



LEGISLATIVE COUNCIL

TUESDAY, 25 MAY 2021

2.00pm

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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MOTIONS

1. Cyclone Seroja and recent bushfires (*Notice given 29 April 2021*)

Continuation of remarks by the Minister for Regional Development — 37 mins (Wednesday, 12 May 2021) on the motion of the Leader of the House as follows —

That this House acknowledges the devastating impact that cyclone Seroja and the recent bushfires have had on Western Australian communities and commends our emergency services for putting themselves in danger to protect Western Australians and to ensure the recovery of those communities.

Total time remaining on motion – 2 hrs, 2 mins.

2. Standing Committee on Environment and Public Affairs – Terms of Reference (*Notice given 29 April 2021*)

Hon Simon O'Brien: To move —

That with reference to Recommendation 5 of the *Final Report of the Select Committee into Local Government*, the Terms of Reference of the Standing Committee on Environment and Public Affairs be amended as follows —

(1) To insert after Term of Reference 2.3(a) —

(a) matters relating to local government;

(2) To renumber the paragraphs that follow accordingly.

MOTIONS FOR DISALLOWANCE

- 1. City of Bunbury Public Places and Local Government Property Local Law 2020** (*Notice given 12 May 2021 moves pro forma on 26 May 2021*)

Hon Martin Pritchard: To move —

That the *City of Bunbury Public Places and Local Government Property Local Law 2020* published in the *Gazette* on 20 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper No. 4517).

- 2. Boxing Contest Rules 2020** (*Notice given 12 May 2021 moves pro forma on 26 May 2021*)

Hon Martin Pritchard: To move —

That the *Boxing Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

- 3. Kickboxing Contest Rules 2020** (*Notice given 12 May 2021 moves pro forma on 26 May 2021*)

Hon Martin Pritchard: To move —

That the *Kickboxing Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

- 4. MMA Contest Rules 2019** (*Notice given 12 May 2021 moves pro forma on 26 May 2021*)

Hon Martin Pritchard: To move —

That the *MMA Contest Rules 2019* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

- 5. Muay Thai Contest Rules 2020** (*Notice given 12 May 2021 moves pro forma on 26 May 2021*)

Hon Martin Pritchard: To move —

That the *Muay Thai Contest Rules 2020* published in the *Gazette* on 21 October 2020 and tabled in the Legislative Council on 3 November 2020 under the *Combat Sports Act 1987*, be and is hereby disallowed. (Tabled paper No. 4521).

ORDERS OF THE DAY

1. Address-in-Reply

Resumption of debate adjourned Hon Colin de Grussa[^] (Thursday, 13 May 2021), on the motion of Hon Pierre Yang as follows —

To His Excellency, The Honourable Kim Beazley, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency: We, the Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled, beg to express our loyalty to our most gracious sovereign and thank Your Excellency for the speech you have been pleased to deliver to Parliament.

([^]Hon Martin Aldridge — 10 mins *(by leave)*)

2. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2021 [LA 3–1] Leader of the House representing the Minister for Emergency Services

Second reading adjourned (Tuesday, 11 May 2021).

3. Treasurer's Advance Authorisation Bill 2021 [LA 4–1] Minister for Mental Health representing the Treasurer

Second reading adjourned (Thursday, 13 May 2021).

4. Joint Standing Committee on Delegated Legislation — Establishment (Notice given 29 April 2021)

The Leader of the House to move —

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the Schedule for the constitution, powers and procedure of a Joint Standing Committee on Delegated Legislation.

SCHEDULE

10. Joint Delegated Legislation Committee

10.1 *A Joint Delegated Legislation Committee is established.*

10.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.

10.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.

10.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.

(b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the

House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.

- 10.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 10.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is within power;
 - (b) has no unintended effect on any person's existing rights or interests;
 - (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 10.7 It is also a function of the Committee to inquire into and report on –
- (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 10.8 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.
- 10.9 In this order –
- "instrument" means –
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- "subsidiary legislation" has the meaning given to it by section 5 of the *Interpretation Act 1984*.

5. Joint Standing Committee on Audit — Establishment (*Notice given 29 April 2021*)

The Leader of the House: To move —

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the Schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.

SCHEDULE

7. Joint Audit Committee

7.1 *A Joint Audit Committee* is established.

7.2 The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the

Legislative Assembly Public Accounts Committee.

- 7.3 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.
- 7.4 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

6. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 1 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 1 states —

A standing memorandum of understanding relating to the compulsory production of evidence and determinations as to material that is subject to parliamentary privilege be advanced between the Legislative Council and relevant investigative agencies, in accordance with the resolution of the Legislative Council of 5 September 2019.

7. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 2 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 2 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

In relation to the refusal by Ms Emily Roper, the Acting Director General of the Department of the Premier and Cabinet, to comply with a summons to attend and produce documents at 9.00am on Friday, 9 August 2019, issued by the Legislative Council Standing Committee on Procedure and Privileges, and the events leading up to that non-compliance:

- (1) Did Ms Emily Roper, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

8. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 3 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 3 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

In relation to the actions of Mr Darren Foster, the Director General of the Department of the Premier and Cabinet, in producing documents to the Corruption and Crime Commission relating to former Members of the Legislative Council without following a procedure that the Legislative Council or the Legislative Council Standing Committee on Procedure and Privileges had authorised for determining issues of parliamentary privilege:

- (1) Did Mr Darren Foster, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

9. Joint Standing Committee on the Corruption and Crime Commission — Establishment
(12 May 2021)

Consideration of Legislative Assembly Message No. 4 as follows –

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament, in accordance with Legislative Assembly Standing Orders 288 to 292, a Joint Standing Committee on the Corruption and Crime Commission be appointed by the Legislative Assembly and the Legislative Council.

and requests the Legislative Council to agree to a similar resolution.

10. Joint Standing Committee on the Commissioner for Children and Young People — Establishment
(12 May 2021)

Consideration of Legislative Assembly Message No. 5 as follows –

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution —

That for the present Parliament —

- (a) pursuant to section 51 of the *Commissioner for Children and Young People Act 2006*, a Joint Standing Committee on the Commissioner for Children and Young People be appointed by the Legislative Assembly and the Legislative Council.

- (b) The Joint Standing Committee shall comprise 2 members appointed by the Legislative Assembly and 2 members appointed by the Legislative Council.
- (c) It is the function of the Joint Standing Committee to —
 - (i) monitor, review and report to Parliament on the exercise of the functions of the Commissioner for Children and Young People;
 - (ii) to examine Annual and other Reports of the Commissioner; and
 - (iii) to consult regularly with the Commissioner.
- (d) A report of the Joint Standing Committee will be presented to the Legislative Assembly and the Legislative Council by Members of the Joint Standing Committee nominated by it for that purpose.
- (e) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.

and requests the Legislative Council to agree to a similar resolution.

BILLS REFERRED TO COMMITTEES

1. Statutes (Repeals and Minor Amendments) Bill 2021 [LC 2–1] *Parliamentary Secretary to the Attorney General*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review.
Second reading adjourned (Thursday, 6 May 2021).

2. Veterinary Practice Bill 2021 [LC 11–1] *Minister for Agriculture and Food*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review.
(SO 126 applies until 25 June 2021).
Second reading adjourned (Wednesday, 12 May 2021).

CONSIDERATION OF COMMITTEE REPORTS

1. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration. See Tabled paper 191.

* For amendments see Supplementary Notice Paper and/or Committee Report
Ω Note: Legislative Assembly Standing Orders apply.
For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council