



LEGISLATIVE COUNCIL

WEDNESDAY, 2 JUNE 2021

1.00pm

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## 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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## MOTIONS

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### 1. **Statutory Powers of the Attorney General** (*Notice given 27 May 2021*)

Hon Nick Goiran: To move —

That this House —

- (a) expresses its deep regret at the deaths of Aishwarya Aswath and Cohen Fink and tenders its profound sympathy to members of their respective families in their bereavement;
- (b) notes that section 22(1)(d) of the *Coroners Act 1996* empowers the Attorney General to direct the coroner, that holds jurisdiction to investigate a death, to hold an inquest if the death appears to be a Western Australian death;
- (c) further notes that the Attorney General has declined to exercise this power of direction; and
- (d) calls on the Attorney General to:
  - (i) urgently reconsider his decision not to direct that inquests occur in these two cases; and
  - (ii) outline the criteria by which he determines when and for whom he will utilise this statutory power.

**2. Joint Standing Committee on the Corruption and Crime Commission in this 41<sup>st</sup> Parliament** *(Notice given 27 May 2021)*

Hon Nick Goiran: To move —

That this House —

- (1) Acknowledges the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this 41<sup>st</sup> Parliament.
- (2) Notes that the Standing Orders of the Legislative Assembly apply, as far as they are able, to the work of the Committee and that —
  - (a) pursuant to Standing Order 270 committee deliberations will be conducted in closed session; and
  - (b) pursuant to Standing Order 271(2) no member of the Committee nor any other person may publish or disclose evidence not taken in public including documentary evidence received by the Committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the Committee.
- (3) Notes the comments of Mr Matthew Hughes MLA on 13 May 2020.
- (4) Notes the content of Legislative Assembly Message No. 9 received on 26 May 2021.
- (5) Emphasises its expectation that all members serving on any parliamentary committee in this 41<sup>st</sup> Parliament will respect and adhere to the Standing Orders under which their committee is operating under; and

acquaints the Legislative Assembly accordingly.

**3. Standing Committee on Procedure and Privileges — Review of the Standing Orders** *(Notice given 1 June 2021)*

The Leader of the House: To move —

- (1) That the Standing Committee on Procedure and Privileges be required to undertake a review of the Standing Orders with a view to —
  - (a) modernising the procedures of the House; and
  - (b) reviewing and adopting best practice from other Upper House Chambers in Australian Parliaments, including the Australian Senate.
- (2) The Committee make recommendations for new and amended Standing Orders.
- (3) The Committee is to report to the House no later than 10 August 2021.
- (4) The Committee is to provide an Interim Report on recommendations in respect to speaking time limits by 22 June 2021.

**4. Contribution of Agricultural Industries and their Workers** *(Notice given 1 June 2021)*

Hon Shelley Payne: To move —

That this House acknowledges the contribution to the State of Western Australia by our agricultural industries and their workers, acknowledges the contributions of those who have built these industries and commends the McGowan Government for its investment in their future.

## **5. Reform of Western Australia's Fines Enforcement Regime** *(Notice given 1 June 2021)*

Hon Pierre Yang: To move —

That this House notes the historic reform of Western Australia's fines enforcement regime during the last term of Government and commends the McGowan Government on the meaningful difference this reform has provided to those in our community who experience genuine hardship as a result of their inability to pay a fine. In particular this House notes in relation to the reform —

- (a) the impact of the commencement of the Work and Development Permit Scheme;
- (b) the reduction of individuals imprisoned as a result of fine default;
- (c) the introduction of garnishee orders and their impact in recovering payment for outstanding fines; and
- (d) the prohibition of issuing licence suspension orders for individuals whose last known address is in a remote area, addressing the disproportionate impact of suspended licences on individuals living in remote areas without public transport infrastructure.

## **6. Quarterly Financial Results Report** *(Notice given 1 June 2021)*

Hon Dr Steve Thomas: To move —

That this House notes the latest Quarterly Financial Results report shows the Government is on track to receive a record \$10.7 billion in royalty income this financial year, and asks the State Government how this windfall is being used to address —

- (a) the housing crisis in this State;
- (b) the homelessness crisis in this State;
- (c) the health crisis in this state, and
- (d) the mental health crisis in this State.

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## **BILLS FOR INTRODUCTION**

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## **1. Misuse of Drugs Amendment Bill 2021** *(Notice given 1 June 2021)*

Hon Dr Brian Walker: To move —

That a Bill for "An Act to amend the *Misuse of Drugs Act 1981*." be introduced and read a first time.

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**ORDERS OF THE DAY**

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**1. City of Bunbury Public Places and Local Government Property Local Law 2020 — Disallowance**

Moved *pro forma* (SO 67(3)) 26 May 2021 on the motion of Hon Martin Pritchard (Days remaining 14 after today (Indicative date — 17 August 2021))

That the *City of Bunbury Public Places and Local Government Property Local Law 2020* published in the *Gazette* on 20 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 4517).

**2. Boxing Contest Rules 2020 — Disallowance**

Moved *pro forma* (SO 67(3)) 26 May 2021 on the motion of Hon Martin Pritchard (Days remaining 14 after today (Indicative date — 17 August 2021))

That the *Boxing Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

**3. Kickboxing Contest Rules 2020 — Disallowance**

Moved *pro forma* (SO 67(3)) 26 May 2021 on the motion of Hon Martin Pritchard (Days remaining 14 after today (Indicative date — 17 August 2021))

That the *Kickboxing Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

**4. MMA Contest Rules 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 26 May 2021 on the motion of Hon Martin Pritchard (Days remaining 14 after today (Indicative date — 17 August 2021))

That the *MMA Contest Rules 2019* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

**5. Muay Thai Contest Rules 2020 — Disallowance**

Moved *pro forma* (SO 67(3)) 26 May 2021 on the motion of Hon Martin Pritchard (Days remaining 14 after today (Indicative date — 17 August 2021))

That the *Muay Thai Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

## 6. Address-in-Reply

Resumption of debate adjourned Hon Colin de Grussa (Tuesday, 1 June 2021), on the motion of Hon Pierre Yang as follows —

To His Excellency, The Honourable Kim Beazley, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency: We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our most gracious sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

(^Hon Martin Aldridge — 10 mins *(by leave)*)

(^Hon Dr Sally Talbot — 20 mins *(by leave)*)

## 7. **Building and Construction Industry (Security of Payment) Bill 2021** [LA 12–1] Minister for Regional Development representing the Minister for Commerce

Second reading adjourned (Wednesday, 26 May 2021).

## 8. **Agricultural Produce Commission Amendment Bill 2021** [LC 18–1] Minister for Agriculture and Food

Second reading adjourned (Thursday, 27 May 2021).

## 9. **Supply Bill 2021** [LA 5–1] Minister for Mental Health representing the Treasurer

Second reading adjourned (Thursday, 27 May 2021).

## 10. **Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament** (Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 1 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 1 states —

A standing memorandum of understanding relating to the compulsory production of evidence and determinations as to material that is subject to parliamentary privilege be advanced between the Legislative Council and relevant investigative agencies, in accordance with the resolution of the Legislative Council of 5 September 2019.

**11. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament**  
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 2 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 2 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

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?

**12. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament**  
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 3 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40<sup>th</sup> Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 3 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

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?

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**BILLS REFERRED TO COMMITTEES**

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**1. Statutes (Repeals and Minor Amendments) Bill 2021** [LC 2–1] *Parliamentary Secretary to the Attorney General*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review.  
Second reading adjourned (Thursday, 6 May 2021).

**2. Veterinary Practice Bill 2021** [LC 11–1] *Minister for Agriculture and Food*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review.  
(SO 126 applies until 25 June 2021).  
Second reading adjourned (Wednesday, 12 May 2021).

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**CONSIDERATION OF COMMITTEE REPORTS**

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**1. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament**  
(Tabled 13 May 2021)

Continuation of introductory remarks Leader of the House — 9 mins (Wednesday, 26 May 2021) on the motion that the report be noted. *See Tabled paper 191.*  
*Total time remaining on motion – 59mins.*

\* 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