



## LEGISLATIVE COUNCIL

**TUESDAY, 14 JUNE 2022**

**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. 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 —

| <b>27 May 2022 — Message No. 15</b>  | <b>Act No.</b> |
|--|----------------|
| COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022 | 15 of 2022     |
| Duties Amendment Bill 2022   | 16 of 2022     |

### 3. President's Ruling — Matter of Privilege

The President ruled as follows —

When the Council last met on 19 May 2022 the Leader of the House raised a matter of privilege pursuant to Standing Order 93. The Leader of the House submitted that the Hon James Hayward had misrepresented to a court the practices and rules of the Legislative Council and that this conduct has the potential to bring this Council into disrepute.

This allegation stemmed from a series of media reports about a bail hearing where Hon James Hayward's bail was varied to enable him to attend a conference in Queensland that was being attended by the Select Committee into Cannabis and Hemp. The Leader of the House quoted from two news articles that reported that the court was told that Hon James Hayward would have to resign from the Select Committee into Cannabis and Hemp if he could not travel to Queensland to attend a conference.

Standing order 93(5) requires me to determine whether there is some substance to the matter; and, if so, refer the matter to the Standing Committee on Procedure and Privileges.

This matter demonstrates the particular difficulties of a Member of this House facing serious charges in the courts. It is peculiar as it involves the intersection between the right of the Council to adjudge its own matters, the role of the courts in determining serious matters, possible questions of absolute privilege of legal counsel, *sub judice* and the right to a fair trial and finally matters of comity between the branches of government.

On balance I am of the view that the conduct as alleged is of such gravity that it requires investigation. Whilst acknowledging from the outset the practical issues that such an investigation may face, I refer the matter to the Procedure and Privileges Committee.

The Leader of the House tabled a transcript of proceedings from the Magistrates Court of Western Australia, Western Australia Police Force v Hon James Hayward. (Tabled Paper 1332).

#### **4. Statement by President — Members' Survey**

The President made the following Statement —

Today, the Clerk emailed you web links to complete the annual performance surveys for the Department of the Legislative Council and the Parliamentary Services Department. Hard copies of these surveys have been distributed in the Chamber and to Members' offices.

These surveys are critical in assisting the Departments to provide better services to you and the results will be incorporated into the 2021-2022 Annual Reports.

It would be appreciated if you would take a few minutes to complete the surveys online or in hard copy by Thursday, 23 June 2022.

#### **5. Statement by President — Clearing of Old Motions from the Notice Paper**

The President made the following Statement —

Members will note that there are six fewer Notices of Motions listed in today's Daily Notice Paper than in its last publication.

Pursuant to Standing Order 66(15), which came into effect on 1 January 2022, notices of motions which have not been moved after twelve months are automatically discharged from the Notice Paper.

This process aims to ensure the currency and relevancy of debate on motions each sitting Wednesday.

#### **6. Statement by President — Cook Islands Delegation**

The President made the following Statement —

It gives me great pleasure to advise that on Friday, 10 June 2022, the Parliament said kia to welcome a delegation from the Cook Islands that included its Prime Minister, Hon Mark Brown, Ministers, Members of Parliament and Government officials. This was an important occasion, especially as the Parliament of the Cook Islands and the Parliament of Western Australia share a longstanding and warm relationship as twinned Parliaments under the Commonwealth Parliamentary Association. The purpose of the twinning arrangement is to foster parliamentary cooperation between branches of the Australian and Pacific regions of the CPA, through the exchange of information, assistance with training and exchanges of visits between Parliaments. It was a pleasure for the Speaker and I to host the delegation.

Noongar elder Mr Barry Winmar provided a warm welcome to country. A strong Cook Islands response was delivered by Cook Islands cultural adviser Mr Raemaki Karati. It was a very powerful presentation and he thanked Mr Winmar for providing consent to events taking place on the Noongar people's traditional lands. The visit was an opportunity to further develop the close relationships between Western Australia and the Cook Islands. I thank all Members, especially those from the Legislative Council, who attended the reception.

#### **7. Petition**

Hon Wilson Tucker presented an E-Petition from 102 petitioners requesting the Legislative Council to recommend to the Government that a review into the Western Australian home indemnity insurance policy scheme be conducted urgently. (Tabled Paper 1333).

## 8. Ministerial Statement — John Cripps AO

The Minister for Agriculture and Food made a Ministerial Statement with respect to the passing of John Cripps AO, a former employee of the Department of Agriculture responsible for the development of the Cripps varieties of apples.

## 9. Papers

The following Papers were laid on the Table by —

### President

#### Reports —

Inspector of Custodial Services, Office of the — 2021 Inspection of Greenough Regional Prison (Report No. 142) (May 2022) ..... 1295

### Leader of the House

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Education Service Providers (Full Fee Overseas Students) Registration Act 1991; School Curriculum and Standards Authority Act 1997; Teacher Registration Act 2012 (Education and Training Regulations Amendment (Fees and Charges) Regulations 2022 G.G. 03/06/2022) ..... 1301

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| Report on Consultants Engaged by Government (for the six months ending<br>December 2021) ..... | 1308 |

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| CALM Lease No. 1030/97 — Between the Conservation and Land Management<br>Executive Body and Todd Miller for a dam site for commercial purposes in<br>State Forest No. 54 near Kalamunda.....                    | 1310 |
| CALM Lease No. 3006/100 — Between the Conservation and Land Management<br>Executive Body and Aerial Adventure Pemberton Pty Ltd for a higher ropes<br>course and café in Glouster National Park Pemberton ..... | 1311 |

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| Minister for Medical Research — request to the Future Health Research and<br>Innovation Fund Advisory Council to provide recommendations on how<br>funds for the Future Health Research and Innovation account should be<br>applied during current and future financial years (20 April 2022) ..... | 1313 |
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| Firearms Act 1973; Pawnbrokers and Second-hand Dealers Act 1994; Police<br>Act 1892; Security and Related Activities (Control) Act 1996 (Police Regulations<br>Amendment (Fees and Charges) Regulations 2022 G.G. 03/06/2022) .....       | 1316 |
| Liquor Control Act 1988 (Racing and Gaming Regulations Amendment (Liquor Control)<br>Regulations (No. 2) 2022 G.G. 03/06/2022) .....  | 1317 |
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| Liquor Control Act 1988 (Liquor Commission Amendment Rules 2022 G.G. 03/06/2022) ..... | 1320 |
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## **Minister for Regional Development**

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## **Parliamentary Secretary to the Attorney General**

### *Annual Reports —*

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### *By-laws —*

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## **Parliamentary Secretary to the Minister for Disability Services**

### *Management Plans —*

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| Fish Resources Management Act 1994 (South Coast Crustacean Managed Fishery Management Plan Amendment 2022 G.G. 07/06/2022) ..... | 1330 |
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*Orders —*

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Muiron Islands Marine Management Area) Amendment Order 2022 G.G. 31/05/2022 and (Prohibition on Commercial Fishing (Ningaloo Marine Park) Amendment Order 2022 G.G. 31/05/2022).....1331

## **10. Standing Committee on Estimates and Financial Operations — Report 86 — Consideration of the 2020-21 Annual Reports**

Hon Peter Collier presented Report 86 of the Standing Committee on Estimates and Financial Operations, *Consideration of the 2020-21 Annual Reports*. (Tabled Paper 1334).

## **11. Order of Business**

Ordered — That Order of the Day No. 1, *City of Vincent Local Government Property Local Law 2021 — Disallowance*, be taken after Order of the Day No. 10, *Railway (METRONET) Amendment Bill 2022*. (Leader of the House).

## **12. 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 Emergency Services 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 ensued.

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

## **13. Planning and Development Amendment Bill 2022**

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

Debate resumed.

## **14. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Emergency Services representing the Treasurer, by leave, incorporated into *Hansard* information in relation to the balance of the 12 Treasurer's Special Purpose Accounts, in response to a question without notice asked by Hon Dr Steve Thomas.

The Parliamentary Secretary to the Attorney General, by leave, incorporated into *Hansard* information in relation to confiscation of 'crime used' property under the *Criminal Property Confiscation Act 2000*, in response to a question without notice asked by Hon Dr Brian Walker.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to current enrolment for each community kindergarten in the 2022 school year, in response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Homelessness, by leave, incorporated into *Hansard* a list of specialist homelessness services receiving funding from the Department of Communities in the South West region, in response to a question without notice asked by Hon James Hayward.

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Emergency Services tabled documents in relation to the State Emergency Management Committee utilisation of the *Emergency Management Act 2005* and *Public Health Act 2016* in response to

COVID-19, in response to question on notice 729 asked by Hon Martin Aldridge. (Tabled Paper 1335).

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Emergency Services representing the Minister for Environment tabled advice to the Minister for Environment from the Threatened Ecological Communities Scientific Committee concerning listing of Threatened and Collapsed Ecological Communities, in response to question on notice 721 asked by Hon Dr Brad Pettitt. (Tabled Paper 1336).

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Emergency Services representing the Minister for Racing and Gaming tabled documents in relation to Racing and Wagering Western Australia's measurement results of impact attenuation of track sands from Cannington (August 2021) and Mandurah (October 2021) tracks, in response to question on notice 748 asked by Hon Dr Brad Pettitt. (Tabled Paper 1337).

The Minister for Regional Development tabled documents in relation to the allocation of free Rapid Antigen Tests to Western Australian regional community resource centres, in response to question on notice 730 asked by Hon Donna Faragher. (Tabled Paper 1338).

The Minister for Regional Development representing the Minister for Water tabled the Laporte structural assessment of the Australind Jetty, in response to question on notice 710 asked by Hon Dr Steve Thomas. (Tabled Paper 1339).

## **15. Planning and Development Amendment Bill 2022**

Debate resumed on the second reading of this urgent Bill (*see item 13 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

### **In Committee**

(Hon Jackie Jarvis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Clauses 7 and 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10 agreed to.

Clauses 11 to 15 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House representing the Minister for Planning moved, That the Bill be read a third time.

The Deputy 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

## **16. Order of Business**

Ordered — That Order of the Day No. 7, *Criminal Appeals Amendment Bill 2021*, be taken forthwith. (Leader of the House).

## **17. Criminal Appeals 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 Dr Brian Walker in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary to the Attorney General tabled the Director of Public Prosecutions' *Policy and Guidelines for Victims of Crimes 2018*. (Tabled Paper 1340).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

*Interruption pursuant to order.*

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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.

## **18. Members' Statements**

Statements were taken.



**19. Adjournment**

The Council adjourned at 10.10pm until Wednesday, 15 June 2022 at 1.00pm.

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

Attendance: Present all Members Hon Stephen Dawson, Hon Steve Martin and Hon Stephen Pratt.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council

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