

Minutes of Proceedings



LEGISLATIVE COUNCIL

TUESDAY, 9 NOVEMBER 2021

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. Message from His Excellency the Governor — Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

27 October 2021 — Message No. 25

Veterinary Practice Bill 2021

Act No.

19 of 2021

3. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Inspector of Custodial Services, Office of the (2020-21) (Date received 30/09/2021)..... 835

Leader of the House

Local Laws —

Local Government Act 1995 (City of Wanneroo Animals Local Law 2021 G.G. 27/10/2021, City of Wanneroo Bee Keeping Amendment Local Law 2021 G.G. 27/10/2021 and City of Greater Geraldton Bush Fire Brigades Local Law 2021 G.G. 02/11/2021)..... 836

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Planning and Development Act 2005 — Ministerial Order by the Minister for Planning relating to proposed amendments 159 and 161 to the City of Kwinana Local Planning Scheme No. 2 — rezoning of land in Mandogalup 837

Minister for Mental Health

Annual Reports —

Police Force Western Australia — Criminal Investigation (Covert Powers) Act 2012 Assumed Identities (2020-21) (Date received 28/10/2021)..... 838

By-laws —

Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2021 G.G. 05/11/2021) 839

Leases —

CALM Lease No. 2060/100 between the Conservation and Land Management Executive Body and the World Wide Fund for Nature Australia for the purpose of an office and administration centre at Panda Cottage within Herdsman Lake Regional Park	840
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Letters —

Letter from the Director General of the Department of Health to the Minister for Health regarding the Independent Inquiry into Perth Children's Hospital (08 November 2021)	841
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Regulations —

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Procurement Act 2020 (Procurement (Debarment of Suppliers) Regulations 2021 G.G. 05/11/2021)	843
Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 3) 2021 G.G. 05/11/2021)	844
State Superannuation Act 2000 (State Superannuation Amendment Regulations (No. 3) 2021 G.G. 05/11/2021)	845
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 2) 2021 G.G. 05/11/2021)	846

Reports —

Australian Commission on Safety and Quality in Health Care — Inquiry under Part 14 of the Health Services Act (2016) (WA) Independent Inquiry into Perth Children's Hospital (PCH) (November 2021)	847
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Minister for Regional Development*Annual Reports —*

Primary Industries and Regional Development, Department of (2020-21) (Date received 09/11/2021).....	848
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Regulations —

Electricity Industry Act 2004 (Electricity Industry (Stand-Alone Power Systems) Regulations 2021 G.G. 05/11/2021 and Electricity Industry Regulations Amendment (Stand-Alone Power Systems) Regulations 2021 G.G. 05/11/2021)	849
Sentence Administration (Interstate Transfer of Community Based Sentences) Act 2009 (Sentence Administration (Interstate Transfer of Community Based Sentences) Amendment Regulations 2021 G.G. 05/11/2021).....	850

Reports —

AQWEST — Statement of Corporate Intent (2021-22).....	851
Busselton Water — Statement of Corporate Intent (2021-22).....	852
Water Corporation — Statement of Corporate Intent (2021-22).....	853

Rules —

Gas Services Information Act 2012 (Gas Services Information Amendment (Transitional Provisions) Rules 2021 G.G. 29/10/2021 and CORRECTION — Gas Services Information Amendment (Transitional Provisions) Rules 2021 G.G. 02/11/2021)	854
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Parliamentary Secretary to the Attorney General

Rules —

Racing and Wagering Western Australia Act 2003 (Fixed Odds Rules 2021 (No. 2) G.G. 01/11/2021).....	855
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Schemes —

Professional Standards Act 1997 (The Institute of Public Accountants Professional Standards Scheme 2021 G.G. 05/11/2021)	856
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Parliamentary Secretary to the Minister for Disability Services

Management Plans —

Fish Resources Management Act 1994 (Mackerel Managed Fishery Management Plan Amendment 2021 G.G. 29/10/2021)	857
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Orders —

Fish Resources Management Act 1994 (Prohibition on Boat Fishing (Danggu Geikie Gorge) Order 2021 G.G. 26/10/2021 and Prohibition on Recreational Fishing (Ningaloo Marine Park) Amendment Order 2021 G.G. 29/10/2021)	858
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4. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2021–2022

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

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 534A-D (2021–2022 Budget Statements), laid upon the Table of the House on 9 September 2021.

Question — put and passed.

5. Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021

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

The President left the Chair.

In Committee

(Hon Dr Sally Talbot in the Chair)

Clause 1.

Debate ensued.

6. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Fisheries, by leave, incorporated into *Hansard* a list of tagged and released sharks, by date, species, length and location, in response to a question without notice asked by Hon Tjorn Sibma.

The Leader of the House representing the Minister for Transport, by leave, incorporated into *Hansard* information in relation to on-time performance figures for Transperth services from February 2020 to March 2021, in response to a question without notice asked by Hon Dr Brian Walker.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* a list of public housing stock in Port and South Hedland, by dwelling type and number available, in response to a question without notice asked by Hon Neil Thomson.

The Parliamentary Secretary to the Minister for Community Services, by leave, incorporated into *Hansard* information in relation to the staff turnover of child protection case workers in 2020–2021, in response to a question without notice asked by Hon James Hayward.

7. President's Ruling — Application of SO 104 to Matters Pertaining to Actions of Previous Minister

The President ruled as follows —

At the Council's last sitting I advised that House that I would consider a point of order raised by Hon Nick Goiran and provide a ruling at a later date. The point of order related to the answer to Question on Notice 886 provided to the Member by the Minister for Mental Health representing the Minister for Police.

Question on Notice 886 asked the Minister for Mental Health representing the Minister for Police, "Did the Commissioner of Police ever raise this issue with the Minister for Police who immediately preceded the current Minister". The Minister for Mental Health representing the Minister for Police replied, "I refer the Honourable Member to Standing Order 104".

While I'm sure the Minister was trying to be helpful with his answer, it is and has always been the role of the presiding officer to determine if a question is in breach of the Standing Orders.

Standing Order 104 provides that questions may be asked of a Minister or Parliamentary Secretary relating to three types of matter:

- to public affairs with which the Minister or Parliamentary Secretary is connected;
- to proceedings in the Council; or
- to any matter of administration for which the Minister or Parliamentary Secretary is responsible".

These three areas are very broad. Under the principle of responsible government Ministers are responsible to Parliament individually and are accountable for the administration of their own portfolios and for the acts of government collectively.

The Hon Nick Goiran's question asked whether the Commissioner of Police ever raised an issue with the former Minister. The actions taken by the Commissioner of Police are a matter of public affairs and administration to which the Minister for Police is connected. Any suggestion that matters pertaining to public affairs or administration that occurred during a former Minister's time are beyond the scope of Standing Order 104 is contradictory to the principle of responsible government.

My ruling is that the Hon Nick Goiran's question was not out of order.

However, rulings of successive Presidents of the Legislative Council have been consistent in stating that it is not the responsibility of the Chair to tell Ministers how they should respond to questions. This is purely a matter for Ministers, provided that their answers comply with the Standing Orders. While Members may not agree with the answer to their questions and sometimes Members do not like the answers, that is the Minister's answer.

8. Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021

Resumption of consideration of this Bill in Committee of the Whole House (*see item 6 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled an answer to a question on notice prior to the Estimates hearings in relation to the Ministerial Expert Committee on Electoral Reform. (Tabled Paper 859).

Debate resumed.

Interruption pursuant to order.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

9. Statement by President — Commonwealth Parliamentary Association Seminar

The President made the following Statement —

Members, I would like to comment on the very successful thirty-ninth Commonwealth Parliamentary Association Australia and Pacific Region conference that was held here in the Parliament of Western Australia last week. It was hosted and run by the Commonwealth Parliamentary Association WA branch and was incredibly successful. It was our pleasure to host delegates in person from South Australia, Tasmania and the Northern Territory and to have many other delegates online, because it was a hybrid conference, from right across the Australian jurisdictions, Fiji and the CPA United Kingdom. The theme for the conference was Parliaments, people and pandemics, known for the alliteration. The themes were broad enough and relevant to today's Parliaments to enable presenters to give papers on a wide range of topics, and there were, indeed, a wide range of topics. I was personally impressed by the detailed work that presenters have undertaken to develop their papers and by the depth of thinking and the broad range of issues covered.

I would like to thank all those presenters from Western Australia who took the time to participate in the conference and make presentations—in particular, those Members from this Chamber who made such an incredible contribution. To Hon Sandra Carr, Hon Jackie Jarvis, Hon Ayor Makur Chuot, Hon Lorna Harper, Hon Pierre Yang and Hon Colin de Grussa, thank you very much for your time. I greatly admire the work that you did before making your presentations.

A unique presentation was made by the deputy chair of the conference, the Speaker of the Northern Territory Parliament, Hon Ngaree Ah Kit. She hosted a hybrid panel discussion—probably the first of its kind—on Aboriginal people and Parliaments, with four members of Parliament, including our own Hon Rosie Sahanna, who gave a fantastic presentation, Divina D'Anna, the Member for Kimberley, Ms Sheena Watt, a Member of the Legislative Council in Victoria, and for a very brief period, a dear friend of mine, Kyam Maher, from South Australia. That was the only point at which technology let us down, so Kyam could not continue with his contribution. That was an outstanding panel. I recommend all Members look at all the papers when they are available online through the CPA conference website, and in particular spend time listening to the Aboriginal MPs and their experience of Parliament.

I recommend that Members read the opening address by Professor Colleen Hayward. It was an outstanding address on the broad themes of the conference, but so very cleverly woven together to make a very important statement around reconciliation, participation and sovereignty. When that is available, I will let Members know. I highly recommend it.

Much was learnt from this conference, including some forms of professional development. Deep personal and professional friendships were developed, information was shared and, at a technical level, we now know that within our own Parliament we have the technology and the skills to produce a hybrid conference whenever that is required of our Parliament. I have lots of people to thank, including the Deputy Chair, Speaker Ah Kitt, all the presenters, as I said, all the delegates, in person and online, and the Honorary Secretary of the CPA WA branch, Mr Nigel Pratt. He and his team worked tirelessly for over a year or more, particularly in the last few months, to bring this conference together. I also thank Rebecca Burton, Kelly Alcock, Kristina Crichton, Anne Day, Tina O'Connor; in broadcasting, Graeme Orr and David Embry; and in IT, David Graham and Brayden Arnold. Of course, I wish to thank our very popular catering team for looking after us. Thank you, everyone, for being involved in such a highly successful conference.

10. Members' Statements

Statements were taken.

11. Adjournment

The Council adjourned at 10.12pm until Wednesday, 10 November 2021 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Wilson Tucker.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council