

Mr I.C. Blayney

Acting Speaker

Legislative Assembly Chamber

Perth, 16 June 2020

16. Planning and Development Amendment Bill 2020

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

Debate ensued.

Interruption pursuant to order.

17. Members' Statements

Statements were taken.

18. Legal Profession Uniform Law Application Bill 2020

The President reported the receipt of Message No. 196 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper No. 3962).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

19. Legal Profession Uniform Law Application (Levy) Bill 2020

The President reported the receipt of Message No. 197 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper No. 3963).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

20. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 199

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 16 June 2020

21. Adjournment

The Council adjourned at 10:18pm until Wednesday, 17 June 2020 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alannah MacTiernan and Hon Kyle McGinn.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council