



LEGISLATIVE COUNCIL

THURSDAY, 17 OCTOBER 2024

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 — Tabling of updated Explanatory Memorandums for the Evidence Amendment Bill 2024 and the Evidence Bill 2024

The Parliamentary Secretary to the Attorney General made a Ministerial Statement with respect to administrative amendments to the Explanatory Memorandums for the *Evidence Amendment Bill 2024* and the *Evidence Bill 2024*.

The Parliamentary Secretary to the Attorney General tabled an updated Explanatory Memorandum for the *Evidence Amendment Bill 2024*. (Tabled Paper 3709).

The Parliamentary Secretary to the Attorney General tabled an updated Explanatory Memorandum for the *Evidence Bill 2024*. (Tabled Paper 3710).

3. Papers

The following Papers were laid on the Table by —

Leader of the House on behalf of the Minister for Emergency Services

Annual Reports —

Court Security and Custodial Services Contract (2023-24) (Date received 16/10/2024)3704

Gaming and Wagering Commission of Western Australia (2023-24)
(Date received 16/10/2024).....3705

Supervised Release Review Board (2023-24) (Date received 16/10/2024).....3706

Western Australia Police Force — Criminal Investigation (Covert Powers)
Act 2012 — Assumed Identities (2023-24) (Date received 16/10/2024).....3707

Parliamentary Secretary to the Attorney General

Addendums —

Water Corporation (2023-24) Annual Report (Date received 16/10/2024).....3708

4. Shire of Mt Marshall Bush Fire Brigades Local Law 2024 — 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 *Shire of Mt Marshall Bush Fire Brigades Local Law 2024* published in the

Gazette on 5 July 2024 and tabled in the Legislative Council on 13 August 2024 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 3353) **Shire of Meekatharra Health Amendment Local Law 2024 — 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 *Shire of Meekatharra Health Amendment Local Law 2024* published in the *Gazette* on 27 June 2024 and tabled in the Legislative Council on 13 August 2024 under the *Health (Miscellaneous Provisions) Act 1911*, be and is hereby disallowed.

6. Reinstatement of Committee Report to the Notice Paper

Hon Dr Brian Walker moved, without notice —

That, pursuant to *Standing Order 110(4)*, the *Joint Standing Committee on the Corruption and Crime Commission – Report 10 – Annual Report 2022-2023*, be reinstated to the Notice Paper.

Question — put and passed.

7. Housing and unaffordability crisis impacting the Australian dream

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

That the Legislative Council —

- (a) condemns the unmitigated mess of uncertainty, cost and failure of the Cook Labor Government in the housing construction sector;
- (b) demands answers about what the Government knew and did not know about the litany of failures (including, for example Niche Living) which are causing massive uncertainty and cost for young families who have been saving hard for the Australian dream;
- (c) holds the Cook Labor Government to account for abject failures in portfolio areas such as Treasury, Commerce, Water, Energy and Housing which have been out of touch from the realities of the ever-increasing unaffordability crisis and the aspirations of homebuyers and renters who are facing an overheated housing market in Perth and in the regions; and
- (d) holds the Minister for Housing accountable for his miserable performance on the construction on new social housing which is adding pressure to the more disadvantaged in our community and those sleeping rough on our streets.

Debate ensued.

Motion lapsed.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Pingelly Cats Local Law 2024 — Disallowance*, and 2, *Metropolitan Region Scheme Major Amendment 1404/41 — Roe 8 Remainder and Roe 9 (Removal of Primary Regional Roads Reservation) — Disallowance*, be taken after Order of the Day No. 13, *Retirement Villages Amendment Bill 2024*. (Minister for Agriculture and Food).

9. Environmental Protection Amendment Bill 2024

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.

In Committee

(Hon Dr Brian Walker in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Hon Dr Brad Pettitt, moved —

1/2 Page 2, lines 10 to 19 — To delete the lines.

Amendment — put and negatived.

Debate resumed.

Hon Dr Brad Pettitt, moved —

2/2 Page 2, lines 22 to 28 — To delete the lines.

Amendment — put and negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Hon Dr Brad Pettitt, moved —

3/4 Page 3, line 7 — To delete "9" and insert:

7

Amendment — put and negatived.

Debate resumed.

Hon Dr Brad Pettitt, moved —

4/4 Page 3, line 13 — To delete the line and insert:

environmental protection;

Amendment — put and negatived.

Debate resumed.

Hon Dr Brad Pettitt, moved —

5/4 Page 3, lines 23 and 24 — To delete the lines.

Amendment — put and negatived.

Question, That the clause stand as printed — put.

The Committee divided.

Ayes (28)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Peter Collier
 Hon Colin de Grussa
 Hon Kate Doust
 Hon Sue Ellery
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Louise Kingston
 Hon Ayor Makur Chuot
 Hon Steve Martin

Hon Kyle McGinn
 Hon Shelley Payne
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Tjorn Sibma
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Steve Thomas
 Hon Neil Thomson
 Hon Darren West
 Hon Pierre Yang
 Hon Peter Foster (*Teller*)

Noes (3)

Hon Wilson Tucker
 Hon Dr Brian Walker

Hon Dr Brad Pettitt (*Teller*)

Question thus passed.

Clause agreed to.

Clause 5 agreed to.

Clauses 6 to 9 agreed to.

Clause 10.

Debate ensued.

Hon Dr Brad Pettitt, moved —

6/10 Page 8, after line 5 — To insert:

- (3A) The expectation statement must not include an objective that relates to any of the following —
- (a) prioritising, for assessment under Part IV, certain categories of proposals over others;
 - (b) the amount of time that it takes to assess proposals under Part IV;
 - (c) preferred outcomes of assessments of proposals under Part IV;
 - (d) prioritising certain environmental factors over others for the purpose of assessing proposals under Part IV.
- (3B) The expectation statement must accord with the object described in section 4A, having regard to the principles described in that section.

Amendment — put and negatived.

Debate resumed.

Hon Dr Brad Pettitt, moved —

7/10 Page 8, after line 9 — To insert:

- (6) Subsection (5) does not override section 8.

Amendment — put and negated.

Question, That the clause stand as printed — put and passed.

Clause 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Hon Dr Brad Pettitt, moved —

8/13 Page 10, line 16 to page 11, line 4 — To delete the lines.

Amendment — put and negated.

Debate resumed.

Hon Dr Brad Pettitt, moved —

9/13 Page 11, after line 6 — To insert:

- (5A) Subsections (2) and (3) do not apply to a decision in relation to a proposal if the decision is of a prescribed class.
- (5B) If a decision-making authority makes a decision in relation to a proposal in reliance on subsection (5A) —
- (a) the decision-making authority must give the proponent written notice that the proposal must not be implemented in reliance on the decision unless, and until, a statement is published under section 45(8)(b); and
 - (b) the decision must not be made public unless, and until, a statement is published under section 45(8)(b).
- (5C) Subsection (5B)(b) does not prevent the decision being disclosed to the Authority or to another decision-making authority.

Amendment — put and negated.

Debate resumed.

Hon Dr Brad Pettitt, moved —

10/13 Page 11, lines 7 and 8 — To delete “the definition of **restricted decision** in subsection (1A)” and insert:

subsection (5A)

Amendment — put and negated.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 and 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clause 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 28 agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clauses 34 to 36 agreed to.

Clause 37.

Debate ensued.

Clause agreed to.

Clauses 38 to 41 agreed to.

Clause 42.

Debate ensued.

Hon Dr Brad Pettitt, moved —

27/42 Page 25, lines 23 to 30 — To delete the lines.

Amendment — put and negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Debate resumed.

Hon Dr Brad Pettitt, by leave, moved —

28/42 Page 27, line 5 to page 29, line 14 — To delete the lines.

29/42 Page 29, line 15 to page 30, line 10 — To delete the lines.

Amendments — put and negatived.

Debate resumed.

Question, That the clause stand as printed — put and passed.

Clauses 43 to 49 agreed to.

Title agreed to.

The President resumed the Chair.
Bill reported without amendment.
Report adopted.

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

The President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

10. Questions Without Notice

Questions without notice were taken.

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

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

The Leader of the House on behalf of 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 Peter Collier.

The Leader of the House on behalf of the Minister for Emergency Services representing the Minister for Police tabled a response to a question without notice asked by Hon Dr Brad Pettitt. (Tabled Paper 3711).

11. Local Government Amendment Bill 2024

The President reported the receipt of Message No. 185 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture and Food representing the Minister for Local Government moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food representing the Minister for Local Government moved, That the Bill be read a second time.

The Minister for Agriculture and Food representing the Minister for Local Government tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 3712).

Debate stands adjourned.

12. Order of Business

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

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 5.24pm until Tuesday, 22 October 2024 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Stephen Dawson and Hon Sophia Moermond.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council

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