



LEGISLATIVE COUNCIL

WEDNESDAY, 8 DECEMBER 2021

1.00pm

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.
The President, Hon Alanna Clohesy, took the Chair.
Prayers and an Acknowledgement of Country were read.

2. Petition

Hon Donna Faragher presented a petition from 245 petitioners requesting the Legislative Council to urge the Government to change their plan to block pedestrian and bike access across the train line at Caladonia Avenue, Maylands, after the level crossing is closed. (Tabled Paper 976).

3. Ministerial Statement — Christmas Quarantine

The Minister for Agriculture and Food made a Ministerial Statement with respect to a Christmas quarantine related to biosecurity issues regarding imported agricultural produce from other States.

4. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Forensic Audit Report – Establishment Phase (Report No. 11) (2021-22) 974

Leader of the House

Annual Reports —

State Emergency Management Committee (2020-21) (Date received 08/12/2021) 975

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 1 — Annual Report 2020–21

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

On the motion of Hon Nick Goiran, further consideration of the report was postponed to the next sitting.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report 1 — Annual Report 2020–21

Debate resumed on the motion of Hon Neil Thomson, That the Report be noted.

Debate postponed pursuant to SO 110(2A) and (2B).

Joint Standing Committee on the Corruption and Crime Commission — Report 2 — If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force

Debate resumed on the motion of Hon Dr Steve Thomas, 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 1 — *Annual Report 2020–21*, made progress, and postponed consideration to the next sitting.
- (2) Joint Standing Committee on the Commissioner for Children and Young People — Report 1 — *Annual Report 2020–21*, made progress, and seeks to sit again.
- (3) Joint Standing Committee on the Corruption and Crime Commission — Report 2 — *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, made progress, and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance*, 2, *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 — Disallowance*, 3, *City of Fremantle Parking Local Law 2021 — Disallowance*, 4, *City of Stirling Meeting Procedures Local Law 2021 — Disallowance*, and 5, *Non-Coronial Post-Mortem Examinations Code of Practice 2021 — Disallowance*, be taken after Order of the Day No. 22, *Industrial Relations Legislation Amendment Bill 2021*. (Leader of the House).

7. Police Amendment (Compensation Scheme) 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.

Leave was granted to proceed forthwith to the third reading.

The Minister for Mental Health representing the Minister for Police moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

8. Cognate Debate — Aboriginal Cultural Heritage Bill 2021 and Aboriginal Cultural Heritage Amendment Bill 2021

The Minister for Aboriginal Affairs sought leave of the Council to debate Order of the Day No. 23, *Aboriginal Cultural Heritage Bill 2021*, and Order of the Day No. 24, *Aboriginal Cultural Heritage Amendment Bill 2021*, cognately [SO 127].

Leave granted.

9. Aboriginal Cultural Heritage Bill 2021 and Aboriginal Cultural Heritage Amendment Bill 2021

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate ensued.

Hon Neil Thomson, by leave, tabled correspondence and supporting documentation from various groups opposing the *Aboriginal Cultural Heritage Bill 2021*. (Tabled Paper 977).

Hon Neil Thomson moved, without notice —

That the *Aboriginal Cultural Heritage Bill 2021* and the *Aboriginal Cultural Heritage Amendment Bill 2021* be discharged and referred to the Standing Committee on Legislation for consideration and report by 7 April 2022.

Question — put.

The Council divided.

Ayes (9)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Dr Brad Pettitt
Hon Tjorn Sibma

Hon Neil Thomson
Hon Wilson Tucker
Hon Dr Brian Walker
Hon Colin de Grussa (*Teller*)

Noes (18)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Alannah MacTiernan

Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Shelley Payne
Hon Stephen Pratt
Hon Martin Pritchard
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Darren West
Hon Pierre Yang (*Teller*)

Question thus negated.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Aboriginal Affairs, by leave, incorporated into *Hansard* a list of stakeholder groups and respondents who provided submissions during the consultation on the draft Aboriginal Cultural Heritage Bill, in response to a question without notice asked by Hon Wilson Tucker.

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* a table of Horizon customers disconnected from services in the Kimberley, Pilbara,

Gascoyne/Midwest and Goldfields/Esperance regions, in response to a question without notice asked by Hon Wilson Tucker.

The Minister for Mental Health representing the Minister for Environment tabled a report titled, *Pricing and demand model validation exercise (DWER)* (June 2021), in response to question on notice 333 asked by Hon Tjorn Sibma. (Tabled Paper 978).

11. Aboriginal Cultural Heritage Bill 2021 and Aboriginal Cultural Heritage Amendment Bill 2021

Cognate debate resumed on the second reading of these Bills (*see item 9 above*).
Interruption pursuant to order.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 6.38PM until Thursday, 9 December 2021 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon James Hayward, Hon Samantha Rowe (*leave*) and Hon Rosetta Sahanna (*leave*).

PAUL GRANT

Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council