



LEGISLATIVE COUNCIL

WEDNESDAY, 26 OCTOBER 2022

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. Ministerial Statement — Parliamentary Sitting Dates 2023

The Leader of the House made a Ministerial Statement with respect to the 2023 parliamentary sitting dates.

The Leader of the House tabled the Parliamentary sitting dates for 2023. (Tabled Paper 1770).

3. Ministerial Statement — Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022 — Correction to Second Reading Speech

The Leader of the House made a Ministerial Statement with respect to a correction to the second reading speech of the *Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022*.

The Leader of the House tabled the corrected second reading speech to the *Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022*. (Tabled Paper 1771).

4. Papers

The following Papers were laid on the Table by —

Parliamentary Secretary to the Attorney General on behalf of the Minister for Regional Development

Annual Reports —

Tourism Western Australia (2021-22) (Date received 26/10/2022).....1768

Water and Environmental Regulation (2021-2022) (Date received 26/10/2022).....1769

5. Mining Royalties

Motion No. 10 having been called, Hon Wilson Tucker, pursuant to notice, moved —

That this House —

(1) Notes that:

- (a) due to high commodity prices, resource companies are making windfall profits;
- (b) despite the super-profits made by private interests, the royalty paid to Western Australia is comparatively low; and

- (c) the immense wealth generated through the extraction of Western Australia's finite natural resources should be shared equitably with the people of this State.
- (2) Calls on the Government to increase the royalty rate of commodities, ensuring a more equitable royalty is paid during periods of higher commodity prices.

Debate ensued.

Motion — put.

The Council divided.

Ayes (4)

Hon Sophia Moermond
Hon Dr Brad Pettitt

Hon Wilson Tucker
Hon Dr Brian Walker (*Teller*)

Noes (26)

Hon Martin Aldridge
Hon Dan Caddy
Hon Sandra Carr
Hon Peter Collier
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Donna Faragher
Hon Peter Foster
Hon Nick Goiran
Hon Lorna Harper
Hon Jackie Jarvis
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 Steve Thomas
Hon Neil Thomson
Hon Darren West
Hon Pierre Yang (*Teller*)

Motion thus negatived.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Peter Foster in the Chair)

Standing Committee on Estimates and Financial Operations — Report 85 — Consideration of the 2021-2022 Budget Estimates

Debate resumed on the motion of Hon Peter Collier, That the Report be noted.

Debate interrupted and postponed pursuant to SO 110(2A).

Standing Committee on Procedure and Privileges — Report 66 — Person referred to in the Legislative Council — Submission not considered

Hon Stephen Dawson moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report 1 — Annual Report 2020-2021

Debate resumed on the motion of Hon Neil Thomson, That the Report be noted.

Question — put and passed.

Standing Committee on Public Administration — Report 37 — Delivery of Ambulance Services in Western Australia: Critical Condition

Hon Pierre Yang 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) Standing Committee on Estimates and Financial Operations — Report 85 — *Consideration of the 2021-2022 Budget Estimates*, made progress, and postponed further consideration until the next sitting.
- (2) Standing Committee on Procedure and Privileges — Report 66 — *Person referred to in the Legislative Council* — Submission not considered and had noted same.
- (3) Joint Standing Committee on the Commissioner for Children and Young People — Report 1 — *Annual Report 2020-2021* and had noted same.
- (4) Standing Committee on Public Administration — Report 37 — *Delivery of Ambulance Services in Western Australia: Critical Condition*, made progress, and seeks to sit again.

Report adopted.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Fremantle Cat Management Amendment Local Law 2022 — Disallowance*, and 2, *City of Joondalup Health Amendment Local Law 2021 — Disallowance*, be taken after Order of the Day No. 3, *Statutes (Repeals and Minor Amendments) Bill 2022*. (Minister for Emergency Services).

8. Duties Amendment (Farm-in Agreements) Bill 2022

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 Jackie Jarvis in the Chair)

Clause 8.

Debate resumed.

The Minister for Emergency Services representing the Minister for Finance 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.

9. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Attorney General tabled documents in relation to the Joint Standing Committee on Delegated Legislation, department undertakings in the 41st Parliament as at 21 September 2022, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 1772).

The Minister for Emergency Services representing the Treasurer, by leave, incorporated into *Hansard* information in relation to current balances of the 30 Treasury Special Purpose Accounts, in response to a question without notice asked by Hon Dr Steve Thomas.

The Parliamentary Secretary to the Attorney General on behalf of the Minister for Emergency Services, by leave, incorporated into *Hansard* information in relation to the disaster recovery package for cyclone Seroja impacted communities, in response to a question without notice asked by Hon Martin Aldridge.

The Parliamentary Secretary to the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to cell hours for detainees at Banksia Hill Detention Centre, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Parliamentary Secretary to the Minister for Regional Development on behalf of the Minister for Regional Development representing the Minister for Commerce, by leave, incorporated into *Hansard* information in relation to the State Government home indemnity insurance scheme, in response to a question without notice asked by Hon Dr Steve Thomas.

10. Order of Business

Ordered — That Order of the Day No. 4, *Charitable Trusts Bill 2022*, be taken forthwith. (Leader of the House).

11. Charitable Trusts Bill 2022

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

The President left the Chair.

In Committee

(Hon Dr Brian Walker in the Chair)

Clause 2.

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled the implementation of the Njamal inquiry report recommendations. (Tabled Paper 1773).

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled a letter from the Office of the Auditor General to the State Solicitors Office providing comments on amendments to the *Charitable Trusts Act 1962 WA*. (Tabled Paper 1774).

Debate resumed.

Clause agreed to.

Clauses 3 to 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 27 agreed to.

Clause 28.

Debate ensued.

Clause agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 32 agreed to.

Clause 33.

Debate ensued.

Interruption pursuant to order.

The President resumed the Chair.

The 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.

12. President's Ruling — Motions on Notice and Non-Government Business — Effect of the Suspension of a Member

The President ruled as follows —

Last week the Council suspended Hon James Hayward from the service of the Council for the remainder of 2022. Pursuant to Standing Order 66 and Standing Order 111, Hon James Hayward, as an Independent rather than a political party, had been allocated the opportunity to propose the business for Council during motions on notice and non-government business next sitting week. The effect of the suspension is that Hon James Hayward cannot give notice of a motion, move a motion or have those actions done by another Member on his behalf. As has been the practice in the past, if a Member elects not to propose any business during those house procedures, then that time is vacated and the Council moves on to the next business in its order of business.

I am conscious that these circumstances are rare, particularly as Hon James Hayward is not part of a political grouping that could have otherwise made use of these allocations. I have considered the current circumstances and my ruling is that in circumstances in which a Member is suspended and cannot propose business as envisaged by Standing Order 66 or Standing Order 111, then that opportunity is forfeited.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 6.39pm, until Thursday, 27 October 2022 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Klara Andric, Hon Colin de Grussa, Hon James Hayward (*suspended*), Hon Alannah MacTiernan and Hon Dr Sally Talbot.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council