

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 209

THURSDAY, 13 AUGUST 2020

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Papers

The following Papers were laid on the Table by —

Minister for Environment

Directions —

Direction from the Minister for Planning to the State Administrative Tribunal —

Application between Nyamba Buru Yawuru Ltd and the Western Australian
Planning Commission (August 2020) 4090

Proposals —

Submission No. 7/2020 — Excision from Class A Reserve No. 1669 for inclusion into
a kindergarten site and road dedication in the City of Nedlands..... 4091

3. Joint Standing Committee on the Commissioner for Children and Young People — Report 5 — From Words to Action — Fulfilling the Obligation to be Child Safe

Hon Dr Sally Talbot presented Report 5 of the Joint Standing Committee on the Commissioner for Children and Young People, *From Words to Action — Fulfilling the Obligation to be Child Safe*. (Tabled Paper 4092).

4. Digital Connectivity across Western Australia

Hon Martin Aldridge: To move on the next day of sitting —

That this House —

- (a) notes the critical nature of mobile and broadband networks, particularly in regional and remote areas;
- (b) notes the impact such networks have upon regional communities, commercial activities, education and healthcare;
- (c) discuss strategies to improve the availability and reliability of such networks to the benefit of all Western Australians; and
- (d) calls on the State and Federal Government to continue to identify and support opportunities to improve digital connectivity across our vast State.

5. Forest Products Amendment Bill 2020

Non-Government Business No. 1 having been called, Hon Diane Evers, pursuant to notice, moved —
That a Bill for “An Act to amend the *Forest Products Act 2000* to consequentially amend certain other Acts and for related purposes.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Diane Evers moved, That the Bill be read a second time.

Hon Diane Evers tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4093).

Debate stands adjourned.

6. Electoral Amendment (Access to Ministers) Bill 2017

Non-Government Business No. 2 having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to order.

7. Shire of Coolgardie Parking Local Law 2019 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *Shire of Coolgardie Parking Local Law 2019 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

8. Shire of Coolgardie Public Places and Local Government Property Local Law 2019 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 2, *Shire of Coolgardie Public Places and Local Government Property Local Law 2019 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

9. Shire of Augusta Margaret River Cemeteries Local Law 2020 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Robin Chapple moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 3, *Shire of Augusta Margaret River Cemeteries Local Law 2020 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

10. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020

The President reported the receipt of Message No. 210 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Attorney General moved, That the Bill be read a second time.

The Leader of the House representing the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4094).

Debate stands adjourned.

11. Suspension of Standing Orders

The Leader of the House moved, without notice —

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

- (1) the House to sit beyond 5.20pm until the question on the Third Reading of the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020* has been put and determined and, if applicable, SO 137(2) and SO 140(b) are suspended for that purpose;
- (2) Members' Statements to be taken at a time ordered by the House.

Debate ensued.

Hon Aaron Stonehouse moved, without notice —

To amend the motion of the Leader of the House by deleting all words after "That" and inserting —

so much of the Standing Orders be suspended so that:

- (1) The *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020* is discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 15 September 2020.
- (2) The following Members are co-opted on to the Committee for the purpose of this referral:
 - (a) Hon Aaron Stonehouse; and
 - (b) Hon Michael Mischin.
- (3) With any necessary modifications, Standing Order 163 shall apply to a co-opted Member.
- (4) The Committee has the power to inquire into and report on the policy of the Bill.

Debate ensued.

Amendment — put and negatived.

Question — put.

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

Ayes (19)

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 Laurie Graham

Hon Alannah MacTiernan
 Hon Kyle McGinn
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Charles Smith
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Alison Xamon
 Hon Pierre Yang (*Teller*)

Noes (10)

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

Hon Robin Scott
 Hon Tjorn Sibma
 Hon Aaron Stonehouse
 Hon Colin Tincknell
 Hon Ken Baston (*Teller*)

The concurrence of an absolute majority of the whole number of Members being met, the Standing Orders were suspended accordingly.

12. Order of Business

Ordered — That the Order of the Day relating to the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020*, be taken forthwith. (Leader of the House).

13. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020

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

14. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health tabled the organisation structure of the Mental Health Commission, in response to a question without notice asked by Hon Peter Collier. (Tabled Paper 4095).

The Minister for Environment tabled documents in relation to the criteria contained in the expression of interest form on the Department of Water and Environment Regulation website regarding tyre recycling, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 4096).

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to Agricultural College student applications for the years 2019 and 2020, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Regional Development representing the Minister for Water tabled the *Water Corporation Engineering Summary Report, Kenwick Infill Sewerage*, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 4097).

The Minister for Environment tabled documents in relation to the proposed Shark Bay terrestrial reserve additions refinements, in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 4098).

The Minister for Environment representing the Minister for Planning, by leave, incorporated into *Hansard* information in relation to 26 projects in the regional areas that would meet the threshold of \$5 million considered a significant development by the Development and Assessment Panel, in response to a question without notice asked by Hon Diane Evers.

The Minister for Environment representing the Minister for Transport tabled documents in relation to the Rural Road Safety Program announced by the Minister on 1 August 2019, in response to question on notice 2976 asked by Hon Martin Aldridge. (Tabled Paper 4099).

The Minister for Environment representing the Minister for Transport tabled documents in relation to an engineering assessment of the Tier 3 railway lines in Western Australia commissioned by the State Government, in response to question on notice 2983 asked by Hon Martin Aldridge. (Tabled Paper 4100).

15. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020

Debate resumed on the second reading of this Bill (*see item 13 above*).

The Leader of the House sought leave to continue her remarks at a later stage of this day's sitting. Leave granted.

On the motion of Hon Pierre Yang, debate was adjourned to a later stage of this day's sitting.

The President left the Chair at 6.00pm

The President resumed the Chair at 7.00pm

16. Order of Business

Ordered — That the Order of the Day relating to the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020*, be taken forthwith. (Leader of the House).

17. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020

Debate resumed on the second reading of this Bill (*see item 15 above*).

The Leader of the House representing the Attorney General tabled a comparative table of approximate damages (including interest) claimed. (Tabled Paper 4101).

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Dr Steve Thomas in the Chair)

Clause 1.

Debate ensued.

The Leader of the House representing the Attorney General tabled a notice of filing and hearing in the Federal Court of Australia, dated 13 August 2020. (Tabled Paper 4102).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clauses 3 to 6 agreed to.

Clause 7.

Debate ensued.

The Leader of the House representing the Attorney General tabled a letter from the then Premier; Minister for State Development, dated 4 September 2012, regarding the project proposal submission for the Balmoral South Iron Ore Project. (Tabled Paper 4103).

Debate resumed.

Clause agreed to.

Clause 8 agreed to.

Clause 9 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Attorney General moved, That the Bill be read a third time.

The President announced that the Deputy 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

18. Members' Statements

There being no Members' Statements, Messages were taken.

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

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 211

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020*.

Ms S.E. Winton

Acting Speaker

Legislative Assembly Chamber

Perth, 13 August 2020

20. Electoral Amendment Bill 2020

The President reported the receipt of Message No. 212 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Electoral Affairs moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Electoral Affairs moved, That the Bill be read a second time.

The Minister for Electoral Affairs tabled a document in relation to the justification of expenditure caps. (Tabled Paper 4105).

The Minister for Electoral Affairs tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4104).

Debate stands adjourned.

21. Adjournment

The Council adjourned at 10.33pm until Tuesday, 18 August 2020 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina, Hon Colin Holt and Hon Simon O'Brien.

NIGEL PRATT
Clerk of the Legislative Council

HON KATE DOUST MLC
President of the Legislative Council