

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 230

FIRST SESSION OF THE FORTIETH PARLIAMENT

WEDNESDAY, 11 NOVEMBER 2020

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Acting Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Petition

Repatriation of Parthenon Sculptures – Mr S.A. Millman presented a petition from 124 people asking the Legislative Assembly to support the repatriation of Parthenon sculptures from the United Kingdom to Greece (P. 194).

3. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Aqwest – Statement of Corporate Intent 2020–2021 (3968).

Auditor General, Office of the – Audit Results Report – Annual 2019–2020 Financial Audit of State Government Entities, Report No. 7, November 2020 (3969).

Busselton Water – Statement of Corporate Intent 2020–2021 (3970).

Forest Products Commission – Statement of Corporate Intent 2020–2021 (3971).

Water Corporation – Statement of Corporate Intent 2020–2021 (3972).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mental Health on the retirement of Ms Debra Colvin, Chief Mental Health Advocate.

The Minister for Health on International Pathology Day.

The Attorney General on the creation of the Olabud Doogethu Justice Reinvestment project.

The Minister for Seniors and Ageing on WA Seniors Week 2020.

The Minister for Veterans Issues on Remembrance Day.

The Minister for Fisheries on the North Metropolitan Artificial Reef project.

5. **Valedictory Speeches and Precedence of Private Members' Business**

The Minister for Police, on behalf of the Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable:

- (a) on Tuesday, 17 November 2020 the Members for Cockburn, Riverton and Collie-Preston to make Valedictory Speeches of not more than 30 minutes from 4.30 pm; and
- (b) on Wednesday, 18 November 2020:
 - (i) Private Members' Business to take precedence between 4.00 pm and 5.30 pm; and
 - (ii) the Members for South Perth and Kimberley and the Speaker to make Valedictory Speeches of not more than 30 minutes from 5.30 pm.

Question put and passed.

6. **Environmental Protection Amendment Bill (No. 2) 2020**

Message No. 144 dated 10 November 2020 from the Legislative Council was reported as follows – The Legislative Council acquaints the Legislative Assembly that it has resolved to request the Legislative Assembly to make the amendments to the *Environmental Protection Amendment Bill (No. 2) 2020* contained in the attached Schedule.

Schedule indicating the amendments requested by the Legislative Council in the Environmental Protection Amendment Bill (No. 2) 2020

No. 1

Clause 2, page 2, line 7 — To delete “Royal Assent;” and insert:

Royal Assent (*assent day*):

No. 2

Clause 2, page 2, after line 13 — To insert:

- (2) However —
 - (a) if sections 4 and 5 do not come into operation before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends; or
 - (b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on assent day, that provision is repealed on the day after that period ends.

No. 3

Clause 4, page 2, line 20 — To insert after “prescribe”:

or provide for the determination of

Ordered, by leave, That Legislative Council Message No. 144 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Parliamentary Secretary to the Minister for Environment moved, That amendment No. 1 requested by the Council be made.

Question put and passed.

The Parliamentary Secretary to the Minister for Environment moved, That amendment No. 2 requested by the Council be made.

Question put and passed.

The Parliamentary Secretary to the Minister for Environment moved, That amendment No. 3 requested by the Council be made.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

7. Public Health Amendment (Safe Access Zones) Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Health moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

8. Questions

Questions without Notice were taken.

Question on Notice No. 6452 was answered.

9. Matter of Privilege – Member for Roe

The Leader of the House raised a matter of privilege under Standing Order 109 in relation to a question asked by the member for Roe to the Minister for Water. The Speaker deferred the matter and undertook to report back to the House at a later stage of the sitting.

10. Message from the Governor – Vacancy in the Senate

The following Message from His Excellency the Governor was read by the Speaker –

The Honourable Kim Beazley AC
Governor of Western Australia

The Governor transmits to the Legislative Assembly a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

Government House
Perth, 10 November 2020

The despatch from the President of the Senate reads as follows:

Your Excellency

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency there is a vacancy in the representation of the State of Western Australia caused by the resignation of Senator the Hon Mathias Cormann today, Friday, 6 November 2020.

Yours sincerely
Scott Ryan

The Premier, pursuant to the Message from His Excellency the Governor, moved –

That Mr Speaker be requested to confer with the President of the Legislative Council, in order to fix a day and place whereon and whereat the Legislative Assembly and the Legislative Council, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

Question put and passed.

11. Message from the Governor

Message No. 40 from His Excellency the Governor was reported assenting to the following bills –

Work Health and Safety Bill 2019, Act No. 36 of 2020.

Safety Levies Amendment Bill 2019, Act No. 37 of 2020.

Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Bill 2020, Act No. 38 of 2020.

12. Conservation and Land Management Amendment Bill 2020

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Ms L. Mettam speaking) and adjourned until a later stage of the sitting.

13. Personal Explanation

Mr P.J. Rundle made a personal explanation relating to the matter of privilege raised by the Leader of the House at the conclusion of Question Time.

14. Speaker's Statement – Matter of Privilege

The Speaker advised members that he would consider the additional information provided by Mr P.J. Rundle in his Personal Explanation and report to the House on Thursday, 12 November 2020.

15. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 3 be next considered.

16. Management of the Royalties for Regions Program

Ms M.J. Davies, pursuant to notice, moved,

That this House condemns the McGowan Government for its mismanagement of Royalties for Regions over the past four years, which has led to a fundamental loss of confidence in the program by regional communities.

Debate ensued.

Debate interrupted by the Chair (Minister for Tourism speaking) and adjourned until a later stage of the sitting.

17. Environmental Protection Amendment Bill 2020

Message No. 145 dated 11 November 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Environmental Protection Amendment Bill 2020* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Environmental Protection Amendment Bill 2020

No. 1

Clause 2, page 2, lines 4 to 11 — To delete the clause.

No. 2

Clause 2, page 2, after line 11 — To insert:

2. Commencement

- (1) This Act comes into operation as follows —
 - (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
 - (b) section 4(3A) — on the later of the following —
 - (i) the day on which the *Planning and Development Amendment Act 2020* section 64 comes into operation;
 - (ii) immediately after section 4(2) comes into operation;
 - (c) section 59 — on the day on which section 83 comes into operation;
 - (d) section 116A — on the day after assent day;
 - (e) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.
- (2) However —
 - (a) if no day is fixed under subsection (1)(e) before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends; or
 - (b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on assent day, that provision is repealed on the day after that period ends.
- (3) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 68(2) comes into operation, the 2nd row in the Table to section 112 —
 - (a) does not come into operation; and

- (b) is deleted on that day.
- (4) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 70 comes into operation, the 4th row in the Table to section 112 —
 - (a) does not come into operation; and
 - (b) is deleted on that day.

No. 3

Clause 4, page 3, lines 5 to 15 — To delete the lines and insert:

- (1) In section 3(1) delete the definitions of:
 - bilateral agreement*
 - Chairman*
 - Deputy Chairman*
 - implementation agreement or decision*
 - implementation conditions*
 - proposal*
- (1A) In section 3(1) delete the definitions of:
 - applicant*
 - licensee*
 - prescribed premises*
 - works approval*

No. 4

Clause 4, page 5, lines 4 and 5 — To delete the lines.

No. 5

Clause 4, page 6, after line 6 — To insert:

- (2A) In section 3(1) insert in alphabetical order:

prescribed activity means an activity prescribed as a prescribed activity for the purposes of Part V;

No. 6

Clause 4, page 6, after line 31 — To insert:

- (3A) In section 3(1) in the definition of *planning instrument* paragraph (b) delete “section 29 and published in the *Gazette*; or” and insert:

Part 3; or

No. 7

Clause 16, page 24, lines 24 to 27 — To delete the lines and insert:

The Authority must keep a public record of each referred proposal, and shall in that public record set out —

- (a) whether or not that proposal is to be assessed under this Part; and
- (b) if the proposal is to be assessed under this Part, the level of assessment.

No. 8

Clause 18, page 25, after line 1 — To insert:

(1A) In section 40(3) delete “subsection (2)(b).” and insert:

subsection (2)(b) and publish an indicative outline of the timing of the environmental review.

No. 9

Clause 28, page 33, lines 25 to 27 — To delete the lines and insert:

under section 45(2).

No. 10

Clause 28, page 33, line 34 to page 34, line 3 — To delete “has a role, or have roles, in making major decisions in relation to matters in the proposal that may have significant effects on the environment.” and insert:

the Minister considers to be a key decision-making authority.

No. 11

Clause 28, page 35, line 4 — To delete “must — ” and insert:

must within 30 days of the agreement or decision being made —

No. 12

Clause 28, page 36, line 29 — To insert after “must”:

within 30 days of the agreement or decision being made

No. 13

Clause 31, page 47, line 10 — To insert after “Minister”:

and the proponent of the proposal

No. 14

Clause 32, page 51, line 28 — To delete “prescribing” and insert:

prescribing, or providing for the determination of,

No. 15

Clause 44, page 59, after line 28 — To insert:

- (2) Before regulations are made declaring an area of the State as an environmentally sensitive area for the purposes of this Part —
 - (a) the CEO must, in a prescribed manner, notify each owner or occupier of land in that area of the State of the proposed regulations and invite comments about the proposed regulations to be made within the period specified in the notification; and
 - (b) the Minister must take into account any comments about the proposed regulations made by an owner or occupier of land in that area of the State pursuant to an invitation under paragraph (a).
- (3) Subsection (1) does not apply to regulations proposing to declare an area of the State as an environmentally sensitive area if a declaration of that area as an environmentally sensitive area already has effect under subsection (1).
- (4) The CEO must notify the agency (as defined in the *Public Sector Management Act 1994* section 3(1)) principally assisting the Minister administering the *Transfer of Land Act 1893* in its administration of the declaration or amendment of an environmentally sensitive area with a view to that agency including information as to the environmentally sensitive area in information disseminated by it as to property interests in land.

No. 16

Clause 60, page 82, line 18 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

No. 17

Clause 60, page 84, line 3 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

No. 18

Clause 60, page 89, line 12 — To insert after “application”:

and payment of the application fee prescribed by or determined under the regulations,

No. 19

Clause 60, page 90, line 5 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

No. 20

Clause 104, page 165, lines 14 to 16 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

2	53A(1)	\$62 500	\$12 500
3	53B(1)	\$62 500	\$12 500
4	62	\$62 500	\$12 500
5	63(3)	\$62 500	\$12 500

(4) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

11B	86O(1)	\$62 500	\$12 500
11C	86P(2)	\$62 500	\$12 500

No. 21

Clause 105, page 166, lines 3 to 5 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

2	53A(1)	\$125 000	\$25 000
3	53B(1)	\$125 000	\$25 000
4	62	\$125 000	\$25 000
5	63(3)	\$125 000	\$25 000

(4) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

11B	86O(1)	\$125 000	\$25 000
11C	86P(2)	\$125 000	\$25 000

No. 22

Clause 108, page 167, after line 15 — To insert:

(1A) In Schedule 2 item 1 insert in alphabetical order:

fee includes charge;

No. 23

Clause 108, page 168, after line 5 — To insert:

(3A) In Schedule 2 item 2A:

(a) in paragraph (b) delete “regulations.” and insert:

regulations;

(b) after paragraph (b) insert:

(c) prescribing fees that are payable before or when the authorisation is amended, transferred or surrendered.

No. 24

Clause 108, page 169, after line 5 — To insert:

36C. Specifying timelines for steps in processes contained in Part V.

No. 25

New Clause 116A, page 180, after line 11 — To insert:

116A. *Planning and Development Amendment Act 2020* amended

(1) In this section —

section 71 means the *Planning and Development Amendment Act 2020* section 71.

(2) Despite the *Planning and Development Amendment Act 2020* section 2, if section 71 has not come into operation before the day on which section 55(1) of this Act comes into operation, section 71 —

(a) does not come into operation; and

(b) is deleted on that day.

Ordered, That consideration in detail of Legislative Council Message No. 145 be made an Order of the Day for the next sitting of the Assembly.

18. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.01 pm until Thursday, 12 November 2020 at 9.00 am.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Ms J. Farrer, Mrs A.K. Hayden, Mr Y. Mubarakai and Mrs J.M.C. Stojkovski.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly