

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 207

TUESDAY, 11 AUGUST 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 — COVID-19 Sitting Arrangements for August 2020

The President made the following Statement —

Following consultation with Party Leaders, I confirm that the sitting arrangements that applied during the last sitting period in June 2020 are extended through to the end of the August 2020 sitting block.

A la carte and take away lunch and dinner will be available for Members from the Members' Dining Room on sitting days. Afternoon tea is available as usual in the Legislative Council Members' Lounge.

Additional cleaning services will continue and I ask that Members refrain from bringing invited guests into the Chamber until further notice.

3. Messages from His Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills —

7 July 2020 — Message No. 26	Act No.
Planning and Development Amendment Bill 2020	No. 26 of 2020
9 July 2020 — Message No. 27	Act No.
Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019	No. 27 of 2020
Residential Parks (Long-stay Tenants) Amendment Bill 2018	No. 28 of 2020
High Risk Serious Offenders Bill 2019	No. 29 of 2020
Family Violence Legislation Reform Bill 2019	No. 30 of 2020

4. Statement by President — Joint Standing Committee on the Corruption and Crime Commission – Inquiry Report Tabling Date

The President made the following Statement —

I have received the following letter from the Joint Standing Committee on the Corruption and Crime Commission —

Dear Madam President

Inquiry report tabling date

The Joint Standing Committee on the Corruption and Crime Commission has resolved to amend the date for the tabling of a report on its inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations, particularly allegations of excessive use of force.

The Committee will now report on the inquiry by Thursday 24 September 2020.

Yours sincerely

Ms M.M. Quirk, MLA

Chair

5. Statement by President — Standing Committee on Legislation – Substitution of Committee Members

The President made the following Statement —

I have received the following letter from the Standing Committee on Legislation —

Dear Madam President

Substitution of Committee Members

I am writing to you in relation to the Committee's inquiry into the *Children and Community Services Amendment Bill 2019*.

The Committee met on Monday 29 June 2020 and pursuant to Standing Order 163, resolved the substitution of the Hon Colin de Grussa MLC with the Hon Jacqui Boydell MLC, for the duration of the inquiry.

Yours sincerely

Hon Dr Sally Talbot MLC

Chair

6. Petitions

Hon Peter Collier presented a petition from 473 petitioners requesting the Legislative Council to support the preservation of Lady Lawley Cottage. (Tabled Paper 4067).

Hon Robin Chapple presented a petition from 1,047 petitioners requesting the Legislative Council to oppose the proposed boating facilities and carpark at Entrance Point, Broome. (Tabled Paper 4068).

7. Ministerial Statement — Government Response to the Select Committee on Personal Choice and Community Safety's Final Report

The Minister for Environment representing the Minister for Transport made a Ministerial Statement with respect to a delay in the Government response to the Select Committee on Personal Choice and Community Safety's Final Report, *Community Safety: for the greater good, but at what cost?*

8. Ministerial Statement — Westport Taskforce's Final Report

The Minister for Ports made a Ministerial Statement with respect to the Westport Taskforce's final report recommending a land-backed port within the Kwinana Industrial Area.

9. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Regulation of Consumer Food Safety by Local Government Entities (Report No. 28) (June 2020) (Deemed tabled 30/06/2020)	4015
Working with Children Checks — Managing Compliance (Report No. 1) (July 2020) (Deemed tabled 15/07/2020)	4016
Opinion on Ministerial Notification — Agriculture Digital Connectivity Report (Report No. 2) (July 2020) (Deemed tabled 30/07/2020).....	4017

Reports —

Inspector of Custodial Services, Office of the — 2019 Inspection of Wandoo Rehabilitation Prison (Report No. 130) (May 2020) (Deemed tabled 13/07/2020)	4018
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Leader of the House

By-laws —

Curtin University Act 1966 (Land and Traffic By-laws 2020 G.G. 24/07/2020)	4019
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Local Laws —

Dog Act 1976 (Shire of Collie Dogs Local Law 2020 G.G. 04/08/2020)	4020
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Notices —

Curtin University Act 1966 (Statute No. 12 - Admission and Enrolment G.G. 24/07/2020 and Statute No. 5 - Election of Council Members G.G. 24/07/2020)	4021
Supreme Court Act 1935 (Rule of Court 2021 - Sittings and Winter Vacation for 2021 G.G. 28/07/2020).....	4022

Regulations —

Caravan Parks and Camping Grounds Act 1995; Cat Act 2011; Dog Act 1976 (Local Government Regulations Amendment (Payment Method) Regulations 2020 G.G. 30/06/2020)	4023
Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; Coroners Act 1996; District Court of Western Australia Act 1969; Evidence Act 1906; Fines, Penalties and Infringement Notices Enforcement Act 1994; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 (Attorney General Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 31/07/2020)	4024
Combat Sports Act 1987 (Combat Sports Amendment Regulations 2020 G.G. 03/07/2020)	4025
Criminal Code Act Compilation Act 1913 (Criminal Code (Infringement Notices) Amendment Regulations 2020 G.G. 03/07/2020)	4026
Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations 2020 G.G. 30/06/2020)	4027
Dog Act 1976 (Dog Amendment Regulations (No. 3) 2020 G.G. 30/06/2020).....	4028
School Education Act 1999 (School Education Amendment Regulations (No. 2) 2020 G.G. 30/06/2020).....	4029
Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2020 G.G. 30/06/2020).....	4030

Reports —

Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business (for the three months ended 31 March 2020).....	4031
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Response to Reports —

Joint Standing Committee on the Corruption and Crime Commission — Red Flags...Red Faces Corruption Risk in Public Procurement in Western Australia (Report No. 14) (Premier).....	4032
Select Committee into Mining on Pinjin Station (Premier)	4033
Standing Committee on Environment and Public Affairs — Punitive not Protective: When the Mandatory Registration of Young People is not Based on Risk (Report No. 52) (Premier).....	4034

Schemes —

Professional Standards Act 1997 (The Association of Consulting Surveyors National Professional Standards Scheme (2020) G.G. 26/06/2020	4035
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Minister for Environment*Annual Reports —*

Land Surveyors Licensing Board of Western Australia (2019) (Date received 4/08/2020).....	4036
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Codes —

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments 2020 G.G. 26/06/2020)	4037
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Leases —

CALM Lease No. 2170/97 — Between the Conservation and Land Management Executive Body and Mr Duncan and Mrs Kylie Goldfinch for the purpose of a waterhole in part of State Forest No. 21 near Ferndale Plantation.....	4038
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Plans —

Western Australian Planning Commission — Improvement Plan No. 51 — Ocean Reef Marina (December 2019)	4039
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Regulations —

Environmental Protection Act 1986 (Environmental Protection Amendment Regulations (No. 2) 2020 G.G. 07/07/2020).....	4040
Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2020 G.G. 26/06/2020 and Jetties Amendment Regulations 2020 G.G. 31/07/2020)	4041
Road Traffic (Administration) Act 2008; Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012 (Transport Regulations Amendment (Road Passenger Services) Regulations 2020 G.G. 24/06/2020)	4042
Road Traffic (Authorisation to Drive) Act 2008; Western Australian Photo Card Act 2014 (Transport Regulations Amendment (Document Replacement) Regulations 2020 G.G. 28/07/2020)	4043
Road Traffic Act 1974 (Road Traffic (Events on Roads) Amendment Regulations 2020 G.G. 23/06/2020 and Road Traffic Code Amendment Regulations 2020 G.G. 26/06/2020).....	4044
Transport (Road Passenger Services) Act 2018 (Transport (Road Passenger Services) Regulations 2020 G.G. 24/06/2020).....	4045

Reports —

Government Employees Superannuation Board — Statement of Corporate Intent (2020–21).....	4046
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Minister for Regional Development*Annual Reports —*

Primary Industries and Regional Development, Department of — Criminal Investigation (Covert Powers) Act 2012 — Assumed Identities (2019–20) (Date received 4/08/2020).....	4047
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Primary Industries and Regional Development, Department of — Criminal Investigation (Covert Powers) Act 2012 — Witness Identity Protection Certificates (2018-20) (Date received 4/08/2020)	4048
<i>Determinations —</i>	
Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management Determination under s. 130 - Determined Rates 2020 G.G. 24/07/2020).....	4049
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Fair Trading Act 2010 (Treasury Laws Amendment (Acquisition as Consumer - Financial Thresholds) Regulations 2020 G.G. 17/07/2020)	4050
Financial Management Act 2006 (section 82) — Notice from the Minister for Forestry regarding Legislative Council Question without Notice No. 586 asked by the Hon Diane Evers (Deemed tabled 14/07/2020).....	4051
<i>Regulations —</i>	
Charitable Collections Act 1946 (Charitable Collections Amendment Regulations 2020 G.G. 21/07/2020).....	4052
Construction Industry Portable Paid Long Service Leave Act 1985 (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2020 G.G. 30/06/2020).....	4053
Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994 (Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations 2020 G.G. 29/06/2020 and Mines and Petroleum Regulations Amendment (COVID-19 Response) Repeal Regulations 2020 G.G. 29/06/2020)	4054
Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994; Mining Act 1978; Offshore Minerals Act 2003; Petroleum (Submerged Lands) Act 1982; Petroleum (Submerged Lands) Registration Fees Act 1982; Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967; Petroleum and Geothermal Energy Resources Act 1967; Petroleum Pipelines Act 1969 (Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020)	4055
Fair Trading Act 2010 (Fair Trading (Fitness Industry Interim Code) Regulations 2020 G.G. 23/06/2020)	4056
Mining Act 1978 (Mining Amendment (COVID-19 Response) Regulations 2020 G.G. 30/06/2020, Mining Amendment Regulations (No. 2) 2020 G.G. 17/07/2020 and Mining Amendment Regulations (No. 4) 2020 G.G. 17/07/2020)	4057
Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations 2020 G.G. 21/07/2020)	4058
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment (COVID-19 Response) Regulations 2020 G.G. 29/06/2020 and Occupational Safety and Health Amendment (COVID-19 Response) Repeal Regulations 2020 G.G. 29/06/2020)	4059
Rottnest Island Authority Act 1987 (Rottnest Island Amendment Regulations 2020 G.G. 17/07/2020)	4060
Water Services Act 2012 (Water Services Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020)	4061
Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations 2020 G.G. 07/07/2020).....	4062
Parliamentary Secretary to the Deputy Premier	
<i>Orders —</i>	
Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 4) 2020 G.G. 30/06/2020)	4063

Regulations —

Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Human Reproductive Technology Act 1991; Radiation Safety Act 1975; Tobacco Products Control Act 2006 (Health Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020).....	4064
Mental Health Act 2014 (Mental Health Amendment Regulations (No. 2) 2020 G.G. 07/07/2020).....	4065
Private Hospitals and Health Services Act 1927 (Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2020 G.G. 10/07/2020).....	4066

10. Standing Committee on Uniform Legislation and Statutes Review — Report 127 — Transport Legislation Amendment (Identity Matching Services) Bill 2020

Hon Michael Mischin presented Report No. 127 of the Standing Committee on Uniform Legislation and Statutes Review, *Transport Legislation Amendment (Identity Matching Services) Bill 2020*. (Tabled Paper 4069).

11. Standing Committee on Uniform Legislation and Statutes Review — Report 128 — Legal Profession Uniform Law Application Bill 2020 and Legal Profession Uniform Law Application (Levy) Bill 2020 – Extension of Time

Hon Michael Mischin presented Report 128 of the Standing Committee on Uniform Legislation and Statutes Review, *Legal Profession Uniform Law Application Bill 2020 and Legal Profession Uniform Law Application (Levy) Bill 2020 – Extension of Time*. (Tabled Paper 4070).

Hon Michael Mischin moved, without notice —

That the reporting date for the Standing Committee on Uniform Legislation and Statutes Review inquiry into the *Legal Profession Uniform Law Application Bill 2020 and Legal Profession Uniform Law Application (Levy) Bill 2020* be extended from 11 August 2020 to 15 September 2020.

Hon Michael Mischin sought leave to continue his remarks at a later stage of this day’s sitting.

Leave granted.

Debate stands adjourned pursuant to order.

12. Standing Committee on Legislation — Report 43 — Work Health and Safety Bill 2019

Hon Dr Sally Talbot presented Report 43 of the Standing Committee on Legislation, *Work Health and Safety Bill 2019*. (Tabled Paper 4071).

13. Electoral Amendment (Banning of Foreign Donations) Bill 2020

Hon Simon O’Brien: To move on the next day of sitting —

That a Bill for “An Act to amend the *Electoral Act 1907* to ban foreign donations.” be introduced and read a first time.

14. Suspension of Standing Orders — Special Arrangements for Members Speaking and Voting

The Leader of the House moved, without notice —

That, until the House is adjourned on 20 August 2020, so much of Standing Orders be suspended so that:

- (a) when called to speak, a Member may speak from a place in the Chamber other than the Member’s own; and
- (b) during a division Members shall gather in the Chamber, which includes the President’s Gallery, and indicate an “Aye” vote by standing and a “No” vote by sitting.

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.

15. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Coolgardie Parking Local Law 2019 — Disallowance*, 2, *Shire of Coolgardie Public Places and Local Government Property Local Law 2019 — Disallowance* and 3, *Shire of Augusta Margaret River Cemeteries Local Law 2020 — Disallowance*, be taken after Order of the Day No. 21, *Criminal Law Amendment (Uncertain Dates) Bill 2019*. (Leader of the House).

16. Cognate Debate — Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020

The Minister for Environment sought leave of the Council to debate Order of the Day No. 29, *Environmental Protection Amendment Bill 2020*, and Order of the Day No. 28, *Environmental Protection Amendment Bill (No. 2) 2020*, cognately [SO 127].

Leave granted.

17. Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020

The Orders of the Day having been read for the debate on the second reading of these Bills cognately.

Debate ensued.

Statement by President

The President made the following Statement —

Members, we are currently experiencing some technical difficulties with the electronic timer. Until the electronic timer is back in order the clerks will keep time. The clerks will ring the bell once when a Member has five minutes remaining and ring the bell twice when a Member's time has expired.

Debate resumed.

18. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to alternative learning centres, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Regional Development representing the Minister for Water tabled documents in relation to Southern Forrest Irrigation Scheme Geological Investigation, Record Brook, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 4072).

The Parliamentary Secretary to the Minister for Mental Health tabled documents in relation to the Mental Health Commission interim structure, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 4073).

The Leader of the House, by leave, incorporated into *Hansard* information in relation to *The West Australian* newspaper article of Friday, 7 August 2020 headlined "Law backs CCC chief", in response to a question without notice asked by Hon Peter Collier on behalf of Hon Michael Mischin.

The Leader of the House, by leave, incorporated into *Hansard* information in relation to the stakeholders consulted in the review process of the *Report on the Review of Skills, Training and Workforce Development* released on 28 July 2020, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Education and Training tabled documents in relation to the building condition assessments undertaken across all TAFE Colleges in Western Australia in July 2020, in response to question on notice 2981 asked by Hon Donna Faragher. (Tabled Paper 4074).

The Minister for Environment tabled documents in relation to per- and polyfluoroalkyl substances found in fire retardant foam, contamination of soil, water and biota in the Kimberley region, in response to question on notice 2932 asked by Hon Robin Chapple. (Tabled Paper 4075).

The Minister for Environment representing the Minister for Corrective Services tabled documents in relation to separate confinement in Western Australia prisons in 2018–19 and 2019–20, in response to question on notice 2973 asked by Hon Alison Xamon. (Tabled Paper 4076).

The Minister for Environment representing the Minister for Energy tabled documents in relation to Western Power actions regarding a fire near the intersection of Mogumber Road West and Red Gully Road, Mogumber, on 15 December 2019, in response to question on notice 2980 asked by Hon Martin Aldridge. (Tabled Paper 4077).

The Minister for Environment representing the Minister for Finance tabled documents in relation to contractors and service provider details for the Kalgoorlie Renal Hostel, in response to question on notice 2984 asked by Hon Jacqui Boydell. (Tabled Paper 4078).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to emergency code activation details for the Western Australia Country Health Service from 1 September 2019 to 12 March 2020, in response to question on notice 2872 asked by Hon Martin Aldridge. (Tabled Paper 4079).

The Parliamentary Secretary to the Minister for Mental Health tabled documents in relation to the impact of COVID-19 on the mental health of regional Western Australians, in response to question on notice 2982 asked by Hon Jacqui Boydell. (Tabled Paper 4080).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to total funding allocated for the provision of school health nurses in government schools in 2018–19 and 2019–20, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 4081).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to funding for palliative care, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 4082).

19. Environmental Protection Amendment Bill 2020 and Environmental Protection Amendment Bill (No. 2) 2020

Cognate debate resumed on the second reading of these Bills (*see item 17 above*).

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

20. Family Violence Legislation Reform Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 207

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Family Violence Legislation Reform Bill 2019*.

Ms L.L. Baker

Deputy Speaker

Legislative Assembly Chamber

Perth, 25 June 2020

21. Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020

The President reported the receipt of Message No. 208 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

The Leader of the House made a Ministerial Statement with respect to maximum time limits to apply to the debate on the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020*.

Hon Nick Goiran moved, without notice —

That the Temporary Order for COVID-19 related business agreed to by the House on 31 March 2020 be suspended with respect to the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020*.

Debate ensued.

Question — put.

There being a dissentient voice the President ordered the Council to divide.

Ayes (3)

Hon Martin Aldridge
Hon Colin Tincknell

Hon Nick Goiran (*Teller*)

Noes (26)

Hon Ken Baston
Hon Robin Chapple
Hon Tim Clifford
Hon Peter Collier
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 Rick Mazza

Hon Michael Mischin
Hon Simon O'Brien
Hon Martin Pritchard
Hon Samantha Rowe
Hon Tjorn Sibma
Hon Charles Smith
Hon Aaron Stonehouse
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Darren West
Hon Alison Xamon
Hon Pierre Yang (*Teller*)

The concurrence of an absolute majority of the whole number of Members not being met the Temporary Order was not suspended.

Interruption pursuant to Order.

22. Members' Statements

Statements were taken.

23. Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020

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

The Minister for Regional Development representing the Minister for Industrial Relations tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4083).

Debate stands adjourned.

24. Adjournment

The Council adjourned at 10.16pm until Wednesday, 12 August 2020 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council