

**LEGISLATIVE COUNCIL****THURSDAY, 16 DECEMBER 2021****10.00am****1. Meeting of Council**

The Council assembled at 10.00am pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — Peel Regional Economic Development Grants

The Minister for Regional Development made a Ministerial Statement with respect to the Peel Regional Economic Development Grants.

3. Statement by President — E-Petitions

The President made the following Statement —

In September the Council agreed to the E-Petitions Temporary Order recommended in Procedure and Privileges Committee Report 64: *Review of the Standing Orders*. I remind Members that the trial of the new and innovative E-Petitions procedure will commence from 1 January 2022.

Members will be aware that in the past some petitioners have been advised that their E-Petitions, created in good faith with the assistance and support of organisations such as Change.org, failed to comply with the Standing Orders and could not be laid before the Council for its consideration.

Petitions are one of the methods by which the public can engage with the legislature and participate in a parliamentary democracy. The right of a citizen to petition the Monarch and the Parliament was established as early as 1215 under the *Magna Carta* and reaffirmed by the *Bill of Rights 1689*. The Council's E-Petitions Temporary Order will now enable a greater level of participation and engagement in our democracy.

From 1 January 2022 petitioners will be able to use tools on the Parliament's website to create an e-petition and will need to approach a Member to facilitate an E-Petition on their behalf. If a Member agrees to facilitate an E-Petition, the E-Petition will be hosted on the Parliament of Western Australia's public website for the duration of the nominated hosting period.

During this hosting period, the E-Petition will be open for the electronic distribution and collection of electronic signatures from supporting petitioners.

At the conclusion of the hosting period the Clerk's office will arrange for the printing of the E-Petition in full and provide it to the facilitating Member for tabling and presentation to the Council.

As with traditional paper petitions, all E-Petitions presented to the Council shall stand referred to the *Environment and Public Affairs Committee* in accordance with the Standing Orders.

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Addendums —

Report of Consultants Engaged by Government (for the six months ended 30 June 2021).....996

Reports —

Report of Consultants Engaged by Government (for the six months ended 31 December 2020).....997

Minister for Regional Development

Reports —

Independent Auditor's Assurance Report — Electricity Generation and Retail Corporation — Compliance with Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013 and the Segregation and Transfer Pricing Guidelines 2020 (14 October 2021)..... 998

Independent Auditor's Assurance Report — Electricity Generation and Retail Corporation — Compliance with Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013 and the Electricity (Standard Products) Wholesale Arrangements 2014 (14 October 2021) 999

5. City of Wanneroo Animals Local Law 2021 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Wanneroo Animals Local Law 2021* published in the *Gazette* on 27 October 2021 and tabled in the Legislative Council on 9 November 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 836).

6. City of Greater Geraldton Bush Fire Brigades Local Law 2021 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Greater Geraldton Bush Fire Brigades Local Law 2021* published in the *Gazette* on 2 November 2021 and tabled in the Legislative Council on 9 November 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 836).

7. 2019-2022 Economic Boom

Hon Dr Steve Thomas: To move on the next day of sitting —

That this House notes that —

- (a) the McGowan Government is in the process of blowing the 2019-22 economic boom, which has given it the highest revenues and largest budget surpluses in the history of Western Australia;
- (b) the boom has been the result of high iron ore prices and the new deal struck with the Commonwealth on GST;
- (c) despite this record income the McGowan Government has failed to adequately deliver services to the people of this State, and that many of their Ministers have failed in their tasks; and
- (d) thanks the Morrison Federal Government for the GST fix that has delivered billions of dollars into the State coffers.

8. Retail Trading Hours Amendment Bill 2021

Non-Government Business No. 1 having been called, Hon Wilson Tucker, pursuant to notice, moved —

That a Bill for “An Act to amend the *Retail Trading Hours Act 1987* to extend trading hours in the district of Perth.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Wilson Tucker moved, That the Bill be read a second time.

Hon Wilson Tucker tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1000).

Debate stands adjourned.

9. Investment in Digital Inclusion

Non-Government Business No. 2 having been called, Hon Wilson Tucker moved, without notice —

That this House:

- (a) recognises the benefits of digital inclusion, particularly in remote and regional areas of Western Australia;
- (b) notes that despite the rollout of the NBN, many regional Western Australians still lack network access and remain effectively digitally excluded; and
- (c) calls on the State Government to increase investment in initiatives to improve network access and digital inclusion for regional Western Australia.

Debate ensued.

Interruption pursuant to order.

10. Order of Business

Ordered — That Orders of the Day Nos 1, *Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance*, 2, *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 — Disallowance*, 3, *City of Fremantle Parking Local Law 2021 — Disallowance*, 4, *City of Stirling Meeting Procedures Local Law 2021 — Disallowance*, 7, *City of Canning Local Government Property and Public Places Local Law 2021 — Disallowance*, and 8, *Town of Bassendean Cats Local Law 2021 — Disallowance*, be taken after Order of the Day No. 24, *Industrial Relations Legislation Amendment Bill 2021*. (Minister for Mental Health).

11. Non-Coronial Post-Mortem Examinations Code of Practice 2021 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Lorna Harper moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 5, *Non-Coronial Post-Mortem Examinations Code of Practice 2021*, be discharged from the Notice Paper.

Question — put and passed.

12. Shire of Waroona Health Local Law 2021 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Lorna Harper moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 6, *Shire of Waroona Health Local Law 2021*, be discharged from the Notice Paper.

Question — put and passed.

13. Industrial Relations Legislation Amendment Bill 2021

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Deputy President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Industrial Relations moved that Clause 2 be postponed until after consideration of Clause 129.

Question — put and passed.

Clauses 3 to 15 agreed to.

Clause 16.

Debate ensued.

Hon Nick Goiran moved —

Page 16, line 25 to page 18, line 16 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clause 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 23 agreed to.

Clause 24.

Debate ensued.

Hon Nick Goiran moved —

Page 28, lines 20 to 24 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Steve Martin

Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Nick Goiran (*Teller*)

Noes (22)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Kyle McGinn
Hon Sophia Moermond
Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negated.

Question, That the clause stand as printed — put and passed.

Clause 25.

Debate ensued.

Hon Nick Goiran moved —

Page 29, lines 7 to 9 — To delete the lines and insert:

- (3) The Commission may make the order only if it is satisfied that —
 - (a) the owner or occupier of the habitation premises has had a reasonable opportunity to make representations to the Commission about the application made under subsection (2);
 - (b) the application made under subsection (2) is for the purpose of obtaining information that cannot be obtained in any manner other than entry to the habitation premises by the authorised representative; and
 - (c) exceptional circumstances exist warranting the making of the order.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Noes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Kyle McGinn
Hon Sophia Moermond
Hon Shelley Payne
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put.

The Committee divided.

Ayes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Kyle McGinn
Hon Sophia Moermond
Hon Shelley Payne
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Noes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Steve Martin

Hon Tjorn Sibma
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 26 to 28 agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 37 agreed to.

Clause 38.

Debate ensued.

Hon Nick Goiran moved —

Page 48, after line 17 — To insert:

- (3) The regulations may make a declaration only if the Minister is satisfied that the employer has consented to the declaration.

Amendment — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Noes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Kyle McGinn
Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Question, That the clause stand as printed — put and passed.

Clause 39 agreed to.

Clause 40 agreed to.

New Clause 40A.

Hon Nick Goiran moved —

Page 56, after line 11 — To insert:

40A. Section 80L amended

In section 80L(1) after "(5)," insert:

33,

Debate ensued.

The Minister for Industrial Relations tabled a letter from the Registrar of the Western Australian Industrial Relations Commission, to Rachel Cosentino, Senior Commissioner of the Western Australian Industrial Relations Commission, regarding the issuing of summonses under section 33 of the *Industrial Relations Act 1979* for proceedings before the Public Service Appeal Board. (Tabled Paper 1001).

New Clause — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Steve Martin

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Noes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Ayor Makur Chuot

Hon Kyle McGinn
Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

New Clause thus negatived.

Clauses 41 to 60 agreed to.

Clause 61.

Debate ensued.

Clause agreed to.

Clauses 62 to 64 agreed to.

Clause 65.

Debate ensued.

Hon Nick Goiran moved —

Page 92, lines 10 to 14 — To delete the lines and insert:

proposed entry unless the Commission has made an order waiving the requirement under this subsection to give the notice.

Debate ensued.

Amendment — put and negatived.

Hon Nick Goiran moved —

Page 92, lines 17 to 23 — To delete the lines and insert:

- (3C) The Commission may make an order under subsection (3A)(b) only if it is satisfied that —
- (a) the owner or occupier of the industrial location or business premises has had a reasonable opportunity to make representations to the Commission relating to application made under subsection (3B);
 - (b) the application made under subsection (3B) is for the purpose of obtaining information that cannot reasonably be obtained in any manner other than entry to the industrial location or business premises; and
 - (c) a notice under subsection (3A) would defeat the purpose for which the power in subsection (3)(a) is intended to be exercised.

Debate ensued.

Amendment — put and negatived.

Question, That the clause stand as printed — put and passed.

Clauses 66 to 69 agreed to.

Clause 70.

Debate ensued.

Clause agreed to.

Clauses 71 to 129 agreed to.

Postponed Clause 2.

Debate resumed.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Industrial Relations 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.

Question — put and passed.

Bill read a third time and passed.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Lands tabled the terms of reference for the Mt Lawley Edith Cowan University Site Government Steering Committee, in response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 1002).

The Minister for Regional Development representing the Minister for Energy tabled the Department of Energy 50 day relative strain index, eligible town list for air-conditioning rebate, in response to a question without notice asked by Hon Wilson Tucker. (Tabled Paper 1003).

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* a table of the number of Horizon customers receiving the air-conditioning rebate in the Kimberley, Pilbara, Gascoyne/Midwest and Goldfields/Esperance regions, in response to a question without notice asked by Hon Wilson Tucker.

The Parliamentary Secretary to the Attorney General on behalf of the Minister for Mental Health representing the Minister for Health, by leave, incorporated into *Hansard* a table of 270 beds, by hospital, number, type, in response to a question without notice asked by Hon Steve Martin.

The Leader of the House on behalf of the Minister for Mental Health representing the Minister for Health, by leave, incorporated into *Hansard* an answer in relation to how many Western Australians have been hospitalised or died to date, following a reaction to any of the COVID-19 vaccines currently being administered, in response to a question without notice asked by Hon Sophia Moermond.

The Minister for Regional Development representing the Minister for Commerce, by leave, incorporated into *Hansard* an answer in relation to non-government organisations that provide rehabilitation programs to prisoners after they serve their sentence, in response to a question without notice asked by Hon Peter Collier.

15. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

16. Members' Statements

Statements were taken.

17. Adjournment

The Council adjourned at 5.42pm until Tuesday, 15 February 2022 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon James Hayward, Hon Samantha Rowe (*leave*) and Hon Rosetta Sahanna.

PAUL GRANT

Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council