

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 135
WEDNESDAY, 26 JUNE 2019

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. Message from the Lieutenant-Governor and Deputy of the Governor — Assent to Bill

The President reported the receipt of a Message from the Lieutenant-Governor and Deputy of the Governor assenting to the following Bill —

24 June 2019 — Message No. 13

Act No.

Infrastructure Western Australia Bill 2019

13 of 2019

3. Ministerial Statement — Southern Ports Authority Restructure

The Minister for Ports made a Ministerial Statement with respect to an organisational restructure of the Southern Ports Authority.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Local Government Building Approvals (Report No. 28) (June 2018-19)..... 2820

Minister for Environment

Proposals —

Land Administration Act 1997 — Proposal No. 1/2019 for the cancellation of Class B

Reserve No. 3269 Highgate Primary School..... 2821

Minister for Regional Development

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Ports in relation to Parts (A) and (B) of questions asked in the Legislative Council 2019-

20 Budget Estimates Hearings by the Hon Martin Aldridge..... 2822

5. Select Committee into Local Government

Motion No. 2 having been called, Hon Simon O'Brien, pursuant to notice, moved —

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
 - (a) whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of Local Governments;
 - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
 - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of Local Governments; and
 - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members.
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

Debate ensued.

Hon Charles Smith moved, without notice —

To insert after paragraph 2(e) —

- (f) the scope, activities and future role of the Western Australian Local Government Association (WALGA); and

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Question — put.

The Council divided.

Ayes (20)

Hon Martin Aldridge
 Hon Jacqui Boyde
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Diane Evers
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Colin Holt

Hon Rick Mazza
 Hon Simon O'Brien
 Hon Robin Scott
 Hon Tjorn Sibma
 Hon Charles Smith
 Hon Aaron Stonehouse
 Hon Dr Steve Thomas
 Hon Colin Tincknell
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (11)

Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Adele Farina
 Hon Laurie Graham
 Hon Alannah MacTiernan

Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Motion thus passed.

6. Select Committee into Local Government — Appointment of Members

Hon Simon O'Brien moved, without notice —

- (1) That the following Members be appointed as Members to the Select Committee into Local Government —
 - Hon Simon O'Brien;
 - Hon Diane Evers;
 - Hon Charles Smith;
 - Hon Martin Aldridge; and
 - Hon Laurie Graham.
- (2) That the Chair is to be Hon Simon O'Brien.
- (3) That the Deputy Chair is to be Hon Laurie Graham.

Question — put and passed.

7. Order of Business

Ordered — That Order of the Day No. 1, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, be taken after Order of the Day No. 15, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

8. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 8.

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

Page 6, lines 24 to 26 — To delete the lines.

Amendment — put.

The Committee divided.

Ayes (11)

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

Hon Simon O'Brien
Hon Robin Scott
Hon Charles Smith
Hon Dr Steve Thomas
Hon Ken Baston (*Teller*)

Noes (20)

Hon Martin Aldridge
Hon Jacqui Boydell
Hon Robin Chapple
Hon Tim Clifford
Hon Alanna Clohesy
Hon Stephen Dawson
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 Samantha Rowe
Hon Aaron Stonehouse
Hon Matthew Swinbourn
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

Amendment thus negatived.
Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled a spreadsheet of works undertaken at Castletown Primary School, Esperance, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2823).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table of full-time-equivalent officers allocated to the Priorities Implementation Unit, in response to a question without notice asked by Hon Martin Aldridge.

The Minister for Environment tabled works approvals, licences and amendment notices for the Yara Fertiliser Plant, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 2824).

The Leader of the House representing the Minister for Community Services tabled documents regarding organisations contracted to deliver a community and neighbourhood development services in the last five years (2014-15 to 2018-19) in the Pilbara Region, in response to question on notice 2159 asked by Hon Jacqui Boyde. (Tabled Paper 2825).

The Minister for Environment tabled written advice regarding Mineral Resources LTD's request from the Department of Water and Environmental Regulation (18 February 2019) and letters from the Minister of Environment to the Environmental Protection Authority (28 February 2019), in response to question on notice 2158 asked by Hon Peter Collier. (Tabled Paper 2826).

The Parliamentary Secretary to the Minister for Health tabled documents regarding the WA Country Health Service nursing staff at hospitals and nursing posts 2017-18 to 2018-19 to date, in response to question on notice 2071 asked by Hon Martin Aldridge. (Tabled Paper 2827).

10. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

Resumption of consideration of this Bill in Committee of the Whole House (*see item 8 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 8.

Debate resumed.

Hon Aaron Stonehouse moved —

Page 9, after line 4 — To insert:

- (2A) The responsible person for a child may apply to the State Administrative Tribunal for a review of a decision by the Chief Health Officer to refuse to issue an immunisation certificate for the child under subsection (1).

Debate ensued.

Amendment — put and passed.

Debate resumed.

The Minister for Education and Training moved —

Page 12, after line 12 — To insert:

Subdivision 4 — Reporting requirements

142A. Annual report to include information about enrolments

- (1) In this section —
enrolment means an enrolment of a child in —
 - (a) a school, before the child's compulsory education period; or
 - (b) a community kindergarten; or
 - (c) a child care service.
- (2) The accountable authority of the Department must include the following information in each annual report submitted under the *Financial Management Act 2006* Part 5 —
 - (a) the number of enrolments in the financial year to which the annual report relates that were of a child whose immunisation certificate did not state that the child's immunisation status is up-to-date;
 - (b) in relation to the enrolments referred to in paragraph (a), the number that were of a child who, by the end of the financial year to which the annual report relates —
 - (i) has an immunisation certificate that states that the child's immunisation status is up-to-date; or
 - (ii) is following a catch-up schedule referred to in section 141D(2)(d).
- (3) The information included in an annual report under subsection (2) must not include any information that identifies, or is likely to identify, any child to whom the information relates.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 9 to 11 agreed to.

New clause 11A.

Hon Nick Goiran moved —

Page 13, after line 34 — To insert:

11A. Section 306A inserted

After section 306 insert:

306A. Review of amendments made by *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019*

- (1) In this section —
relevant amendments means —

- (a) the amendments made to this Act by the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019* section 8; and
 - (b) the amendments made to the *School Education Act 1999* by the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019*.
- (2) The Minister must review the operation and effectiveness of the relevant amendments, and prepare a report based on the review, as soon as practicable after the 3rd anniversary of the day on which the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019* section 1 comes into operation.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3rd anniversary.

Debate ensued.

New Clause — put.

The Committee divided.

Ayes (19)

Hon Martin Aldridge
 Hon Robin Chapple
 Hon Tim Clifford
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Diane Evers
 Hon Donna Faragher
 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 Colin Tincknell
 Hon Alison Xamon
 Hon Ken Baston (*Teller*)

Noes (10)

Hon Alanna Clohesy
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Adele Farina
 Hon Laurie Graham

Hon Kyle McGinn
 Hon Samantha Rowe
 Hon Matthew Swinbourn
 Hon Darren West
 Hon Pierre Yang (*Teller*)

New Clause thus passed.

The Minister for Education and Training moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

The Acting 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 at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

11. Extension of Sitting Hours

The Leader of the House moved, without notice —

- (a) that the House do sit beyond 6.20pm; and
- (b) that Members' Statements be taken no later than 9.45pm.

Question — put and passed.

12. Order of Business

Ordered — That Order of the Day No. 18, *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019*, be taken forthwith. (Leader of the House).

13. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Clauses 12 to 21 agreed to.

Postponed Clause 4.

Debate ensued.

Clause agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Education and Training, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Education and Training moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019* to be read a third time.

Debate ensued.

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 Minister for Education and Training moved, That the Bill be read a third time.

The Acting President announced that the 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.

Question — put and passed.

Bill read a third time and passed.

14. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

15. Members' Statements

Statements were taken.

16. Adjournment

The Council adjourned at 6.27pm until Thursday, 27 June 2019 at 9.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Pritchard and Hon Dr Sally Talbot.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council