

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 188

WEDNESDAY, 1 APRIL 2020

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### 1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Statement by President — Consideration of Committee Reports and Adjustment to Sitting Arrangements

The President made the following Statement —

Pursuant to the Temporary Order agreed to by the House yesterday and having consulted with party leaders, I order that Consideration of Committee reports be dispensed with at this day's sitting. Members, this will result in Orders of the Day being taken after the completion of Motions on Notice.

I also advise an adjustment to the arrangements put in place yesterday for those Members given the call and who are not Party Leaders or Ministers with allocated seats.

During Committee of the Whole stages of Bills, those Members may speak from an unallocated seat, if one is available. To assist the audio visual technicians in the broadcast room, I ask that Members pause briefly after receiving the call to allow for microphones to be activated and the adjustment of cameras.

As occurred yesterday, during question time, Parliamentary Secretaries may answer questions from where they sit.

For other proceedings the lectern should be used by those Members who do not have an allocated seat.

I thank Members for their co-operation as we fine tune our arrangements.

### 3. Ministerial Statement — Container Deposit Scheme Delay of Commencement

The Minister for Environment made a Ministerial Statement with respect to the delay in the commencement of the container deposit scheme in response to the COVID-19 emergency.

### 4. Papers

The following Papers were laid on the Table by —

#### Leader of the House

*Annual Reports* —

Criminal Investigation (Covert Powers) Act 2012 (2018-2019) ..... 3751

*Reports* —

Ministerial Resourcing Report (as at 20 February 2020) ..... 3752

## 5. Leave of Absence

Hon Alison Xamon moved, without notice —

That leave be granted to Hon Robin Chapple for nine sitting days due to urgent personal business.

Question — put and passed.

## 6. COVID-19

Motion No. 1 having been called, Hon Alison Xamon, pursuant to notice, moved —

That this House:

- (1) Notes the Government's response to COVID-19 pandemic in Western Australia.
- (2) Acknowledges that there are sectors of our society and economy that remain in significant need of further support.
- (3) Calls on the Government to address the needs of these sectors of our society and economy with targeted support and continued fiscal stimulus during this stressful period.

Debate ensued.

Motion — put and passed.

## 7. Pay-roll Tax Assessment Amendment (Thresholds) Bill 2019

The following Message from the Legislative Assembly was reported —

Madam President

Message No. 170

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Pay-roll Tax Assessment Amendment (Thresholds) Bill 2019*.

Hon P.B. Watson

Speaker

Legislative Assembly Chamber

Perth, 1 April 2020

## 8. Treasurer's Advance Authorisation Bill 2020

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

Debate ensued.

The Minister for Environment representing the Treasurer tabled a Stimulus Measures Summary. (Tabled Paper 3753).

Debate resumed.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

The Minister for Environment representing the Treasurer moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

## 9. Business of the House — Emergency Management Amendment (COVID-19 Response) Bill 2020 — Time Limits

The Leader of the House advised the Council that the *Emergency Management 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.

## 10. Emergency 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.

The Minister for Environment representing the Minister for Emergency Services tabled a document relating to the closure of certain places of business, worship and entertainment districts. (Tabled Paper 3754).

Debate resumed.

Question — put and passed.

Bill read a second time.

The President left the Chair.

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**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

The Minister for Environment representing the Minister for Emergency Services moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

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The Acting President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

**11. Business of the House**

The Leader of the House moved, without notice —

That the suspension provided for in Standing Order 5(2) be dispensed with at this day's sitting.

Question — put and passed.

**12. Order of Business**

Ordered — That Order of the Day No. 35, *Emergency Management Amendment (COVID-19 Response) Bill 2020*, be taken forthwith. (Leader of the House).

**13. Emergency Management Amendment (COVID-19 Response) 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.

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**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 2.

Debate resumed.

Hon Aaron Stonehouse, moved —

Page 2, line 10 — To delete “section” and insert:

sections 6A and

Debate ensued.

The Minister for Environment representing the Minister for Emergency Services moved, That the Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

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The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

#### **14. Order of Business**

Ordered — That Questions Without Notice be taken forthwith. (Leader of the House).

#### **15. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Health, by leave, incorporated into *Hansard* two tables relating to COVID-19, in response to a question without notice asked by Hon Peter Collier on behalf of Hon Jacqui Boydell.

The Minister for Environment tabled details of children who were stripped searched by police in 2018–19, in response to question on notice 2813 asked by Hon Alison Xamon. (Tabled Paper 3755).

The Parliamentary Secretary to the Minister for Regional Development representing Minister for Water tabled Vasse-Wonnerup Water Quality Plan (2010), in response to a question without notice asked by Hon Diane Evers. (Tabled Paper 3756).

The Parliamentary Secretary to the Minister for Regional Development representing the Minister for Water, in accordance with Standing Order 108(2), advised that an answer to question on notice 2821 asked by Hon Robin Chapple will be provided on 31 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 2818 asked by Hon Martin Aldridge will be provided on 20 August 2020.

#### **16. Emergency Management Amendment (COVID-19 Response) Bill 2020**

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

The President left the Chair.

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#### **In Committee**

(Hon Martin Aldridge in the Chair)

Clause 2.

Debate resumed on the amendment moved by Hon Aaron Stonehouse, as follows —

Page 2, line 10 — To delete “section” and insert:

sections 6A and

Amendment — put.

The Committee divided.

#### **Ayes (6)**

Hon Tim Clifford  
Hon Diane Evers  
Hon Rick Mazza

Hon Charles Smith  
Hon Alison Xamon  
Hon Aaron Stonehouse (*Teller*)

**Noes (21)**

Hon Martin Aldridge  
 Hon Ken Baston  
 Hon Jacqui Boydell  
 Hon Alanna Clohesy  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Colin Holt  
 Hon Kyle McGinn

Hon Michael Mischin  
 Hon Simon O'Brien  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Robin Scott  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

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

Clauses 3 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 and 9 agreed to.

Clause 10.

Debate ensued.

Hon Aaron Stonehouse, moved —

Page 7, lines 22 to 25 — To delete the lines and insert:

(2) In section 77(2A):

(a) delete “71, 72A(2)” and insert:

71

(b) delete paragraph (b).

Debate ensued.

Amendment — put and negatived.

Hon Aaron Stonehouse, moved —

Page 7, lines 26 to 29 — To delete the lines and insert:

(3) In section 86(1):

(a) delete “71, 72A” and insert:

71

(b) in paragraph (a) delete “imprisonment for 12 months or”.

Debate ensued.

Amendment — put and negatived.

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

Clauses 11 and 12 agreed to.

Clause 13.

Debate ensued.

The Minister for Environment representing the Minister for Emergency Services, moved —

Page 9, after line 10 — To insert:

(2) After section 86(2) insert:

(3) It is a defence to a charge of an offence under subsection (1) for the person to prove that the person had a reasonable excuse for failing to comply with the direction.

Debate ensued.

Pursuant to Temporary Order (6), the maximum time limit allowed for this stage of the Bill having expired, the following questions were put *seriatim*.

Amendment — put and passed.

Clause, as amended agreed to.

Clause 14 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported with amendment.

The Minister for Environment representing the Minister for Emergency Services, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Environment representing the Minister for Emergency Services moved, That the Bill be read a third time.

Debate ensued.

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.

#### **17. Business of the House — Criminal Code Amendment (COVID-19 Response) Bill 2020**

The Leader of the House advised the Council that the *Criminal Code 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.

#### **18. Criminal Code 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.

Leave was granted to proceed forthwith to the third reading.

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

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

**19. Business of the House — Family Violence Legislation Reform (COVID-19 Response) Bill 2020**

The Leader of the House advised the Council that the *Family Violence Legislation Reform (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.

**20. Family Violence Legislation Reform (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.

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**In Committee**

(Hon Simon O'Brien in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 to 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clauses 24 to 29 agreed to.

Clause 30.  
 Debate ensued.  
 Clause agreed to.  
 Clauses 31 to 33 agreed to.  
 Clause 34.  
 Debate ensued.  
 Clause agreed to.  
 Clauses 35 to 37 agreed to.  
 Clause 38.  
 Debate ensued.  
 Clause agreed to.  
 Clause 39.  
 Debate ensued.  
 Clause agreed to.  
 Clause 40.  
 Debate ensued.  
 Clause agreed to.  
 Clause 41 agreed to.  
 Title agreed to.

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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 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.

## **21. Business of the House**

The Leader of the House moved, without notice —

That pursuant to the Temporary Order made by the Council on 31 March 2020, the Council shall sit beyond 5.20pm on Thursday 2 April 2020 and take Members' Statements at a time ordered by the Council.

Debate ensued.

Question — put and passed.

## **22. Electricity Industry Amendment Bill 2019**

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

Debate ensued.

On the motion of Hon Pierre Yang the debate was adjourned to the next sitting.

## **23. Order of Business**

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

## **24. Members' Statements**

Statements were taken.

Hon Tjorn Sibma, by leave, tabled a letter from the Western Australian Ratepayers and Residents Association Incorporated to the Premier regarding COVID-19 measures and community impacts. (Tabled Paper 3759).



**25. Transport (Road Passenger Services) Amendment (COVID-19 Response and Regional Assistance) Bill 2020**

The President reported the receipt of Message No. 169 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Environment representing the Minister for Transport moved, That the Bill be read a second time.

The Minister for Environment representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3757).

The Minister for Environment representing the Minister for Transport moved that the second reading debate be made an Order of the Day for the next day's sitting.

Question — put and passed.

Debate stands adjourned.

**26. Guardianship and Administration Amendment (Medical Research) Bill 2020**

The President reported the receipt of Message No. 171 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 3758).

The Leader of the House representing the Attorney General moved that the second reading debate be made an Order of the Day for the next day's sitting.

Question — put and passed.

Debate stands adjourned.

**27. Adjournment**

The Council adjourned at 10.40pm until Thursday, 2 April 2020 at 10.00am.

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

Attendance: Present all Members Hon Robin Chapple (*leave*), Hon Jim Chown, Hon Laurie Graham, Hon Alannah MacTiernan (*leave*) and Hon Colin Tincknell.

**NIGEL PRATT**  
Clerk of the Legislative Council

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