

Minutes of Proceedings



LEGISLATIVE COUNCIL

THURSDAY, 11 AUGUST 2022

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. Statement by President — Select Committee into Cannabis and Hemp — Resignation of Member

The President made the following Statement —

I have received some correspondence from Hon James Hayward. It states —

Dear President

I wish to advise you of my resignation from the Select Committee into Cannabis and Hemp, effective immediately.

Best regards

Hon James Hayward.

3. Petitions

Hon Stephen Pratt presented a petition from 789 petitioners requesting the Legislative Council to recommend to the State Government initiate, an immediate moratorium on the clearing of habitat of the South West Black Cockatoo and establish an inquiry into the population decline of Carnaby's, Baudin's and Forest Red-tail Black Cockatoos. (Tabled Paper 1476).

Hon Dr Brad Pettitt presented an E-Petition from 2,573 petitioners requesting the Legislative Council to support amending Western Australian abortion rights legislation. (Tabled Paper 1477).

4. Ministerial Statement — Foot and Mouth Disease Preparedness

The Minister for Agriculture and Food made a Ministerial Statement with respect to Department of Primary Industries and Regional Development establishing a team to work on Foot and Mouth Disease and Lumpy Skin Disease preparedness.

5. Paper

The following Paper was laid on the Table by —

President

Auditor General's Papers —

Performance Audit: Payments to Subcontractors working on State Government

Projects (Report No. 4) (August 2022) 1475

6. Public Sector Wages Policy

Hon Dr Brad Pettitt: To move on the next day of sitting —

In recognition of their long contribution to State budget repair and dedication to the service of the Western Australian community, this House supports a public sector workers wages policy that doesn't see real wages going backwards year on year.

7. Elimination of Gas in Residential Buildings

Hon Dr Brad Pettitt: To move on the next day of sitting —

That this House calls on the McGowan Government to:

- (a) bring forward legislation that will end gas connections in all new residential buildings as soon as possible;
- (b) create and fund a plan to eliminate gas from houses entirely; and
- (c) develop and fund a range of incentives that will help households and businesses change over from gas to renewable, electric houses.

8. Minister for Agriculture and Food

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

That this House —

- (a) notes that the Minister for Agriculture and Food has lost the confidence of the agricultural sector in Western Australia including its representative bodies and farmers themselves;
- (b) notes that this loss of confidence is due to the Minister's inability to adequately perform the role of Minister for Agriculture and Food and her inability to be across the issues impacting the industry; and
- (c) calls on the Minister for Agriculture and Food to resign that position, and if she refuses to do so, calls on the Premier to remove her.

Debate ensued.

Motion lapsed.

9. Government Environmental Policies

Private Members' Business No. 1 having been called, Hon Lorna Harper moved, without notice —

That the Legislative Council acknowledge the McGowan Government's strong, consistent environmental protection stance and policies such as the Western Australia's Plan for Plastics and Containers for Change initiative.

Debate ensued.

Motion lapsed.

10. Shire of Leonora Dog Local Law 2022 — 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. 1, *Shire of Leonora Dog Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

11. Shire of Dowerin Fencing Local Law 2022 — 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. 2, *Shire of Dowerin Fencing Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

12. Shire of Dowerin Repeal Local Law 2022 — 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. 3, *Shire of Dowerin Repeal Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

13. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2022–2023

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Emergency Services representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1270A-D (2022–2023 Budget Statements), laid upon the Table of the House on 12 May 2022.

Debate resumed.

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

14. Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2021

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.

15. Conservation and Land Management Amendment Bill 2021

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

16. Questions Without Notice

Questions without notice were taken.

17. President's Ruling — Bush Fires Amendment Bill 2022

The President ruled as follows —

Hon Martin Aldridge raised a point of order in relation to whether the *Bush Fires Amendment Bill 2022* was a uniform Bill.

At the conclusion of the Minister for Emergency Services' second reading speech he advised the House that:

Pursuant to Standing Order 126(1), I advise that this Bill is not a uniform legislation Bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the Government of the State is a party; nor does this Bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the Commonwealth.

The history of Standing Order 126 and its application was explored in detail by President Doust when she considered a similar point of order on 7 September 2017.

At that time, it was noted that Standing Order 126 provides that the House may order that a Bill is a uniform legislation Bill, notwithstanding the contrary advice of the Member in charge of the Bill. A member may move a referral motion in accordance with Standing Order 126(3) without notice upon resumption of the second reading debate on the Bill.

I take the same approach as this recent example and make no ruling about whether the Bill should be referred under Standing Order 126. It is a matter for the House itself to determine.

18. Statement by President — Lunchtime Lecture Series

The President made the following Statement —

You should have received an email from me last Thursday regarding the upcoming Lunchtime Lecture Series for Members of Parliament.

I would like to remind you:

- The first of these commences next Thursday.
- A light lunch will be supplied, as such, RSVPs are essential.

I look forward to seeing you there.

19. Conservation and Land Management Amendment Bill 2021

Debate resumed on the second reading of this Bill (*see item 15 above*).

Interruption pursuant to order.

20. Members' Statements

Statements were taken.

21. Casino Legislation Amendment (Burswood Casino) Bill 2022

The President reported the receipt of Message No. 72 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Emergency Services representing the Minister for Racing and Gaming moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Emergency Services representing the Minister for Racing and Gaming moved, That the Bill be read a second time.

The Minister for Emergency Services representing the Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1478).

Debate stands adjourned.

22. Adjournment

Council adjourned at 6.04pm until Tuesday, 16 August 2022 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sandra Carr, Hon Sue Ellery, Hon Sophia Moermond and Hon Wilson Tucker

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council