

# Minutes of Proceedings



## LEGISLATIVE COUNCIL

**WEDNESDAY, 23 JUNE 2021**

**1.00pm**

### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Statement by President — Members' Survey

The President made the following Statement —

For those of you who have not yet done so, I remind you to complete the annual performance surveys for the Department of the Legislative Council and the Parliamentary Services Department.

It would be appreciated if you would take a few minutes to complete the surveys online or in hard copy by Friday, 25 June 2021.

### 3. Ministerial Statement — Western Australia's Hemp Industry

The Minister for Agriculture and Food made a Ministerial Statement with respect to the completion of the first Western Australian home built from hemp grown and processed locally.

### 4. Papers

The following Papers were laid on the Table by —

#### President

*Auditor General's Papers —*

Improving Prisoner Literacy and Numeracy (Report No. 31) (2020-21) ..... 337

Disclaimer of Opinion on Ministerial Notification — Bushfire Centre of Excellence  
(Report No. 32) (2020-21) ..... 338

#### Minister for Mental Health

*Reports —*

Health, Department of — Review of the Tobacco Products Control Act 2006 —  
Consultation Report (February 2021) ..... 339

### 5. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended as to enable the following variations to the order of business and sitting times at this day's sitting as follows —

- (1) The Council to sit beyond 6.20pm and take Members' Statements at the time ordered by the House.
- (2) The sitting to be suspended between 6.00pm and 7.00pm.
- (3) That Consideration of Committee Reports be dispensed with.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

*Point of Order*

Hon Nick Goiran raised the following Point of Order —

I refer to the uncorrected proof *Hansard* of yesterday's sitting, in which it appears that Hon Pierre Yang was directed to present the thirty-sixth report of the Standing Committee on Public Administration, titled *Terms of reference: Inquiry into the delivery of ambulance services in Western Australia*. President, I ask for clarification about whether the House has indeed dispensed with the consideration of that particular Committee Report because of the order that has just been passed by the House, will that item appear on the next occasion?

*President's Ruling*

The President ruled as follows —

The report was a report of information advising the commencement of a self-referred inquiry. It was for the information of the House and, as such, those types of reports for information are not usually listed.

**6. Joint Standing Committee on the Corruption and Crime Commission in this 41<sup>st</sup> Parliament**

Motion No. 1 having been called, debate resumed on the motion of Hon Nick Goiran as follows —

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.

Motion — put.

The Council divided.

### Ayes (11)

Hon Martin Aldridge  
Hon Peter Collier  
Hon Nick Goiran  
Hon James Hayward  
Hon Steve Martin  
Hon Tjorn Sibma

Hon Dr Steve Thomas  
Hon Neil Thomson  
Hon Wilson Tucker  
Hon Dr Brian Walker  
Hon Colin de Grussa (*Teller*)

### Noes (21)

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Peter Foster  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Alannah MacTiernan  
Hon Kyle McGinn

Hon Sophia Moermond  
Hon Shelley Payne  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Rosie Sahanna  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Motion thus negatived.

## 7. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended as to enable Orders of the Day be taken forthwith.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## 8. Order of Business

Ordered — That Bills for Introduction be taken forthwith. (Leader of the House).

## 9. Transport Legislation Amendment (Identity Matching Services) Bill 2021

The Leader of the House representing the Minister for Transport, pursuant to notice, moved —

That a Bill for "An Act to amend the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Authorisation to Drive) Act 2008* and the *Western Australian Photo Card Act 2014* to give effect to an intergovernmental agreement on identity matching services, and for related purposes." be introduced and read a first time.

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 340).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

#### **10. Fair Trading Amendment Bill 2021**

The Minister for Regional Development representing the Minister for Commerce, pursuant to notice, moved —

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 341).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

#### **11. Order of Business**

Ordered — That Orders of the Day Nos 1, *City of Bunbury Public Places and Local Government Property Local Law 2020 — Disallowance*, 2, *Boxing Contest Rules 2020 — Disallowance*, 3, *Kickboxing Contest Rules 2020 — Disallowance*, 4, *MMA Contest Rules 2019 — Disallowance*, 5, *Muay Thai Contest Rules 2020 — Disallowance*, 6, *Road Traffic (Towing of Vehicles) Regulations 2020 — Disallowance*, 7, *City of Greater Geraldton Public Places and Local Government Property Local Law 2020 — Disallowance*, 8, *Shire of Coolgardie Waste Local Law 2020 — Disallowance*, 9, *Town of Port Hedland Waste Local Law 2020 — Disallowance*, 10, *City of Belmont Consolidated Local Law 2020 — Disallowance*, 11, *Consumer Goods (Products Containing Button/Coin Batteries) Safety Standard 2020 — Disallowance*, 12, *Consumer Goods (Button/Coin Batteries) Information Standard 2020 — Disallowance*, 13, *Consumer Goods (Button/Coin Batteries) Safety Standard 2020 — Disallowance*, 14, *Consumer Goods (Products Containing Button/Coin Batteries) Information Standard 2020 — Disallowance*, 15, *City of Bayswater Waste Local Law 2020 — Disallowance*, 16, *Bush Fires Amendment Regulations 2021 — Disallowance*, 17, *National Disability Insurance Scheme (Worker Screening) Regulations 2021 — Disallowance*, 18, *Curtin University Statute No. 5—Election of Council Members — Disallowance*, 19, *Mindarie Regional Council Waste Facility Site Amendment Local Law 2020 — Disallowance*, 20, *City of Cockburn Parking and Parking Facilities Amendment No. 1 Local Law 2021 — Disallowance*, 21, *Shire of Broomehill-Tambellup Activities in Thoroughfares and Public Places and Trading Local Law 2020 — Disallowance*, 22, *Shire of Broomehill-Tambellup Cemeteries Local Law 2020 — Disallowance*, 23, *Shire of Broomehill-Tambellup Fencing Local Law 2020 — Disallowance*, 24, *Shire of Broomehill-Tambellup Health Local Law 2020 — Disallowance*, 25, *Shire of Broomehill-Tambellup Waste Local Law 2020 — Disallowance*, 26, *City of Gosnells Standing Orders Amendment Local Law (Number 2) 2020 — Disallowance*, 27, *Town of Cottesloe Local Government (Meetings Procedure) Local Law 2021 — Disallowance*, 28, *City of Rockingham Fencing Local Law 2020 — Disallowance*, 29, *City of Canning Dog Local Law 2021 — Disallowance*, 30, *Shire of Broome Waste Local Law 2021 — Disallowance*, 31, *Town of Victoria Park Fencing Local Law 2021 — Disallowance*, 32, *Shire of Gingin—Meeting Procedures Amendment Local Law 2021 — Disallowance*, 33, *Racing Bets Levy Amendment Regulations 2021 — Disallowance*, 34, *City of Bayswater Activities in Thoroughfares and Public Places and Trading Local Law 2020 — Disallowance*,

35, *City of Kalamunda Dogs Local Law 2021 — Disallowance*, 36, *City of Kalamunda Extractive Industries Local Law 2021 — Disallowance*, 37, *Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021 — Disallowance*, 38, *Shire of Peppermint Grove Fencing Local Law 2021 — Disallowance*, and 39, *Shire of Peppermint Grove Waste Local Law 2021 — Disallowance*, be taken after Order of the Day No. 41, *Legislation Bill 2021*. (Leader of the House).

## **12. Temporary Orders — Motions on Notice**

The Order of the Day having been read, the Leader of the House, pursuant to notice, moved —  
That the Temporary Orders set out in the attached Schedule be adopted and agreed to until their expiry at the end of the 41<sup>st</sup> Parliament.

### **SCHEDULE TEMPORARY ORDER MOTIONS ON NOTICE**

#### **1. Duration of Temporary Order**

This Temporary Order applies from 1 July 2021 until the end of the 41<sup>st</sup> Parliament.

#### **2. Definitions**

For the purposes of this Temporary Order a Private Member means a member who is not:

- (a) a Minister;
- (b) a Parliamentary Secretary; or
- (c) the President.

#### **3. Quota**

- (1) Subject to (2), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of:

$$\left( \frac{\text{Number of Private Members of political group}}{\text{Total Private Members}} \times 100 \right) \times \left( \frac{\text{Number of sitting weeks}}{100} \right)$$

rounded to the nearest whole number.

- (2) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires:
- (a) the sum of quotas equals sitting weeks; and
  - (b) each other political group has a minimum quota of one.
- (3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.

- (4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.

4. *Annual schedule of allocation*

- (1) Standing Order 66 is suspended for the duration of this Temporary Order.
- (2) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under Standing Order 15(2) which sets out the pro rata allocation of dates between political groups in accordance with their respective quota.
- (3) The President shall table the Annual Schedule of Allocation of Motions on Notice:
  - (a) following the tabling of a schedule of dates for sittings of the Council under Standing Order 6, which is to apply for the forthcoming calendar year; or
  - (b) following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats.
- (4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.
- (5) Subject to (8), the Annual Schedule of Allocation of Motions on Notice shall only be varied:
  - (a) to take into account any change to the Business Program ordered by the Council under Standing Order 17; or
  - (b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.
- (6) Subject to (7), at the time for publication of the Weekly Bulletin on the Friday preceding the sitting week, the Clerk shall publish the first mentioned notice of motion listed on the Notice Paper in the name of the Member of the political group allotted the business under SO 15(2) in the Annual Schedule of Allocation of Motions on Notice.
- (7) Where multiple notices of motion in the names of Members of the political group allotted the business under SO 15(2) are listed on the Notice Paper and the leader of that political group advises the Clerk in writing by 10.00am on the Friday preceding the sitting week of an alternative listed notice of motion, the Clerk shall publish that notice of motion in the Weekly Bulletin.
- (8) If no notice of motion in the name of a Member of the political group allotted the business under SO 15(2) is listed on the Notice Paper by 10.00am on the Friday prior to the allocated date, unless the Council otherwise orders on motion without notice:

- (i) business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and
  - (ii) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded.
- (9) The consideration of notices taken under Standing Order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the President on the adjournment of the opening day.

5. *Debate on motions on notice*

The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:

- (1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading "Bills (Second and Third Reading)", the following:

**Motions on Notice (SO 15(2))**

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	20 minutes
Other Members	20 minutes
Mover in Reply	5 minutes

*Amendments to Motions on Notice*

All Members	5 minutes
-------------	-----------

- (2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:

(a) Motions on notice (SO 15(2))	120 minutes
----------------------------------	-------------

6. *Reply and disposal of business*

- (1) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech.
- (2) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively

without further amendment or debate, unless the motion is withdrawn as provided by the Standing Orders.

- (3) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business.

Debate ensued.

Question — put and passed.

### **13. Standing Committee on Procedure and Privileges — Report No. 62 — Interim Report — Review of Standing Orders (Speaking Times)**

The Order of the Day having been read for the adjourned debate on the motion of Hon Kyle McGinn, as follows —

That Recommendation 1 contained in Report No. 62 of the Standing Committee on Procedure and Privileges, *Interim Report — Review of Standing Orders (Speaking Times)*, be adopted and agreed to.

Recommendation 1 states —

That Standing Order 21 is amended by deleting the section headed “Bills (Second and Third Reading)” and inserting in its place:

#### **Bills (Second and Third Reading)**

Mover	45 minutes
Lead Member	45 minutes
(Government or Opposition)	
Party Leader or Member deputed	45 minutes
Other Members	30 minutes
Mover-in-Reply	45 minutes

Debate ensued.

### **14. Questions Without Notice**

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a table setting out the number of individuals sentenced to Banksia Hill Detention Centre between 2017 and 2021, including the number of individuals with a previous sentence, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Minister for Transport tabled extracts from the annual reports of Main Roads WA and the Public Transport Authority outlining borrowing figures since 2016-2017, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 342).

The Leader of the House representing the Minister for Local Government, by leave, incorporated into *Hansard* information in relation to puppy farming, in response to a question without notice asked by Hon James Hayward.

The Minister for Mental Health representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to care provided to regional patients following discharge from a public or private hospital, in response to a question without notice asked by Hon Martin Aldridge.



The Minister for Mental Health representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to regional COVID-19 vaccination clinics, in response to a question without notice asked by Hon Colin de Grussa.

**15. Standing Committee on Procedure and Privileges — Report No. 62 — Interim Report — Review of Standing Orders (Speaking Times)**

Debate resumed on the motion of Hon Kyle McGinn (*see item 13 above*).

Hon Martin Aldridge moved, without notice —

To delete all words after "That" and insert —

- (1) The reporting time for the Committee is extended in respect to its report into the review of Standing Orders from 10 August 2021 to 3 December 2021; and
- (2) The Committee is instructed to:
  - (a) advertise the inquiry publicly;
  - (b) seek submissions from Members of the Council and external stakeholders;
  - (c) collect and analyse relevant data pertaining to speaking time usage over at least the last two Parliaments;
  - (d) engage with Upper House Australian jurisdictions to establish a greater understanding of their relevant Standing Orders and any consequence of them;
  - (e) conduct a literature review to identify relevant articles and papers and possible solutions for consideration; and
  - (f) consider the merits of releasing a discussion paper presenting options for change and surveying Members of the Council on their preferred options.

Debate ensued.

Amendment — put.

The Council divided.

**Ayes (7)**

Hon Martin Aldridge  
Hon Peter Collier  
Hon Nick Goiran  
Hon Steve Martin

Hon Tjorn Sibma  
Hon Dr Steve Thomas  
Hon Colin de Grussa (*Teller*)

**Noes (19)**

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Peter Foster  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Kyle McGinn

Hon Sophia Moermond  
Hon Dr Brad Pettitt  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Dr Sally Talbot  
Hon Wilson Tucker  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Tjorn Sibma moved —

To delete all words after "**Bills (Second and Third Reading)**" and insert:

Mover	60 minutes
Lead Member (Government or Opposition)	60 minutes
Party Leader or Member deputed	60 minutes
Other Members	45 minutes
Mover-in-Reply	60 minutes

Debate ensued.

Amendment — put and passed.

Motion, as amended, agreed to.

#### **16. Order of Business**

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

#### **17. Adjournment**

There being no Members' Statements the Council adjourned at 5.53pm until Thursday, 24 June 2021 at 10.00am.

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

Attendance: Present all Members except Hon Ayor Makur Chuot.

**PAUL GRANT**

Deputy Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council