

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 205

FIRST SESSION OF THE FORTIETH PARLIAMENT

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WEDNESDAY, 24 JUNE 2020

**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

**2. Notices of Motion**

**3. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Health on the death of Dr Colin Clarke, an active supporter of Voluntary Assisted Dying legislation in Western Australia.

The Minister for Corrective Services on the resumption of social visits in all prisons and Banksia Detention Centre.

The Attorney General on the WA Pro Bono Model.

The Attorney General on the death of Hon Stephen Thackray, former Chief Justice of the Family Court of Western Australia.

The Minister for Sport and Recreation on the death of Mr Brian Griffin, a member of the Sport Australia Hall of Fame.

The Minister for Women's Interests on the 5<sup>th</sup> anniversary of the landmark gender equality research report *Filling the Pool*.

**4. Animal Welfare and Trespass Legislation Amendment Bill 2020**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act –

- to amend the *Animal Welfare Act 2002* to make provision for designated inspectors; and
- to amend *The Criminal Code* and the *Restraining Orders Act 1997* to make provisions relating to trespass on a place where animal source food production is carried out.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Mr A. Krsticevic moved, That the debate be adjourned.

Question put and passed.

#### **5. Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020**

The Minister for Industrial Relations, pursuant to notice, moved,

That a bill for "An Act to amend the *Workers' Compensation and Injury Management Act 1981*." be introduced and read a first time.

Question put and passed.

The Minister for Industrial Relations presented an explanatory memorandum and bill read a first time.

The Minister for Industrial Relations moved, That the bill be now read a second time.

Mr A. Krsticevic moved, That the debate be adjourned.

Question put and passed.

#### **6. Conservation and Land Management Amendment Bill 2020**

The Parliamentary Secretary to the Minister for Environment, pursuant to notice, moved,

That a bill for "An Act to amend the *Conservation and Land Management Act 1984*." be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Environment presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary to the Minister for Environment moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

#### **7. Removal of Order of the Day**

The Acting Speaker advised that Private Members' Business Order of the Day, Western Australia's Agricultural Sector, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

#### **8. Suspension of Standing Orders – Messages from the Legislative Council**

Mr D.R. Michael, on behalf of the Leader of the House, pursuant to notice, moved,

That, for the remainder of this week, so much of the Standing Orders be suspended as is necessary to enable Messages from the Legislative Council to be taken into consideration on the day on which they are received.

Debate ensued.

Question put and passed.

## **9. Planning and Development Amendment Bill 2020**

Message No. 127 dated 23 June 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Planning and Development Amendment Bill 2020* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Planning and Development Amendment Bill 2020*

### **No. 1**

Clause 2, 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.

### **No. 2**

Clause 4, page 4, lines 7 to 13 — To delete the lines.

### **No. 3**

Clause 4, page 4, line 21 — To delete the line.

### **No. 4**

Clause 4, page 4, after line 25 — To insert:

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

### **No. 5**

Clause 4, 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;

### **No. 6**

Clause 4, page 5, lines 5 to 20 — To delete the lines.

### **No. 7**

Clause 4, page 5, lines 27 to 29 — To delete the lines.

### **No. 8**

Clause 4, 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

**No. 9**

Clause 4, page 6, line 26 to page 7, line 3, to delete the lines and insert:

*substantially commenced*, subject to subsection (4), has the meaning given in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1 as in force at the beginning of the recovery period;

**No. 10**

Clause 4, page 8, after line 16 — To insert:

- (3) To avoid doubt, this Part is subject to section 5 of the EP Act.

**No. 11**

Clause 4, page 10, after line 6 — To insert:

- (7) The Premier, within 14 days after the day on which a direction is given under subsection (5), must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

**No. 12**

Clause 4, page 15, line 22 — To delete the line and insert:

- (a) consult the CEO (as defined in the *Contaminated Sites Act 2003* section 3(1)) if the development is of land referred to in section 58(1)(a)(i) of that Act in respect of which a memorial is registered under section 58 of that Act; and

**No. 13**

Clause 4, page 16, after line 13 — To insert:

- (d) have due regard to any submission made, or advice given, to the Commission in the course of a consultation under paragraph (a), (b) or (c).

**No. 14**

Clause 4, page 16, line 28 to page 17, line 7 — To delete the lines and insert:

- (6) The Commission must —
  - (a) consult any person or body not referred to in subsections (2) to (5) whom the Commission considers it appropriate to consult; and
  - (b) in the manner the Commission considers appropriate, advertise the development application, inviting submissions from members of the public generally or from a class or group of members of the public that the Commission considers appropriate; and
  - (c) have due regard to any submissions made by members of the public in response to the invitation under paragraph (b).
- (6A) The Commission may do anything else that is not covered by subsections (2) to (6) and that the Commission considers it appropriate to do in order to obtain a document, information, an opinion or any other contribution from any person or body.

**No. 15**

Clause 4, page 17, lines 8 and 9 — To delete “referred to in subsection (6)(a), (b) or (c),” and insert:

under subsection (6)(a) or (b) or (6A),

**No. 16**

Clause 4, page 18, lines 34 and 35 — To delete the lines.

**No. 17**

Clause 4, page 19, line 14 — To delete “48 months” and insert:

24 months

**No. 18**

Clause 4, page 24, after line 24 — To insert:

- (6A) The Minister, within 14 days after the day on which the direction is given, must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

**No. 19**

Clause 4, page 26, after line 24 — To insert:

- (7) The Minister, within 14 days after the day on which the direction is given, must cause a copy of it to be published in the *Gazette* and, as soon as is practicable, must cause a copy of it to be laid before each House of Parliament or dealt with under section 268A.

**No. 20**

Clause 4, page 29, line 21 to page 30, line 3 — To delete the lines and insert:

- (2) Without limiting subsection (1), Part 17 regulations may prescribe powers, duties, procedures or any other matters for the purposes of, or in relation to —
  - (a) applications, notifications, referrals or directions under this Part; or
  - (b) the consideration or determination of applications or notifications under this Part.

**No. 21**

Clause 67, page 67, lines 21 to 26 — To delete the clause.

**No. 22**

Clause 106, page 94, lines 28 to 32 — To delete the lines.

*CONSIDERATION IN DETAIL*

The Minister for Planning moved, That amendment No. 1 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 2 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 3 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 4 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 5 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 6 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 7 be agreed to.  
Amendment agreed to.

The Minister for Planning moved, That amendment No. 8 be agreed to.  
Amendment put.

The Assembly divided.

## Ayes (44)

Ms L.L. Baker	Mr A. Krsticevic	Mr D.T. Punch
Dr A.D. Buti	Mr S.K. L'Estrange	Mr J.R. Quigley
Mr J.N. Carey	Mr F.M. Logan	Ms M.M. Quirk
Mrs R.M.J. Clarke	Mr W.R. Marmion	Ms C.M. Rowe
Mr R.H. Cook	Mr M. McGowan	Ms R. Saffioti
Ms J. Farrer	Ms S.F. McGurk	Ms A. Sanderson
Mr M.J. Folkard	Ms L. Mettam	Ms J.J. Shaw
Ms E.L. Hamilton	Mr K.J.J. Michel	Mrs J.M.C. Stojkovski
Mrs L.M. Harvey	Mr S.A. Millman	Mr C.J. Tallentire
Mrs A.K. Hayden	Mr Y. Mubarakai	Mr P.C. Tinley
Mr T.J. Healy	Mr M.P. Murray	Mr R.R. Whitby
Mr W.J. Johnston	Dr M.D. Nahan	Ms S.E. Winton
Mr P.A. Katsambanis	Mrs L.M. O'Malley	Mr B.S. Wyatt
Mr D.J. Kelly	Mr P. Papalia	Mr D.R. Michael ( <i>Teller</i> )
Mr Z.R.F. Kirkup	Mr S.J. Price	

## Noes (4)

Mr I.C. Blayney	Mr R.S. Love
Ms M.J. Davies	Mr P.J. Rundle ( <i>Teller</i> )

Amendment No. 8 thus agreed to.

The Minister for Planning moved, That amendment Nos 9 and 10 be agreed to.

Amendments agreed to.

The Minister for Planning moved, That amendment No. 11 be agreed to.

Amendment agreed to.

The Minister for Planning moved, That amendment Nos 12 to 16 be agreed to.

Amendments agreed to.

The Minister for Planning moved, That amendment No. 17 be agreed to.

Amendment agreed to.

The Minister for Planning moved, That amendment Nos 18 to 22 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

## 10. Health Services Amendment Bill 2019

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

## 11. Procedure and Privileges Committee – Terms of Reference

The Speaker advised members that the Procedure and Privileges Committee had resolved to inquire into the Legislative Assembly's response to the COVID-19 pandemic and how the Assembly could better respond to any future pandemic and would report by 10 September 2020.

## 12. Questions

Questions without Notice were taken.

Questions on Notice Nos 6273 to 6281 were asked.

Questions on Notice Nos 6016, 6035, 6055, 6119, 6138 to 6141, 6150, 6153, 6158, 6164 and 6172 were answered.

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Paper tabled by the Minister for Emergency Services; Corrective Services –

Question on Notice No. 6138 – List detailing staffing arrangements within the Minister's department and agencies under the Minister's portfolio of responsibilities (3470).

Papers tabled by the Minister for Local Government; Heritage; Culture and the Arts –

Question on Notice No. 6139 – List detailing staffing arrangements within the Minister's department and agencies under the Minister's portfolio of responsibilities (3471).

Question on Notice No. 6172 – List detailing total number of Community development, youth traineeships and youth scholarships grants awarded to Local Governments (3472).

Paper tabled by the Attorney General; Minister for Commerce –

Question on Notice No. 6140 – List detailing staffing arrangements within the Minister's department and agencies under the Minister's portfolio of responsibilities (3473).

Paper tabled by the Minister for Seniors and Ageing; Volunteering; Sport and Recreation –

Question on Notice No. 6141 – List detailing staffing arrangements within the Minister's department and agencies under the Minister's portfolio of responsibilities (3474).

### **13. Unanswered Questions on Notice**

Ms M.J. Davies asked why no answers had been received in respect of her Questions on Notice Nos 6133, 6134, 6136 and 6148.

### **14. Public Accounts Committee – Terms of Reference**

The Speaker advised members that the Public Accounts Committee had resolved to inquire into the use of State funding by the Western Australian Football Commission in its role as caretaker of football in WA and would report by 4 November 2020.

### **15. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 3 be next considered.

### **16. Dog Amendment (Stop Puppy Farming) Bill 2020**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

### **17. Variation to the Order of Business**

Ordered, That Private Members' Business Notice of Motion No. 13 be next considered.

### **18. The Community Services Sector – Funding and Capacity**

Ms M.J. Davies, pursuant to notice, moved,

That this House notes the increase in homelessness and vulnerable members of the community seeking assistance in regional Western Australia and calls on the McGowan Government to deliver an immediate funding increase to provide the community services sector with the capacity to respond appropriately to the additional pressures of COVID-19.

Debate ensued.



Debate interrupted by the Chair (Minister for Community Services speaking) and adjourned until a later stage of the sitting.

**19. Notice of Motion after the Time Prescribed**

The Leader of the House was granted leave to give a late notice of motion.

**20. Adjournment**

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.00 pm until Thursday, 25 June 2020 at 9.00 am.

*Members present during any part of the day's proceedings* – All the members except Mr V.A. Catania and Mr J.E. McGrath.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. PETER WATSON**  
Speaker of the Legislative Assembly