

Minutes of Proceedings



LEGISLATIVE COUNCIL

TUESDAY, 12 OCTOBER 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. Statement by President — How Did I Get Here? Photographic Exhibition

The President made the following Statement —

Members, I would like to draw your attention to an exhibition of photographs, by contemporary Australian photographers, which has been installed in the Lee Steere Foyer.

The title of this exhibition is *How did I Get Here?* and the photographs come from the State Art Collection.

The exhibition has been very generously loaned to Parliament by the Art Gallery of Western Australia and will be on display in the Lee Steere Foyer until the end of the summer recess.

3. Statement by President — Joint Standing Committee on the Commissioner for Children and Young People — Intention to table a short report

The President made the following Statement —

I have received the following letter —

President

I am writing to inform you that the Joint Standing Committee on the Commissioner for Children and Young People has resolved to table a short report considering the merits of appointing an Aboriginal commissioner for children and young people in Western Australia.

The report will draw together recommendations regarding the establishment of such a position made by previous iterations of this committee and by other relevant bodies, and conclude with our own recommendations.

The committee will report to Parliament by 18 November 2021.

Yours sincerely

Mrs R.M.J. Clarke MLA

Chair

4. Petition

Hon Dr Brad Pettitt presented a petition from 192 petitioners requesting the Legislative Council to investigate asbestos contamination within Site No. 11860. (Tabled Paper 750).

5. Ministerial Statement — Mental Health Week

The Minister for Mental Health made a Ministerial Statement with respect to Mental Health Week and a focus on youth mental health.

6. Papers

The following Papers were laid on the Table by —

President

Annual Reports —

Ombudsman, Western Australia (2020-21) (Deemed tabled 28/09/2021) 695

Financial Statements —

Members of Parliament (Financial Interests) Act 1992 — Annual Returns (2020-2021)..... 697

Members of Parliament (Financial Interests) Act 1992 — Primary Returns (2020-2021)
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Reports —

Corruption and Crime Commission — Serious Misconduct by the CEO of the Shire
of Ravensthorpe (September 2021) (Deemed tabled 22/09/2021)..... 699

Ombudsman Western Australia — A report on the steps taken to give effect to the
recommendations arising from; Preventing suicide by children and young
people (2020) (Deemed tabled 30/09/2021)..... 700

Leader of the House

Annual Reports —

Combat Sports Commission (2020-21) (Date received 12/10/2021)..... 701

Public Transport Authority (2020-21) (Date received 12/10/2021) 702

State Records Office (2020-21) (Date received 04/10/2021) 696

Transport, Department of (2020-21) (Date received 12/10/2021)..... 703

Venueswest (2020-21) (Date received 11/10/2021) 704

Annual Reports — Extension of Time —

Local Government, Sport and Cultural Industries, Department of (2020-21)..... 705

Local Laws —

Local Government Act 1995 (Shire of Waroona Health Local Law 2021 G.G. 15/09/2021, City
of Bayswater Standing Orders Local Law 2021 G.G. 22/09/2021, City of Gosnells
Thoroughfares and Public Places Local Law 2021 G.G. 28/09/2021, City of Canning
Animals, Nuisance and Environment Local Law 2021 G.G. 04/10/2021, City of Canning
Local Government Property and Public Places Local Law 2021 G.G. 04/10/2021) 706

Regulations —

Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges)
Amendment Regulations (No. 2) 2021 G.G. 24/09/2021) 707

Rules —

Combat Sports Act 1987 (Boxing Contest Amendment Rules 2021 G.G. 28/09/2021,
Kickboxing Contest Amendment Rules 2021 G.G. 28/09/2021, Mixed Martial Arts Contest
Amendment Rules 2021 G.G. 28/09/2021, Muay Thai Contest Amendment
Rules 2021 G.G. 28/09/2021) 708

Minister for Mental Health*Annual Reports —*

Animal Resources Authority (2020-21) (Date received 06/10/2021)	709
Child and Adolescent Health Service (2020-21) (Date received 08/10/2021)	710
East Metropolitan Health Service (2020-21) (Date received 11/10/2021)	711
Health, Department of (2020-21) (Date received 8/10/2021)	712
North Metropolitan Health Service (2020-21) (Date received 06/10/2021)	713
PathWest (2020-21) (Date received 06/10/2021)	714
Planning, Lands and Heritage, Western Australian Planning Commission, Aboriginal Affairs Planning Authority and Heritage Council of Western Australia (2020-21) (Date received 12/10/2021)	715
South Metropolitan Health Service (2020-21) (Date received 08/10/2021)	716
WA Country Health Service (2020-21) (Date received 08/10/2021)	717

Regulations —

Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2021 G.G. 08/10/2021)	718
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Reports —

Bank of Western Australia — Annual Certificate of Compliance (2021) (Date received 28/09/2021)	719
ChemCentre — Statement of Corporate Intent (2021-22) (Deemed tabled 28/09/2021)	720
Gold Corporation — Statement of Corporate Intent (2021-22) (Deemed tabled 06/10/2021)	721
Treasury Corporation — Statement of Corporate Intent (2021-22) (Date received 28/09/2021)	722

Minister for Regional Development*Annual Reports —*

AQWEST (2020-21) (Date received 8/10/2021)	723
Busselton Water (2020-21) (Date received 11/10/2021)	724
CBD Courts Project Contract (2020-21) (Date received 8/10/2021)	725
Energy Policy (2020-21) (Date received 11/10/2021)	726
Forest Products Commission (2020-21) (Date received 8/10/2021)	727
Horizon Power (2020-21) (Deemed tabled 29/09/2021)	728
Jobs, Tourism, Science and Innovation, Department of (2020-21) (Date received 08/10/2021)	729
Landgate (2020-21) (Date received 11/10/2021)	730
Synergy (2020-21) (Deemed tabled 29/09/2021)	731
Western Power (2020-21) (Deemed tabled 29/09/2021)	732

Proposals —

Land Administration Act 1997 — Submission No. 6/2021 — Proposal for the excision of Class A Reserve 18987 Porongurup National Park Shire of Plantagenet	733
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Regulations —

Building Services (Registration) Act 2011 (Building Services (Registration) Amendment Regulations (No. 2) 2021 G.G. 08/10/2021)	734
Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003 (Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2021 G.G. 24/09/2021)	735
Petroleum and Geothermal Energy Resources Act 1967 (Petroleum and Geothermal Energy Resources (Hydraulic Fracturing) Amendment Regulations 2021 G.G. 24/09/2021).....	736
Regional Development Commissions Act 1993 (Regional Development Commissions Amendment Regulations 2021 G.G. 08/10/2021).....	737
Rights in Water and Irrigation Act 1914; Water Agencies (Powers) Act 1984 (Water Regulations Amendment (Infringement Notices) Regulations 2021 G.G. 08/10/2021).....	738
Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations 2021 G.G. 08/10/2021)	739

Reports —

Horizon Power — Statement of Corporate Intent (2021-22) (Deemed tabled 01/10/2021).....	740
Landgate — Statement of Corporate Intent (2021-22) (Date received 06/10/2021)	741
Synergy — Statement of Corporate Intent (2021-22) (Deemed tabled 01/10/2021).....	742
Western Power — Statement of Corporate Intent (2021-22) (Deemed tabled 05/10/2021)	743

Rules —

Wholesale Electricity Market Amendment (Miscellaneous Amendments No. 2) Rules (2021)	744
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Parliamentary Secretary to the Attorney General*Annual Reports —*

Liquor Commission (2020-21) (Date received 11/10/2021)	745
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Regulations —

Criminal Procedure Act 2004; Fines, Penalties and Infringement Notices Enforcement Act 1994 (Attorney General Regulations Amendment (Residential Parks) Regulations 2021 G.G. 08/10/2021)	746
Liquor Control Act 1988 (Liquor Control Amendment Regulations (No. 3) 2021 G.G. 17/09/2021)	747

Parliamentary Secretary to the Minister for Disability Services*Regulations —*

Disability Services Act 1993 (Disability Services Amendment Regulations 2021 G.G. 24/09/2021)	748
Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 2) 2021 G.G. 24/09/2021)	749

7. Standing Committee on Uniform Legislation and Statutes Review — Report 136 — Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021

Hon Donna Faragher presented Report 136 of the Standing Committee on Uniform Legislation and Statutes Review, *Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021*. (Tabled Paper 751).

Hon Donna Faragher moved, without notice —

That Recommendation 1 of the Standing Committee on Uniform Legislation and Statutes Review contained in its Report 136, *Legal Profession Uniform Law Application Bill 2021 and Legal Profession Uniform Law Application (Levy) Bill 2021*, be adopted and agreed to.

Hon Donna Faragher sought leave to continue her remarks at a later stage of this day's sitting.

Leave granted.

8. Climate Change and Greenhouse Gas Emissions Reduction Bill 2021

Hon Dr Brad Pettitt: To move on the next day of sitting —

That a Bill for "An Act to provide for —

- targets for the reduction of greenhouse gas emissions and the increase in renewable energy generation; and
 - the establishment of the Climate Change Council,
- and for related purposes." be introduced and read a first time.

9. Select Committee into Cannabis and Hemp

Hon Dr Brian Walker: To move on the next day of sitting —

- (1) A Select Committee to be known as the Cannabis and Hemp Select Committee, is established.
- (2) The Select Committee is to inquire into and report on the potential to amend the current legislation and regulations which apply to cannabis and hemp in Western Australia, with particular reference to —
 - (a) the current barriers to pharmaceutical nutraceutical use of cannabinoid products;
 - (b) medicinal cannabis, its prescription, availability and affordability; and
 - (c) the potential benefits and risks of permitting industrial hemp for human consumption.
- (3) The Select Committee shall consist of five members, namely: Hon Dr Brian Walker (Chair); Hon Matthew Swinbourn (Deputy Chair); Hon Jackie Jarvis; Hon Lorna Harper and Hon James Hayward.
- (4) The Select Committee may table interim reports, and is to table its final report by no later than 12 months after the committee has been established.

10. Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings

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

That this House —

- (1) Thanks the Commissioner for Children and Young People for his *Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings*.

- (2) Notes with grave concern the Commissioner's damning findings which expose that —
- (a) children raised their concerns, and these were not responded to in a timely manner;
 - (b) the information and knowledge management systems of the Department are not fit for purpose and impede decision making for children and young people and organisational accountability;
 - (c) the Department does not have a cohesive or effective framework or policy, practices or services to understand and respond to children and young people with harmful sexual behaviours;
 - (d) the Department does not consistently ensure that high quality and safe care by well trained and supported staff and carers is provided to children and young people in the care of the CEO in residential care;
 - (e) the Department's risk assessment and management strategies are not effective in consistently preventing, identifying and mitigating risks to children and young people in residential care; and
 - (f) the Department's internal safeguards and review mechanisms do not contribute effectively to the safety of children and young people in residential care.
- (3) Calls on the Government to urgently provide a precise and time bound plan of how it proposes to address the Commissioner's findings and recommendations.

11. Select Committee into Cannabis and Hemp — Notice of Motion to be made Order of the Day

The Leader of the House moved, without notice —

That the Notice of Motion just given by Hon Dr Brian Walker in relation to a Select Committee into Cannabis and Hemp be made an Order of the Day for the next sitting of the House.

Question — put and passed.

12. Order of Business

Ordered — That Order of the Day No. 1, *Weapons Amendment Regulations 2021 — Disallowance*, be taken after Order of the Day No. 3, *Conservation and Land Management Amendment Bill 2021*. (Leader of the House).

13. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2021–2022

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Mental Health representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 534A-D (2021–2022 Budget Statements), laid upon the Table of the House on 9 September 2021.

Debate resumed.

Hon Pierre Yang sought leave to continue his remarks at the next day's sitting.

Leave granted.

On the motion of Hon Colin de Grussa the debate was adjourned to the next sitting.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a table of travel and other expenses for prisoners attending funerals, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Minister for Emergency Services tabled advice from the Chief Health Officer supporting vaccination and mask use for the Department of Fire and Emergency Services (September 2021) in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 752).

The Minister for Mental Health representing the Minister for Health tabled advice from the Chief Health Officer supporting vaccination for a school leavers event in Dunsborough (October 2021), in response to a question without notice asked by Hon James Hayward. (Tabled Paper 753).

The Leader of the House representing the Premier tabled the agenda from the meeting on 7 October 2021 of the Vaccination Strategic Co-ordination Group, in response to question on notice 264 asked by Hon Martin Aldridge. (Tabled Paper 754).

The Minister for Regional Development representing the Minister for Lands, by leave, incorporated into *Hansard* information in relation to DevelopmentWA and Yagan Square, in response to a question without notice asked by Hon Neil Thomson.

The Minister for Regional Development representing the Minister for Energy tabled a summary of the impacts of daylight saving on energy demand in the Horizon Power service area, in response to question on notice 249 asked by Hon Wilson Tucker. (Tabled Paper 755).

15. Statement by President — Artist-in-Residence, Eva Fernandez

The President made the following Statement —

Members, I would like to welcome Eva Fernandez, the 2021 Parliament House, Edith Cowan University Artist-in-Residence, who is sitting in the President's Gallery today.

The Art Residency is an initiative which provides the opportunity for a Western Australian artist to examine aspects of Western Australian life, culture, history and politics within the institutional context of Parliament and to develop an artwork, or body of work, that draws upon this experience.

Eva is a multi-award winning digital photo-media artist who has participated in numerous national and international solo and group exhibitions and whose work has been acquired by the Art Gallery of Western Australia, the Holmes à Court Collection, and the Edith Cowan University and Murdoch University collections. I also welcome Jessica Gatt, who will be assisting Eva during the residency.

16. Children and Community 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 President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 27.

Debate resumed.

The Parliamentary Secretary to the Minister for Child Protection tabled documents in relation to the number of children on protection orders as at 30 September 2021 and details of external consultation on the expansion of mandatory reporting. (Tabled Paper 756).

Debate resumed.

Clause agreed to.
Clause 28.
Debate ensued.
Clause agreed to.
Clause 29 agreed to.
Clause 30.
Debate ensued.
Clause agreed to.
Clause 31.
Debate ensued.
Clause agreed to.
Clause 32.
Debate ensued.
Clause agreed to.
Clause 33.
Debate ensued.
Clause agreed to.
Clauses 34 to 36 agreed to.
Clause 37.
Debate ensued.
Clause agreed to.
Clause 38.
Debate ensued.
Clause agreed to.
Clauses 39 to 41 agreed to.
Clause 42.
Debate ensued.
Clause agreed to.
Clause 43 agreed to.
Clause 44.
Debate ensued.
Clause agreed to.
Clause 45.
Debate ensued.
Clause agreed to.
Clause 46.
Debate ensued.
Clause agreed to.
Clause 47.
Debate ensued.
Clause agreed to.
Clause 48 agreed to.

Clause 49.

Debate ensued.

Clause agreed to.

Clause 50.

Debate ensued.

Clause agreed to.

Clause 51 agreed to.

Clause 52.

Debate ensued.

Clause agreed to.

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.

17. Members' Statements

Statements were taken.

18. Adjournment

The Council adjourned at 10.05pm until Wednesday, 13 October 2021 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Peter Foster, Hon Rosetta Sahanna and Hon Tjorn Sibma.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council