



LEGISLATIVE COUNCIL

THURSDAY, 9 DECEMBER 2021

10.00am

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — SerraMax Ready for Bulking Up

The Minister for Agriculture and Food made a Ministerial Statement with respect to the serradella variety of legume, bred by the Department of Primary Industries and Regional Development.

3. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Viable Cycling in the Perth Area (Report No. 12) (2021-22) 979

Reports —

Inspector of Custodial Services, Office of the — Prisoner access to dental care in
Western Australia (October 2021) 980

4. Town of Bassendean Cats Local Law 2021 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Bassendean Cats Local Law 2021* published in the *Gazette* on 15 October 2021 and tabled in the Legislative Council on 26 October 2021 under the *Cat Act 2011*, be and is hereby disallowed. (Tabled Paper 804).

5. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so as to enable the Council to sit beyond —

- (a) 5.20pm on Thursday, 9 December 2021;
 - (b) 9.45pm on Tuesday, 14 December 2021;
 - (c) 6.20pm on Wednesday, 15 December 2021; and
 - (d) 5.20pm on Thursday, 16 December 2021;
- and

that Members' Statements on those days be taken at a time ordered by the House.
Debate ensued.

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.

6. Performance of Government Ministers

Non-Government Business No. 1 having been called, Hon Nick Goiran moved, without notice —

That this House:

- (a) expresses its grave concern about the sustained underperformance of senior Ministers within the McGowan Labor Government in 2021;
- (b) particularly notes:
 - (i) senior health officials have such little confidence in Minister Cook that they have not shared with him timely information about serious issues such as the bacterial contamination outbreak at Sir Charles Gairdner Hospital and the breach of SafeWA App data;
 - (ii) the calculated intervention of the Attorney General in the operations of the CCC that resulted in more than 1000 breaches of law has led to orders from the Supreme Court declaring the actions involving the Premier's own Department were invalid, while in the interim multiple promised law reforms have not occurred; and
 - (iii) the refusal of Ministers Ellery and McGurk to change their policy settings that continue to see victims forced to face their attacker at school or home will now be compounded by the extreme risk that there will not be a teacher for every classroom at the commencement of Term 1 in 2022, and
- (c) calls on the Premier to give serious consideration to changing the portfolio responsibilities of those Ministers with a demonstrated track record of underperformance and no confidence.

Debate ensued.

Motion lapsed.

7. 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*, 5, *Non-Coronial Post-Mortem Examinations Code of Practice 2021 — Disallowance*, 6, *Shire of Waroona Health Local Law 2021 — Disallowance*, and 7, *City of Canning Local Government Property and Public Places Local Law 2021 — Disallowance* be taken after Order of the Day No. 24, *Industrial Relations Legislation Amendment Bill 2021*. (Minister for Mental Health).

8. 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 resumed.

Hon Peter Collier, by leave, tabled proposed amendments to the *Aboriginal Heritage Act 1972*, Part V, Aboriginal Cultural Material Committee. (Tabled Paper 981).

Debate resumed.

Question — That the *Aboriginal Cultural Heritage Bill 2021* be read a second time — put and passed.
Bill read a second time.

Question — That the *Aboriginal Cultural Heritage Amendment Bill 2021* be read a second time — put.

The Council divided.

Ayes (24)

Hon Dan Caddy
Hon Sandra Carr
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Kate Doust
Hon Sue Ellery
Hon Donna Faragher
Hon Nick Goiran
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan

Hon Ayor Makur Chuot
Hon Steve Martin
Hon Kyle McGinn
Hon Stephen Pratt
Hon Martin Pritchard
Hon Tjorn Sibma
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Neil Thomson
Hon Darren West
Hon Pierre Yang (*Teller*)

Noes (4)

Hon Dr Brad Pettitt
Hon Wilson Tucker

Hon Dr Brian Walker
Hon Sophia Moermond (*Teller*)

Question thus passed.

Bill read a second time.

The Acting President left the Chair.

(Hon Jackie Jarvis in the Chair)

Aboriginal Cultural Heritage Bill 2021

Clause 1.

Debate ensued.

Hon Peter Collier, by leave, tabled correspondence dated 8 December 2021 from the Law Society of Western Australia to the Minister for Aboriginal Affairs. (Tabled Paper 982).

Debate resumed.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to Horizon Power disconnections since 30 June 2021 to date, 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 the number of customers of Horizon Power with payment arrangements 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 Regional Development representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to prisoner officer vacancies, in response to a question without notice asked by Hon Peter Collier.

The Minister for Regional Development representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a table of full time equivalent employees, as at 30 November 2021, at public prisons, in response to a question without notice asked by Hon Peter Collier.

The Leader of the House representing the Minister for Ports, by leave, incorporated into *Hansard* information in relation to the Port Hedland Buyback Scheme, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Regional Development representing the Minister for Water, by leave, incorporated into *Hansard* information in relation to the Perth Seawater and the Southern Seawater Desalination Plants, in response to a question without notice asked by Hon Tjorn Sibma.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade, by leave, incorporated into *Hansard* information in relation to unauthorised credit card use, in response to a question without notice asked by Hon Tjorn Sibma.

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

Cognate debate resumed on the consideration of these Bills in Committee of the Whole House (see *item 8 above*).

Aboriginal Cultural Heritage Bill 2021

Clause 1.

Debate resumed.

The Minister for Aboriginal Affairs moved, That the Deputy Chair report progress and seek to sit again.

Question — put and passed.

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. Order of Business

Ordered — That Members' Statements be taken forthwith. (Minister for Mental Health).

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 5.32pm until Tuesday, 14 December 2021 at 2.00pm.

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