

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 220

WEDNESDAY, 23 SEPTEMBER 2020

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Statement by President — Governor's Establishment — Late Tabling of 2019–20 Annual Report

The President made the following Statement —

In accordance with the *Financial Management Act 2006*, section 65, I advise the House that the tabling of the 2019–20 Annual Report of the Governor's Establishment will be delayed and not meet the prescribed time period, as the opinion of the Auditor General will not be ready.

I anticipate the annual report will be tabled in Parliament on 8 October 2020, subject to finalisation of the audit opinion.

The President tabled the notification, in accordance with the section 65 of the *Financial Management Act 2006*, advice that the 2019–20 Annual Report of the Governor's Establishment will be delayed. (Tabled Paper 4266).

3. Petitions

Hon Tim Clifford presented a petition from 211 petitioners requesting the Legislative Council to oppose the current system of accountability for the Western Australia Police Force. (Tabled Paper 4304).

Hon Diane Evers presented a petition from 1,421 petitioners requesting the Legislative Council oppose the closure of Tier 3 rail lines. (Tabled Paper 4305).

4. Ministerial Statement — Tabling of 2019–20 Annual Reports

The Leader of the House on behalf of the Minister for Environment representing the Treasurer made a Ministerial Statement with respect to the late tabling of several 2019–20 agency annual reports.

The Leader of the House tabled the notifications of the late tabling of the following agencies 2019–20 annual reports, as provided by Ministers —

Housing Authority — Annual Report (2019-20)	4311
Department of Health, South Metropolitan Health Service, East Metropolitan Health Service, WA Country Health Service, Health Support Service, PathWest, Mental Health Commission and Animal Resources Authority — Annual Reports (2019-20)	4307
Electoral Commission — Annual Report (2019-20).....	4309
Energy Policy WA and Coal Miner's Welfare Board — Annual Reports (2019-20).....	4310
Department of Primary Industries and Regional Development — Annual Report (2019-20).....	4308

Department of Communities — Annual Report (2019-20).....	4306
Professional Standards Council, Parliamentary Inspector of the Corruption and Crime Commission and Law Reform Commission — Annual Reports (2019-20)	4312

5. Ministerial Statement — Port Throughput

The Minister for Ports made a Ministerial Statement with respect to Western Australia's ports throughput during the COVID-19 pandemic.

6. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Art Gallery of Western Australia (2019-20) (Date received 22/09/2020).....	4267
Building and Construction Industry Training Board (2019-20) (Date received 22/09/2020)	4268
Combat Sports Commission (2019-20) (Date received 22/09/2020)	4269
Education, Department of (2019-2020) (Date received 22/09/2020).....	4270
Gaming and Wagering Commission (2019-20) (Date received 22/09/2020).....	4271
Library of Western Australia (2019-20) (Date received 22/09/2020).....	4272
Liquor Commission (2019-20) (Date received 22/09/2020)	4273
Metropolitan Cemeteries Board (2019-20) (Date received 22/09/2020).....	4274
Museum Western Australia (2019-20) (Date received 22/09/2020)	4275
National Trust (2019-20) (Date received 22/09/2020)	4276
Perth Theatre Trust (2019-20) (Date received 22/09/2020)	4277
Racing Penalties Appeal Tribunal (2019-20) (Date received 22/09/2020)	4278
State Training Board (2019-2020) (Date received 22/09/2020).....	4279
Swan Bells Foundation (2019-20) (Date received 22/09/2020).....	4280
Training and Workforce Development, Department of (2019-2020) (Date received 22/09/2020).....	4281

Leader of the House on behalf of the Minister for Environment

Annual Reports —

Building Management Authority (2019-20) (Date received 22/09/2020).....	4282
Development WA (2019-20) (Date received 22/09/2020)	4283
Economic Regulation Authority (2019-20) (Date received 22/09/2020).....	4284
Energy Disputes Arbitrator (2019-2020) (Date received 22/09/2020).....	4285
Finance, Department of (2019-20) (Date received 22/09/2020)	4286
Government Employees Superannuation Board (2019-20) (Date received 22/09/2020).....	4287
Insurance Commission of Western Australia (2019-20) (Date received 22/09/2020)	4288
Treasury, Department of (2019-20) (Date received 22/09/2020).....	4289
Treasury Corporation (2019-20) (Date received 22/09/2020).....	4290
Water and Environmental Regulation, Department of (2019-20) (Date received 22/09/2020)	4291

Minister for Regional Development

Annual Reports —

Burswood Park Board (2019-20) (Date received 22/09/2020).....	4292
Construction Industry Long Service Leave Scheme (2019-20) (Date received 22/09/2020)	4293
Forest Products Commission (2019-20) (Date received 22/09/2020)	4294
Goldfields-Esperance Development Commission (2019-20) (Date received 22/09/2020).....	4295

Minerals Research Institute of Western Australia (2019-20) (Date received 22/09/2020)	4296
Regional Development Trust (2019-20) (Date received 22/09/2020).....	4297
Registrar, WA Industrial Relations Commission, Department of (2019-20) (Date received 22/09/2020).....	4298
Small Business Development Corporation (2019-20) (Date received 22/09/2020).....	4299
South West Development Commission (2019-20) (Date received 22/09/2020).....	4300
Tourism WA (2019-20) (Date received 22/09/2020).....	4301
Water Corporation (2019-20) (Date received 22/09/2020).....	4302
Workcover WA (2019-20) (Date received 22/09/2020)	4303

7. Standing Committee on Legislation — Report 46 — Correction to Report 45: Agricultural Produce Commission Amendment Bill 2019

Hon Dr Sally Talbot presented Report 46 of the Standing Committee on Legislation, *Correction to Report 45: Agricultural Produce Commission Amendment Bill 2019*. (Tabled Paper 4313).

8. Western Australia's Heritage and Culture

Motion No. 3 having been called, Hon Aaron Stonehouse, pursuant to notice, moved —

That the House —

- (a) expresses its concern over increasingly radical and divisive attacks upon Western Australia's heritage and culture, in particular —
 - (i) the City of Perth's attempted cancellation of the Christmas Nativity Event;
 - (ii) recent calls to remove statues and monuments;
 - (iii) the vandalism of statues and monuments;
 - (iv) proposals to rename various locations and structures that bear the names of historical figures;
 - (v) recent and renewed calls to change the date of Australia Day; and
- (b) rejects policies and proposals that divide Western Australians on the basis of their racial identity or religious beliefs.

Debate ensued.

Hon Robin Chapple, by leave, tabled a report entitled *The Flying Foam Massacre*. (Tabled Paper 4314).

Debate resumed.

Motion — put.

The Council divided.

Ayes (13)

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

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

Noes (20)

Hon Martin Aldridge
 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 Kyle McGinn
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Motion thus negatived.

9. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

Standing Committee on Estimates and Financial Operations — Report 80 — 2018-19 Budget Cycle — Part 2: Annual Report Hearings

Debate resumed on the motion of Hon Alanna Clohesy, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Prevention of Family and Domestic Violence tabled the Department of Communities allocation of grant funding through the National Partnership Agreement COVID-19 Domestic and Family Violence Responses, in response to a question without notice asked by Hon Jacqui Boydell. (Tabled Paper 4315).

The Minister for Regional Development representing the Minister for Water tabled a document in relation to new members of the Warren Donnelly Water Advisory Committee, in response to a question without notice asked by Hon Colin Tincknell. (Tabled Paper 4316).

The Leader of the House representing the Minister for Child Protection tabled the child protection workforce standard monthly workload management report for October 2019, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 4317).

The Leader of the House representing the Attorney General tabled documents in relation to obsolete legislation overseen by the Department of Justice, in response to question on notice 3139 asked by Hon Nick Goiran. (Tabled Paper 4318).

The Minister for Environment representing the Minister for Housing, in accordance with Standing Order 108(2), advised that an answer to question on notice 3142 asked by Hon Peter Collier will be provided on 13 October 2020.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to medical resources in the Shark Bay region, in response to a question without notice asked by Hon Ken Baston.

11. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 9 above*).

In Committee

(Hon Simon O'Brien in the Chair)

Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use

Debate resumed on the motion of Hon Alison Xamon, That the Report be noted.

Pursuant to Temporary Order 4, consideration of the report was postponed.

Select Committee into Mining on Pinjin Station — Final Report — Inquiry into Mining on Pinjin Station

Hon Kyle McGinn moved, That the Report be noted.

Interruption pursuant to order.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Estimates and Financial Operations — Report 80 — *2018-19 Budget Cycle — Part 2: Annual Report Hearings*, made progress, and postponed further consideration until the next sitting.
- (2) Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — *Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use*, made progress, and postponed further consideration until the next sitting.
- (3) Select Committee into Mining on Pinjin Station — Final Report — *Inquiry into Mining on Pinjin Station*, made progress, and seeks to sit again.

Report adopted.

12. Paper

The following Paper was laid on the Table by —

President

Reviews —

Corruption and Crime Commission — Review of an investigation by Western Power into serious misconduct (23 September 2020) 4319

13. 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).

14. 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 Martin Aldridge in the Chair)

Work Health and Safety Bill 2019

Clause 34.

Debate resumed.

Clause agreed to.

Postponed Clause 4.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 7, lines 11 and 12 — To delete the lines and insert:

industrial manslaughter — see section 30A;

The Minister for Regional Development representing the Minister for Industrial Relations, by leave, withdrew her amendment.

The Minister for Regional Development representing the Minister for Industrial Relations moved to postpone further consideration of Clause 4 until after Clause 30A.

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations, by leave, amended her motion as follows —

To postpone further consideration of Clause 4 until after Clause 230A.

Question — put and passed.

Postponed Part 2, Division 5, Subdivision 2, heading.

The Minister for Regional Development representing the Minister for Industrial Relations moved —
Page 35, line 1 — To delete the line and insert:

(Subdivision 2 — Industrial manslaughter and other offences)

Debate ensued.

The Minister for Regional Development representing the Minister for Industrial Relations, by leave, withdrew her amendment.

Postponed Clause 30A.

Hon Nick Goiran moved —

Page 35, line 19 — To delete “an offence under section 30B(1).” and insert:

a Category 1 offence, a Category 2 offence or a Category 3 offence.

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 36, line 12 — To delete “an offence under section 30B(3).” and insert:

a Category 1 offence, a Category 2 offence or a Category 3 offence.

Amendment — put and passed.

Debate resumed.

Hon Michael Mischin, by leave, tabled a document detailing a Worksafe prosecution against Paspaley Pearling Company Pty Ltd. (Tabled Paper 4320).

Debate resumed.

Interruption pursuant to order.

The President resumed the Chair.

The 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.

15. Members' Statements

Statements were taken.

16. Animal Welfare and Trespass Legislation Amendment Bill 2020

The President reported the receipt of Message No. 223 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4321).

Debate stands adjourned.

17. Sunday Entertainments Repeal Bill 2019

The President reported the receipt of Message No. 224 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4322).

Debate stands adjourned.

18. Adjournment

The Council adjourned at 7.06pm until Thursday, 24 September 2020 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Stephen Dawson.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council