



LEGISLATIVE COUNCIL

TUESDAY, 18 OCTOBER 2022

2.00pm

1. Meeting of Council

The Council assembled at 2.00pm pursuant to Temporary Orders.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Standing Committee on Procedure and Privileges — Report 68 — Hon James Hayward MLC — Referral of a Matter of Privilege raised by Hon Sue Ellery MLC

The President presented Report 68 of the Standing Committee on Procedure and Privileges, *Hon James Hayward MLC — Referral of a Matter of Privilege raised by Hon Sue Ellery MLC*. (Tabled Paper 1732).

Hon Dan Caddy moved, without notice —

That Recommendations 1 to 3 contained in Report 68 of the Standing Committee on Procedure and Privileges, *Hon James Hayward MLC — Referral of a Matter of Privilege raised by Hon Sue Ellery MLC*, be agreed to.

Hon Dan Caddy sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

Debate stands adjourned.

3. Petition

Hon Peter Foster presented an E-Petition from 2,941 petitioners requesting the Legislative Council to review and amend Western Australian legislation in respect to LGBTIQA plus rights in Western Australia. (Tabled Paper 1731).

4. Ministerial Statement — Oakajee Strategic Industrial Area Land Allocation

The Minister for Hydrogen Industry made a Ministerial Statement with respect to land allocations in the Oakajee Strategic Industrial Area for BP, Fortescue Future Industries, Copenhagen Infrastructure Partners, Green LOHC, Kinara Power and Blue Diamond Australia.

5. Papers

The following Papers were laid on the Table by —

President

Annual Reports — Extension of Time —

Governor's Establishment — Annual Reports (2021-22) (Date received 17/10/2022)1717

Reports —

Ombudsman of Western Australia — A report on giving effect to the recommendations arising from An investigation into the Office of the Public Advocate's role in notifying the families of Mrs Joyce Savage, Mr Roberts Ayling and Mr Kenneth Hartley in the deaths of Mrs Savage, Mr Ayling and Mr Hartley (October 2022).....	1718
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Minister for Emergency Services on behalf of the Leader of the House*Annual Reports —*

DevelopmentWA (2021-22) (Date received 13/10/2022).....	1719
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Local Laws —

Cat Act 2011 (City of Kwinana Cat Amendment Local Law 2022 G.G. 11/10/2022).....	1720
Local Government Act 1995 (City of Busselton Holiday Homes Amendment Local Law 2022 G.G. 11/10/2022).....	1721

Minister for Emergency Services*Annual Reports —*

Bankwest and Commonwealth Bank of Australia (2022) (Date received 13/10/2022)	1722
Environmental Protection Authority (2021-22) (Date received 17/10/2022).....	1723
Western Australia Police Force — Criminal Investigation (Covert Powers) Act 2012 — Assumed Identities (2021-22) (Date received 17/10/2022)	1724

Leases —

CALM Leave No. 3038/100 — Between the Conservation and Land Management Executive Body and Optus Fixed Infrastructure Pty Limited for the an existing telecommunications facility located in Frank Hann National Park.....	1725
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Local Laws —

Bush Fires Act 1954 (Shire of Pingelly Bush Fire Brigades Local Law 2022 G.G. 10/10/2022).....	1726
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Parliamentary Secretary to the Attorney General*Addendums —*

Mines, Industry Regulation and Safety, Department of — Annual Report (2020-21)....	1727
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Parliamentary Secretary to the Minister for Culture and the Arts*Annual Reports —*

Local Government, Sport and Cultural Industries, Department of (2021-22) (Date received 18/10/2022).....	1728
Perth Theatre Trust (2021-22) (Date received 18/10/2022).....	1729

Annual Reports — Extension of Time —

Venueswest; Combat Sports Commission; Art Gallery of Western Australia — Annual Reports (2021-22) (Date received 18/10/2022)	1730
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6. Suspension of Standing Orders

The Minister for Emergency Services moved, without notice —

That so much of Standing Orders be suspended as to enable the following variation to the Order of Business and sitting times on Wednesday, 19 October 2022 —

- (a) that the Council continue to sit beyond 6.20pm and take Members' Statements at a time ordered by the House; and
- (b) that the sitting be suspended between 6.00pm and 7.00pm.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice the President ordered the Council to divide.

Ayes (19)

Hon Klara Andric	Hon Shelley Payne
Hon Dan Caddy	Hon Stephen Pratt
Hon Sandra Carr	Hon Martin Pritchard
Hon Stephen Dawson	Hon Samantha Rowe
Hon Kate Doust	Hon Rosie Sahanna
Hon Peter Foster	Hon Matthew Swinbourn
Hon Lorna Harper	Hon Dr Sally Talbot
Hon Jackie Jarvis	Hon Darren West
Hon Alannah MacTiernan	Hon Pierre Yang (<i>Teller</i>)
Hon Kyle McGinn	

Noes (11)

Hon Peter Collier	Hon Tjorn Sibma
Hon Donna Faragher	Hon Dr Steve Thomas
Hon Nick Goiran	Hon Wilson Tucker
Hon Steve Martin	Hon Dr Brian Walker
Hon Sophia Moermond	Hon Colin de Grussa (<i>Teller</i>)
Hon Dr Brad Pettitt	

The concurrence of an absolute majority of the whole number of Members being met, the Standing Orders were suspended.

7. Health and Disability Services (Complaints) Amendment Bill 2021

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary to the Minister for Culture and the Arts on behalf of the Leader of the House representing the Minister for Health moved, That the report be adopted.

Question — put and passed.

Ordered — That the third reading of the Bill be made an Order of the Day for the next sitting.

8. Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. The Minister for Emergency Services, pursuant to Standing Order 125A, declared the Bill to be an urgent Bill.

The Minister for Emergency Services moved, without notice —

That pursuant to Standing Order 125A, the following maximum time limits apply to the following stages of the Bill:

Second Reading	5 hours
Committee of the Whole	5 hours
Third Reading	2 hours

Question — put and passed.

Debate ensued on the second reading of this urgent Bill.

Hon Tjorn Sibma moved, without notice —

That the Order of the Day for the *Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022* be discharged and the Bill be referred to the Standing Committee on Legislation for consideration and report not later than 15 November 2022.

Debate ensued.

Question — put.

The Council divided.

Ayes (12)

Hon Peter Collier	Hon Dr Brad Pettitt
Hon Donna Faragher	Hon Tjorn Sibma
Hon Nick Goiran	Hon Dr Steve Thomas
Hon James Hayward	Hon Wilson Tucker
Hon Steve Martin	Hon Dr Brian Walker
Hon Sophia Moermond	Hon Colin de Grussa (<i>Teller</i>)

Noes (19)

Hon Klara Andric	Hon Shelley Payne
Hon Dan Caddy	Hon Stephen Pratt
Hon Sandra Carr	Hon Martin Pritchard
Hon Stephen Dawson	Hon Samantha Rowe
Hon Kate Doust	Hon Rosie Sahanna
Hon Peter Foster	Hon Matthew Swinbourn
Hon Lorna Harper	Hon Dr Sally Talbot
Hon Jackie Jarvis	Hon Darren West
Hon Alannah MacTiernan	Hon Pierre Yang (<i>Teller</i>)
Hon Kyle McGinn	

Question thus negated.

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Emergency Services representing the Minister for Environment, by leave, incorporated into *Hansard* information in relation to the number of assessments made under part IV of the *Environmental Protection Act 1986* undertaken by the Department of Water and Environmental Regulation in response to a question without notice asked by Hon Tjorn Sibma.

The Parliamentary Secretary to the Minister for Energy, by leave, incorporated into *Hansard* information in relation to decommissioning and rehabilitation costs associated with the Muja and Collie Power Stations, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade, in accordance with Standing Order 108(2), advised that an answer to question on notice 903 asked by Hon Martin Aldridge will be provided by 25 October 2022.

10. Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

Debate resumed on the second reading of this urgent Bill (*see item 8 above*).

Question — put.

The Council divided.

Ayes (19)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Peter Foster
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Kyle McGinn

Hon Shelley Payne
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Noes (10)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Steve Martin
 Hon Sophia Moermond

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

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Peter Foster in the Chair)

Clause 1.

Debate ensued.

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.

11. Members' Statements

Statements were taken.

12. Adjournment

The Council adjourned at 10.01pm until Wednesday, 19 October 2022 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Martin Aldridge, Hon Sue Ellery and Hon Ayor Makur Chuot.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council