

**LEGISLATIVE COUNCIL****THURSDAY, 23 MARCH 2023****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. Statement by President — 2023-24 Budget Estimates

The President made the following Statement —

I have received some correspondence that states —

The Standing Committee on Estimates and Financial Operations (Committee) seeks your permission to hold the 2023-24 Budget estimates hearings in the Legislative Council Chamber in the week commencing Monday, 26 June 2023. I acknowledge that the Legislative Council has already resolved to adjourn at its rising on Thursday, 22 June 2023 to 2:00 pm Tuesday, 8 August 2023 to facilitate the hearings. In the meantime, I ask that you advise the Council of the following arrangements for the Committee's consideration of the 2023-24 Budget estimates:

- (1) The Committee will hold hearings in the week commencing 26 June 2023.
- (2) Members are encouraged to participate in the evidence gathering process by asking questions prior to, during, and after hearings, and by nominating agencies to appear for a hearing.
- (3) The Electronic Lodgement System will open for questions prior to hearing on Thursday, 11 May 2023, with the release of the Budget, and will close at 5pm on Tuesday, 23 May 2023.
- (4) Members may nominate agencies to appear, for the Committee to consider, by 5pm on Tuesday, 16 May 2023.
- (5) The Committee will email Members the Procedure Policy, which will set out the key processes and deadlines, and timetable for hearings once finalised. Although this process is intended to focus on the budget estimates, Members may, within reason, ask general questions about the operations and finances of an agency that are outside the years in question or the budget papers.

Kind regards
 Hon Peter Collier MLC
 Chair

3. Joint Standing Committee on Delegated Legislation — Report 3 — Annual Report 2022

Hon Lorna Harper presented Report 3 of the Joint Standing Committee on Delegated Legislation, *Annual Report 2022*. (Tabled Paper 2109).

4. City of Wanneroo Bush Fire Brigades 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 Wanneroo Bush Fire Brigades Local Law 2022* published in the *Gazette* on 22 November 2022 and tabled in the Council on 29 November 2022 under the *Bush Fires Act 1954*, be and is hereby disallowed. (Tabled Paper 1897).

5. Live-sheep Exports

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

That this House —

- (a) notes the repeated and enthusiastic comments from the Western Australian Minister for Agriculture and Food in support of the live-sheep trade, including her statement “I do support live sheep exports, it’s an important part of the mix, I absolutely do.”; and
- (b) calls on this House to endorse the policy position of the Minister.

6. Government Failures — Oversight and Accountability

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

That this House condemns the McGowan Government for —

- (a) its failure to deliver proper oversight of its departments and government trading enterprises as evidenced by the unfolding of the biggest scandal our State has seen since WA Inc. at the Perth Mint; and
- (b) its lack of ministerial accountability for its failures.

Debate ensued.

Motion lapsed.

7. Strong Renewable Energy Economy

Private Members’ Business No. 1 having been called, Hon Shelley Payne moved, without notice —

That this House commend the McGowan Government on its commitment towards building a strong renewable energy economy by —

- (a) helping to streamline the Mining Act to reduce administrative burden and supporting best environmental practices to facilitate the extraction of critical minerals for the new mineral economy;
- (b) investing in renewable energy systems across the State including solar, wind, battery and hydrogen; and
- (c) the fast-tracking of green energy projects.

Debate ensued.

Motion lapsed.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Kojonup Cat Local Law 2022 — Disallowance*, 2, *Shire of Kojonup Parking Local Law 2022 — Disallowance*, 3, *Shire of Dumbleyung Bush Fire Brigades Local Law 2022 — Disallowance*, 4, *Shire of Dumbleyung Health Local Law 2022 — Disallowance*, 5, *Shire of Dumbleyung Local Government Property and Public Places Local Law 2022 — Disallowance*, and 6, *Shire of Kondinin Bush Fire Brigades Local Law 2022 — Disallowance*, be taken after Order of the Day No. 10, *Major Events Bill 2023*. (Leader of the House).

9. Shire of Kondinin Public Places and Local Government Property Local Law 2022 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Lorna Harper moved, without notice —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 7, *Shire of Kondinin Public Places and Local Government Property Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

10. Treasurer's Advance Authorisation Bill 2023

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 on behalf of the Minister for Emergency Services representing the Treasurer moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

11. Criminal Law (Mental Impairment) Bill 2022

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

Hon Tjorn Sibma moved, without notice —

That the *Criminal Law (Mental Impairment) Bill 2022* be discharged and referred to the Standing Committee on Legislation for consideration and report by no later than 30 June 2023.

Debate ensued.

Question — put.

The Council divided.

Ayes (11)

Hon Peter Collier
Hon Donna Faragher
Hon James Hayward
Hon Steve Martin
Hon Sophia Moermond
Hon Tjorn Sibma

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

Noes (18)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Kate Doust
 Hon Sue Ellery
 Hon Lorna Harper
 Hon Jackie Jarvis
 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 Darren West
 Hon Pierre Yang
 Hon Peter Foster (*Teller*)

Question thus negated.

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Sandra Carr in the Chair)

Clause 1

Debate ensued.

Clause agreed to.

Clause 2

Debate ensued.

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House on behalf of Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Sophia Moermond.

The Minister for Agriculture and Food representing the Minister for Housing, in accordance with Standing Order 108(2), advised that an answer to question on notice 1274 asked by Hon Dr Brad Pettitt will be provided on 9 May 2023.

The Minister for Agriculture and Food representing the Minister for Housing tabled a response to question on notice 1278 asked by Hon Dr Brad Pettitt. (Tabled Paper 2110).

13. Criminal Law (Mental Impairment) Bill 2022

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).

The President left the Chair.

In Committee

(Hon Stephen Pratt in the Chair)

Clause 2

Debate resumed.

Interruption pursuant to order.

The President resumed the Chair.

The Deputy 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.

14. Members' Statements

Statements were taken.

15. Government Trading Enterprises Bill 2022

The President reported the receipt of Message No. 101 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer moved, That the Bill be read a second time.

The Leader of the House on behalf of the Minister for Emergency Services representing the Treasurer tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2111).

Debate stands adjourned.

16. Local Government Amendment Bill 2023

The President reported the receipt of Message No. 102 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture and Food representing the Minister for Local Government moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food representing the Minister for Local Government moved, That the Bill be read a second time.

The Minister for Agriculture and Food representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2112).

Debate stands adjourned.

17. Adjournment

The Council adjourned at 6.00pm until Tuesday, 28 March 2023 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Stephen Dawson, Hon Nick Goiran and Hon Ayor Makur Chuot (*leave*).

PAUL GRANT
Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC
President of the Legislative Council