

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 230

WEDNESDAY, 4 NOVEMBER 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. Death of Mr Kevin Leahy — Motion of Condolence

The Leader of the House moved, without notice —

That this Council expresses its deep regret at the death of Mr Kevin Leahy, a former Member of the Legislative Council for the Mining and Pastoral Region and a former Member of the Legislative Assembly for the electorate of Northern Rivers; and places on record its appreciation for his long public service, and tenders its profound sympathy to his family in their bereavement.

The motion was supported by Members, including the President, and carried in silence; Members standing in their places.

3. Ministerial Statement — Goldfields Breast Cancer Telehealth Service

The Parliamentary Secretary to the Minister for Health made a Ministerial Statement with respect to the expansion of the TeleLymphoedema service to the Kalgoorlie Health Campus, to further support local treatment for breast cancer related lymphoedema.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

CBD Courts Project Contract (2019-20) (Date received 3/11/2020)..... 4544

Public Advocate, Office of the (2019-20) (Date received 3/11/2020)..... 4545

Minister for Environment

Annual Reports —

Acacia Prison Services Agreement (2019-20) (Date received 3/11/2020)..... 4546

Court Security and Custodial Services Contract (2019-20) (Date received 3/11/2020)..... 4547

Melaleuca Remand Reintegration Facility Services Agreement (2019-20)
(Date received 3/11/2020)..... 4548

Supervised Release Review Board (2019-20) (Date received 3/11/2020)..... 4549

Waste Authority (2019-20) (Date received 3/11/2020)..... 4550

Minister for Environment on behalf of the Minister for Regional Development*Reports —*

ChemCentre — Statement of Corporate Intent (2020-21) 4551

5. Order to Produce Documents — COVID-19 Pandemic Restrictions

Motion No. 3 having been called, Hon Peter Collier, pursuant to notice, moved —

That the Honourable Sue Ellery, Leader of the Government in the Legislative Council be ordered, and is hereby so ordered, to lay on the Table of the House not later than seven days from the day on which this order is made, on behalf of the Government of Western Australia, the information and documents described below, and that such documents be tabled without excision, alteration or defacement —

Copies of all communications between 13 October 2020 and 20 October 2020 (inclusive), including but not limited to letters, emails, telephone notes, text messages and file notes between any of the following relating to advice or information on COVID-19 pandemic restrictions —

- (1) The Premier, the Honourable Mark McGowan MLA.
- (2) Any staff member of the Office of the Premier or Department of the Premier and Cabinet (including contract, temporary or seconded staff).
- (3) The Minister for Health, the Honourable Roger Cook MLA.
- (4) Any staff member of the Office of the Minister for Health or Department of Health (including contract, temporary or seconded staff).
- (5) The Chief Health Officer, Dr Andrew Robertson.
- (6) Any staff member of the Office of the Chief Medical Officer (including contract, temporary or seconded staff).

Debate ensued.

The Leader of the House representing the Premier tabled correspondence from the Chief Health Officer, Dr Andrew Robertson, to the Premier in relation to easing interstate border controls. (Tabled Paper 4552).

Debate resumed.

The Leader of the House representing the Premier tabled a statement, dated 16 October 2020, from the Chief Health Officer, Dr Andrew Robertson, providing a COVID-19 update. (Tabled Paper 4553).

Debate resumed.

Hon Nick Goiran moved to amend the motion as follows —

- (1) To delete ‘between’ the first time it occurs and insert:

received by

- (2) In subparagraph (1) — To delete ‘or Department of the Premier and Cabinet’.
- (3) In subparagraph (4) — To delete ‘or Department of Health’.
- (4) In subparagraph (6) — To delete ‘Medical’ and insert:

Health

Debate ensued.

Amendments — put.

The Council divided.

Ayes (16)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Jim Chown
 Hon Peter Collier
 Hon Colin de Grussa
 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 Ken Baston (*Teller*)

Noes (15)

Hon Robin Chapple
 Hon Tim Clifford
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Diane Evers
 Hon Adele Farina
 Hon Laurie Graham
 Hon Alannah MacTiernan

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

Amendments thus passed.

Debate resumed on Motion, as amended.

Motion, as amended — put.

The Council divided.

Ayes (19)

Hon Martin Aldridge
 Hon Jacqui Boydell
 Hon Robin Chapple
 Hon Jim Chown
 Hon Tim Clifford
 Hon Peter Collier
 Hon Colin de Grussa
 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 (11)

Hon Stephen Dawson
 Hon Sue Ellery
 Hon Adele Farina
 Hon Laurie Graham
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Motion, as amended, thus passed.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Simon O'Brien in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 14 — Red flags...red faces. Corruption risk in public procurement in Western Australia

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report No. 52 — Punitive not protective: when the mandatory registration of young people is not based on risk

Hon Samantha Rowe moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 13 — Annual Report 2018–19

Hon Alison Xamon moved, That consideration be postponed until the next sitting.

Question — put and passed.

Joint Standing Committee on Delegated Legislation — Report 17 — Annual Report 2019

Hon Martin Pritchard moved, That the Report be noted.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report 82 — The Local Projects Local Jobs program and the establishment of a Parliamentary Budget Office

Hon Alison Xamon moved, That the Report be noted.

Debate ensued.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Forestry tabled the *Processing of Sandalwood — Production Contract (2016)* between Wescorp Sandalwood Pty Ltd and the Forest Products Commission, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 4554).

The Minister for Environment, by leave, incorporated into *Hansard* information in relation to antibiotic resistant human strains of the intestinal bacterium *E. coli* in Silver Gulls and other birds on Penguin Island Conservation Park, in response to a question without notice asked by Hon Robin Chapple.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 6 above*).

In Committee

(Hon Simon O'Brien in the Chair)

Standing Committee on Estimates and Financial Operations — Report 82 — The Local Projects Local Jobs program and the establishment of a Parliamentary Budget Office

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

Interruption pursuant to order.

The Acting President resumed the Chair.

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

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report 17 — *Red flags...red faces. Corruption risk in public procurement in Western Australia* and postponed consideration to the next sitting.

- (2) Standing Committee on Environment and Public Affairs — Report 52 — *Punitive not protective: when the mandatory registration of young people is not based on risk and postponed consideration to the next sitting.*
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 13 — *Annual Report 2018-19* and postponed consideration to the next sitting.
- (4) Joint Standing Committee on Delegated Legislation — Report 17 — *Annual Report 2019* and had noted same.
- (5) Standing Committee on Estimates and Financial Operations — Report 82 — *The Local Projects Local Jobs program and the establishment of a Parliamentary Budget Office*, made progress, and seeks to sit again.

Report adopted.

9. 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, *Shire of Narembeen Cemeteries Local Law 2020 — Disallowance*, 5, *Shire of Narembeen Fencing Local Law 2020 — Disallowance*, 6, *Curtin University Statute No. 12 — Admission and Enrolment — Disallowance*, 7, *Curtin University Statute No. 5 — Election of Council Members — Disallowance*, 8, *Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 — Disallowance*, and 9, *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance*, be taken after Order of the Day No. 38, *Dog Amendment (Stop Puppy Farming) Bill 2020*. (Minister for Environment).

10. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2020–2021

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 4389A-D (2020–2021 Budget Statements), laid upon the Table of the House on Thursday, 8 October 2020.

Debate resumed.

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

11. Safety Levies Amendment Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 229

The Legislative Assembly acquaints the Legislative Council that, in response to the requested amendments in Legislative Council Message No. 139 to the *Safety Levies Amendment Bill 2019*, the Legislative Assembly has made the amendments.

Mr I.C. Blayney

Acting Speaker

Legislative Assembly Chamber

Perth, 3 November 2020

Ordered — That consideration, in Committee of the Whole House, of Message No. 229 be taken forthwith. (Minister for Regional Development).

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 2.

Point of Order

Hon Nick Goiran raised the following Point of Order —

I have just been provided a Bill that is marked 156–2. My question is whether we should be proceeding in this fashion. The version of the Bill that the Chamber is to consider has not been second read. There was a second reading of version 156–1 of the *Safety Levies Amendment Bill 2019*. The document we have in front of us is not that Bill, so my question is whether we need to have a vote on the second reading of this version of the Bill and possibly even a vote on the first reading, before we can proceed in the fashion that we are.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

This Bill was the 156–1 version of a Bill and it was second read and went into Committee. A message was made and then sent to the Assembly requiring amendments to be made. Those amendments have now been returned to the Legislative Council via Legislative Assembly Message 229. We are proceeding with consideration of the 156–2 version of the Bill with the requested amendments made by the Legislative Assembly.

Debate ensued.

Interruption pursuant to order.

The 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.

Ordered — That the Committee of the Whole House sit again.

12. Members' Statements

Statements were taken.

Hon Diane Evers, by leave, tabled documents in relation to the Department of Water and Environmental Regulation's review of the hydrological modelling of the Donnelly River. (Tabled Paper 4555).

13. Adjournment

The Council adjourned at 6.41pm until Thursday, 5 November 2020 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matthew Swinbourn.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council