

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 203

THURSDAY, 18 JUNE 2020

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### 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. Ministerial Statement — Correspondence from the Parliamentary Counsel's Office to the Clerk of the Legislative Council

The Leader of the House made a Ministerial Statement with respect to correspondence received by Members from the Parliamentary Counsel's Office and the Clerk of the Legislative Council in relation to drafting services.

The Leader of the House tabled correspondence from the Parliamentary Counsel's Office to the Clerk of the Legislative Council. (Tabled Paper 3969).

### 3. Ministerial Statement — Northern Beef Development Program

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Northern Beef Development Program.

### 4. Papers

The following Papers were laid on the Table by —

#### President

*Auditor General's Papers —*

WA's Transition to the NDIS (Report No. 25) (June 2020) ..... 3967

*Reports —*

Corruption and Crime Commission — Final review following an arrest incident by  
Western Australian Police at Hamilton Hill (June 2020) ..... 3968

### 5. Joint Standing Committee on Delegated Legislation — Report 17 — Annual Report 2019

Hon Martin Pritchard presented Report 17 of the Joint Standing Committee on Delegated Legislation, *Annual Report 2019*. (Tabled Paper 3970).

### 6. Support for the Western Australia Police Force and Corrective Services

Non-Government Business No. 1 having been called, Hon Robin Scott moved, without notice —

That this House expresses its support for the men and women of the Western Australia Police Force and Corrective Services.

Debate ensued.

*Motion lapsed.*

## 7. Personal Explanation

The Leader of the House, by leave, made a personal explanation in relation to information requested during the debate on the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019*. The Leader of the House tabled a breakdown of imposed offences for which a person may be imprisoned. (Tabled Paper 3971).

## 8. Order of Business

Ordered — That Order of the Day No. 1, *Eastern Metropolitan Regional Council Waste Facilities Local Law 2019 — Disallowance*, be taken after Order of the Day No. 15, *High Risk Offenders Bill 2019*. (Leader of the House).

## 9. Planning and Development Amendment Bill 2020

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

Debate resumed.

Question — put.

The Council divided.

### Ayes (24)

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Laurie Graham  
 Hon Alannah MacTiernan

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

### Noes (5)

Hon Robin Chapple  
 Hon Tim Clifford  
 Hon Diane Evers

Hon Alison Xamon  
 Hon Charles Smith (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

### In Committee

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Hon Nick Goiran moved —

Page 2, after line 10 — To insert:

- (2) However if a provision of this Act does not come into operation before the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Hon Rick Mazza moved —

Page 4, lines 7 to 13 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

#### Ayes (24)

Hon Ken Baston  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Laurie Graham  
 Hon Alannah MacTiernan  
 Hon Rick Mazza  
 Hon Michael Mischin  
 Hon Simon O'Brien

Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

#### Noes (7)

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford

Hon Colin de Grussa  
 Hon Diane Evers  
 Hon Alison Xamon (*Teller*)

Amendment thus passed.

Hon Dr Steve Thomas moved —

Page 4, line 21 — To delete the line.

Debate ensued.

Amendment — put and passed.

Debate resumed.

Hon Tjorn Sibma moved —

Page 4, after line 25 — To insert:

- (vi) the *Local Government Act 1995*;

Amendment — put and passed.

Debate resumed.

The Minister for Environment representing the Minister for Planning moved —  
Page 4, lines 26 and 27 — To delete the lines and insert:

- (c) any enactment, other than the following —
  - (i) this Act;
  - (ii) an enactment covered by paragraph (b);
  - (iii) the EP Act;

Debate ensued.

Amendment — put and passed.

Hon Rick Mazza moved —

Page 5, lines 5 to 20 — To delete the lines.

Amendment — put and passed.

Hon Rick Mazza moved —

Page 5, lines 27 to 29 — To delete the lines.

Amendment — put and passed.

Hon Rick Mazza moved —

Page 6, lines 3 to 22 — To delete the lines and insert:

- (a) development that has an estimated cost of —
  - (i) in the case of a development that is wholly or partly in the metropolitan region — \$10 million or more;
  - or
  - (ii) in any other case — \$5 million or more;
  - or

Debate ensued.

Minister for Environment representing the Minister for Planning moved to amend the amendment as follows —

In subparagraph (a)(i) — delete “\$10 million” and insert:

\$20 million

Debate ensued.

Amendment to the amendment — put and passed.

Debate resumed on the amendment, as amended.

## 10. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* information in relation to unsuccessful applications to the COVID-19 Crisis and Emergency Relief grant program, by region, in response to a question without notice asked by Hon Jacqui Boydell.

The Minister for Regional Development representing the Minister for Commerce tabled documents in relation to progress payments and deposits in the Western Australian cabinet making industry, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 3972).

The Minister for Education and Training tabled documents in relation to COVID-19 Phase 3 guidelines with respect to school camps, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3973).

The Minister for Regional Development representing the Minister for Water tabled the *Vasse Taskforce Report*, in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3974).

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* information in relation to the Port Hedland dust issue, the Port Hedland buy-back scheme and the Port Hedland Dust Taskforce, in response to a question without notice asked by Hon Robin Chapple.

## 11. Planning and Development Amendment Bill 2020

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

### In Committee

(Hon Martin Aldridge in the Chair)

Clause 4.

Debate resumed on the amendment, as amended, of Hon Rick Mazza as follows —

Page 6, lines 3 to 22 — To delete the lines and insert:

- (a) development that has an estimated cost of —
  - (i) in the case of a development that is wholly or partly in the metropolitan region — \$20 million or more;
  - or
  - (ii) in any other case — \$5 million or more;
  - or

Amendment, as amended — put.

The Committee divided.

### Ayes (24)

Hon Ken Baston  
 Hon Jim Chown  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Nick Goiran  
 Hon Laurie Graham  
 Hon Alannah MacTiernan  
 Hon Rick Mazza  
 Hon Michael Mischin

Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Charles Smith  
 Hon Aaron Stonehouse  
 Hon Matthew Swinbourn  
 Hon Dr Steve Thomas  
 Hon Colin Tincknell  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

### Noes (7)

Hon Martin Aldridge  
 Hon Jacqui Boydell  
 Hon Robin Chapple  
 Hon Tim Clifford

Hon Colin de Grussa  
 Hon Diane Evers  
 Hon Alison Xamon (*Teller*)

Amendment, as amended, thus passed.

Debate resumed.

Hon Alison Xamon moved —

Page 6, lines 23 to 25 — To delete the lines.

Debate ensued.

*Interruption pursuant to order.*

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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.

**13. Adjournment**

The Council adjourned at 5.55pm until Tuesday, 23 June 2020 at 2.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina, Hon Colin Holt and Hon Kyle McGinn.

**NIGEL PRATT**  
Clerk of the Legislative Council

**HON KATE DOUST MLC**  
President of the Legislative Council