



## LEGISLATIVE COUNCIL

### WEDNESDAY, 29 NOVEMBER 2023

### 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. Message from His Excellency the Governor — Assent to Bills

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

<b>28 November 2023 — Message No. 33</b>	<b>Act No.</b>
Reserves Bill 2023	28 of 2023
Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023	29 of 2023

#### 3. Petitions

Hon Ben Dawkins presented an E-Petition from 421 petitioners requesting the Legislative Council to conduct an inquiry into the Western Australian building industry and protect vulnerable Western Australians by ensuring a review of the regulatory framework. (Tabled Paper 2863).

Hon Ben Dawkins presented an E-Petition from 1,577 petitioners requesting the Legislative Council to make various recommendations to the Government regarding firearm reforms. (Tabled Paper 2864).

Hon Colin de Grussa presented a petition from 160 petitioners requesting the Legislative Council to recommend that the State Government extend the consultation date for proposed firearms reforms from one month to three months. (Tabled Paper 2865).

#### 4. Papers

The following Papers were laid on the Table by —

##### President

*Reports —*

Commissioner for Children and Young people Western Australia — Speaking out about girls' wellbeing .....2860

##### Minister for Agriculture and Food

*Annual Reports —*

Biosecurity Council of Western Australia (2022-23) (Date received 28/11/2023) .....2861

**Parliamentary Secretary to the Minister for Training***Annual Reports —*

Busselton Water (2022-23) (Date received 29/11/2023) .....2862

**5. Responsible exercise of the Corruption and Crime Commission's powers**

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

That this House —

- (a) notes with appreciation the Parliamentary Inspector of the Corruption and Crime Commission's report of 27 November 2023 correcting the errors and omissions contained in the Corruption and Crime Commission's (CCC) report of 12 March 2019;
- (b) endorses the Parliamentary Inspector's conclusion that it is not a responsible exercise of the CCC's powers to report to Parliament speculating that a person has 'possibly' committed an offence in a situation where it does not know whether a person has committed a criminal offence, and where it has not conducted sufficient research to determine the matter;
- (c) notes with concern the CCC's refusal to prepare a supplementary report to address the errors and omissions;
- (d) thanks Parliamentary Inspector Matthew Zilko SC for his continued service as a monitor on the operation of the *Corruption, Crime and Misconduct Act 2003*;
- (e) expresses its appreciation to the members and staff responsible for the drafting, tabling and publishing of the Report 61 of the *Standing Committee on Procedure and Privileges*;
- (f) notes that the Committee's audit revealed that 1,120 privileged documents were provided without parliamentary approval by the Government to the CCC;
- (g) reasserts that draft parliamentary speeches, motions and questions are subject to parliamentary privilege in the same way as confidential parliamentary committee material such as committee deliberations and draft report recommendations; and
- (h) reminds the CCC that the legislature has entrusted it with extraordinary powers and that its immunity from defamation actions and other claims for damages highlight why those powers must be exercised with caution and prudence.

**6. Clean Energy Future**

Motion No. 14 having been called, Hon Shelley Payne, pursuant to notice, moved —

That the Legislative Council commend the Cook Government for continuing to support the Western Australian mining industry to explore for the critical minerals essential to a clean energy future.

Debate ensued.

Question — put and passed.

## 7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

### In Committee

(Hon Stephen Pratt in the Chair)

#### **Joint Standing Committee on the Commissioner for Children and Young People — Report 5 — Report Review 2022: Examination of selected reports by the Commissioner for Children and Young People**

Debate resumed on the motion of Hon Ayor Makur Chuot, That the Report be noted.

Question — put and passed.

#### **Select Committee into Cannabis and Hemp — Final Report — Medicinal cannabis and industrial hemp in Western Australia**

Hon Lorna Harper moved, That the Report be noted.

Debate ensued.

*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 Commissioner for Children and Young People — Report 5 — *Report Review 2022: Examination of selected reports by the Commissioner for Children and Young People* and had noted same.
- (2) Select Committee into Cannabis and Hemp — Final Report — *Medicinal cannabis and industrial hemp in Western Australia*, made progress, and seeks to sit again.

Report adopted.

## 8. Order of Business

Ordered — That Bills for Introduction No. 3, *Therapeutic Goods Law Application Bill 2023*, be taken forthwith. (Minister for Emergency Services).

## 9. Therapeutic Goods Law Application Bill 2023

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, pursuant to notice, moved —

That a Bill for “An Act —

- to apply the *Therapeutic Goods Act 1989 (Commonwealth)* and legislative instruments under that Act as laws of the State; and
- to make consequential amendments to various other Acts; and
- for related purposes.”

be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health moved, That the Bill be read a second time.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2866).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

## **10. Order of Business**

Ordered — That Order of the Day No. 1, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, be taken after Order of the Day No. 8, *Rail Safety National Law Application Bill 2023*. (Minister for Emergency Services).

## **11. Planning and Development Amendment Bill 2023**

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

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### **In Committee**

(Hon Sandra Carr in the Chair)

Clause 7.

Debate resumed.

Clause agreed to.

Clauses 8 to 10 agreed to.

Clause 11.

Debate ensued.

## **12. Questions Without Notice**

Questions without notice were taken.

The Minister for Emergency Services representing the Treasurer tabled a response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 2867).

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Parliamentary Secretary to the Minister for Energy tabled a response to a question without notice asked by Hon Dr Brad Pettitt. (Tabled Paper 2868).

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Martin Aldridge.

The Parliamentary Secretary to the Minister for Water, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Steve Martin.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Colin de Grussa.

## **13. Planning and Development Amendment Bill 2023**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).

The President left the Chair.

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### **In Committee**

(Hon Dr Sally Talbot in the Chair)

Clause 11.

Debate resumed.

The Minister for Agriculture and Food representing the Minister for Planning tabled the draft *Planning and Development (Significant Development) Regulations 2023*. (Tabled Paper 2869).

Debate resumed.

Hon Dr Brad Pettitt, by leave, moved —

Page 15, line 1 to page 16, line 20 — To delete the lines.

Page 23, line 7 — To delete “171R,”.

Page 101, lines 19 and 20 — To delete the lines.

Page 101, lines 22 and 23 — To delete “and amended section 171R(1)(b)(ii)”.

Amendments — put and negated.

Debate resumed.

The Minister for Agriculture and Food representing the Minister for Planning 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.

#### **14. Order of Business**

Ordered — That Order of the Day No. 1, *City of Gosnells Bush Fire Brigade Local Law 2023* — *Disallowance*, be taken forthwith. (Parliamentary Secretary to the Attorney General).

#### **15. City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance**

The Order of the Day having been called for the motion of Hon Lorna Harper moved as follows —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Gosnells Bush Fire Brigade Local Law 2023* published in the *Gazette* on 9 June 2023 and tabled in the Legislative Council on 13 June 2023 under the *Local Government Act 1995*, be and is hereby disallowed.

Debate ensued.

Question — put and passed.

#### **16. Order of Business**

Ordered — That Members’ Statements be taken forthwith. (Minister for Agriculture and Food).

#### **17. Members’ Statements**

Statements were taken.

Hon Dr Brad Pettitt, by leave, tabled an email from the City of Gosnells in relation to the disallowance of the *City of Gosnells Bush Fire Brigade Local Law 2023*. (Tabled Paper 2870).

#### **18. Vocational Education and Training Amendment Bill 2023**

The President reported the receipt of Message No. 136 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Training moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Training moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Training tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2871).

Debate stands adjourned.

**19. Guardianship and Administration Amendment (Medical Research) Bill 2023**

The following Message from the Legislative Assembly was reported —

Honourable President

Message No. 137

The Legislative Assembly acquaints the Legislative Council that it has agreed to the *Guardianship and Administration Amendment (Medical Research) Bill 2023* without amendment.

Mr. S. J. Price

Deputy Speaker

Legislative Assembly Chamber

Perth, 29 November 2023

**20. Adjournment**

The Council adjourned at 7.03pm until Thursday, 30 November 2023 at 10.00am.

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

Attendance: Present all Members except Hon Sue Ellery, Hon Ayor Makur Chuot, Hon Rosetta Sahanna and Hon Dr Brian Walker.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council