

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL
MINUTES OF PROCEEDINGS
No. 131
TUESDAY, 11 JUNE 2019

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. Petitions

Hon Robin Scott presented a petition from 776 petitioners requesting the Legislative Council to oppose the no jab no play and other coercive or mandatory vaccination policies and enactments. (Tabled Paper 2759).

Hon Colin Holt presented a petition from 564 petitioners requesting the Legislative Council to oppose the storage of lithium tailings at the waste facility in Banksia Road, Dardanup. (Tabled Paper 2760).

3. Ministerial Statement — Feral Cats

The Minister for Agriculture and Food made a Ministerial Statement with respect to the declaration of feral cats as a declared pest under the *Biosecurity and Agriculture Management Act 2007*.

4. Ministerial Statement — Influenza and Winter Respiratory Illness Data

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to a new Department of Health initiative to centralise the release of influenza and winter respiratory illness data.

5. Papers

The following Papers were laid on the Table by —

President

Reports —

Inspector of Custodial Services, Office of the — 2018 Inspection of Court Custody Centres and Fiona Stanley Hospital Secure Facility (Report No. 122) (March 2019)..... 2755

Leader of the House

Local Laws —

Local Government Act 1995 (Shire of Manjimup Parking Local Law 2018 G.G. 04/06/2019) 2756

Parliamentary Secretary to the Deputy Premier

By-laws —

Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2019 G.G. 07/06/2019)..... 2757

Orders —

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 3) 2019
G.G. 07/06/2019)..... 2758

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Tobacco Products Control Amendment Regulations 2019 — Disallowance*, 2, *City of Rockingham Bush Fire Control and Bush Fire Brigades Amendment Local Law 2018 — Disallowance*, 3, *Transport (Road Passenger Services) Regulations 2019 — Disallowance*, and 4, *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019 — Disallowance*, be taken after Order of the Day No. 19, *Consumer Protection Legislation Amendment Bill 2018*. (Leader of the House).

7. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2019–2020

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Environment representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2664A–D (2019–2020 Budget Statements), laid upon the Table of the House on 9 May 2019.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

8. Infrastructure Western Australia 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 10.

Debate resumed.

Hon Peter Collier moved —

Page 9, line 19 — To delete “may” and insert:

must

Debate ensued.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled a discussion paper for the Safe Access Zones proposal for reform in Western Australia, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 2761).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to consultation with stakeholders and schools in relation to play-based learning, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Regional Development tabled the CSIRO *National Hydrogen Roadmap, Pathways to an economically sustainable hydrogen industry in Australia*, in response to a question without notice asked by Hon Robin Scott. (Tabled Paper 2762).

The Leader of the House representing the Minister for Culture and the Arts tabled the organisational and reporting structure of the State Records Office, in response to a question without notice asked by Hon Alison Xamon. (Tabled Paper 2763).

The Minister for Regional Development representing the Minister for Racing and Gaming tabled documents in relation to liquor restrictions in Kununurra, Wyndham, Kimberley, Port Hedland and South Hedland, in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 2764).

The Minister for Environment representing the Minister for Transport tabled the *Metronet Western Australia Railcar Program Perth's next general of trains, Project Definition Plan Summary*, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 2765).

The Leader of the House representing the Minister for Child Protection tabled documents in relation to the internal review of the Grandcarer Program, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2766).

The Leader of the House representing the Premier tabled documents in relation to the Public Sector Commission Ideas Management System Solution, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 2767).

The Minister for Environment tabled a map showing the approximate location of the observed treated solid residue material in Area 8 and the Eastern Turning Circle during the 2018 site walkovers, in response to question on notice 2097 asked by Hon Diane Evers. (Tabled Paper 2768).

The Minister for Environment tabled documents in relation to the sustained yield estimates for each Forest Management Plan for 2014-2023, in response to question on notice 2099 asked by Hon Diane Evers. (Tabled Paper 2769).

The Minister for Environment tabled active work approvals, licences and amendment notices issued to Yara Pilbara Fertilisers Pty Ltd and Yara Pilbara Nitrates Pty Ltd for the Yara Fertiliser Plant, in response to question on notice 2098 asked by Hon Robin Chapple. (Tabled Paper 2770).

The Minister for Environment representing the Minister for Transport tabled documents in relation to complaints made to the Public Transport Authority in relation to advertising on buses, in response to question on notice 2111 asked by Hon Nick Goiran. (Tabled Paper 2771).

The Minister for Regional Development representing the Minister for Water tabled documents in relation to the partnership between Water Corporation and the Women's Council for Domestic and Family Violence Services, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2772).

The Minister for Regional Development representing the Minister for Industrial Relations tabled improvement and prohibition notices issued by Worksafe in 2017, 2018 and 2019 to date, in response to question on notice 2102 asked by Hon Tjorn Sibma. (Tabled Paper 2773).

10. Infrastructure Western Australia 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 Dr Steve Thomas in the Chair)

Clause 10.

Debate resumed on the amendment of Hon Peter Collier as follows —

Page 9, line 19 — To delete “may” and insert:

must

The Leader of the House representing the Premier moved, That consideration of Clause 10 be postponed.

Debate ensued.

Question — put and passed.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13 agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16 agreed to.

Clause 17 agreed.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20 agreed to.

Clause 21.

Debate ensued.

Hon Martin Aldridge moved —

Page 16, line 26 — To delete “may” and insert:

must

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 22 to 25 agreed to.

Clause 26.

Debate ensued.

Clause agreed to.

Clauses 27 and 28 agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 43 agreed to.

New Clause 43A.

Leader of the House representing the Premier moved —

Page 27, after line 12 — To insert:

43A. Financial interest in a matter

For the purposes of this Subdivision, a member of the Board or of a committee has a direct or indirect financial interest in a matter if it is reasonable to expect that the matter may, if dealt with by the Board or committee in a particular way, result in a financial gain, loss, benefit or detriment for the member or a person closely associated with the member.

Debate ensued.

New clause agreed to.

Clause 44.

Debate ensued.

Leader of the House representing the Premier moved —

Page 28, after line 6 — To insert:

- (6) Infrastructure WA must keep a record of each disclosure or determination under this section that relates to a direct or indirect financial interest in a matter, and make a summary of the record available, on request, for inspection.
- (7) Without limiting section 71, the regulations may provide for how the record is to be made available.

Amendment — put and passed.

Debate resumed.

Clause, as amended, agreed to.

Clause 45 agreed to.

Clause 46.

Leader of the House representing the Premier moved —

Page 29, lines 9 to 13 — To delete the lines.

Amendment — put and passed.

Clause, as amended, agreed to.

Clauses 47 to 58 agreed to.

Clause 59 agreed to.

Clauses 60 to 63 agreed to.

Clause 64

Debate ensued.

Clause agreed to.

Clauses 65 to 71 agreed to.

Clause 72

Debate ensued.

Question, That the clause stand as printed — put and negatived

New Clause 72.

Debate ensued.

Leader of the House representing the Premier moved —

Page 43, after line 20 — To insert:

72. Review of Act

- (1) The Premier must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which this section comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The obligation under subsection (1) is limited to 3 occasions.
- (3) The Premier must cause each report to be laid before each House of Parliament as soon as practicable after the report is prepared, but not later than 12 months after the 5th anniversary or the expiry of the period of 5 years (whichever is relevant).

New Clause agreed to

Clauses 73 to 76 agreed to.

Postponed Clause 10.

Hon Peter Collier, by leave, withdrew his amendment.

The Leader of the House representing the Premier moved —

Page 9, line 19 — To delete “may” and insert:

must

Amendment — put and passed.

The Leader of the House representing the Premier moved —

Page 9, after line 20 — To insert:

- (6) Infrastructure WA may remove from an annual work programme any information that it considers to be confidential or otherwise not suitable to be made publicly available, prior to making the programme publicly available.

Amendment — put and passed.

Clause, as amended, agreed to.

The Leader of the House 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 Deputy 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. Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

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

Debate resumed.

Interruption pursuant to order.

12. Statement by President — Resignation from Pauline Hanson’s One Nation Party — Hon Charles Smith

The President made the following Statement —

I want to advise you that today I have received a letter from Hon Charles Smith, MLC. It says —

Dear Madam President,

Please be advised that I have resigned from Pauline Hanson’s One Nation Party, and intend from today to sit as an independent member.

Yours Sincerely

Hon Charles Smith, MLC.

13. Members’ Statements

Statements were taken.

14. Appropriation (Recurrent 2019–20) Bill 2019

The President reported the receipt of Message No. 125 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Treasurer moved, That the Bill be read a second time.

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2774).

Debate stands adjourned.

15. Appropriation (Capital 2019–20) Bill 2019

The President reported the receipt of Message No. 126 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Treasurer moved, That the Bill be read a second time.

The Minister for Environment representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2775).

Debate stands adjourned.

16. Adjournment

The Council adjourned at 10.10pm until Wednesday, 12 June 2019 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin de Grussa.

NIGEL PRATT

Clerk of the Legislative Council

HON KATE DOUST MLC

President of the Legislative Council