

Minutes of Proceedings



LEGISLATIVE COUNCIL

THURSDAY, 13 OCTOBER 2022

10.00am

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Petition

Hon Dr Steve Thomas presented an E-Petition from 946 petitioners requesting the Legislative Council to examine the decision by the Western Australian Government to close the sustainable native forest timber industry. (Tabled Paper 1714).

3. Papers

The following Papers were laid on the Table by —

Parliamentary Secretary to the Attorney General

Annual Reports —

Criminal Injuries Compensation, Office of the (2021-22) (Date received 12/10/2022) 1708

Director of Public Prosecutions, Office of the (2021-22) (Date received 12/10/2022) 1709

Law Reform Commission (2021-22) (Date received 12/10/2022) 1710

Public Trustee (2021-22) (Date received 12/10/2022) 1711

State Administrative Tribunal (2021-22) (Date received 12/10/2022) 1712

State Solicitors Office (2021-22) (Date received 12/10/2022) 1713

4. Standing Committee on Environment and Public Affairs — Report 59 — Overview of

Hon Peter Foster presented Report 59 of the Standing Committee on Environment and Public Affairs, *Overview of Petitions 3 December 2021 to 30 June 2022*. (Tabled Paper 1715).

5. Public Trustee Scale of Fees 2022/23 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Public Trustee Scale of Fees 2022/23* published in the *Gazette* on 17 June 2022 and tabled in the Council on 9 August 2022 under the *Public Trustee Act 1941*, be and is hereby disallowed. (Tabled Paper 1429).

6. City of Fremantle Cat Management Amendment Local Law 2022 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Fremantle Cat Management Amendment Local Law 2022* published in the *Gazette* on 1 July 2022 and tabled in the Council on 9 August 2022 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 1367).

7. City of Joondalup Health Amendment Local Law 2021 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Joondalup Health Amendment Local Law 2021* published in the *Gazette* on 5 August 2022 and tabled in the Council on 9 August 2022 under the *Health (Miscellaneous Provisions) Act 1911*, be and is hereby disallowed. (Tabled Paper 1366).

8. Accountability and Transparency

Hon Dr Steve Thomas: To move on the next day of sitting —

That this House notes —

- (a) the Premier's 2017 commitment in Opposition of a "gold standard of transparency" which he has failed to deliver;
- (b) the concerns raised by the Annual Report of the Office of the Auditor General which highlights multiple qualified audit opinions;
- (c) the declining standard of Parliamentary accountability under the McGowan Government;
- (d) the contempt that has crept into the Government in relation to accountability, resulting in a loss of community confidence;

and calls on the Government to try to make a genuine attempt to live up to its 2017 election commitment.

9. Government Infrastructure and Asset Investment

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

That this House notes the McGowan Government's mismanagement of its infrastructure and asset investment program despite being gifted the largest budget surpluses in the history of any State Government in our Nation's history as a result of the recent iron ore boom, including —

- (a) the Government's inability to deliver MetroNet on time and on budget;
- (b) the Government's inability to deliver other transport infrastructure;
- (c) the Government's inability to deliver health infrastructure, including long promised election commitments; and
- (d) the Government's inability to deliver other projects, especially in regional Western Australia.

Debate ensued.

Hon Dr Steve Thomas, by leave, tabled a chart detailing the Government's Infrastructure and Asset Investment, *Asset Investment Plan 2014-15 to 2024-25*. (Tabled Paper 1716).

Debate resumed.

Motion lapsed.

10. TAFE and Training

Private Members' Business No. 1 having been called, Hon Stephen Pratt moved, without notice —
That the Legislative Council —

- (a) acknowledges the important role TAFE and training plays in Western Australia to encourage employment and create a skilled workforce; and
- (b) notes that the McGowan Government's significant investment in training, including the reduction of fees for 210 courses by up to 72 percent, the largest TAFE capital works program in the State's history and support for employers has resulted in a record highest ever enrolments.

Debate ensued.

Motion lapsed.

11. Health and Disability Services (Complaints) Amendment Bill 2021

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 Steve Martin in the Chair)

Clause 28.

Debate resumed.

The Deputy Chair of Committees moved the following Committee Recommendation —

Page 14, after line 10 — To insert:

- (3A) An offence cannot be prescribed for the purposes of subsection (3)(a)(ii) unless the commission of the offence —
 - (a) would involve harm to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public;
 - or
 - (b) is capable of giving rise to a serious risk to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Martin Aldridge
Hon Donna Faragher
Hon James Hayward
Hon Steve Martin

Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Wilson Tucker
Hon Nick Goiran (*Teller*)

Noes (19)

Hon Klara Andric	Hon Stephen Pratt
Hon Dan Caddy	Hon Martin Pritchard
Hon Stephen Dawson	Hon Samantha Rowe
Hon Kate Doust	Hon Rosie Sahanna
Hon Sue Ellery	Hon Matthew Swinbourn
Hon Peter Foster	Hon Dr Sally Talbot
Hon Lorna Harper	Hon Dr Brian Walker
Hon Jackie Jarvis	Hon Darren West
Hon Alannah MacTiernan	Hon Pierre Yang (<i>Teller</i>)
Hon Shelley Payne	

Amendment thus negated.

The Deputy Chair of Committees moved the following Committee Recommendation —
Page 17, after line 22 — To insert:

- (4) An offence cannot be prescribed for the purposes of subsection (3)(a)(ii) unless the commission of the offence —
 - (a) would involve harm to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public;
 - or
 - (b) is capable of giving rise to a serious risk to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public.

Debate ensued.

Amendment — put and negated.

The Deputy Chair of Committees moved the following Committee Recommendation —
Page 23, after line 7 — To insert:

- (2A) An offence cannot be prescribed for the purposes of subsection (2)(a)(ii) unless the commission of the offence —
 - (a) would involve harm to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public;
 - or
 - (b) is capable of giving rise to a serious risk to —
 - (i) the life, health, safety or welfare of a person; or
 - (ii) the health, safety or welfare of the public.

Debate ensued.

Amendment — put and negated.

The Parliamentary Secretary to the Minister for Culture and the Arts on behalf of the Leader of House representing the Minister for Health moved —

Page 24, after line 17 — To insert:

52U. Review of the decision to publish public health warning statement

If the Director publishes a public health warning statement setting out the name of a person, the person may apply to the State Administrative Tribunal for a review of the Director's decision to publish the public health warning statement.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 29 agreed to.

Clause 30.

The Parliamentary Secretary to the Minister for Culture and the Arts on behalf of the Leader of House representing the Minister for Health moved —

Page 24, line 22 — To delete "52T" and insert:

52U

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 31.

Debate ensued.

Clause agreed to.

Clause 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clauses 34 to 38 agreed to.

Clause 39.

Debate ensued.

Clause agreed to.

Clauses 40 and 41 agreed to.

Clause 42.

Debate ensued.

Clause agreed to.

New Clause 42A.

The Deputy Chair of Committees moved the following Committee Recommendation —

Page 33, after line 17 — To insert:

42A. Section 79A inserted:

After section 79 insert:

79A. Review of amendments made by *Health and Disability Services (Complaints) Amendment Act 2022*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Health and Disability Services (Complaints) Amendment Act 2022*, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which the *Health and Disability Services (Complaints) Amendment Act 2022* section 42A comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Debate ensued.

New Clause agreed to.

Clause 43.

Debate ensued.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered — That consideration of the Committee's Report be made an Order of the Day for the next sitting.

12. Questions Without Notice

Questions without notice were taken.

The Minister for Education, by leave, incorporated into *Hansard* a table of the total number of enrolment applications received for the 2022 school year and number of students currently enrolled in the five language development centres operated by the Department of Education, in response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table of expenditure breakdown in 2020-21 and 2021-22 for Government advertising for public health messaging, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Emergency Services representing the Treasurer, by leave, incorporated into *Hansard* a table of funding for the Governments Climate Action Fund for Western Australia's low-carbon future, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* a table of public housing baliff evictions for the 2015-16 to 2022-23 to date, in response to a question without notice asked by Hon Steve Martin.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to Western Australian Police attraction allowances for sworn police officers and staff, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 793 asked by Hon Martin Aldridge will be provided on 20 October 2022.

The Minister for Regional Development representing the Minister for Forestry, in accordance with Standing Order 108(2), advised that an answer to question on notice 915 asked by Hon Dr Steve Thomas will be provided by 20 October 2022.

13. Charitable Trusts Bill 2022

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

Interruption pursuant to order.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 5.54pm until Tuesday, 18 October 2022 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except, Hon Sandra Carr, Hon Ayor Makur Chuot, Hon Kyle McGinn and Hon Neil Thomson.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council