



## LEGISLATIVE COUNCIL

**WEDNESDAY, 1 SEPTEMBER 2021**

**1.00pm**

### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Petitions

Hon James Hayward presented a petition from 121 petitioners requesting the Legislative Council to recommend that Main Roads reduce the speed limit to 80 kmph on Bussell Highway between Capel Drive and Spurr Road. (Tabled Paper 499).

Hon Dr Steve Thomas presented a petition from 62 petitioners requesting the Legislative Council to recommend that the State Government withdraw the current bio-security levy imposed on town blocks and farm properties in Boyup Brook, and initiate an inquiry and ensure community consultation before the implementation of further levys. (Tabled Paper 500).

### 3. Paper

The following Paper was laid on the Table by —

**Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Regional Development**

*Reports —*

Department of Primary Industries and Regional Development — Industry Funding

Scheme regulations — A review of operation and effectiveness (May 2021).....498

### 4. Quarterly Financial Results Report

Motion No. 2 having been called, Hon Dr Steve Thomas, pursuant to notice, moved —

That this House notes the latest Quarterly Financial Results report shows the Government is on track to receive a record \$10.7 billion in royalty income this financial year, and asks the State Government how this windfall is being used to address —

- (a) the housing crisis in this State;
- (b) the homelessness crisis in this State;
- (c) the health crisis in this state; and
- (d) the mental health crisis in this State.

Debate ensued.

*Point of Order*

Parliamentary Secretary to the Attorney General raised the following Point of Order —

Acting President, the Honourable Member referred to a number of documents during his speech. I ask that those documents be tabled in accordance with Standing Order 59.

*Acting President's Ruling*

The Acting President ruled as follows —

The Honourable Member who gave the speech certainly did seem to be quoting using an electronic device. As you would be aware, Honourable Member, the Standing Order around the use of electronic devices is a little cloudy. We have a precedent established by the other place that the Member will be invited to print those notes and to table them at a later stage of this day's sitting. I will defer the question of a President's ruling on the use of electronic devices to a later stage, I will refer that to the President.

Debate resumed.

Motion — put.

The Council divided.

**Ayes (7)**

Hon Peter Collier  
Hon James Hayward  
Hon Dr Brad Pettitt  
Hon Tjorn Sibma

Hon Dr Steve Thomas  
Hon Neil Thomson  
Hon Colin de Grussa (*Teller*)

**Noes (18)**

Hon Dan Caddy  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Ayor Makur Chuot  
Hon Kyle McGinn  
Hon Sophia Moermond

Hon Shelley Payne  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Dr Brian Walker  
Hon Darren West  
Hon Pierre Yang (*Teller*)

Motion thus negated.

**5. Order of Business**

Ordered — That Orders of the Day Nos 1, *Town of Port Hedland Waste Local Law 2020 — Disallowance*, 2, *Shire of Broome Waste Local Law 2021 — Disallowance*, 3, *Shire of Gingin—Meeting Procedures Amendment Local Law 2021 — Disallowance*, 4, *City of Kalamunda Dogs Local Law 2021 — Disallowance*, 5, *Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021 — Disallowance*, 6, *Shire of Peppermint Grove Fencing Local Law 2021 — Disallowance*, and 7, *Weapons Amendment Regulations 2021 — Disallowance*, be taken after Order of the Day No. 17, *Dog Amendment (Stop Puppy Farming) Bill 2021*. (Leader of the House).

## **6. Ticket Scalping Bill 2021**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Leader of the House moved on behalf of the Minister for Regional Development representing the Minister for Commerce, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

## **7. Arts and Culture Trust 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.

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### **In Committee**

(Hon James Hayward in the Chair)

Clause 10.

Debate resumed.

Clause agreed to.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clauses 14 to 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clauses 18 to 67 agreed to.

Clause 68.

Debate ensued.

Clause agreed to.

Clause 69.

Debate ensued.

Clause agreed to.

Clause 70.

Debate ensued.

Clause agreed to.

Clauses 71 to 94 agreed to.

Clause 95.

Debate ensued.

Clause agreed to.

Clause 96.

Debate ensued.

## **8. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Regional Development, by leave, incorporated into *Hansard* information in relation to Royalties for Regions program expenditure for 2017-18, 2018-19, 2019-20 and 2020-21, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Mental Health representing the Minister for Police tabled documents in relation to a 2021-22 fees and charges review of firearms licence fees, in response to a question without notice asked by Hon Wilson Tucker. (Tabled Paper 501).

The Parliamentary Secretary to the Attorney General tabled Attorney General's answers to questions asked by Hon Nick Goiran during the 2016-17 Annual Reports Hearings before the Standing Committee on Estimates and Financial Operations (9 March 2017), in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 502).

The Leader of the House representing the Minister for Ports, by leave, incorporated into *Hansard* information in relation to the dollar value of the levy imposed by the Pilbara Ports Authority on every major ship of iron ore between 1 March and July 2021, in response to a question without notice asked by Hon Neil Thomson on behalf of Hon Colin de Grussa.

The Minister for Mental Health representing the Minister for Environment, in accordance with Standing Order 108(2), advised that answers to questions on notice 205 and 206 asked by Hon Dr Brad Pettitt will be provided on 2 September 2021.

## **9. President's Ruling — Quoting from an Electronic Device**

The President ruled as follows —

Today during Motions on Notice Hon Pierre Yang raised a point of order during the contribution of Hon James Hayward, pursuant to Standing Order 59(1), to request the Member to identify the documents that he was quoting from. Hon James Hayward identified a number of documents that he was quoting from including newspaper articles and his personal notes contained on an electronic device.

At the conclusion of Hon James Hayward's speech, the Parliamentary Secretary to the Attorney General rose to request that the Member table the documents, pursuant to Standing Order 59(2). The Acting President asked Hon James Hayward whether the documents were confidential and he replied that they were not.

As one of the documents quoted from was on an electronic device, the Acting President deferred the question as to whether this document can be required to be tabled pursuant to Standing Order 59.

It has become common practice in the Council for Members to refer to electronic devices as an *aide de memoir*, noting the prohibition on the reading of speeches in Standing Order 36. There is a strict prohibition on the use of electronic devices to take photographs, videos, make or receive calls and for devices to otherwise disrupt proceedings.

This issue has not previously arisen in the Council. The Legislative Assembly has adopted a practice whereby, in similar circumstances, a Member can be required to table a printed version of the electronic document.

My ruling is that a request to table a document pursuant to Standing Order 59 does extend to an electronic document on a personal device that is quoted from. In such circumstances, a Member will be required to table a printed copy of the electronic document.

I invite Hon James Hayward to rise and table the documents in question.

Hon James Hayward tabled speaking notes and referenced articles relating to public housing wait lists and ambulance ramping in Western Australia. (Tabled Paper 503).

#### **10. Arts and Culture Trust Bill 2021**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).  
The President left the Chair.

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#### **In Committee**

(Hon Jackie Jarvis in the Chair)

Clause 96.  
Debate resumed.  
Clause agreed to.  
Title agreed to.

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The Acting President resumed the Chair.  
Bill reported without amendment.  
Report adopted.  
The Leader of the House representing the Minister for Culture and the Arts moved, That the Bill be read a third time.  
The Acting 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.

#### **11. Family Court Amendment Bill 2021**

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.  
The Acting President left the Chair.

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#### **In Committee**

(Hon Jackie Jarvis in the Chair)

Clause 1.  
Debate ensued.  
The Parliamentary Secretary to the Attorney General tabled a Commonwealth Simple Grant Agreement and Commonwealth Deed of Variation between the Attorney General's Department and the Legal Aid Commission of Western Australia (Tabled Paper 504).  
Debate resumed.  
Clause agreed to.  
Clauses 2 and 3 agreed to.  
Clause 4.

Hon Dr Brian Walker moved —

Page 4, after line 26 — To insert:

**219AM. Review of Division**

- (1) The Minister must review the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 5<sup>th</sup> anniversary of the specified day (as defined in section 219AJ(1)).
- (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 5<sup>th</sup> anniversary.

Amendment — put and negatived.

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

Clause 5 agreed to.

Title agreed to.

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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. (Minister for Mental Health).

**13. Members' Statements**

Statements were taken.

**14. Adjournment**

The Council adjourned at 6.58pm until Thursday, 2 September 2021 at 10.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Martin Aldridge, Hon Donna Faragher, Hon Peter Foster, Hon Alannah MacTiernan, Hon Steve Martin and Hon Rosetta Sahanna.

**PAUL GRANT**

Deputy Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council