



LEGISLATIVE COUNCIL

THURSDAY, 16 FEBRUARY 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. Petition

Hon Nick Goiran presented an E-Petition from 9,407 petitioners requesting the Legislative Council to establish a Select Committee to review the use of emergency powers. (Tabled Paper 2029).

3. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Performance Audit — Administration of the Perth Parking Levy (16 February 2023) ...2027

Annual Reports — Extension of Time —

Department of Primary Industries and Regional Development (2021-22).....2028

4. Elder Abuse

Hon Nick Goiran: To move on the next day of sitting —

That this House –

- (a) reminds the McGowan Labor Government that its January 2017 election manifesto on responding to elder abuse promised that it would “expedite” amendments to the law surrounding enduring powers of attorney and guardianship;
- (b) notes that on 13 September 2017 the Legislative Council established, on the motion of the Opposition, the Select Committee into Elder Abuse;
- (c) reminds the Government that the Select Committee’s 24th recommendation in its 2018 Final Report called on it to “act as a matter of urgency”;
- (d) notes that more than 6 years have passed since the election promise was made;
- (e) expresses its deep concern about the impact on victims of elder abuse given its prevalence in our State and reports of an increase during the pandemic; and
- (f) calls on the Government to apologise for breaking trust with the victims, the electors and the Parliament, and to make amends without any further delay.

5. Western Australian Timber Industry

Non-Government Business No. 1 having been called, Hon Steve Martin moved, without notice —
That this House notes —

- (a) the loss of jobs and closure of businesses in the Western Australian hardwood timber industry in recent weeks as a result of the Labor Government's decision to shut down hardwood logging;
- (b) the Government's inability to provide a "just transition" for the workers and businesses impacted by the decision to end timber harvesting;
- (c) the failure of the Minister for Forestry and Government to adequately consult and listen to local communities that are being damaged during the transition process; and
- (d) the multitude of failures and problems the new Minister for Agriculture has inherited through a lack of support from the McGowan Government for the agricultural sector,

and calls on the Minister for Agriculture and Forestry to acquaint the Legislative Council with the details of her plans to fix the many issues the McGowan Government has inflicted on both industries.

Debate ensued.

Motion lapsed.

6. Western Australian Tourism Industry

Private Members' Business No. 1 having been called, Hon Klara Andric moved, without notice —
That this House —

- (a) commends the McGowan Government for its strong commitment to the Western Australian Tourism Industry, particularly acknowledging the work of the Tourism Minister and Tourism WA to revitalise Western Australia's tourism sector in a post COVID-19 and regional context; and
- (b) recognises the significance of continuing to market Western Australia to the world, improving access through increased aviation links and attracting world-class events to Western Australia.

Debate ensued.

Motion lapsed.

7. Shire of Meekatharra Health Local Law 2021 — 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. 1, *Shire of Meekatharra Health Local Law 2021 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

8. City of Bayswater Keeping and Control of Cats 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. 2, *City of Bayswater Keeping and Control of Cats Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

9. Shire of Pingelly Bush Fire Brigades 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. 3, *Shire of Pingelly Bush Fire Brigades Local Law 2022 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

10. Health Services 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)

Clauses 84 to 99 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for Health 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. Animal Welfare and Trespass Legislation Amendment Bill 2021

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

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Education, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Parliamentary Secretary to the Minister for Environment on behalf of the Parliamentary Secretary to the Minister for Corrective Services, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Brad Pettitt.

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Martin Aldridge.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

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13. President's Ruling — Matter of Privilege

The President ruled as follows —

On 1 December 2022, Hon Martin Aldridge raised a matter of privilege.

The matter arises from questions on notice 1022 and 1161 and question on notice 1060.

All the questions centre on the allocation of funds from Disaster Recovery Funding Arrangements for communities impacted by cyclone Seroja. The questions were asked of, and answers were provided by, the Minister for Emergency Services.

On 23 November 2022, I delivered a ruling on a matter of privilege arising from the answers to the two questions without notice in this matter. I determined at that time that there was no substance to the matter of privilege.

The subsequent answer to the question on notice referred to above, in the context of the two earlier answers to the questions without notice, brings us to Hon Martin Aldridge's current matter of privilege.

Standing Order 93(5) provides that, upon a matter of privilege being raised in the House, the President shall determine whether "there is some substance to the matter" and, if so, "refer the matter to the Procedure and Privileges Committee for inquiry and report to the Council".

Parliamentary questions are an important aspect of the work of the Legislative Council. The answers provided facilitate the scrutiny of Government activities.

The Council has a right to expect Ministers in this place to answer questions honestly and accurately, and not to utilise the processes of this place to provide to it inaccurate, misleading and untruthful information.

When an answer is given by a Minister that is in clear conflict with an earlier answer provided by that Minister, it is the longstanding custom of the Council that the Minister correct the record and apologise for the error. An uncorrected misleading answer to a parliamentary question may therefore constitute a matter of privilege.

There is insufficient material available to me to support the view that the answers given by and on behalf of the Minister have been false, knowingly misleading or an attempt to, substantially obstruct the work of the Council.

It appears to me that the issue in the current case is seemingly not so much that there has been a blatant mistruth stated in the House, as would be the case if, for example, no Disaster Recovery Funding Arrangements money had been disbursed and the Minister said that it had. Rather, it is an issue of the terminology used in the questions and answers and a difference in interpretation of the language.

I also note that, as I stated in my previous ruling, a number of options still remain available to Hon Martin Aldridge to obtain all of the information he seeks from the Minister.

I am therefore not satisfied that the matter of privilege raised by Hon Martin Aldridge is of sufficient substance to warrant further consideration by the Council.

14. Animal Welfare and Trespass Legislation Amendment Bill 2021

Debate resumed on the second reading of this Bill (*see item 11 above*).

Interruption pursuant to order.

15. Members' Statements

Statements were taken.

16. Adjournment

The Council adjourned at 6.00pm until Tuesday, 21 February 2023 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ayor Makur Chuot and Hon Stephen Pratt.

PAUL GRANT

Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council