

Minutes of Proceedings



LEGISLATIVE COUNCIL

TUESDAY, 29 NOVEMBER 2022

2.00pm

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petitions

Hon Colin de Grussa presented a petition from 9 petitioners requesting the Legislative Council to call on the Minister for Commerce to take action in relation to redress to tenants and/or their families impacted by the Sterling First collapse. (Tabled Paper 1902).

Hon Nick Goiran presented an E-Petition from 10,234 petitioners requesting the Legislative Council to support the protection of rights of parents and the role of faith based schools. (Tabled Paper 1903).

Hon Darren West presented a petition from 1,129 petitioners requesting the Legislative Council to oppose planned upgrades to Toodyay Road East of Dryandra Road Morangup. (Tabled Paper 1904).

3. Ministerial Statement — Swan View Senior High School's response to Cassius Turvey's Death

The Minister for Education and Training made a Ministerial Statement with respect to the impact of the death of Cassius Turvey on Swan View Senior High School and the broader community.

4. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Legislative Council, Department of (2021-22) (Date received 29/11/2022)..... 1892

Legislative Assembly, Department of (2021-22) (Date received 29/11/2022) 1893

Parliamentary Services, Department of (2021-22) (Date received 29/11/2022)..... 1894

Leader of the House

Addendums —

Health, Department of — Annual Report (2021-22) — Erratum (28 November 2022)
..... 1895

Minister for Emergency Services*Annual Reports —*

Conservation and Parks Commission (2021-22) (Date received 24/11/2022) 1896

Local Laws —

Bush Fires Act 1954 (City of Wanneroo Bush Fire Brigades Local Law 2022 G.G. 22/11/2022) 1897

Parliamentary Secretary to the Minister for Regional Development on behalf of the Minister for Regional Development*Annual Reports —*

WA Industry Link (2021-22) (Date received 29/11/2022) 1898

Parliamentary Secretary to the Attorney General*Rules —*

Electoral Act 1907 (Electoral Amendment Rules 2022 G.G. 22/11/2022) 1899

Parliamentary Secretary to the Minister for Culture and the Arts*Annual Reports —*

Combat Sports Commission (2021-22) (Date received 29/11/2022) 1900

Parliamentary Secretary to the Minister for Disability Services*Management Plans —*

Fish Resources Management Act 1994 (West Coast Rock Lobster Managed Fishery
Management Plan Amendment 2022 G.G. 22/11/2022) 1901

5. Leave of Absence — Hon Klara Andric

The Leader of the House moved, without notice —

That leave be granted to Hon Klara Andric for three sitting days due to urgent personal business.

Question — put and passed.

6. Order of Business

Ordered — That Order of the Day No. 1, *Shire of Meekatharra Health Local Law 2021 — Disallowance*, be taken after Order of the Day No. 3, *Health Services Amendment Bill 2021*. (Leader of the House).

7. Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Steve Martin in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clauses 3 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clauses 9 and 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clauses 12 to 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clause 16.

Debate ensued.

Hon Dr Brad Pettitt sought leave to put a number of amendments as one question (SO132(b)).

Leave granted.

Hon Dr Brad Pettitt, by leave, moved —

Page 16, line 32 — To delete “anti social,”.

Page 23, line 15 — To delete “anti social,”.

Page 26, line 28 — To delete “anti social,”.

Debate ensued.

Amendments — put and negatived.

8. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Community Services, in accordance with Standing Order 108(2), advised that an answer to question on notice 1066 asked by Hon Martin Aldridge will be provided by 1 December 2022.

The Leader of the House representing the Minister for Housing, in accordance with Standing Order 108(2), advised that an answer to question on notice 1086 asked by Hon Dr Brad Pettitt will be provided by 14 February 2023.

The Leader of the House on behalf of the Minister for Emergency Services representing the Minister for Environment tabled a table regarding wildfires in each of the three South West forest regions for each financial year since 1 July 2017, in response to question on notice 1075 asked by Hon Dr Brad Pettitt. (Tabled Paper 1905).

The Leader of the House on behalf of The Minister for Emergency Services representing the Minister for Environment tabled documents in relation to area of forest cleared for mining purposes in the *Forest Management Plan 2014-2023* for the years 2014-2021, in response to question on notice 1082 asked by Hon Steve Martin. (Tabled Paper 1906).

The Leader of the House on behalf of The Minister for Emergency Services, in accordance with Standing Order 108(2), advised that an answer to question on notice 1060 asked by Hon Martin Aldridge will be provided by 1 December 2022.

The Minister for Agriculture and Food, by leave, incorporated into *Hansard* information in relation to reports of biosecurity concerns received by the Department of Agriculture and Food in the last five years, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Regional Development representing the Minister for Commerce, in accordance with Standing Order 108(2), advised that an answer to question on notice 1067 asked by Hon Dr Brad Pettitt will be provided by 14 February 2023.

The Minister for Agriculture and Food, in accordance with Standing Order 108(2), advised that an answer to question on notice 1062 asked by Hon Martin Aldridge will be provided by 1 December 2022.

The Parliamentary Secretary to the Minister for Mines and Petroleum tabled documents in relation to mining exploration licences and leases granted within the *Forest Management Plan 2014-2023*, in response to question on notice 1076 asked by Hon Dr Brad Pettitt. (Tabled Paper 1907).

The Parliamentary Secretary to the Attorney General tabled briefing notes regarding a pending ABC News story on the Public Trustee Western Australia, in response to question on notice 1078 asked by Hon Nick Goiran. (Tabled Paper 1908).

The Parliamentary Secretary representing the Minister for Corrective Services, in accordance with Standing Order 108(2), advised that an answer to question on notice 1091 asked by Hon Dr Brad Pettitt will be provided by 14 February 2023.

The Parliamentary Secretary to the Minister for Heritage, in accordance with Standing Order 108(2), advised that an answer to question on notice 1063 asked by Hon Martin Aldridge will be provided by 1 December 2022.

The Parliamentary Secretary representing the Minister for Small Business, in accordance with Standing Order 108(2), advised that an answer to question on notice 1065 asked by Hon Martin Aldridge will be provided by 1 December 2022.

9. Statement by President — Clerk's Attire

The President made the following Statement —

I have been in correspondence with the Clerk concerning the formal dress requirements for officers of this House. It is the tradition for officers of this House to wear formal dress similar to that worn by the Clerks of the House of Commons.

In 1997, officers in the Council ceased the wearing of wigs. Since that time most parliaments, including the House of Commons, have made changes to their dress requirements for officers.

The wearing of full court dress by our officers no longer reflects parliamentary norms and community expectations and leads to unnecessary cost and discomfort.

Effective from the end of the dinner suspension, officers of the Council will wear a black gown over business attire. Officers may continue to wear traditional dress on ceremonial occasions such as the opening of parliament.

10. Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Jackie Jarvis in the Chair)

Clause 16.

Debate resumed.

Hon Dr Brad Pettitt sought leave to put a number of amendments as one question (SO132(b)).

Leave granted.

Hon Dr Brad Pettitt, by leave, moved —

Page 34, line 29 — To delete “at all times.” and insert:

between the hours beginning at 7.00pm on a day and ending at 7.00am on the following day only.

Page 35, line 7 — To insert after “times”:

between the hours beginning at 7.00pm on a day and ending at 7.00am on the following day

Page 35, line 11 — To delete the line and insert:

- (a) between the hours beginning at 7.00pm on a day and ending at 7.00am on the following day; or

Page 35, line 12 — To insert after “times”:

between the hours beginning at 7.00pm on a day and ending at 7.00am on the following day

Debate ensued.

Amendments — put and negatived.

Debate resumed.

Hon Dr Steve Thomas moved —

Page 51, lines 23 to 32 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (6)

Hon Martin Aldridge

Hon Peter Collier

Hon Nick Goiran

Hon Dr Steve Thomas

Hon Neil Thomson

Hon Colin de Grussa (*Teller*)

Noes (20)

Hon Sandra Carr
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Peter Foster
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Shelley Payne

Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clauses 17 to 24 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Question — put.

The Council divided.

Ayes (25)

Hon Martin Aldridge
 Hon Sandra Carr
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Donna Faragher
 Hon Peter Foster
 Hon Nick Goiran
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Ayor Makur Chuot

Hon Kyle McGinn
 Hon Shelley Payne
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Steve Thomas
 Hon Neil Thomson
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Noes (2)

Hon Dr Brian Walker

Hon Dr Brad Pettitt (*Teller*)

Question thus passed.

Bill read a third time and passed.

11. Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022

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

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

The Leader of the House representing the Premier moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

12. Working with Children (Criminal Record Checking) Amendment Bill 2022

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Jackie Jarvis in the Chair)

Clause 15.

Debate resumed.

Clause 16.

Debate ensued.

Clause agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 23 agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 28 agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 43 agreed to.

Clause 44.

Debate ensued.

The Parliamentary Secretary to the Attorney General moved —

Page 75, lines 18 to 23 — To delete the lines.

Amendment — put and passed.

The Parliamentary Secretary to the Attorney General sought leave to put a number of amendments as one question (SO132(b)).

Leave granted.

The Parliamentary Secretary to the Attorney General, by leave, moved —

Page 76, lines 3 to 5 — To delete “the person ceases to have a current assessment notice; or” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

Page 76, lines 10 to 12 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Page 76, lines 20 to 22 — To delete “the person ceases to have a current assessment notice; or” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

Page 76, lines 27 to 29 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Page 77, lines 13 to 15 — To delete “the person ceases to have a current assessment notice; or” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

Page 77, lines 20 to 22 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Page 78, lines 5 to 7 — To delete “the person ceases to have a current assessment notice; or” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

Page 78, lines 13 to 15 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Page 78, lines 29 to 31 — To delete “the person ceases to have a current assessment notice; or” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); or

Page 79, lines 5 to 7 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Amendments — put and passed.

The Parliamentary Secretary to the Attorney General moved —

Page 79, line 8 to page 81, line 11 — To delete the lines.

Amendment — put and passed.

The Parliamentary Secretary to the Attorney General, by leave, moved —

Page 82, lines 19 and 20 — To delete “the person ceases to have a current assessment notice; and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first); and

Page 82, lines 30 to 32 — To delete “the person ceases to have a current assessment notice.” and insert:

that assessment notice ceases to have effect or the person applies for a further assessment notice under Part 2 Division 1 (whichever occurs first).

Amendments — put and passed.

The Parliamentary Secretary to the Attorney General moved —

Page 83, after line 29 — To insert:

- (1A) Despite any other section in this Subdivision, the new classification provisions apply to and in relation to a person if the person is subject to a decision of the CEO to act under section 17(3)(d) or 17B(2)(b) made on or after commencement day.

Amendment — put and passed.

The Parliamentary Secretary to the Attorney General moved —
Page 83, line 31 — To delete “subsection (1),” and insert:

subsection (1) or (1A),

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 45.

Debate ensued.

Clause agreed to.

Clauses 46 to 53 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

The Parliamentary Secretary to the Attorney General, by leave, moved, That the report be adopted.
Report adopted.

The Parliamentary Secretary to the Attorney General moved, without notice —

That so much of Standing Orders be suspended so as to enable the Working with Children
(Criminal Record Checking) Amendment Bill 2022 to be read a third time.

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.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a third time.

The President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

13. Swan and Canning Rivers Management Amendment Bill 2022

The President reported the receipt of Message No. 90 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Emergency Services representing the Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1909).

Debate stands adjourned.

14. Medicines and Poisons (Validation) Bill 2022

The President reported the receipt of Message No. 91 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1910).

Debate stands adjourned.

15. Adjournment

There being no Members' Statements the Council adjourned at 9.56pm until Wednesday, 30 November 2022 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Klara Andric (*leave*), Hon Kate Doust, Hon James Hayward (*suspended*) and Hon Tjorn Sibma

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council