

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 193

WEDNESDAY, 13 MAY 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. Petition

Hon Robin Chapple presented a petition from 804 petitioners requesting the Legislative Council to recommend that the Minister for Environment instruct the Department of Environment and Conservation to review the activities of the Cockburn Cement Ltd factory at Munster in the City of Cockburn. (Tabled Paper 3863).

3. Paper

The following Paper was laid on the Table by —

Minister for Environment

Notices —

Financial Management Act 2006 (section 82) — Notice from the Minister for Police;
Road Safety in regards to Legislative Council Question on Notice No. 2846
asked by Hon Alison Xamon..... 3862

4. Agricultural sector and impediments to the right to farm

Hon Rick Mazza: To move on the next day of sitting —

That this House acknowledges the Agriculture Sector as an essential service and recognises impediments that impact farming enterprises including, but not limited to:

- (a) trespass by activists;
- (b) environmental green tape;
- (b) supermarket purchasing power;
- (c) nuisance neighbours, and

the need for protection of primary producers' right to farm.

5. Drugs and Crime in the Community

Motion No. 1 having been called, Hon Colin Tincknell, pursuant to notice, moved —

That this House expresses its concerns over the failure of the McGowan Government to combat drugs and crime in our community.

Debate ensued.

Question — put.
The Council divided.

Ayes (20)

Hon Martin Aldridge
Hon Jacqui Boydell
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 Aaron Stonehouse
Hon Dr Steve Thomas
Hon Colin Tincknell
Hon Alison Xamon
Hon Ken Baston (*Teller*)

Noes (12)

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

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

Question 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 12 — An unreasonable suspicion — Parliamentary Inspector's report

Debate resumed on the motion of the Minister for Environment, That the Report be noted.

Hon Nick Goiran moved, That consideration be postponed until the next sitting.

Question — put and passed.

Standing Committee on Uniform Legislation and Statutes Review — Report 124 — Inquiry into the Form and Content of the Statute Book

Hon Pierre Yang moved, That consideration be postponed until the next sitting.

Question — put and passed.

Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use

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

Pursuant to Temporary Order 4, consideration of the report was postponed.

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 12 — *An unreasonable suspicion — Parliamentary Inspector's report*, made progress, and postponed further consideration until the next sitting.

- (2) Standing Committee on Uniform Legislation and Statutes Review — Report 124 — *Inquiry into the Form and Content of the Statute Book* and postponed consideration to the next sitting.
- (3) Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — *Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use*, made progress, and postponed further consideration until the next sitting.

Report adopted.

7. Order of Business

Ordered — That Order of the Day Nos 1, *Shire of Boddington — Fees and Charges 2019-2020 — Disallowance*, 2, *Strata Titles (General) Regulations 2019 — Disallowance*, 3, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, and 4, *Shire of Exmouth Bush Fire Brigades Local Law 2020 — Disallowance*, be taken after Order of the Day No. 15, *Residential Parks (Long-stay Tenants) Amendment Bill 2018*. (Minister for Environment).

8. Prisons Amendment Bill 2020

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)

Debate resumed.

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Environment representing the Minister for Corrective Services moved without notice —

That the *Prisons Amendment Bill 2020* be recommitted for the purposes of reconsidering Clause 12.

Question — put and passed.

9. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Attorney General tabled letters from Hon John McKechnie QC to the Joint Standing Committee on the Corruption and Crime Commission in relation to procedural fairness, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 3864).

The Minister for Environment representing the Minister for Energy tabled details of the State Government renewable resources plan during and after the COVID-19 crisis, in response to a question without notice asked by Hon Tim Clifford. (Tabled Paper 3865).

The Leader of the House representing the Minister for Communities tabled documents in relation to COVID-19 restrictions on entering remote Aboriginal communities, in response to a question without notice asked by Hon Ken Baston. (Tabled Paper 3866).

The Leader of the House representing the Attorney General tabled correspondence from the former Parliamentary Inspector of the Corruption and Crime Commission to the Joint Standing Committee on the Corruption and Crime Commission, in response to a question without notice asked by Hon Michael Mischin. (Tabled Paper 3867).

The Leader of the House representing the Attorney General, by leave, incorporated into *Hansard* information in relation to the *Corruption, Crime and Misconduct Amendment Bill 2017*, in response to a question without notice 421 asked by Hon Martin Aldridge.

The Minister for Regional Development tabled documents in relation to the total number of residential dwellings ineligible for the proposed Port Hedland buyback scheme, in response to a question without notice asked by Hon Robin Chapple. (Tabled Paper 3868).

The Parliamentary Secretary to the Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to expenditure by the Mental Health Commissioner on drug education and prevention advertising campaigns, in response to a question without notice asked by Hon Colin Tincknell.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to WA Country Health Service's patient consent policies regarding the release of patient information to treating health practitioners, in response to a question without notice asked by Hon Colin de Grussa.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2871 asked by Hon Martin Aldridge will be provided by 21 May 2020.

The Parliamentary Secretary to the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 2872 asked by Hon Martin Aldridge will be provided by 11 August 2020.

10. Prisons Amendment Bill 2020

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 12.

Debate resumed.

Minister for Environment representing the Minister for Corrective Services moved —

Page 5, after line 24 — To insert:

46B. Review of s. 46A

- (1) The Inspector of Custodial Services must review compliance with, and the operation and effectiveness of, section 46A, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Prisons Amendment Act 2020* section 12 comes into operation.
- (2) The Inspector of Custodial Services must furnish a copy of the report to the Minister as soon as practicable after it is prepared.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives it, but not later than 12 months after the 5th anniversary.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

The President resumed the Chair.

Bill reported with a further amendment.

The Minister for Environment representing the Minister for Corrective Services moved, That the report be adopted.

Report adopted.

The Minister for Environment representing the Minister for Corrective Services 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.

11. Business of the House — Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020 — Time Limits

The Leader of the House advised the Council that the *Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020* was COVID-19 related business, and pursuant to Temporary Order (6), set maximum time limits to apply to the debate.

12. Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020

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

Debate ensued.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Interruption pursuant to order.

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.

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

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 6.36pm until Thursday, 14 May 2020 at 10.00am.

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