

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 208

WEDNESDAY, 12 AUGUST 2020

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### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The Deputy President, Hon Simon O'Brien, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Petition

Hon Alison Xamon presented a petition from 610 petitioners requesting the Legislative Council to ensure that the Ocean Reef Marina Improvement Scheme reflects the community's wishes by removing the proposed accommodation and the approximately eight hectares, currently shallow water, to be reclaimed for this purpose and ensuring that the development footprint remains within the existing cleared areas and to oppose any incursion into Bush Forever 325. (Tabled Paper 4086).

### 3. Ministerial Statement — Nyinggulu Coastal Reserves Indigenous Land Use Agreement

The Minister for Environment made a Ministerial Statement with respect to the Government reaching an indigenous land use agreement with the Baiyungu people to enable the reservation, joint vesting and joint management of the Ningaloo coast.

### 4. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Reports —*

Terrorism (Preventative Detention) Act 2006 (section 54 (2)) — Quarterly Report  
(30 June 2020)..... 4084

#### Minister for Environment

*Annual Reports —*

State Emergency Management Committee — Emergency Preparedness Report (2019)  
(Date received 11/08/2020)..... 4085

### 5. Forest Products Amendment Bill 2020

Hon Diane Evers: To move on the next day of sitting —

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.

## 6. Business of the House

The Leader of the House moved, without notice —

That pursuant to COVID-19 Temporary Order, the House —

- (1) sit beyond 6.20pm until the question on the Third Reading of the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020* is put and determined; and
- (2) take Members' Statements at a time ordered by the House.

Question — put and passed.

## 7. Attorney General

Motion No. 3 having been called, Hon Michael Mischin, pursuant to notice, moved —

That this House —

- (a) notes the false and misleading claims of the Attorney General on 28 May 2020;
- (b) notes his repeated failure to provide full, frank and reliable information to the Parliament;
- (c) expresses its concern about the suitability of the Member for Butler to continue as Western Australia's first law officer; and
- (d) acquaints the Legislative Assembly accordingly.

Debate ensued.

Question — put.

The Council divided.

### Ayes (20)

Hon Martin Aldridge  
Hon Jacqui Boyde  
Hon Robin Chapple  
Hon Jim Chown  
Hon Tim Clifford  
Hon Peter Collier  
Hon Colin de Grussa  
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 Stephen Dawson  
Hon Sue Ellery  
Hon Adele Farina  
Hon Laurie Graham  
Hon Alannah MacTiernan  
Hon Kyle McGinn

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

Motion thus passed.

Legislative Assembly acquainted accordingly.

## 8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Simon O'Brien in the Chair)

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

Debate resumed on the motion of Hon Alanna Clohesy, That the Report be noted.

Hon Aaron Stonehouse moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **Select Committee into Elder Abuse — Final Report — 'I never thought it would happen to me': When trust is broken**

Hon Aaron Stonehouse moved, That consideration be postponed until the next sitting.

Question — put and passed.

#### **Standing Committee on Estimates and Financial Operations — Report No. 78 — 2019-20 Budget Cycle – Part 1: Estimates hearings and related matters**

Debate resumed on the motion of Hon Stephen Dawson, That the Report be noted.

*Interruption pursuant to order.*

## 9. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled documents in relation to Western Australian schools impacted by funding changes, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 4087).

The Minister for Regional Development, by leave incorporated into *Hansard*, information in relation to the Country Aged Pension Fuel Card, in response to a question without notice asked by Hon Colin Holt. The Minister for Environment representing the Minister for Transport, in accordance with Standing Order 108(2), advised that an answer to question on notice 2976 asked by Hon Martin Aldridge will be provided on 13 August 2020.

The Minister for Environment representing the Minister for Road Safety, in accordance with Standing Order 108(2), advised that an answer to question on notice 2975 asked by Hon Martin Aldridge will be provided on 18 August 2020.

## 10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports (*see item 9 above*).

The President resumed the Chair.

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

- (1) Standing Committee on Uniform Legislation and Statutes Review — Report 124 — *Inquiry into the Form and Content of the Statute Book*, made progress, and postponed further consideration until the next sitting.
- (2) Select Committee into Elder Abuse — Final Report — *'I never thought it would happen to me': When trust is broken*, and postponed consideration to the next sitting.
- (3) Standing Committee on Estimates and Financial Operations — Report 78 — *2019-20 Budget Cycle – Part 1: Estimates hearings and related matters*, made progress, and seeks to sit again.

Report adopted.

## 11. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Coolgardie Parking Local Law 2019 – Disallowance*, 2, *Shire of Coolgardie Public Places and Local Government Property Local Law 2019 – Disallowance* and 3, *Shire of Augusta Margaret River Cemeteries Local Law 2020 – Disallowance*, be taken after Order of the Day No. 21, *Criminal Law Amendment (Uncertain Dates) Bill 2019*. (Minister for Environment).

## 12. Paper

The following Paper was laid on the Table by —

**Minister for Regional Development representing the Minister for Industrial Relations**

*Explanatory Memorandums —*

*Workers Compensation and Injury Management Amendment (COVID-19 Response)*

*Bill 2020 (Version 2)..... 4088*

## 13. Legal Profession Uniform Law Application Bill 2020 and Legal Profession Uniform Law Application (Levy) Bill 2020

The Order of the Day having been read for the adjourned debate on the motion of Hon Michael Mischin, as follows —

That the reporting date for the Uniform Legislation and Statutes Review Committee inquiry into the *Legal Profession Uniform Law Application Bill 2020* and *Legal Profession Uniform Law Application (Levy) Bill 2020* be extended from 11 August 2020 to 15 September 2020.

Question — put and passed.

## 14. Workers' Compensation and Injury Management 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 President left the Chair.

### In Committee

(Hon Matthew Swinbourn in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Hon Nick Goiran moved —

Page 2, after line 7 — To insert:

(b) sections 3 and 15A – on the day after this Act receives the Royal Assent;

Debate ensued.

Amendment — put and passed.

Hon Nick Goiran moved —

Page 2, after line 9 — 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.

Clauses 3 and 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

New Clause 15A.

Hon Nick Goiran moved —

Page 9, after line 25 — To insert:

### **314B. Review of Act**

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
  - (a) as soon as practicable after the 5<sup>th</sup> anniversary of the day on which the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020* section 15A comes into operation; and
  - (b) after that, at intervals of not more than 5 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5<sup>th</sup> anniversary or the expiry of the period of 5 years, as the case may be.

- (3) The Minister must transmit a copy of the report to the Clerk of a House of Parliament if –
  - (a) the report has been prepared; and
  - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (4) A copy of the report transmitted to the Clerk of a House is taken to have been laid before that House.
- (5) The laying of a copy of a report that is taken to have occurred under subsection (4) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

New Clause agreed to.

Clauses 16 and 17 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Regional Development representing the Minister for Industrial Relations moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Industrial Relations moved, That the Bill be read a third time.

The Acting 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.

Question — put and passed.

Bill read a third time and passed.

## **15. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Minister for Environment).

## **16. Members' Statements**

Statements were taken.

## **17. Public Health Amendment (COVID-19 Response) Bill 2020**

The President reported the receipt of Message No. 209 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Health moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 4089).

Debate stands adjourned.

**18. Adjournment**

The Council adjourned at 8.32pm until Thursday, 13 August 2020 at 10.00am.

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

Attendance: Present all Members except Hon Charles Smith.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council