

# 153

# Business Program



**LEGISLATIVE COUNCIL**

**WEDNESDAY, 25 SEPTEMBER 2019**

**1.00pm**

Prayers

Acknowledgement of Country

**ORDER OF BUSINESS**

Condolence Motions

Petitions

Statements by Ministers and Parliamentary Secretaries

Minister for Environment

Minister for Regional Development

Papers for Tabling

President

Leader of the House

Minister for Environment

Minister for Regional Development

Parliamentary Secretary to the Deputy Premier

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

1.15pm Motions on Notice

3.15pm Committee Reports

4.30pm Questions without Notice

5.00pm Orders of the Day

6.20pm Members' Statements

7.00pm House adjourns

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## MOTIONS ON NOTICE

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### 1. **Protection Measures at School for Victims of Sex Offences** (*Notice given 18 September 2019*)

Hon Nick Goiran: To move —

That this House implores the Government to —

- (a) abandon its current policy which sees some victims of child sex offences attending school each day knowing they may be confronted by their abuser; and
- (b) inform the House of what it is and will be doing to protect these children and young people.

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## CONSIDERATION OF COMMITTEE REPORTS

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### 1. **Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken** (*Tabled 13 September 2018*).

Continuation of remarks Hon Alison Xamon — 2 mins (Wednesday, 18 September 2019) on the motion of Hon Nick Goiran that the report be noted. *See Tabled paper 1787.*

*Government Response tabled 20 November 2018 (Tabled paper 2182).*

*(After 44 minutes Temporary Order 4 applies).*

### 2. **Standing Committee on Estimates and Financial Operations — Report 77 — 2017-18 Budget Cycle — Part 2: Annual Report Hearings** (*Tabled 4 April 2019*)

Continuation of remarks Hon Diane Evers — 3 mins (Wednesday, 21 August 2019) on the motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 2560.*

*(Temporary Order 4 applied 21 August 2019).*

### 3. **Standing Committee on Environment and Public Affairs — Report 49 — Mechanisms for compensation for economic loss to farmers in Western Australia caused by contamination by genetically modified material** (*Tabled 14 February 2019*)

Continuation of remarks Hon Diane Evers — 7 mins (Wednesday, 4 September 2019) on the motion of Hon Matthew Swinbourn that the report be noted. *See Tabled paper 2399.*

*(Temporary Order 4 applied 4 September 2019).*

### 4. **Joint Standing Committee on Audit — Report 1 — Second review of the Financial Management Act 2006** (*Tabled 16 May 2019*)

Continuation of remarks Hon Alanna Clohesy — 6 mins (Wednesday, 4 September 2019) on the motion of Hon Diane Evers that the report be noted. *See Tabled paper 2708.*

*Government response tabled 6 August 2019 (Tabled paper 2873).*

*(Temporary Order 4 applied 4 September 2019).*

### 5. **Joint Standing Committee on the Corruption and Crime Commission — Report 11 — Parliamentary Inspector’s report on ‘a saga of persistence’** (*Tabled 27 June 2019*)

Continuation of remarks Hon Alison Xamon — 5 mins (Wednesday, 18 September 2019) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 2836.*

*(Temporary Order 4 applied 18 September 2019).*

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**ORDERS OF THE DAY**

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**1. \*Standing Committee on Procedure and Privileges — Report 57 — Legal Proceedings by the President — Further Authorisation by the Legislative Council** (*Tabled*

*24 September 2019*)

Committee (Tuesday, 24 September 2019).

Consideration of Recommendation 1 contained in Report 57 of the Standing Committee on Procedure and Privileges, *Legal Proceedings by the President — Further Authorisation by the Legislative Council*.

See *Tabled paper 3103 (Tabled 24 September 2019)*.

Recommendation 1 states —

The Committee recommends that the Legislative Council notes:

- (A) That on 10 September 2019, the Clerk of the Legislative Council was served by the Corruption and Crime Commission with two notices to produce records or things, including documents and data retained by him.
- (B) That the retention of those documents and data by the Clerk is the result of orders made by the Standing Committee on Procedure and Privileges pursuant to the authority provided by the Legislative Council on 12 June 2019.
- (C) That, on 5 September 2019, the Legislative Council authorised the President to commence legal proceedings with respect to some or all of three notices to produce records or things, and one notice to produce information, issued by the CCC to the Director General of the Department of the Premier and Cabinet.
- (D) That those legal proceedings will relate to the validity of some or all of the CCC notices to produce.
- (E) That similar questions arise in respect to the validity of the CCC notices to produce served on the Clerk.
- (F) That, to the extent that the CCC notices to produce are invalid, the CCC will not have a lawful right to the documents, data or information sought by those notices.

And that the Legislative Council orders as follows:

**Resolution regarding the ‘arrangement’**

- (1) That the proceedings described in Resolution 4(1) passed on 5 September 2019 may include the following, and proceedings may be commenced and pursued on behalf of the Legislative Council of Western Australia accordingly:
  - (a) a challenge to the validity of the Commission’s actions in making and implementing an arrangement with the Director General, Department of Premier and Cabinet, concerning the searching of electronic records and the review of records by staff of the State Solicitor’s Office to purportedly determine whether any of the records were the subject of Parliamentary Privilege; and
  - (b) any causes of action which in the opinion of solicitors and counsel are related or raise similar questions.

**Resolutions regarding the new notices and funding**

- (2) That proceedings may be commenced and pursued, in the Supreme Court of Western Australia, on behalf of the Legislative Council of Western Australia, challenging the validity of notices to produce records or things issued by the

Corruption and Crime Commission to the Clerk of the Legislative Council on 10 September 2019, and of any future notices issued by the Commission that in the opinion of solicitors and counsel give rise to similar issues, and of the conduct of the Commission in issuing those notices.

- (3) That the President of the Legislative Council of Western Australia be authorised to conduct such proceedings in that capacity on behalf of the Legislative Council of Western Australia and to do all such things reasonably necessary for, and incidental to, the commencement and pursuit of those proceedings, including to:
- (a) engage solicitors and counsel to represent the Legislative Council of Western Australia and to act upon their advice with respect to the proceedings in consultation with the Standing Committee on Procedure and Privileges;
  - (b) if considered appropriate, engage separate solicitors and other service providers to search and review the records produced to the Commission in response to the above notices;
  - (c) maintain the confidentiality and legal professional privilege attaching to communication relating to the proposed proceedings;
  - (d) take direction from the Standing Committee on Procedure and Privileges with respect to the conduct of the proceedings and matters related to them;
  - (e) report to the Legislative Council of Western Australia, periodically, and when requested, with respect to the proposed proceedings; and
  - (f) to consult with the Deputy Clerk of the Legislative Council as the Accountable Authority of the Department of the Legislative Council to permit the authorisation of the expenditure of funds necessary and reasonable with respect to any proceedings.
- (4) That the reference to 'Clerk' in Resolution 4 passed by the Legislative Council on 5 September 2019 is to be read as a reference to the 'Deputy Clerk', now being the Accountable Authority of the Department of the Legislative Council for the purposes of authorisation of expenditure of funds necessary and reasonable with respect to any proceedings.
- (5) Causes of action commenced in accordance with Resolution 4 passed on 5 September 2019 and the resolutions set out above, may be the subject of one proceeding, multiple separate proceedings, or otherwise, as advised by solicitors and counsel or as determined by the Court.

**Resolution regarding the Clerk**

- (6) That the Clerk is directed not to comply with the CCC notices to produce served on the Clerk on 10 September 2019 pending:
- (a) both the outcome of any proceedings and an assessment of parliamentary privilege by the Standing Committee on Procedure and Privileges with respect to those notices; or
  - (b) further direction from the Standing Committee on Procedure and Privileges taking account of legal advice.

**2. Health Regulations Amendment (Fees and Charges) Regulations 2019 — Disallowance**

Moved *pro forma* (SO 67(3)) 19 September 2019 on the motion of Hon Robin Chapple (Days remaining 15 after today (Indicative date — 27 November 2019))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Health Regulations Amendment (Fees and Charges) Regulations 2019* published in the *Gazette* on 14 June 2019 and tabled in the Legislative Council on 25 June 2019 under the *Food Act 2008*, be and are hereby disallowed. (Tabled paper 2812).

**20. [Terrorism \(Preventative Detention\) Amendment Bill 2019](#) [LA 133–1] Minister for Environment representing the Minister for Police**

Second reading resumption of debate adjourned (Tuesday, 17 September 2019).

**21. \*[High Risk Offenders Bill 2019](#) [LA 137-1] Leader of the House representing the Attorney General**

Committee progress clause 14 (Tuesday, 24 September 2019).  
*cf SNP 137 Issue 5 – 24 September 2019.*

**13. \*[Births, Deaths and Marriages Registration Amendment \(Change of Name\) Bill 2018](#) [LA 87–1] Leader of the House representing the Attorney General**

Second reading resumption of debate adjourned Hon Pierre Yang (Tuesday, 17 September 2019).  
*cf SNP 87 Issue 1 — 7 May 2019*

**22. [Wittenoom Closure Bill 2019](#) [LA 120–1] Minister for Environment representing the Minister for Lands**

Second reading adjourned (Wednesday, 14 August 2019).

**7. [Appropriation \(Recurrent 2016–17\) Supplementary Bill 2017](#) [LA 55–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 14 August 2018).

**8. [Appropriation \(Capital 2016–17\) Supplementary Bill 2017](#) [LA 54–1] Minister for Environment representing the Treasurer**

Second reading adjourned (Tuesday, 14 August 2018).

\* For amendments see Supplementary Notice Paper and/or Committee Report

**NIGEL PRATT**

Clerk of the Legislative Council