

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 147

THURSDAY, 5 SEPTEMBER 2019, 10.00am

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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BILLS FOR INTRODUCTION

1. Public and Health Sector Legislation Amendment (Executive Payout Compensation) Bill 2017 (*Notice given 6 December 2017*)

Hon Tjorn Sibma: To move —

That a Bill for “An Act to amend the *Public Sector Management Act 1994* and the *Health Services Act 2016* to reduce payout compensation for executives appointed under those Acts.” be introduced and read a first time.

2. Strong and Sustainable Resource Communities Bill 2018 (*Notice given 22 March 2018*)

Hon Colin Tincknell: To move —

That a Bill for “An Act to prioritise recruitment from local and regional communities in the vicinity of large projects during their operation.” be introduced and read a first time.

3. Game and Feral Animal Control Bill 2018 (*Notice given 16 October 2018*)

Hon Rick Mazza: To move —

That a Bill for “An Act to manage and regulate the hunting of game; and for other purposes.” be introduced and read a first time.

4. Petroleum and Geothermal Energy Resources Amendment (banning the use of hydraulic fracture stimulation) Bill 2018 (*Notice given 27 November 2018*)

Hon Robin Chapple: To move —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* to ban the use of hydraulic fracture stimulation (fracking) for onshore exploration or development of shale and coal seam gas in Western Australia.” be introduced and read a first time.

ORDERS OF THE DAY

1. *Standing Committee on Procedure and Privileges — Report 56 — Parliamentary Privilege and Intrusive Powers — Interim Report — Judicial Proceedings for Declaration Challenging the Validity of the Order made by the Legislative Council on 15 August 2019 (Tabled 4 September 2019)

Committee (Wednesday, 4 September 2019).

Consideration of Recommendations 1 to 4 contained in Report 56 of the Standing Committee on Procedure and Privileges, *Parliamentary Privilege and Intrusive Powers — Interim Report — Judicial Proceedings for Declaration Challenging the Validity of the Order made by the Legislative Council on 15 August 2019*.

See Tabled paper 2994 (Tabled 4 September 2019).

Recommendation 1 states —

That the Legislative Council pass the following resolution in substitution for Order No. 4 made on 15 August 2019 as follows:

That the Legislative Council:

- (1) notes that:
 - (a) the law of parliamentary privilege is intended to protect the ability of the Houses of Parliament, their members and committees, to exercise their authority and perform their duties without undue external interference; and
 - (b) an aspect of that law is the protection of the legislature against improper interference by the judiciary and the executive;
- (2) further notes and affirms that:
 - (a) the privileges, immunities and powers of the Legislative Council are secured through s.36 of the *Constitution Act 1889*, the *Parliamentary Privileges Act 1891*, and *Parliamentary Papers Act 1891* and include the freedoms and immunities formulated in Article 9 of the *Bill of Rights 1688*, protecting speech and debates and proceedings in Parliament against being impeached or questioned in any court or place out of Parliament;
 - (b) the protections recited in Article 9 are not confined to courts and tribunals but also encompass the protection of material subject to parliamentary privilege against incursion by the executive and executive agencies including an Investigative Agency; and
 - (c) a thing, material and Document or Data subject to parliamentary privilege is immune from compulsory seizure by an Investigative Agency under a notice to produced, warrant, or similar compulsory process;
- (3) declares for the avoidance of doubt:
 - (a) that the right of the Legislative Council to determine claims of parliamentary privilege over material sought to be seized or accessed by an Investigative Agency adheres regardless of the form of the material, the means by which those agencies seek seizure or access, and the procedures followed;
 - (b) that the right of the Legislative Council to determine claims of parliamentary privilege over material sought to be seized or accessed by an Investigative Agency applies to Documents or Data of its

- members, former members and their staff in the possession, custody, or power of the Director General, Department of the Premier and Cabinet or other Government department or agency; and
- (c) that a person served with a Notice by an Investigative Agency for the production of Documents or Data who, without the authority of the Legislative Council or its authorised delegate, purports to determine, either personally or by any agent of the executive, the question of whether a Document or Data is subject to parliamentary privilege:
- (i) would usurp the right of the Legislative Council to determine that question; and
 - (ii) in the absence of a lawful excuse, may commit a breach of the privileges of the Legislative Council;
- (4) expects that where there are reasonable grounds to believe that a Notice served by an Investigative Agency on a person may require production of Documents or Data which attract parliamentary privilege, the person upon whom the Notice is served will inform the Clerk of the Legislative Council promptly following receipt of the Notice and before producing any Documents or Data in compliance with the Notice;
- (5) requires an Investigative Agency to observe the privileges, immunities and powers of the Legislative Council, its committees and members (including as declared in paragraph 3 above) in determining whether and how to exercise its powers, rights or functions in matters which might engage questions of parliamentary privilege; and
- For the purpose of this order:

Document or Data, includes a document or electronic or other data in the possession, custody or power of a government department that was created or received by a current or former member of the Legislative Council or their staff;

Investigative Agency, includes the Western Australian Police Force, the Australian Federal Police, the Corruption and Crime Commission and any like body with a power to issue a Notice to produce or obtain Documents or Data;

Notice includes a notice to produce, warrant, or similar compulsory process for the production or obtaining of Documents or Data.

Recommendation 2 states —

That the Legislative Council rescind its Order No. 4 made on 15 August 2019.

Recommendation 3 states —

That the Legislative Council order the Corruption and Crime Commission to produce to the Clerk of the Legislative Council by Wednesday, 11 September 2019 at 4.00pm, the laptop issued to Mr Phillip Edman by the Department of Premier and Cabinet that was seized from Mr Edman pursuant to a search warrant, on 14 August 2019, and all copies of the data contained on it in the Corruption and Crime Commission's possession.

Recommendation 4 states —

- (1) That proceedings be commenced and pursued, in the Supreme Court of Western Australia, on behalf of the Legislative Council of Western Australia, challenging the validity of some or all of three notices to produce documents, and one notice to produce information issued by the Corruption and Crime Commission to the Director General, Department of Premier and Cabinet,

issued between April and August 2019, and of the conduct of the Commission in issuing those notices;

- (2) That the President of the Legislative Council of Western Australia be authorised to conduct such proceedings in that capacity of behalf of the Legislative Council of Western Australia and to do all things reasonable necessary for, and incidental to, the commencement and pursuit of those proceedings, including to:
- (a) engage solicitors and counsel to represent the Legislative Council of Western Australia and to act upon their advice with respect to the proceedings in consultation with the Standing Committee on Procedure and Privileges;
 - (b) if considered appropriate, engage separate solicitors and other service providers to search and review the records produced to the Commission in response to the above notices;
 - (c) maintain the confidentiality and legal professional privilege attaching to communication relating to the proposed proceedings;
 - (d) take direction from the Standing Committee on Procedure and Privileges with respect to the conduct of the proceedings and matters related to them;
 - (e) report to the Legislative Council of Western Australia, periodically, and when requested, with respect to the proposed proceedings; and
 - (f) to consult with the Clerk as the Accountable Authority of the Department of the Legislative Council to permit the authorisation of the expenditure of funds necessary and reasonable with respect to any proceedings.

2. **City of Armadale Bush Fire Brigades Local Law 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 22 August 2019 on the motion of Hon Robin Chapple (Days remaining 14 after today (Indicative date — 30 October 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Armadale Bush Fire Brigades Local Law 2019* published in the *Gazette* on 24 May 2019 and tabled in the Legislative Council on 4 June 2019 under the *Bush Fires Act 1954*, be and is hereby disallowed. (Tabled paper 2720).

3. [Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017](#) [LC 29–1] Minister for Education and Training

Second reading adjourned (Wednesday, 6 September 2017).

4. [Appropriation \(Recurrent 2010–11 to 2015–16\) Supplementary Bill 2017](#) [LA 30–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

5. [Appropriation \(Capital 2010–11 to 2015–16\) Supplementary Bill 2017](#) [LA 31–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

6. [*Corruption, Crime and Misconduct Amendment Bill 2017](#) [LA 41–1] Leader of the House representing the Attorney General

Committee progress clause 1 (Wednesday, 20 February 2019).

cf SNP 41 Issue 4 – 19 February 2019.

See Standing Committee on Procedure and Privileges Report 48 (Tabled 10 May 2018).

7. [Appropriation \(Recurrent 2016–17\) Supplementary Bill 2017](#) [LA 55–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 14 August 2018).

8. [Appropriation \(Capital 2016–17\) Supplementary Bill 2017](#) [LA 54–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 14 August 2018).

9. [*Public and Health Sector Legislation Amendment \(Right of Return\) Bill 2018](#) [LA 86–1] Leader of the House representing the Premier

Committee progress clause 1 (Thursday, 6 December 2018).
cf SNP 86 Issue 1 – 6 November 2018.

10. [Legislation Bill 2018](#) [LA 78–1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 31 October 2018).

11. [Legal Profession Amendment \(Professional Indemnity Insurance Management Committee\) Bill 2018](#) [LA 102–1] Leader of the House representing the Attorney General

Second reading adjourned (Tuesday, 4 December 2018).

12. [Criminal Code Amendment \(Child Marriage\) Bill 2018](#) [LA 109–1] Leader of the House representing the Attorney General

Second reading adjourned (Tuesday, 4 December 2018).

13. [*Births, Deaths and Marriages Registration Amendment \(Change of Name\) Bill 2018](#) [LA 87–1] Leader of the House representing the Attorney General

Second reading adjourned (Tuesday, 5 December 2018).
cf SNP 87 Issue 1 — 7 May 2019

14. [*Residential Parks \(Long-stay Tenants\) Amendment Bill 2018](#) [LA 99-1] Minister for Regional Development representing the Minister for Commerce and Industrial Relations

Second reading adjourned (Tuesday, 12 February 2019).
See Standing Committee on Legislation Report 39 (Tabled 21 March 2019).
cf SNP 99 Issue 4 – 13 August 2019.

15. [*Consumer Protection Legislation Amendment Bill 2018](#) [LA 96-2] Minister for Regional Development representing the Minister for Commerce

Committee progress clause 30 (Tuesday, 3 September 2019).
cf SNP 96 Issue 5 – 13 August 2019.

16. [Administration Amendment Bill 2018](#) [LA 77-1] Leader of the House representing the Attorney General

Second reading adjourned (Wednesday, 3 April 2019).

17. [*Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018](#) [LA 88–1] Parliamentary Secretary to the Minister for Health

Second reading adjourned (Wednesday, 10 April 2019).
cf SNP 88 Issue 2 – 27 June 2019.
See Standing Committee on Legislation Report 40 (Tabled 27 June 2019).

18. [Criminal Appeals Amendment Bill 2019](#) [LA 103–2] Leader of the House representing the Attorney General

Second reading adjourned (Thursday, 27 June 2019).

19. [**Agricultural Produce Commission Amendment Bill 2019**](#) [LC 138–1] *Minister for Agriculture and Food*

Second reading adjourned (Wednesday, 7 August 2019).

20. [**Terrorism \(Preventative Detention\) Amendment Bill 2019**](#) [LA 133–1] *Minister for Environment representing the Minister for Police*

Second reading adjourned (Wednesday, 7 August 2019).

21. [***High Risk Offenders Bill 2019**](#) [LA 137-1] *Leader of the House representing the Attorney General*

Second reading continuation of remarks Hon Nick Goiran — 29 mins (Wednesday, 4 September 2019).
cf SNP 137 Issue 1 – 3 September 2019.

22. [**Reserves \(Marmion Marine Park\) Bill 2019**](#) [LC 132–1] *Minister for Environment*

Second reading adjourned (Wednesday, 14 August 2019).

23. [**Wittenoom Closure Bill 2019**](#) [LA 120–1] *Minister for Environment representing the Minister for Lands*

Second reading adjourned (Wednesday, 14 August 2019).

24. [***Fair Trading Amendment Bill 2019**](#) [LC 122-1] *Minister for Regional Development representing the Minister for Commerce*

Second reading adjourned (Wednesday, 3 April 2019).

See Standing Committee on Uniform Legislation and Statutes Review Report 123 (Tabled 20 August 2019).

cf SNP 122 Issue 1 – 22 August 2019.

25. [***Small Business Development Corporation Amendment Bill 2019**](#) [LA 130-2] *Minister for Regional Development representing the Minister for Small Business*

Second reading adjourned (Tuesday, 20 August 2019).

cf SNP 130 Issue 1 – 22 August 2019.

26. [**Metropolitan Region Scheme \(Beeliar Wetlands\) Bill 2018**](#) [LA 108–2] *Minister for Environment representing the Minister for Planning*

Second reading adjourned (Wednesday, 4 September 2019).

27. [***Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 3**](#) (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 3 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435, 4240 (Tabled 28 June 2016) and 1476 (Tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, be adopted and agreed to.

Recommendation 1 of Report 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report 29, Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the *Criminal Code* so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the *Criminal Code*;

Recommendation 2(c) of Report 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of Parliament of Western Australia to expel one of its Members; and

[Note: Recommendations 2 and 3 of Report 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, were agreed to by the House on 7 December 2017]

28. [*Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 4](#) (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 4 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435 and 4241 (Tabled 28 June 2016).

Recommendation 4 states —

That Recommendation 1 contained in Report 40 of the Standing Committee on Procedure and Privileges, *E-Petitions*, be adopted and agreed to.

Recommendation 1 of Report 40, *E-Petitions*, as follows —

That new **Temporary Order 6**, as outlined below, be adopted by the Council to apply until (and including) 31 December 2017 —

6. E-Petitions

- (3) An E-Petition is a petition —
 - (a) in the correct form prescribed by Standing Order 101;
 - (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period (“posted period”);

- (c) persons must indicate their support of (“join the petition”) by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (4) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament’s Internet Website.
 - (5) The Member facilitating the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to facilitate the E-Petition.
 - (6) Once published on the Parliament’s Internet Website an E-Petition cannot be altered.
 - (7) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament’s Internet Website at the same time.
 - (8) Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the E-Petition.
 - (9) An E-Petition published on the Parliament’s Internet Website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, shall be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
 - (10) An E-Petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
 - (11) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
 - (12) A person cannot sign or join an E-Petition more than once.
 - (13) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council’s website.
 - (14) The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
 - (15) The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
 - (16) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
 - (17) The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
 - (18) The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
 - (19) The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

29. [*Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 5](#) (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 5 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435 and 4772 (Tabled 13 October 2016).

Recommendation 5 states —

That Recommendation 1 contained in Report 42 of the Standing Committee on Procedure and Privileges, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, be adopted and agreed to.

Recommendation 1 of Report 42, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, as follows —

- (1) That **Schedule 1: Committees, Item 9.2(a)** be deleted and the following substituted —
 - (a) Monitor and report to Parliament on the exercise of the functions of the —
 - (i) Corruption and Crime Commission;
 - (ii) Parliamentary Inspector of the Corruption and Crime Commission; and
 - (iii) Public Sector Commissioner in relation to functions under the *Corruption, Crime and Misconduct Act 2003*;
- (2) That the Legislative Assembly be acquainted accordingly and be invited to pass a similar resolution.

30. [*Standing Committee on Procedure and Privileges — Report 52 — A matter of privilege raised by Hon Jim Chown](#) (Moved 20 September 2018)

Committee (Thursday, 20 September 2018).

Consideration of Recommendation 1 contained in Report 52 of the Standing Committee on Procedure and Privileges, *A matter of privilege raised by Hon Jim Chown*.

See Tabled paper 1945 (Tabled 20 September 2018).

Recommendation 1 states —

The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.

31. [*Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019](#) — Referral of Commonwealth amending legislation to the Delegated Legislation Committee (Moved 20 August 2019)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1 and 2 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

See Tabled paper 2950 (Tabled 20 August 2019).

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

- (5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a

regulation remains unresolved, then the question shall be put before the Council rises on that day.

- (6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:
 - (a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and
 - (b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

32. [*Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019](#) — Referral of Commonwealth amending legislation to the Legislation Committee (*Moved 20 August 2019*)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1, 2, 5 and 6 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

See Tabled paper 2950 (Tabled 20 August 2019).

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

- (5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:
 - (a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and
 - (b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

Recommendation 5 states —

The Legislative Council insert a new Standing Order 67A of the Standing Orders of the Legislative Council as follows:

67A. Referral to Legislation Committee

An order of the day to disallow a regulation, which order does not lapse on prorogation, dissolution or expiry of the Council, is referred to the Legislation Committee for consideration and report.

Recommendation 6 states —

The Legislative Council amend the Standing Committee on Legislation's term of reference 4.3 in Schedule 1 of the Standing Orders of the Legislative Council as follows:

Insert paragraph (b) as follows:

- (b) regulation subject to a motion to disallow that does not lapse on prorogation, dissolution or expiry of the Council.

- 33. [Pilbara Port Assets \(Disposal\) Repeal Bill 2017](#) [LC 7–1] *Hon Robin Chapple***
Second reading continuation of remarks Hon Jacqui Boydell (Thursday, 7 September 2017).
- 34. [Criminal Code Amendment \(Industrial Manslaughter\) Bill 2017](#) [LC 11–1]**
Hon Alison Xamon
Second reading continuation of remarks Hon Robin Chapple — 38 mins (Thursday, 15 August 2019).
- 35. [Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017](#) [LC 9–1]**
Hon Robin Chapple
Second reading adjourned (Thursday, 15 June 2017).
- 36. [Electoral Amendment \(Access to Ministers\) Bill 2017](#) [LC 27–1] *Hon Alison Xamon***
Second reading adjourned (Thursday, 7 September 2017).
- 37. [Criminal Procedure Amendment \(Trial by Judge Alone\) Bill 2017](#) [LC 43–1]**
Hon Aaron Stonehouse
Second reading continuation of remarks Hon Alison Xamon (Thursday, 16 August 2018).
- 38. [Environmental Protection Amendment \(Clearing for Fire Risk Reduction\) Bill 2017](#)**
[LC 49–1] Hon Dr Steve Thomas
Second reading adjourned (Thursday, 7 December 2017).
- 39. [Environmental Protection Amendment \(Banning Plastic Bags and Other Things\) Bill 2018](#)**
[LC 12–1B] Hon Robin Chapple
Second reading continuation of remarks Hon Dr Sally Talbot — 37 mins (Thursday, 28 June 2018).
- 40. [Industrial Relations \(Equal Remuneration\) Amendment Bill 2018](#) [LC 62–1]**
Hon Alison Xamon
Second reading adjourned (Thursday, 29 March 2018).
- 41. [Litter Amendment \(Balloons\) Bill 2018](#) [LC 65–1] *Hon Robin Chapple***
Second reading adjourned (Thursday, 29 March 2018).
- 42. [Petroleum and Geothermal Energy Resources Amendment \(Veto Powers\) Bill 2017](#)**
[LC 48–1] Hon Rick Mazza
Second reading adjourned (Thursday, 17 May 2018).

43. [Equal Opportunity \(LGBTIQ Anti-Discrimination\) Amendment Bill 2018](#) [LC 84–1]
Hon Alison Xamon

Second reading adjourned (Thursday, 28 June 2018).

44. [Misuse of Drugs Amendment Bill 2018](#) [LC 92–1] *Hon Aaron Stonehouse*

Second reading adjourned (Thursday, 16 August 2018).

45. [Criminal Code Amendment \(Desecration of War Memorials\) Bill 2018](#) [LC 107–1]
Hon Charles Smith

Second reading adjourned (Thursday, 1 November 2018).

46. [Electoral Amendment \(Ticket Voting and Associated Reforms\) Bill 2019](#) [LC 121-1]
Hon Alison Xamon

Second reading continuation of remarks Hon Aaron Stonehouse (Thursday, 6 June 2019).

47. [Food Amendment \(Shark Fin Prohibition\) Bill 2019](#) [LC 131–1] *Hon Diane Evers*

Second reading adjourned (Thursday, 6 June 2019).

48. **Irrigation Schemes in Western Australia** (*Moved 17 May 2018*)

Continuation of remarks adjourned Hon Colin Holt — 9 mins (Thursday, 17 May 2018) on the motion of Hon Rick Mazza as follows —

That this House recognises the importance of irrigation schemes in Western Australia, the concerns some growers have with allocation limits, the impacts on private property rights and the failure of successive governments to implement a workable Water Resources Management Bill for Western Australia.

Total time remaining on motion – 9 mins.

BILLS REFERRED TO COMMITTEES

1. [Ticket Scalping Bill 2018](#) [LA 110–1] *Minister for Regional Development representing the Minister for Commerce*

Discharged and referred to the Standing Committee on Legislation (Thursday, 27 June 2019) and to report by Thursday, 5 September 2019.

Second reading adjourned (Thursday, 27 June 2019).

Pursuant to Standing Order 163, Hon Aaron Stonehouse is substituted for Hon Simon O’Brien for the duration of this inquiry.

MATTERS REFERRED TO COMMITTEES

1. **Standing Committee on Estimates and Financial Operations — Inquiry into the Government’s Local Projects Local Jobs program** (*Referred 7 November 2018*)

On the motion of Hon Tjorn Sibma, as amended, as follows —

- (1) The Estimates and Financial Operations Committee shall conduct an inquiry into the Government’s *Local Projects Local Jobs* program.
- (2) The Committee is to inquire into the *Local Projects Local Jobs* program (“the program”) with particular reference to the following —

- (a) how each project was developed, evaluated and selected for funding;
 - (b) how payments were made and acquitted under each project to ensure financial probity and accountability;
 - (c) how actual or perceived conflicts of interest were declared and managed under each project;
 - (d) the number of projects funded and for each project the amount of funding provided and number of jobs created;
 - (e) whether community, education, arts and sporting groups within the State were afforded an equal opportunity to access the program;
 - (f) whether funding to the program affected the quantum of funds available for grants or other funding sources for community, education, arts and sporting groups within the State and if so in what way; and
 - (g) any other related matter.
- (3) The Committee is to also inquire into the establishment of a Parliamentary Budget Office for the independent costing of election promises and related purposes.
 - (4) For the purposes of this inquiry only, the Hon Tjorn Sibma is appointed Chair of the Committee and the Hon Alanna Clohesy is appointed Deputy Chair.
 - (5) The Committee is to report no later than twelve months after the referral.

Now stands referred to the Standing Committee on Estimates and Financial Operations.

Pursuant to Standing Order 163, Hon Jacqui Boydell is substituted for Hon Aaron Stonehouse for the duration of this inquiry.

The Committee will report by Tuesday, 19 November 2019.

2. Standing Committee on Public Administration — Inquiry into Private Property Rights (Referred 12 June 2019)

On the motion of Hon Rick Mazza as follows —

That the House —

- (1) Directs the Public Administration Committee to conduct an inquiry into —
 - (a) the fundamental proprietary right of private property ownership that underpins the social and economic security of the community;
 - (b) the threat to the probity of the Torrens Title system, that guarantees disclosure, and re-establish the necessity for registration of all encumbrances that affect land including Environmentally Sensitive Areas (ESAs), bushfire prone areas and implied easements for Western Power which currently sit behind the certificate of title;
 - (c) the property rights of government issued licenses and authorities including commercial fishing; and
 - (d) fair and reasonable compensation must be paid to the owner of private property if the value of the property is diminished by a government encumbrance or resumption in order to derive a public benefit.
- (2) The Committee is to report to the House within nine months of the date of the referral.

Now stands referred to the Standing Committee on Public Administration.

3. Matter of Privilege (Referred 12 June 2019)

Now stands referred to the Standing Committee on Procedure and Privileges (Standing Order 93(5)).

See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

4. *Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Ms Emily Roper (Referred 15 August 2019)

In relation to the refusal by Ms Emily Roper, the Acting Director General of the Department of the Premier and Cabinet, to comply with a summons to attend and produce documents at 9.00am on Friday,

9 August 2019, issued by the Legislative Council Standing Committee on Procedure and Privileges, and the events leading up to that non-compliance:

- (1) Did Ms Emily Roper, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.

See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

5. *Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Mr Darren Foster (Referred 15 August 2019)

In relation to the actions of Mr Darren Foster, the Director General of the Department of the Premier and Cabinet, in producing documents to the Corruption and Crime Commission relating to former Members of the Legislative Council without following a procedure that the Legislative Council or the Legislative Council Standing Committee on Procedure and Privileges had authorised for determining issues of parliamentary privilege:

- (1) Did Mr Darren Foster, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.

See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

SELECT COMMITTEES

1. Select Committee into Mining on Pinjin Station (*Established 22 August 2018*)

On the motion of Hon Robin Scott as follows —

- (1) A Select Committee into Mining on Pinjin Station is established.
- (2) The Select Committee is to inquire into mining operations on Pinjin Station, with particular reference to the following —
 - (a) the mining operations by Hawthorn Resources Limited, ABN 44 009 157 439;
 - (b) the role of government agencies and Ministers in the approval and regulation of mining operations;
 - (c) all allegations, including those of intimidation, abuse and racial discrimination, set out in the documentation tabled in the Legislative Council on 26 June 2018 (Tabled Paper 1489) and other allegations dating back to 2012;
 - (d) actions of all parties relevant to mining operations, including but not limited to mine operators, pastoral leaseholders, government agencies and their employees and agents;
 - (e) responses by Ministers and government agencies to complaints;
 - (f) the actions of any other persons or bodies associated with mining operations;
 - (g) reasons why the Department of Mines Industry Regulation and Safety formerly the Department of Mines and Petroleum and successive Ministers have not approved the incorporation of the Common Reserve 10041 into the Pinjin Station Pastoral Lease; and
 - (h) any other related matter.
- (3) The Select Committee is to report no later than six months after the Committee has been established.
- (4) The Select Committee shall consist of five members; Hon Robin Scott (Chair); Hon Robin Chapple; Hon Jacqui Boydell, Hon Kyle McGinn and Hon Michael Mischin (Deputy Chair).

Extension of reporting date granted to 11 June 2019 (Wednesday, 21 November 2018).

Extension of reporting date granted to 26 November 2019 (Tuesday, 7 May 2019).

2. Select Committee on Personal Choice and Community Safety (*Established 29 August 2018*)

On the motion of Hon Aaron Stonehouse as follows —

- (1) A Select Committee, to be known as the Personal Choice and Community Safety Committee, is established.
- (2) The Select Committee is to inquire into and report on the economic and social impact of measures introduced in Western Australia to restrict personal choice ‘for the individual’s own good’, with particular reference to —
 - (a) risk-reduction products such as e-cigarettes, e-liquids and heat-not-burn tobacco products, including any impact on the wellbeing, enjoyment and finances of users and non-users;
 - (b) outdoor recreation such as cycling and aquatic leisure, including any impact on the wellbeing, enjoyment and finances of users and non-users; and
 - (c) any other measures introduced to restrict personal choice for individuals as a means of preventing harm to themselves.
- (3) The Select Committee shall consist of five members; Hon Aaron Stonehouse (Chair), Hon Dr Sally Talbot (Deputy Chair), Hon Rick Mazza, Hon Dr Steve Thomas and Hon Pierre Yang.

- (4) The Select Committee is to report by no later than twelve months after the Committee has been established.

Extension of the reporting date granted to 5 December 2019 (Tuesday, 13 August 2019).

3. Select Committee into alternate approaches to reducing illicit drug use and its effects on the community (*Established 17 October 2018*)

On the motion of Hon Alison Xamon as follows —

- (1) A Select Committee examining alternate approaches to reducing illicit drug use and its effects on the community is established.
- (2) The Select Committee is to inquire into and report on —
 - (a) other Australian state jurisdictions and international approaches (including Portugal) to reducing harm from illicit drug use, including the relative weighting given to enforcement, health and social interventions;
 - (b) a comparison of effectiveness and cost to the community of drug related laws between Western Australia and other jurisdictions;
 - (c) the applicability of alternate approaches to minimising harms from illicit drug use from other jurisdictions to the Western Australian context; and
 - (d) consider any other relevant matter.
- (3) The Select Committee is to report no later than twelve months after the motion is agreed to.
- (4) The Select Committee shall consist of five members; Hon Alison Xamon (Chair); Hon Samantha Rowe (Deputy Chair); Hon Colin de Grussa; Hon Michael Mischin; and Hon Aaron Stonehouse.

Extension of the reporting date granted to 5 December 2019 (Wednesday, 4 September 2019).

4. Select Committee into Local Government (*Established 26 June 2019*)

On the motion of Hon Simon O'Brien as follows —

- (1) That a Select Committee into Local Government is established.
- (2) The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to —
 - (a) whether the *Local Government Act 1995* and related legislation is generally suitable in its scope, construction and application;
 - (b) the scope of activities of Local Governments;
 - (c) the role of the Department of State administering the *Local Government Act 1995* and related legislation;
 - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;
 - (e) the funding and financial management of Local Governments; and
 - (f) any other related matters the Select Committee identifies as worthy of examination and Report.
- (3) The Select Committee shall comprise five Members; Hon Simon O'Brien (Chair); Hon Laurie Graham (Deputy Chair); Hon Martin Aldridge; Hon Diane Evers; and Hon Charles Smith
- (4) The Select Committee shall report by no later than 12 months after the motion for its establishment is agreed to and may, if it sees fit, provide interim reports to the House.

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COMMITTEE INITIATED INQUIRIES

1. Standing Committee on Public Administration — Inquiry into WorkSafe (*Notice given 27 June 2017*)

Resolution of the Committee on 21 June 2017 to commence an inquiry into and report on WorkSafe, with the following terms of reference —

- (a) WorkSafe’s performance against the objects of the *Occupational Health and Safety Act 1984*;
- (b) funding and resourcing of WorkSafe;
- (c) adequacy of WorkSafe’s training, oversight and accountability processes;
- (d) adequacy of administrative processes, including complaints, investigations and prosecution processes;
- (e) adequacy of WorkSafe’s audits of training providers delivering occupational health and safety training;
- (f) timely implementation and public education of coronial inquest recommendations arising from a workplace death;
- (g) legislative and jurisdictional issues; and
- (h) any other relevant matter.

2. Joint Standing Committee on the Corruption and Crime Commission — Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice (*Notice given 28 November 2017*)

Resolution of the Committee on 22 November 2017 to commence an inquiry into and report by April 2019 on public sector procurement of goods and services and its vulnerability to corrupt practice with the following terms of reference —

- (a) the adequacy and nature of oversight mechanisms, policies and guidelines for procurement within the Western Australian public sector to prevent corruption and serious misconduct;
- (b) the profile and training of public sector personnel engaged in procurement;
- (c) corruption prevention and risk strategies deployed in Western Australian Public Sector agencies;
- (d) the sufficiency and use of sanctions for individuals found to have engaged in corrupt and serious misconduct in procurement duties;
- (e) best corruption prevention practices in procurement from other jurisdictions;
- (f) reform to current legal and administrative practices in the area of procurement to prevent and reduce the risk of corruption;
- (g) adequacy of whistleblowing protections in the context of allegations of corruption in procurement.

Extension of the reporting date to 28 November 2019.

3. Standing Committee on Uniform Legislation and Statutes Review — Inquiry into the Form and Content of the Statute Book (*Notice given 6 December 2017*)

Resolution of the Committee on 4 December 2017 to review the form and content of the statute book [SO 179(2)].

4. Joint Standing Committee on the Commissioner for Children and Young People — Inquiry into the Monitoring and Enforcing of Child Safe Standards
(Notice given 29 November 2018)

Resolution of the Committee on 28 November 2018 to commence a Legislative Council inquiry with the following terms of reference —

The Committee will examine the scope and direction of the work currently being undertaken by government agencies, regulatory bodies and non-government organisations to improve the monitoring of child safe standards and the role of the Commissioner for Children and Young People in ensuring Western Australia's independent oversight mechanisms operate in a way that makes the interests of children and young people the paramount consideration. In particular, the Committee will consider the following —

- (a) the recommendations made by the Commissioner for Children and Young People in the report 'Oversight of services for children and young people in Western Australia';
- (b) the recommendations from the 'Royal Commission into Institutional Responses to Child Sexual Abuse' relating to an independent oversight body responsible for monitoring and enforcing child safe standards; and
- (c) the response from the State Government of Western Australia to the above recommendations.

The Committee will report by 30 November 2019.

Extension of reporting date to June 2020.

5. Standing Committee on Environment and Public Affairs — Inquiry into children and young people on the Sex Offenders Register — is mandatory registration appropriate?
(Notice given 11 April 2019)

Resolution of the Committee on 10 April 2019 to commence an inquiry into children and young people on the Sex Offenders Register with the following terms of reference —

To inquire into mandatory registration of children and young people on the Community Protection Offender Register (known as the sex offenders register) in accordance with the *Community Protection (Offender Reporting) Act 2004*. In particular, the Committee will consider the following —

- (a) the current criteria for registration on the sex offenders register;
- (b) the advantages and disadvantages of mandatory registration;
- (c) circumstances that may not warrant mandatory registration;
- (d) the approach employed by other jurisdictions; and
- (e) any other matters considered relevant by the Committee.

The Committee intends to table its report by the end of 2019.

CONSIDERATION OF COMMITTEE REPORTS

1. Joint Standing Committee on the Corruption and Crime Commission — Report 11 — Parliamentary Inspector’s report on ‘a saga of persistence’ (Tabled 27 June 2019)

Continuation of remarks Hon Alison Xamon — 4 mins (Wednesday, 4 September 2019) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 2836.*

(After 43 minutes Temporary Order 4 applies).

2. Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken (Tabled 13 September 2018).

Continuation of remarks Hon Nick Goiran — 7 mins (Wednesday, 14 August 2019) on the motion of Hon Nick Goiran that the report be noted. *See Tabled paper 1787.*

Government Response tabled 20 November 2018 (Tabled paper 2182).

(Temporary Order 4 applied 14 August 2019).

3. Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings (Tabled 4 April 2019)

Continuation of remarks Hon Diane Evers — 3 mins (Wednesday, 21 August 2019) on the motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 2560.*

(Temporary Order 4 applied 15 May 2019).

(Temporary Order 4 applied 21 August 2019).

4. Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material (Tabled 14 February 2019)

Continuation of remarks Hon Diane Evers — 7 mins (Wednesday, 4 September 2019) on the motion of Hon Matthew Swinbourn that the report be noted. *See Tabled paper 2399.*

(Temporary Order 4 applied 4 September 2019).

5. Joint Standing Committee on Audit — Report 1 — Second review of the Financial Management Act 2006 (Tabled 16 May 2019)

Continuation of remarks Hon Alanna Clohesy — 6 mins (Wednesday, 4 September 2019) on the motion of Hon Diane Evers that the report be noted. *See Tabled paper 2708.*

Government response tabled 6 August 2019 (Tabled paper 2873).

(Temporary Order 4 applied 4 September 2019).

* For amendments see Supplementary Notice Paper and/or Committee Report

Ω Note: Legislative Assembly Standing Orders apply.

For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council