



LEGISLATIVE COUNCIL

TUESDAY, 7 DECEMBER 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. Death of Hon Dr Christine (Chrissy) Sharp — Motion of Condolence

The Leader of the House moved, without notice —

That this Council expresses its deep regret at the death of Hon Dr Christine (Chrissy) Sharp, a former Member of the Legislative Council for the South West Region; and places on record its appreciation for her long public service, and tenders its profound sympathy to her family in their bereavement.

The motion was supported by Members, including the President, and carried in silence; Members standing in their places.

3. Message from His Excellency the Governor — Assent to Bills

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

3 December 2021 — Message No. 30	Act No.
Appropriation (Recurrent 2021–22) Bill 2021	22 of 2021
Appropriation (Capital 2021–22) Bill 2021	23 of 2021
Industry and Technology Development Amendment Bill 2021	24 of 2021

4. Statement by President — Production of Material to the Corruption and Crime Commission

The President made the following Statement —

I wish to advise the House that all notices to produce that were issued by the Corruption and Crime Commission to the Clerk of the Legislative Council under section 95 of the *Corruption, Crime and Misconduct Act 2003* have been complied with.

The notices from the Commission arose from a 2019 investigation into misconduct risks in relation to Members of Parliaments' electorate allowances. Compliance with the notices was suspended for the duration of Supreme Court legal proceedings that sought to clarify the law surrounding notices to produce and parliamentary privilege.

As I have already reported to the House, the legal proceedings have now concluded with the final orders having been made. The Procedure and Privileges Committee was able to

facilitate, with the assistance of digital forensic staff of the Commission, the production to the Commission, in an acceptable format, electronic copies of in excess of 500,000 non-privileged items.

I thank the Members and staff of the Procedure and Privileges Committee, along with the legal advisory staff of the Legislative Council Committee Office and Parliament's IT Section for the enormous logistical effort in reviewing half a million files in order to identify and isolate from production over 10,000 items that were subject to parliamentary privilege. I now believe this matter to have concluded.

5. Petition

Hon Donna Faragher presented a petition from 186 petitioners requesting the Legislative Council to oppose the closure of Robinson Road, Bellevue and keep it open to through traffic. (Tabled Paper 973).

6. Papers

The following Papers were laid on the Table by —

President

Addendums —

Corruption and Crime Commission — A Report into WA Police Force's identification and management of at risk officers (2 December 2021) 959

Leader of the House

Local Laws —

Local Government Act 1995 (Shire of Waroona Extractive Industries Local Law 2021 G.G. 29/11/2021, Shire of Carnamah Parking Amendment Local Law 2021 G.G. 30/11/2021, City of Greater Geraldton Public Places and Local Government Property Amendment Local Law 2021 G.G. 30/11/2021, City of Bunbury Public Places and Local Government Property Amendment Local Law 2021 G.G. 30/11/2021, City of Vincent Local Government Property Local Law 2021 G.G. 30/11/2021 and Town of Cottesloe (Meeting Procedure) Amendment Local Law 2021 G.G. 03/12/2021)..... 960

Proclamations —

COVID-19 Response and Economic Recovery Omnibus Act 2020 (COVID-19 Response and Economic Recovery Omnibus Act 2020 Postponement Proclamation 2021 G.G. 03/12/2021)..... 961

Regulations —

Road Traffic (Administration) Act 2008; Western Australian Photo Card Act 2014 (Transport Regulations Amendment (Digital Identity Exchange) Regulations 2021 G.G. 03/12/2021) 962

Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012 (Transport Regulations Amendment (Electric Rideable Devices) Regulations 2021 G.G. 03/12/2021) 963

Road Traffic (Vehicles) Act 2012 (Road Traffic (Vehicles) Amendment Regulations 2021 G.G. 03/12/2021) 964

School Education Act 1999 (School Education (Student Residential Colleges) Amendment Regulations 2021 G.G. 03/12/2021) 965

Leader of the House on behalf of the Minister for Mental Health

Regulations —

Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 4) 2021 G.G. 03/12/2021)	966
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Minister for Regional Development

Regulations —

Biosecurity and Agriculture Management Act 2007 (Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Amendment Regulations 2021 G.G. 03/12/2021)	967
Residential Parks (Long-stay Tenants) Act 2006 (Residential Parks (Long-stay Tenants) Amendment Regulations 2021 G.G. 03/12/2021).....	968
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations 2021 G.G. 03/12/2021)	969

Parliamentary Secretary to the Attorney General

Regulations —

Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 2) 2021 G.G. 03/12/2021)	970
State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Regulations (No. 5) 2021 G.G. 03/12/2021)	971

Reports —

Department of Justice Strategic Reform — Statutory Review of the Coroners Act 1996 (Final Report) (November 2020).....	972
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7. Special Adjournment

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so as to enable the Council to sit beyond 9.45pm on this day's sitting and take Member's Statements at a time ordered by the House

Debate ensued.

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.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance*, 2, *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 — Disallowance*, 3, *City of Fremantle Parking Local Law 2021 — Disallowance*, 4, *City of Stirling Meeting Procedures Local Law 2021 — Disallowance*, and 5, *Non-Coronial Post-Mortem Examinations Code of Practice 2021 — Disallowance*, be taken after Order of the Day No. 11, *Dog Amendment (Stop Puppy Farming) Bill 2021*. (Leader of the House).

9. Criminal Law (Unlawful Consorting and Prohibited Insignia) Bill 2021

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 Martin Aldridge in the Chair)

Clause 2.

Debate resumed.

Clause agreed to.

Clause 3.

Debate ensued.

Hon Nick Goiran moved —

Page 2, after line 17 — To insert:

CCC means the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003* section 8(1);

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 (19)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Sophia Moermond

Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
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.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6

Debate ensued.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* a table depicting the total annual operational funding for each child and parent centre for the financial years 2017–18 to 2021–22, in response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the number of people on the public housing waitlist at the end of August, September, October and November 2021 who receive the disability support pension, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Mental Health representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 336 asked by Hon Martin Aldridge will be provided by 9 December 2021.

The Minister for Regional Development, by leave, incorporated into *Hansard* information in tabular format in relation to the cash flows of the Collie Industry Attraction and Development Fund for the years 2019–20 to 2024–25, in response to a question without notice asked by Hon Dr Steve Thomas.

11. Criminal Law (Unlawful Consorting and Prohibited Insignia) Bill 2021

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12 agreed to.

Clause 137.

Debate ensued.

Clause agreed to.

Clause 14.

Debate ensued.

Clause agreed to.

Clause 15.
 Debate ensued.
 Clause agreed to.
 Clause 16.
 Debate ensued.
 Clause agreed to.
 Clause 17.
 Debate ensued.
 Clause agreed to.
 Clause 18.
 Debate ensued.

Hon Nick Goiran moved —

Page 14, line 30 to page 15, line 3 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (6)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Nick Goiran

Hon Steve Martin
 Hon Dr Steve Thomas
 Hon Colin de Grussa (*Teller*)

Noes (20)

Hon Klara Andric
 Hon Dan Caddy
 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 Sophia Moermond
 Hon Shelley Payne
 Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 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.

Clause 19 agreed to.

Clause 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clauses 22 to 35 agreed to.

Clause 36.

Debate ensued.

Clause agreed to.

Clauses 37 to 42 agreed to.

Clause 43.

Debate ensued.

Hon Nick Goiran moved —

Page 35, lines 4 to 9 — To delete the lines.

Amendment — put.

The Committee divided.

Ayes (7)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran

Hon Steve Martin
Hon Dr Steve Thomas
Hon Colin de Grussa (*Teller*)

Noes (20)

Hon Klara Andric
Hon Dan Caddy
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 Sophia Moermond
Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang (*Teller*)

Amendment thus negatived.

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

Clauses 44 to 47 agreed to.

Clause 48.

Debate ensued.

Clause agreed to.

Clauses 49 to 66 agreed to.

Clause 67.

Debate ensued.

Clause agreed to.

Clause 68 agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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.

12. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 10.07pm until Wednesday, 8 December 2021 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust, Hon Kyle McGinn, Hon Samantha Rowe (*leave*) and Hon Rosetta Sahanna (*leave*).

NIGEL PRATT

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council