

# Minutes of Proceedings



LEGISLATIVE COUNCIL

THURSDAY, 29 APRIL 2021

2.45pm

## 1. Meeting of Council

The Council assembled at 2.45pm pursuant to proclamation.

The President, Hon Kate Doust, took the Chair.

Prayers and an Acknowledgement of Country were read.

## 2. Statement by President — Welcome to Members

The President welcomed all Members attending the Legislative Council to witness the Opening of Parliament by His Excellency the Governor.

## 3. Parliament Summoned to Meet

The following Proclamation of His Excellency the Governor, dated 20 April 2021, was read by the Clerk of the Parliaments —

Made under the *Constitution Act 1889* section 3 by the Governor in Executive Council.

### (1) Citation

This proclamation is the Proclamation Summoning the Legislative Council and Legislative Assembly in 2021.

### (2) Place for holding the first session of the Legislative Council and the Legislative Assembly in the 41<sup>st</sup> Parliament

Parliament House in the City of Perth is fixed as the place for holding the first session of the Legislative Council and the Legislative Assembly in the 41<sup>st</sup> Parliament.

### (3) Time for holding the first session of the Legislative Assembly in the 41<sup>st</sup> Parliament

Thursday 29 April 2021 at 11 am is fixed as the time for holding the first sitting of the first session of the Legislative Assembly in the 41<sup>st</sup> Parliament.

### (4) Time for holding the first session of the Legislative Council in the 41<sup>st</sup> Parliament

Thursday 29 April 2021 at 2.45 pm is fixed as the time for holding the first sitting of the first session of the Legislative Council in the 41<sup>st</sup> Parliament.

K. BEAZLEY, Governor.

M. McGOWAN, Premier

#### **4. Presence of His Excellency the Governor**

His Excellency, The Honourable Kim Beazley, Companion of the Order of Australia, Governor of the State of Western Australia, having been announced by the Usher of the Black Rod, and having taken the President's Chair, directed the Usher of the Black Rod to acquaint the Members of the Legislative Assembly that it was His Excellency's pleasure that they attend in this House.

The Members of the Legislative Assembly, with their Speaker and other officers of the House being in attendance accordingly, His Excellency invited Dr Richard Walley to present a Welcome to Country.

His Excellency was pleased to speak as follows —

#### **INTRODUCTION**

Madam President and Honourable Members of the Legislative Council.

Madam Speaker and Honourable Members of the Legislative Assembly.

May I begin today by acknowledging the traditional owners of the land on which we are assembled, the Wadjuk people of the Noongar nation, and pay my respects to their elders, past, present and emerging.

It is a pleasure and a rare privilege to have the duty this afternoon, to open and address the 41<sup>st</sup> Parliament of Western Australia.

As a result of the 13 March 2021 election, which saw the re-election of the McGowan Labor Government, we will see 36 new Members take up their seats in this new Parliament.

In fact, with a record 43 women elected, the Western Australian Parliament will have nearly equal representation, and our first woman Speaker of the Legislative Assembly.

To the Members who have retired or not been returned, we thank you for your service to this Parliament and your communities.

To the newly elected Members, you will be thrilled to be here. Rightly so. You are all people of profound conviction. Politics is a calling as much as a profession. You and your families have sacrificed much and will sacrifice more. The public however will not perceive that.

You have taken on a job unlike any other.

Something that I can speak on with some authority, given I am the first Western Australian Governor since Sir James Mitchell, to have previously been elected to parliamentary office in their career.

With your election, your constituents have put their faith in you.

That is a solemn responsibility. As we look around the globe, we see that faith in democratic processes is declining.

This is dangerous because the only alternative to it is authoritarian government. The first step in the process is always an attack on the integrity of the democratic system. In Australia we protect that better than anywhere else.

Now that you are here you know confidence in our democracy depends very much on what is delivered and the process by which it is. You know that those in political life are held to a very high standard of conduct, personal and professional.

Elected Membership is not about achieving minimum standards. The public expects more than that.

You know they expect you to lead, to set the example.

To help the people that come through your door.

To play your role in this honourable, enduring institution of Parliament, and in whatever way necessary, enhance this great state and polity.

And always, always, appeal to what a great American President, Abraham Lincoln has described as 'the better angels of our nature'.

I have every confidence that this fine group of Western Australians who have been sworn in today to serve the people of Western Australia, know you are here to do an exemplary job. Every election pamphlet promised that. As did those who will join you in the new Council in May.

I wish you the very best in your endeavours this term, confident that those who elected you do so as well.

## **THE AGENDA**

The re-elected McGowan Labor Government has advised me of its agenda for the 41<sup>st</sup> Parliament of Western Australia.

### **COVID-19**

Understandably management of the pandemic continues to occupy much of the time and resources of the Government.

The events over the weekend are a timely reminder that the COVID-19 pandemic is not over.

Western Australia's world leading performance across the duration of the pandemic is a result of keeping Western Australia COVID-free, and the confidence of the public that the Government will follow the health advice and do what is required to keep it that way.

The three-day lockdown and current transitional restrictions, while disruptive, are designed to quash the virus as quickly, safely and painlessly as possible, so that life can promptly return to COVID-normal, and our economy to its world leading performance.

While pandemic continues to fuel uncertainty around the globe, the Government is committed to keeping the State of Western Australia safe, fair and strong.

As was canvassed last year, one of the first priorities will be to extend again the state of emergency powers to ensure that the legislative tools required to respond to the pandemic and keep the virus at bay can continue.

### **SEROJA & WOOROLOO**

The beginning of 2021 has also been marked by the twin natural disasters of the Wooroloo Bushfires and Tropical Cyclone Seroja. While we are incredibly fortunate there was no loss of life in either event, there was still great devastation to livelihoods, communities and property.

Recovery of the affected communities is an immediate priority of the McGowan Government, to ensure those affected can get back on their feet.

### **JOBS**

In this time of uncertainty and global volatility, the Government remains committed to ensuring the State economy remains in gear, creating new Western Australian jobs.

The prosperity and stability of this State has always been anchored by the creation and availability of quality, stable employment.

The Government took a new WA Jobs Plan to the election, based around reducing interstate FIFO, more training through TAFEs and schools, and diversifying the State's economy.

The re-elected Government has identified several sectors that represent burgeoning opportunities for the state, namely; hydrogen, tourism, battery industries, Aboriginal employment, agriculture and aquaculture, renewable energy, a new film industry and of course local manufacturing.

With regards to manufacturing, the Government intends to pursue opportunities to allow for the local manufacture and fabrication of iron ore railcar components, as well as renewable energy technologies.

This builds on early successes in local manufacturing such as the Matagarup Bridge and railcar manufacturing, with the local facility for the construction of the new METRONET and Australind railcars at Bellevue to be handed over to the successful tenderer shortly.

I am advised that the Government also intends to establish the WA Jobs Taskforce.

Chaired by the Premier, it will oversee the implementation of the WA Jobs Plan, identify new local job creation opportunities in new and existing industries, as well as identify the skills gaps that fuel the use of an interstate FIFO workforce.

The Government also intends to build on the success of its drive for more local content through public sector procurement.

The WA Jobs Act, the WA Industry Participation Strategy and the Buy Local 2020 policy have together driven higher levels of local content, and local capacity, right across this great state, with a key focus on the regions.

In this new term, the Government has committed to ensuring several new manufacturing endeavours are declared a "strategic project" under the WA Jobs Act, mandating stricter levels of local participation and content.

The Government has also committed and budgeted to keep the already reduced TAFE fees in Western Australia frozen for another four years.

Keeping training affordable is essential to ensure that Western Australia has the skilled workforce it needs, and that opportunity is offered to every Western Australian to share in our prosperity.

The Government has also committed to improving and reforming the rights of Western Australians at work. The Government will reintroduce the Industrial Relations Amendment Bill to enhance the powers of industrial inspectors and workers' representatives, and bring many of the existing provisions into the modern era, in addition to finalising the regulations for last year's Work Health and Safety Act reforms.

There are seismic shifts across the world at present, with the rapid developments in both technology and price of renewable energy sources.

With the ever increasing challenge of climate change, as well as the economic opportunities on offer, the Government intends to build on its achievements, and take the next important steps.

The Government has committed to delivering its "Green Jobs of the Future" policies as part of the WA Jobs Plan, as well as the climate policy announced last year, to seize new job creating opportunities for the public, as well as driving towards achieving net zero emissions for Western Australia by 2050.

There are numerous opportunities available, from new industries in hydrogen and future batteries, recycling, green steel and carbon farming, and the Government is progressing the necessary changes and investments to make them happen.

This complements the appointment of the state's first ever Ministers for Climate Action and Hydrogen Industry.

## **METRONET**

The Government will also continue to deliver its record breaking infrastructure program. The McGowan Government has committed more than \$7 billion for the WA Recovery and Jobs Plan and made a record investment of \$28.9 billion in infrastructure to support our economic recovery, create jobs and benefit Western Australians over the long-term.

Over the next four years, METRONET will change the way we travel around Perth and the outer suburbs. This is the biggest ever investment in Western Australian public transport and the centrepiece of the Government's infrastructure program.

Nine METRONET projects are currently under construction, creating thousands of local jobs, with another three projects in procurement.

Commuters will soon be able to catch the train to Yanchep, the Airport, Byford and Ellenbrook, and for the first time, travel east to west, without going through the city centre with the new Cockburn-Thornlie link, and take advantage of fares that will be capped at two-zones.

## **WESTPORT**

Government also continues to pursue the once-in-a-century Westport project.

Now that a location for the new container port has been selected at Kwinana, detailed design work continues, along with assessing and mitigating environmental impacts, protecting port and corridor land, and developing the Infrastructure Australia business case.

## **FINANCES**

Crucially, despite the extensive Asset Investment Program and WA Recovery Plan, the Government is committed to ensuring that the State finances are managed responsibly. With the State continuing to receive highly volatile revenue sources, and facing a highly uncertain global economic landscape as a trading state, the Government believes it is responsible to budget prudently.

Western Australia is currently the only Australian jurisdiction forecasting operating surpluses, with a flatter debt profile than the rest of the nation. Indeed, Standard and Poor's has identified Western Australia as possibly the best performing sub-national jurisdiction in the world. Prudent budget management today through responsible spending and conservative estimates ensures Western Australia retains the fiscal capacity to respond into the future, come what may.

## **RED TAPE**

The Government has also pledged to continue to remove unnecessary red tape from our economy and public sector. The Government will embark upon the next generation of liquor reform for Western Australia, undertaking consultation with the sector with a view to removing burdensome restrictions and allowing for better experiences for customers.

Further, the Government is working to reduce application wait times for key environmental, mining and heritage approvals, while also establishing Environment Online and progressing the bilateral approvals agreement with the Commonwealth Government.

However, where current regulation is proven to be inadequate, the Government is committed to providing a more robust regime. This term, the Government will seek to pass the anticipated Security of Payments laws to provide an effective and fair process for securing payments under construction contracts in the building and construction industry, including for sub-contractors.

## HEALTH

In the second term of the McGowan Labor Government, the health of the public continues to be a key focus. The global pandemic does not replace the ordinary challenges to the health of Western Australians. But it does burden our health system with additional requirements, policies and obligations.

500 additional beds are being added to our health system right across our State, including 95 beds being brought online at metropolitan emergency departments, one of the biggest expansions of Emergency Department capacity in the State's history.

While outside the city, there are upgrades in hospitals across every region in the state. Not to mention progressing the new fully funded Women's and Babies Hospital at the QEII precinct.

100 additional mental health beds are coming online to help Western Australians presenting to EDs with increasingly complex mental health challenges.

This complements the Government's commitment to significantly expand community mental health services, peer support, preventative services, as well as youth and Aboriginal mental health services and support.

Western Australia is investing more than ever before when it comes to mental health, as we learn more about how best to care and treat those suffering from those challenges in our community.

The Government has also committed to increase support to \$100 per night for the Patient Assisted Travel Scheme, as well as expanding eligibility for people accompanying vulnerable patients, to help keep healthcare affordable and accessible for regional Western Australians.

With regards to legislative reform, the Government will reintroduce the Health Services Amendment Bill, that was not passed by the previous Parliament to improve our public health regime.

The Government will also seek to address injustices with regard to Asbestos related diseases. It has committed to removing "once for all" damages and introduce provisional damages for asbestos related diseases.

The Government will also reintroduce the Wittenoom Closure Bill, to end the sorry chapter that was the town of Wittenoom.

Also, the Government will legislate for Safe Access Zones, to ensure that women accessing abortion services can do so safely and with dignity, free of harassment.

## EDUCATION

As always education remains a core priority of the Western Australian Government. From building the new schools our growing suburbs need, to creating a better learning environment for Western Australian children.

The Government took to the election a \$355 million plan to upgrade schools' facilities and deliver better Science, Technology, Engineering, and Mathematics opportunities in schools, a plan that's expected to create 1,620 local jobs.

It builds on the Government's record in the portfolio, including the \$492 million Major School Upgrade package included in the WA Recovery Plan, the \$200 million Maintenance Blitz program of 2019, as well as delivering new science laboratories in 200 public schools, and reintroduced Education Assistants, Aboriginal and Islander Education Officers and Level 3 classroom teachers back into the classroom.

This is in addition to 32 new primary and secondary schools opened or announced since 2018, including the new Bob Hawke College.

This term the McGowan Labor Government will seek to enhance the role of vocational education and training in secondary schools, to ensure every student has a pathway to quality employment,

including new programs for year eight and nine students, industry placements for TAFE lecturers and teachers and financial support for vulnerable students susceptible to not completing their school based training.

The Government will also seek to improve student wellbeing and support. The Government will recruit more than 100 additional school psychologists, provide funding for every WA public school that wishes to engage a school chaplain to do so and expand the McGowan Government's successful Alternative Learning Settings and Respectful Relationships programs following successful trials.

This will help ensure that we tackle violence in our schools, ensure that classrooms are conducive to learning, and our vulnerable or at risk students receive the support they need.

## **ENVIRONMENT**

Western Australians are the proud inheritors of a wonderful, unique and precious natural environment. The McGowan Government is driven to ensure that future generations can enjoy our natural plenty without sacrificing the prosperity of the present.

Work continues on the Plan for Parks, the record increase to Western Australia's conservation estate. The Government will introduce the Conservation and Land Management Amendment Bill to allow for the joint vesting of marine parks with traditional owners.

In addition, the Government will reintroduce, with its mandate, the Beeliam Wetlands Bill, to remove Roe 8 from the Metropolitan Region Scheme, to ensure the sensitive wetland is protected into the future.

The Government has also committed to take the next practical steps with regard to waste, with a new plan to address ocean plastics, as well as E-Waste, following successful initiatives with Containers for Change and actions on single use plastics.

## **COMMUNITY SAFETY AND JUSTICE**

The McGowan Labor Government has a strong agenda for the coming term with regards to community safety and justice.

As flagged previously, the Government intends to proceed with anti-associating laws in order to take the fight to organised crime by disrupting communication and networking between convicted offenders.

The Government will also reform our firearms laws, to ensure that guns are not only kept safely when they are in the community, but out of the hands of criminals.

Yesterday marked twenty-five years since the Port Arthur Tragedy. Australia has benefited greatly from strict gun control laws passed in its wake.

It is essential that Governments continue to ensure that we do not lose the ground we've gained.

Also on the agenda for this term is reform to the Bail Act and conditions, for adults charged with sexual offences against a child following the tragic death of Annaliese Ugle.

The Government will also deliver its commitment to allow for extended hours at Gosnells, Rockingham and Warwick police stations, in addition to new police stations at Baldivis, Fremantle and Forrestfield.

Work is continuing recruiting the 800 additional police funded at the last budget, building on the over 300 officers already recruited.

The Government will also seek to reintroduce the Corruption, Crime and Misconduct Amendment Bill to restore the power and jurisdiction of the CCC, in relation to misconduct by MPs. In addition,

the Government is determined to end the impasse that saw the Corruption and Crime Commission without a permanent commissioner for an extended period of time.

In order to help protect some of the most vulnerable in our community, the Children and Community Services Amendment Bill will be reintroduced, which amongst other reforms, includes the expansion of mandatory reporting to all five categories of individuals recommended by the Royal Commission, including ministers of religion.

The Government has an expansive and wide ranging agenda for the forty-first Parliament. The Parliament will be tasked with considering issues of reform for Western Australia, from the long awaited Aboriginal Heritage Act reforms, Police Compensation reform, family and domestic violence reforms, banning gay conversion therapy, elder abuse, GTE and financial management reform and puppy farming.

In addition, the Government intends to address reform of the Western Australian electoral system, to ensure that Western Australian elections are conducted fairly, the results reflect the intent of the public, and are protected from outside and overseas influence.

This is before the extensive work of Government that will occur outside this chamber, delivering initiatives on housing and homelessness, capping the cost of transport whether on our public transport or for regional airfares, the essential moral work of closing the gap, or keeping the pandemic and the consequences of the pandemic at bay.

## CONCLUSION

Both the Government and the 41<sup>st</sup> Parliament have a lot of work ahead of them.

There are many initiatives that have been canvassed publicly that are not included here for the sake of time.

But this comprehensive agenda, to confront the challenges that face this State, is what the people of Western Australia rightly expects.

The challenges of 2021 are quite different from those of 2017, but the duty before you all today is the same:

To serve the public of Western Australia,

To make your electorates proud,

And take this great state forward.

Madam President, Madam Speaker – and the Members of the Western Australian Parliament,

It is my great honour to now declare the 41<sup>st</sup> Parliament of Western Australia open.

His Excellency, the Governor then retired and the Members and officers of the Legislative Assembly also retired.

## 5. Messages from His Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills —

<b>30 November 2020 — Message No. 42</b>	<b>Act No.</b>
Appropriation (Recurrent 2020-21) Bill 2020	42 of 2020
Appropriation (Recurrent 2020-21) Bill 2020	43 of 2020
Mutual Recognition (Western Australia) Bill 2020	44 of 2020
<b>9 December 2020 — Message No. 43</b>	<b>Act No.</b>
Swan Valley Planning Bill 2020	45 of 2020



Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2020	46 of 2020
Criminal Law Amendment (Uncertain Dates) Bill 2020	47 of 2020
National Disability Insurance Scheme (Worker Screening) Bill 2020	48 of 2020

## 6. Ministerial Statement — Reconstitution of the Ministry

The Leader of the House made a Ministerial Statement with respect to the reconstitution of the Ministry.

## 7. Papers

The following Papers were laid on the Table by —

### President

#### *Auditor General's Papers —*

COVID-19 Status of WA Public Testing Systems (Report No. 10) (December 2020) (Deemed tabled 9/12/2020).....	1
COVID-19 Relief Fund (Report No. 11) (December 2020) (Deemed tabled 21/12/2020) .....	2
Grants Administration (Report No. 12) (January 2021) (Deemed tabled 28/01/2021).....	3
Opinion on Ministerial Notification — Release of Schedule of Stumpage Rates (Report No. 13) (February 2021) (Deemed tabled 24/02/2021) .....	4
Opinion on Ministerial Notification — Hotel Perth Campaign Reports (Report No. 14) (February 2021) (Deemed tabled 24/02/2021).....	5
Opinions on Ministerial Notifications — Tax and Funding Information Relating to Racing and Wagering Western Australia (Report No. 15) (February 2021) (Deemed tabled 26/02/2021) .....	6
Application Controls Audits (Report No. 16) (March 2021) (Deemed tabled 09/03/2021) .....	7
Department of Communities' Administration of Family and Domestic Violence Support Services (Report No. 17) (March 2021) (Deemed tabled 11/03/2021).....	8
Regulation of Consumer Food Safety by the Department of Health (Report No. 18) (March 2021) (Deemed tabled 1/04/2021).....	9
Opinion on Ministerial Notification — Bennett Brook Disability Justice Centre (Report No. 19) (April 2021) (Deemed tabled 08/04/2021) .....	10
Opinions on Ministerial Notification — Policing Information (Report No. 20) (April 2021) (Deemed tabled 28/04/2021).....	11

#### *Reports —*

Corruption and Crime Commission — Review of an investigation by Water Corporation into serious misconduct allegations in procurement (January 2021) (Deemed tabled 28/01/2021) .....	12
Inspector of Custodial Services, Office of the — 2020 Inspection of Bandyup Women's Prison (Report No. 131) (December 2020) (Deemed tabled 31/03/2021).....	13
Inspector of Custodial Services, Office of the — 2020 Inspection of Eastern Goldfields Regional Prison (Report No. 132) (December 2020) (Deemed tabled 12/04/2021).....	14
Inspector of Custodial Services, Office of the — 2020 Inspection of West Kimberley Regional Prison (January 2021) (Report No. 133) (Deemed tabled 15/04/2021) .....	15

Inspector of Custodial Services, Office of the — 2020 Inspection of Bunbury Regional Prison (January 2021) (Report No. 134).....	16
---	----

## **Clerk**

### *Writs —*

State General Election 2021 — Return of the Writ for the Legislative Council.....	17
---	----

## **Leader of the House**

### *Annual Reports —*

Central TAFE (2020) (Deemed tabled 31/03/2021).....	18
Curtin University (2020) (Deemed tabled 31/03/2021).....	19
Edith Cowan University (2020) (Deemed tabled 31/03/2021).....	20
Murdoch University (2020) (Deemed tabled 31/03/2021).....	21
North Metropolitan TAFE (2020) (Deemed tabled 31/03/2021) .....	22
North Regional TAFE (2020) (Deemed tabled 31/03/2021) .....	23
South Metropolitan TAFE (2020) (Deemed tabled 31/03/2021) .....	24
South Regional TAFE (2020) (Deemed tabled 31/03/2021) .....	25
University of Western Australia (2020) (Deemed tabled 31/03/2021).....	26

### *Documents —*

Parliamentary Sitting Dates 2021.....	27
---------------------------------------	----

### *Plans —*

Western Australian Planning Commission — Improvement Plan No. 55 — Bennett Springs East (October 2020) (Deemed tabled 14/12/2020).....	28
---	----

### *Response to Reports —*

Standing Committee on Public Administration (Report No. 33) — Private Property Rights: The Need for Disclosure and Fair Compensation (Premier).....	29
--	----

## **Leader of the House on behalf of the Minister for Mental Health**

### *Directions —*

Direction from the Minister for Health — Future Health Research and Innovation Fund Advisory Council (November 2020) (Deemed tabled 27/01/2021) .....	30
--	----

### *Documents —*

Future Health Research and Innovation Fund Advisory Council — Recommendation regarding application of Future Health Research and Innovation Account Moneys in 2020-21 (December 2020) (Deemed tabled 27/01/2021) .....	31
Future Health Research and Innovation Fund Advisory Council — Recommendation regarding Future Health Research and Innovation Fund Priorities 2020-21 (December 2020) (Deemed tabled 27/01/2021) .....	32

### *Reports —*

Western Australian Treasury Corporation — Quarterly Report for the Quarter Ended 31 December 2020 (December 2020) (Deemed tabled 29/01/2021).....	33
--	----

## **Minister for Regional Development**

### *Annual Reports —*

WA Industry Link (2019-20) (Deemed tabled 27/11/2020).....	34
--	----

*Plans —*

Mines, Industry Regulation and Safety, Department of — Energy Safety Business Plan (2021-22) (Deemed tabled 02/02/2021) .....	35
---	----

**Parliamentary Secretary to the Attorney General***Annual Reports —*

Legal Contribution Trust (2020) (Deemed tabled 19/01/2021) .....	36
Legal Practice Board (2019-2020) (Deemed tabled 19/01/2021) .....	37
Legal Profession Complaints Committee (2020) (Deemed tabled 13/01/2021) .....	38

*Reports —*

Equal Opportunity Commission (Final Report) (2020) (Deemed tabled 04/03/2021) .....	39
---	----

**8. Cyclone Seroja and recent bushfires**

The Leader of the House: To move on the next day of sitting —

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.

**9. Joint Standing Committee on Delegated Legislation — Establishment**

Leader of the House: To move on the next day of sitting —

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*.

## **10. Joint Standing Committee on Audit — Establishment**

Leader of the House: To move on the next day of sitting —

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.

## 11. Select Committee into the Transparency and Accountability of Government — Establishment

Hon Nick Goiran: To move on the next day of sitting —

- (1) A Select Committee into the Transparency and Accountability of Government is established.
- (2) The Select Committee is to —
  - (a) inquire into the partial non-compliance by Hon Sue Ellery with an order of the Council made on 4 November 2020;
  - (b) identify and inquire into other instances of non-compliance during the 40<sup>th</sup> Parliament by Ministers with laws and conventions pertaining to transparency and accountability, including but not limited to compliance with section 82 of the *Financial Management Act 2006*;
  - (c) monitor compliance with such laws and conventions for the duration of the 41<sup>st</sup> Parliament and inquire into any instances of non-compliance;
  - (d) identify new proposals, initiatives and reforms that may enhance transparency and accountability of Ministers and the departments and agencies for which they are responsible; and
  - (e) consider any other relevant matter.
- (3) The Select Committee shall consist of 5 Members and comprise a majority of non-government Members which is to include at least three Members of the official opposition;
- (4) The Chair of the Select Committee shall be a Member of the official opposition;
- (5) The Select Committee shall report from time to time on its progress and table its final report by no later than 28 November 2024.

## 12. Standing Committee on Environment and Public Affairs – Terms of Reference

Hon Simon O’Brien: To move on the next day of sitting —

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 —

- (5) To insert after Term of Reference 2.3(a) —
  - (b) matters relating to local government;
- (6) To renumber the paragraphs that follow accordingly.

## 13. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so that:

- (1) Questions Without Notice shall be taken at a time today to be ordered by the Council.
- (2) The proceedings of the Council shall not be suspended at this day’s sitting between 4.15pm and 4.30pm.

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.

#### **14. Statutes (Repeals and Minor Amendments) Bill 2021**

The Leader of the House, in order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, moved without notice —

That leave be given to introduce a Bill for "*An Act to* —

- repeal various obsolete Acts; and
- repeal various obsolete Imperial Acts or provisions of them in so far as they are part of the law of Western Australia; and
- make minor amendments to various Acts."

Leave granted.

The Leader of the House moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

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

#### **15. Governor's Speech — Distribution**

The President announced —

That for the sake of accuracy she had obtained copies of His Excellency's Speech which were then distributed to Members.

#### **16. Address-In-Reply**

Hon Pierre Yang moved —

That the following address be presented to His Excellency —

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.

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

#### **17. Order of Business**

Ordered — That Questions Without Notice be taken forthwith. (Leader of the House).

#### **18. Questions Without Notice**

Questions without notice were taken.

#### **19. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

#### **20. Members' Statements**

Statements were taken.

**21. Adjournment**

The Council adjourned at 4.23pm until Tuesday, 4 May 2021 at 2.00pm.

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

Attendance: Present all Members except Hon Jacqui Boydell, Hon Tim Clifford, Hon Adele Farina, Hon Michael Mischin and Hon Alison Xamon.

**NIGEL PRATT**

Clerk of the Legislative Council

**HON KATE DOUST MLC**

President of the Legislative Council