



LEGISLATIVE COUNCIL

WEDNESDAY, 10 AUGUST 2022

1.00pm

1. Meeting of Council

The Council assembled at 1.00pm pursuant to Temporary Orders.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — Visit to Germany and the Netherlands

The Minister for Hydrogen Industry made a Ministerial Statement with respect to travel to the World Hydrogen Summit 2022 in Rotterdam also Munich and Berlin to explore opportunities for jointly developing our hydrogen industry capabilities.

The Minister for Hydrogen Industry tabled the *Report on Ministerial visit to Germany and the Netherlands*. (Tabled Paper 1470).

3. Paper

The following Paper was laid on the Table by —

President

Auditor General's Papers —

Performance Audit — Public Trustee's Administration of Trusts and Deceases

Estates (Report No. 3) (August 2022)1469

4. Sustainable Management of Western Australia's Fisheries

Motion No. 11 having been called, Hon Dr Sally Talbot, pursuant to notice, moved —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to sustainable management of Western Australia's fisheries.

Debate ensued.

Hon Dr Brian Walker, by leave, tabled an article entitled *Cannabidiol Improves Fish Welfare* (Tabled Paper 1471).

Debate resumed.

Question — put and passed.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Jackie Jarvis in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 3 — ‘A GOOD YEAR’. The work of the Parliamentary Inspector of the Corruption and Crime Commission

Debate resumed on the motion of Hon Dr Steve Thomas, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report 2 — Report Review 2020-21: Examination of selected reports by the Commissioner for Children and Young People

Debate resumed on the motion of Hon Jackie Jarvis, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report 3 — ‘A GOOD YEAR’. *The work of the Parliamentary Inspector of the Corruption and Crime Commission* and had noted same.
- (2) Joint Standing Committee on the Commissioner for Children and Young People — Report 2 — *Report Review 2020-21: Examination of selected reports by the Commissioner for Children and Young People*, made progress, and seeks to sit again.

Report adopted.

6. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2022–2023

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

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1270A-D (2022–2023 Budget Statements), laid upon the Table of the House on 12 May 2022.

Debate resumed.

7. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to full time equivalent staff at Banksia Hill Detention Centre, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to the WA Health workforce recruitment campaign, in response to a question without notice asked by Hon Neil Thomson.

The Leader of the House representing the Minister for Transport; Planning; Ports tabled documents in relation to the Solsen Development and Commercialisation Market-Led Proposal, in response to question on notice 763 asked by Hon Martin Aldridge. (Tabled Paper 1472).

The Leader of the House representing the Minister for Housing, in accordance with Standing Order 108(2), advised that an answer to question on notice 766, asked by Hon Colin de Grussa will be provided by 13 September 2022.

The Minister for Regional Development representing the Minister for Tourism, by leave, incorporated into *Hansard* information in relation to Jetstar flights to and from Busselton, in response to a question without notice asked by Hon Dr Steve Thomas.

8. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2022–2023

Debate resumed on the motion of the Minister for Emergency Services representing the Treasurer (*see item 6 above*).

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

9. Fair Trading Amendment Bill 2021

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

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6

The Chair of Committees moved the following Committee recommendation —

Page 4, line 7 — To delete "Assent." And insert:

Assent and upon being laid before each House is taken to be published under this Act.

Amendment — put and negatived.

The Minister for Regional Development representing the Minister for Commerce moved —

Page 6, after line 15 — To insert:

19E. Tabling of amending law taken to be publication for Standing Orders

(1) In this section —

parliamentary committee means a committee established by either or both of the Houses of Parliament.

- (2) If a Standing Order of a House of Parliament provides that on the publication of an instrument under a written law the instrument is referred to a parliamentary committee for consideration, the laying of an amending law before the House under section 19A is taken to be publication of the amending law for the purposes of the Standing Order.
- (3) This section does not apply if the Standing Orders of the House provide specifically for an amending law to be considered by a parliamentary committee.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 7 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendment.

The Minister for Regional Development representing the Minister for Commerce, by leave, moved, That the report be adopted.

Report adopted.

The Minister for Regional Development representing the Minister for Commerce moved, without notice —

That so much of Standing Orders be suspended so as to enable the Fair Trading Amendment Bill 2021 to be read a third time.

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.

The Minister for Regional Development representing the Minister for Commerce 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.

10. Members' Statements

Statements were taken.

The Hon Dr Brian Walker, by leave, tabled an article entitled, *Comparative harms assessment for cannabis, alcohol, and tobacco: Risk for psychosis, cognitive impairment, and traffic accident*. (Tabled Paper 1473).

11. Bush Fires Amendment Bill 2022

The President reported the receipt of Message No. 71 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Emergency Services moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Emergency Services moved, That the Bill be read a second time.

The Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1474).

Debate stands adjourned.

Point of Order

Hon Martin Aldridge raised the following Point of Order —

I rise in relation to Standing Order 126, which relates to uniform legislation. A uniform legislation Bill is a Bill that ratifies or gives effect to a bilateral or multilateral intergovernmental agreement to which the Government of the State is a party, or by reason of its subject matter introduces a uniform scheme or uniform laws throughout the Commonwealth. The Minister has just informed the house that pursuant to Standing Order 126(1), this Bill is not a uniform legislation Bill. The genesis of this Bill can be found in the decision of the Emergency Management Ministers of the Law, Crime and Community Safety Council, which is a Ministerial Council, which agreed in 2014 to develop the new National Fire Danger Rating System. The Department of Fire and Emergency Services website states —

The Australian Fire Danger Rating System ... Program is a national project working to design and implement a new fire danger rating system.

The Australian Fire Authorities Council website states —

The Australian Government and all State and Territory Governments recognised the development of a new national fire danger rating system as a national priority in 2014 ...

At its 8 April 2016 meeting, the Australian and New Zealand Emergency Management Committee (ANZEMC) approved a staged approach that would maintain momentum and enable the latest thinking to be incorporated as the system was developed.

A national Program Board with jurisdictional and national representation was established in late 2016 to oversee the development of the new Australian Fire Danger Rating System (AFDRS).

President, for your benefit, ANZEMC is a senior officials committee that is responsible for emergency management and reports to the National Emergency Management Ministers Meeting.

Lastly, the explanatory memorandum presented just now to the Council refers at clause 4 to "The new nationally agreed consistent AFDRS model". I ask your consideration, President, of the claim that this Bill is not a uniform legislation Bill. On my assessment, this Bill provides for both uniform laws or a uniform scheme and likely gives effect to multilateral intergovernmental agreements.

President's Ruling

The President ruled as follows —

Thank you for your considered point of order. I will take it under advisement and report back to the House as soon as I practicably can.

12. Adjournment

The Council adjourned at 6.50pm until Thursday, 11 August 2022 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except, Hon Wilson Tucker.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council