

WESTERN AUSTRALIA
LEGISLATIVE COUNCIL

DAILY NOTICE PAPER

No. 233

THURSDAY, 12 NOVEMBER 2020, 10.00am

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Questions, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

Electronic version available on the Parliament's Internet site at www.parliament.wa.gov.au

MOTIONS

1. Release of Offender (*Notice given 14 May 2020*)

Hon Nick Goiran: To move —

That this House —

- (1) expresses its concern about the release of Nicholas Rodney Troy Faulkner who was sentenced to more than 9 years jail for attacking three women in November 2010 and who has a history of breaching release conditions;
- (2) expresses its grave concern that the Government failed to refer the Faulkner case to enable the Director of Public Prosecutions to consider a potential application under the *Dangerous Sexual Offenders Act 2006*;
- (3) calls on the Government to:
 - (a) apologise to the survivors of this serious offender's attacks;
 - (b) outline what steps it will take to ensure the community is kept safe from this offender; and
 - (c) advise what remedial action will be taken to ensure this catastrophic failure is not repeated.

2. Joint Standing Committee on the Corruption and Crime Commission (*Notice given 19 May 2020*)

Hon Nick Goiran: To move —

That this House —

- (1) Acknowledges the work of the Joint Standing Committee on the Corruption and Crime Commission in this 40th Parliament;
- (2) Notes that the Standing Orders of the Legislative Assembly apply, as far as they are able, to the work of the Committee and that;

- (a) Pursuant to Standing Order 270 committee deliberations will be conducted in closed session;
- (b) Pursuant to Standing Order 271(2) no member of the committee nor any other person may publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee;
- (3) Notes the comments of Mr Matthew Hughes MLA on 13 May 2020;
- (4) Expresses its concern about the ongoing membership of Mr Hughes on the Joint Standing Committee on the Corruption and Crime Commission; and
- (5) Acquaints the Legislative Assembly accordingly.

BILLS FOR INTRODUCTION

1. **Public and Health Sector Legislation Amendment (Executive Payout Compensation) Bill 2017** (*Notice given 6 December 2017*)

Hon Tjorn Sibma: To move —

That a Bill for “An Act to amend the *Public Sector Management Act 1994* and the *Health Services Act 2016* to reduce payout compensation for executives appointed under those Acts.” be introduced and read a first time.

2. **Strong and Sustainable Resource Communities Bill 2018** (*Notice given 22 March 2018*)

Hon Colin Tincknell: To move —

That a Bill for “An Act to prioritise recruitment from local and regional communities in the vicinity of large projects during their operation.” be introduced and read a first time.

3. **Petroleum and Geothermal Energy Resources Amendment (Banning the use of Hydraulic Fracture Stimulation) Bill 2018** (*Notice given 27 November 2018*)

Hon Robin Chapple: To move —

That a Bill for “An Act to amend the *Petroleum and Geothermal Energy Resources Act 1967* to ban the use of hydraulic fracture stimulation (fracking) for onshore exploration or development of shale and coal seam gas in Western Australia.” be introduced and read a first time.

4. **Electoral Amendment (Banning of Foreign Donations) Bill 2020** (*Notice given 11 August 2020*)

Hon Simon O’Brien: To move —

That a Bill for “An Act to amend the *Electoral Act 1907* to ban foreign donations” be introduced and read a first time.

ORDERS OF THE DAY

1. Curtin University Statute No. 12—Admission and Enrolment — Disallowance

Moved *pro forma* (SO 67(3)) 14 October 2020 on the motion of Hon Robin Chapple (Days remaining 7 after today (Indicative date — 26 November 2020))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Curtin University Statute No. 12—Admission and Enrolment* published in the *Gazette* on 24 July 2020 and tabled in the Legislative Council on 11 August 2020 under the *Curtin University Act 1966*, be and is hereby disallowed. (Tabled paper 4021).

2. Curtin University Statute No. 5—Election of Council Members — Disallowance

Moved *pro forma* (SO 67(3)) 14 October 2020 on the motion of Hon Robin Chapple (Days remaining 7 after today (Indicative date — 26 November 2020))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Curtin University Statute No. 5—Election of Council Members* published in the *Gazette* on 24 July 2020 and tabled in the Legislative Council on 11 August 2020 under the *Curtin University Act 1966*, be and is hereby disallowed. (Tabled paper 4021).

3. Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020 — Disallowance

Moved *pro forma* (SO 67(3)) 20 October 2020 on the motion of Hon Dr Steve Thomas (Days remaining 9 after today (Indicative date — 26 November 2020))

That the *Animal Welfare (Transport, Saleyards and Depots) (Cattle and Sheep) Regulations 2020* published in the *Gazette* on 2 October 2020 and tabled in the Legislative Council on 8 October 2020 under the *Animal Welfare Act 2002*, be and are hereby disallowed. (Tabled paper 4417).

4. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2017 [LC 29–1] Minister for Education and Training

Second reading adjourned (Wednesday, 6 September 2017).

5. Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017 [LA 30–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

6. Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017 [LA 31–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 5 December 2017).

7. Appropriation (Recurrent 2016–17) Supplementary Bill 2017 [LA 55–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 14 August 2018).

8. Appropriation (Capital 2016–17) Supplementary Bill 2017 [LA 54–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 14 August 2018).

- 9. *Public and Health Sector Legislation Amendment (Right of Return) Bill 2018 [LA 86-1]**
Leader of the House representing the Premier

Committee progress clause 1 (Thursday, 6 December 2018).
cf SNP 86 Issue 1 – 6 November 2018.

- 10. Legislation Bill 2018 [LA 78-1]** *Leader of the House representing the Attorney General*
Second reading adjourned (Wednesday, 31 October 2018).

- 11. Legal Profession Amendment (Professional Indemnity Insurance Management Committee) Bill 2018 [LA 102-1]** *Leader of the House representing the Attorney General*
Second reading adjourned (Tuesday, 4 December 2018).

- 12. *Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018 [LA 87-1]** *Leader of the House representing the Attorney General*
Second reading resumption of debate adjourned Hon Pierre Yang (Tuesday, 17 September 2019).
cf SNP 87 Issue 3 – 2 October 2020.

- 13. Administration Amendment Bill 2018 [LA 77-1]** *Leader of the House representing the Attorney General*
Second reading adjourned (Wednesday, 3 April 2019).

- 14. *Human Reproductive Technology and Surrogacy Legislation Amendment Bill 2018 [LA 88-1]** *Parliamentary Secretary to the Minister for Health*
Second reading adjourned (Wednesday, 10 April 2019).
cf SNP 88 Issue 2 – 27 June 2019.
See Standing Committee on Legislation Report 40 (Tabled 27 June 2019).

- 15. Criminal Appeals Amendment Bill 2019 [LA 103-2]** *Leader of the House representing the Attorney General*
Second reading adjourned (Thursday, 27 June 2019).

- 16. Wittenoom Closure Bill 2019 [LA 120-1]** *Minister for Environment representing the Minister for Lands*
Second reading adjourned (Wednesday, 14 August 2019).

- 17. *Fair Trading Amendment Bill 2019 [LC 122-1]** *Minister for Regional Development representing the Minister for Commerce*
Second reading adjourned (Wednesday, 3 April 2019).
See Standing Committee on Uniform Legislation and Statutes Review Report 123 (Tabled 20 August 2019).
cf SNP 122 Issue 1 – 22 August 2019.

- 18. Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018 [LA 108-2]** *Minister for Environment representing the Minister for Planning*
Second reading adjourned (Wednesday, 4 September 2019).

- 19. *Ticket Scalping Bill 2018 [LA 110-1]** *Minister for Regional Development representing the Minister for Commerce*
Second reading adjourned (Thursday, 27 June 2019).
See Standing Committee on Legislation Report No. 41 (Tabled 5 September 2019).
cf SNP 110 Issue 4 – 10 August 2020.

- 20. Civil Procedure (Representative Proceedings) Bill 2019 [LA 134–1]** *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 15 October 2019).

- 21. Criminal Law Amendment (Uncertain Dates) Bill 2019 [LA 135–2]** *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 22 October 2019).

- 22. Transfer of Land Amendment Bill 2018 [LA 111–1]** *Minister for Environment representing the Minister for Lands*

Second reading adjourned (Friday, 22 November 2019).

- 23. Public Works Amendment (WA Building Management Authority Abolition) Bill 2019 [LA 145–1]** *Minister for Environment representing the Minister for Finance*

Second reading adjourned (Wednesday, 4 December 2019).

- 24. Government Railways Amendment Bill 2019 [LA 148–1]** *Minister for Environment representing the Minister for Transport*

Second reading adjourned (Wednesday, 4 December 2019).

- 25. Family Court Amendment Bill 2019 [LA 149–1]** *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 17 March 2020).

- 26. Financial Legislation Amendment Bill 2020 [LA 166–1]** *Minister for Environment representing the Treasurer*

Second reading adjourned (Thursday, 19 March 2020).

- 27. *Criminal Law (Unlawful Consorting) Bill 2020 [LA 161–2]** *Leader of the House representing the Attorney General*

Second reading adjourned Hon Pierre Yang (Wednesday, 11 November 2020). Leave granted to continue remarks Hon Nick Goiran — 22 mins.

cf SNP 161 Issue 3 – 4 November 2020.

- 28. Aquatic Resources Management Amendment Bill 2020 [LA 174–2]** *Minister for Regional Development representing the Minister for Fisheries*

Second reading adjourned (Tuesday, 23 June 2020).

- 29. *Dog Amendment (Stop Puppy Farming) Bill 2020 [LA 162–1]** *Leader of the House representing the Minister for Local Government*

Second reading adjourned (Thursday, 25 June 2020).

cf SNP 162 Issue 4 – 11 November 2020.

- 30. *Transport Legislation Amendment (Identity Matching Services) Bill 2020 [LA 169–1]** *Minister for Environment representing the Minister for Transport*

Second reading adjourned (Wednesday, 17 June 2020).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 127 (Tabled 11 August 2020).

cf SNP 169 Issue 1 – 20 August 2020.

- 31. *Industrial Relations Legislation Amendment Bill 2020 [LA 198–2]** *Minister for Regional Development representing the Minister for Industrial Relations*

Second reading adjourned (Thursday, 20 August 2020).

cf SNP 198 Issue 2 – 17 September 2020.

- 32. Mutual Recognition (Western Australia) Bill 2020 [LA 193–1]** *Leader of the House representing the Premier*

Second reading adjourned (Tuesday, 8 September 2020).

- 33. *Children and Community Services Amendment Bill 2019 [LA 157–2]** *Leader of the House representing the Minister for Child Protection*

Second reading adjourned (Thursday, 21 May 2020).

See Standing Committee on Legislation Report No. 44 (Tabled 10 September 2020).

cf SNP 157 Issue 7 – 11 November 2020.

- 34. *Legal Profession Uniform Law Application Bill 2020 [LA 170–1]** *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 16 June 2020).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 129 (Tabled 15 September 2020).

- 35. *Legal Profession Uniform Law Application (Levy) Bill 2020 [LA 171–1]** *Leader of the House representing the Attorney General*

Second reading adjourned (Tuesday, 16 June 2020).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 129 (Tabled 15 September 2020).

- 36. Health Services Amendment Bill 2019 [LA 150–2]** *Parliamentary Secretary to the Minister for Health*

Second reading adjourned (Tuesday, 15 September 2020).

- 37. *Swan Valley Planning Bill 2020 [LA 204–1]** *Minister for Environment representing the Minister for Planning*

Second reading adjourned (Tuesday, 15 September 2020).

cf SNP 204 Issue 3 – 13 October 2020.

- 38. *Agricultural Produce Commission Amendment Bill 2019 [LC 138–1]** *Minister for Agriculture and Food (Referred 11 June 2020)*

Second reading adjourned (Wednesday, 7 August 2019).

See Standing Committee on Legislation Report No. 45 (Tabled 16 September 2020). See also Standing Committee on Legislation Report No. 46, Correction to Report No. 45 (Tabled 23 September 2020).

- 39. Arts and Culture Trust Bill 2020 [LA 168–1]** *Minister for Education and Training representing the Minister for Culture and the Arts*

Second reading adjourned (Wednesday, 16 September 2020).

- 40. *Animal Welfare and Trespass Legislation Amendment Bill 2020 [LA 196–2]** *Minister for Agriculture and Food*

Second reading adjourned (Wednesday, 23 September 2020).

cf SNP 196 Issue 2 – 8 October 2020.

- 41. Sunday Entertainments Repeal Bill 2019 [LA 143–1]** *Minister for Regional Development representing the Minister for Commerce*

Second reading adjourned (Wednesday, 23 September 2020).

42. *Corruption, Crime and Misconduct Amendment Bill 2017 [LA 41–1] Leader of the House representing the Attorney General

Committee progress clause 1 (Wednesday, 20 February 2019).

cf SNP 41 Issue 4 – 19 February 2019.

See Standing Committee on Procedure and Privileges Report 48 (Tabled 10 May 2018).

See Standing Committee on Procedure and Privileges Report 59 (Tabled 13 October 2020).

43. *National Disability Insurance Scheme (Worker Screening) Bill 2020 [LA 202–1] Minister for Disability Services

Second reading adjourned (Wednesday, 9 September 2020).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 130 (Tabled 27 October 2020).

44. Appropriation (Recurrent 2020–21) Bill 2020 [LA 210–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 3 November 2020).

45. Appropriation (Capital 2020–21) Bill 2020 [LA 209–1] Minister for Environment representing the Treasurer

Second reading adjourned (Tuesday, 3 November 2020).

46. Building and Construction Industry (Security of Payment) Bill 2020 [LA 207–2] Minister for Regional Development representing the Minister for Commerce

Second reading adjourned (Wednesday, 11 November 2020).

47. Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 3 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion –

That Recommendation 3 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435, 4240 (Tabled 28 June 2016) and 1476 (Tabled 15 May 2014).

Recommendation 3 states —

That Recommendations 1 to 3 contained in Report 39 of the Standing Committee on Procedure and Privileges, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, be adopted and agreed to.

Recommendation 1 of Report 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, as follows —

That the House does not proceed with the Recommendations 2(a) and 2(c) contained in the Standing Committee on Procedure and Privileges — Report 29 — Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

Recommendation 2(a) of Report 29, Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (a) amend the *Criminal Code* so as to clarify that the proceedings of Parliament may be used as evidence in the prosecution of an offence under sections 55 to 59 of the *Criminal Code*;

Recommendation 2(c) of Report 29, *Review of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament*, as follows —

The Committee recommends that the State Government instruct the Parliamentary Counsel to draft a bill or bills to:

- (c) amend the constitutional and/or electoral legislation to abolish the ability of a House of Parliament of Western Australia to expel one of its Members; and

[Note: Recommendations 2 and 3 of Report 39, *Reference from the House on 25 February 2015; Standing Order 97: Strangers in the Council; and Standing Order 181: Witnesses' Entitlements*, were agreed to by the House on 7 December 2017]

48. *Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 4 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 4 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435 and 4241 (Tabled 28 June 2016).

Recommendation 4 states —

That Recommendation 1 contained in Report 40 of the Standing Committee on Procedure and Privileges, *E-Petitions*, be adopted and agreed to.

Recommendation 1 of Report 40, *E-Petitions*, as follows —

That new **Temporary Order 6**, as outlined below, be adopted by the Council to apply until (and including) 31 December 2017 —

6. E-Petitions

- (1) An E-Petition is a petition —
 - (a) in the correct form prescribed by Standing Order 101;
 - (b) facilitated by a Member and lodged with the Clerk for publication on the Parliament's Internet Website for a nominated period ("posted period");
 - (c) persons must indicate their support of ("join the petition") by electronically providing their name, address (including postcode) and email address, and signifying their intention to join the petition.
- (2) The posted period for an E-Petition is to be a minimum of one week and a maximum of six months from the date of publication on the Parliament's Internet Website.
- (3) The Member facilitating the E-Petition must provide the Clerk with the details of the petition in the correct form; the posted period and a signed acknowledgment that they are prepared to facilitate the E-Petition.
- (4) Once published on the Parliament's Internet Website an E-Petition cannot be altered.

- (5) Only one E-Petition dealing with substantially the same grievance and requesting substantially the same action by the Council shall be published on the Parliament's Internet Website at the same time.
- (6) Once the posted period for an E-Petition has elapsed, a paper copy of the Petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Council by the Member that facilitated the E-Petition.
- (7) An E-Petition published on the Parliament's Internet Website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, shall be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
- (8) An E-Petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
- (9) Persons must join an E-Petition by filling out their correct details and personally agreeing to join the E-Petition, and by no one else, except in the case of incapacity from sickness.
- (10) A person cannot sign or join an E-Petition more than once.
- (11) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
- (12) The Clerk may decline to publish an E-Petition on the website not in conformity with these Orders and shall advise the facilitating Member accordingly.
- (13) The Clerk shall ensure that all Government responses to E-Petitions are posted on the website.
- (14) The Clerk or any Member may seek a ruling from the President of the Legislative Council relating to the conformity or otherwise of any E-Petition with these Orders.
- (15) The Clerk is authorised to create and maintain an appropriate internet website on which to publish E-Petitions, responses to E-Petitions and other explanatory information and do all things necessary in order to give effect to these Orders.
- (16) The Clerk must dispose of all electronic personal data relating to the posting and joining of an E-Petition within six months after an E-Petition is printed and presented to the Legislative Council.
- (17) The Standing Orders for petitions have application to E-Petitions insofar as they can be applied.

49. *Standing Committee on Procedure and Privileges — Report 45 — Outstanding Matters from the 39th Parliament — Recommendation 5 (Tabled 24 August 2017)

Continuation of remarks Hon Adele Farina — 45 mins (Thursday, 24 August 2017) in moving the following motion —

That Recommendation 5 contained in Report 45 of the Standing Committee on Procedure and Privileges, *Outstanding Matters from the 39th Parliament*, be adopted and agreed to.

See Tabled papers 435 and 4772 (Tabled 13 October 2016).

Recommendation 5 states —

That Recommendation 1 contained in Report 42 of the Standing Committee on Procedure and Privileges, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, be adopted and agreed to.

Recommendation 1 of Report 42, *Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference*, as follows —

- (1) That **Schedule 1: Committees, Item 9.2(a)** be deleted and the following substituted —

- (a) Monitor and report to Parliament on the exercise of the functions of the —
 - (i) Corruption and Crime Commission;
 - (ii) Parliamentary Inspector of the Corruption and Crime Commission; and
 - (iii) Public Sector Commissioner in relation to functions under the *Corruption, Crime and Misconduct Act 2003*;
- (2) That the Legislative Assembly be acquainted accordingly and be invited to pass a similar resolution.

50. *Standing Committee on Procedure and Privileges — Report 52 — A matter of privilege raised by Hon Jim Chown (Tabled 20 September 2018)

Committee (Thursday, 20 September 2018).

Consideration of Recommendation 1 contained in Report 52 of the Standing Committee on Procedure and Privileges, *A matter of privilege raised by Hon Jim Chown*.

See Tabled paper 1945 (Tabled 20 September 2018).

Recommendation 1 states —

The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.

51. *Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019 — Referral of Commonwealth amending legislation to the Delegated Legislation Committee (Tabled 20 August 2019)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1 and 2 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

See Tabled paper 2950 (Tabled 20 August 2019).

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

- (5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:
 - (a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and
 - (b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

52. *Standing Committee on Uniform Legislation and Statutes Review — Report 123 — Fair Trading Amendment Bill 2019 — Referral of Commonwealth amending legislation to the Legislation Committee (*Tabled 20 August 2019*)

Committee (Wednesday, 20 August 2019).

Consideration of Recommendations 1, 2, 5 and 6 contained in Report 123 of the Standing Committee on Uniform Legislation and Statutes Review, *Fair Trading Amendment Bill 2019*.

See Tabled paper 2950 (Tabled 20 August 2019).

Recommendation 1 states —

The Legislative Council delete Standing Order 67(1) of the Standing Orders of the Legislative Council and replace it as follows:

For the purpose of this Standing Order, a “regulation” includes any instrument made subject to disallowance by a written law.

Recommendation 2 states —

The Legislative Council amend Standing Order 67 of the Standing Orders of the Legislative Council as follows:

Delete Standing Orders 67(5)(a) and (b) and insert the following:

- (5) Where on the 17th sitting day after the motion was moved (exclusive of the day on which the motion was moved) a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (6) Subject to (7), where on the proposed last sitting day prior to a general election, a motion to disallow a regulation remains unresolved, then the question shall be put before the Council rises on that day.
- (7) Where a written law provides that a motion to disallow a regulation does not lapse on prorogation, dissolution, or expiry of a House, and:
 - (a) a motion to disallow a regulation remains unresolved on the proposed last sitting day prior to a general election; and
 - (b) the last sitting day is the 16th or earlier sitting day after the motion was moved (exclusive of the day on which the motion was moved),

the motion to disallow shall be an order of the day in the next Parliament and unless disposed of earlier, the question shall be put in accordance with (5) in the next Parliament.

Recommendation 5 states —

The Legislative Council insert a new Standing Order 67A of the Standing Orders of the Legislative Council as follows:

67A. Referral to Legislation Committee

An order of the day to disallow a regulation, which order does not lapse on prorogation, dissolution or expiry of the Council, is referred to the Legislation Committee for consideration and report.

Recommendation 6 states —

The Legislative Council amend the Standing Committee on Legislation’s term of reference 4.3 in Schedule 1 of the Standing Orders of the Legislative Council as follows:

Insert paragraph (b) as follows:

- (b) regulation subject to a motion to disallow that does not lapse on prorogation, dissolution or expiry of the Council.

- 53. Pilbara Port Assets (Disposal) Repeal Bill 2017 [LC 7–1] Hon Robin Chapple**
Second reading continuation of remarks Hon Jacqui Boydell (Thursday, 7 September 2017).
- 54. Criminal Code Amendment (Industrial Manslaughter) Bill 2017 [LC 11–1]**
Hon Alison Xamon
Second reading continuation of remarks Hon Robin Chapple — 38 mins (Thursday, 15 August 2019).
- 55. Prevention of Forced Closure of Remote Aboriginal Communities Bill 2017 [LC 9–1]**
Hon Robin Chapple
Second reading adjourned (Thursday, 15 June 2017).
- 56. Electoral Amendment (Access to Ministers) Bill 2017 [LC 27–1] Hon Alison Xamon**
Second reading continuation of remarks Hon Pierre Yang — 28 mins (Thursday, 13 August 2020).
- 57. Environmental Protection Amendment (Clearing for Fire Risk Reduction) Bill 2017 [LC 49–1] Hon Dr Steve Thomas**
Second reading adjourned (Thursday, 7 December 2017).
- 58. Environmental Protection Amendment (Banning Plastic Bags and Other Things) Bill 2018 [LC 12–1B] Hon Robin Chapple**
Second reading continuation of remarks Hon Dr Sally Talbot — 37 mins (Thursday, 28 June 2018).
- 59. Industrial Relations (Equal Remuneration) Amendment Bill 2018 [LC 62–1]**
Hon Alison Xamon
Second reading adjourned (Thursday, 29 March 2018).
- 60. Litter Amendment (Balloons) Bill 2018 [LC 65–1] Hon Robin Chapple**
Second reading adjourned (Thursday, 29 March 2018).
- 61. Petroleum and Geothermal Energy Resources Amendment (Veto Powers) Bill 2017 [LC 48–1] Hon Rick Mazza**
Second reading adjourned (Thursday, 17 May 2018).
- 62. Equal Opportunity (LGBTIQ Anti-Discrimination) Amendment Bill 2018 [LC 84–1]**
Hon Alison Xamon
Second reading adjourned (Thursday, 28 June 2018).
- 63. Misuse of Drugs Amendment Bill 2018 [LC 92–1] Hon Aaron Stonehouse**
Second reading adjourned (Thursday, 16 August 2018).
- 64. Criminal Code Amendment (Desecration of War Memorials) Bill 2018 [LC 107–1]**
Hon Charles Smith
Second reading adjourned (Thursday, 1 November 2018).
- 65. Electoral Amendment (Ticket Voting and Associated Reforms) Bill 2019 [LC 121–1]**
Hon Alison Xamon
Second reading continuation of remarks Hon Aaron Stonehouse (Thursday, 6 June 2019).
- 66. Food Amendment (Shark Fin Prohibition) Bill 2019 [LC 131–1] Hon Diane Evers**
Second reading adjourned (Thursday, 6 June 2019).

- 67. Firearms Amendment (Airsoft) Bill 2019** [LC 146–1] *Hon Aaron Stonehouse*
Second reading continuation of remarks Hon Dr Sally Talbot — 16 mins (Thursday, 14 May 2020).
- 68. *Game and Feral Animal Control Bill 2018** [LC 153–1] *Hon Rick Mazza*
Second reading continuation of remarks Hon Tjorn Sibma — 40 mins (Thursday, 15 October 2020).
cf SNP 153 Issue 1 – 14 October 2020.
- 69. Rights of Nature and Future Generations Bill 2019** [LC 151–1] *Hon Diane Evers*
Second reading adjourned (Thursday, 28 November 2019).
- 70. Environment Court Bill 2019** [LC 159–1] *Hon Diane Evers*
Second reading adjourned (Thursday, 28 November 2019).
- 71. Royalties for Regions Amendment Bill 2019** [LC 158–1] *Hon Diane Evers*
Second reading continuation of remarks Hon Dr Sally Talbot — 42 mins (Thursday, 19 March 2020).
- 72. Climate Change and Greenhouse Gas Emissions Reduction Bill 2020** [LC 172–1]
Hon Tim Clifford
Second reading continuation of remarks Hon Pierre Yang — 43 mins (Thursday, 5 November 2020).
- 73. *Criminal Procedure Amendment (Trial by Judge Alone) Bill 2017** [LC 43–1]
Hon Aaron Stonehouse
Second reading adjourned (Thursday, 26 September 2019).
See Standing Committee on Legislation Report No. 42 (Tabled 12 May 2020).
- 74. Forest Products Amendment Bill 2020** [LC 201–1] *Hon Diane Evers*
Second reading adjourned (Thursday, 13 August 2020).
- 75. Irrigation Schemes in Western Australia** (*Moved 17 May 2018*)
Continuation of remarks adjourned Hon Colin Holt — 9 mins (Thursday, 17 May 2018) on the motion of Hon Rick Mazza as follows —
That this House recognises the importance of irrigation schemes in Western Australia, the concerns some growers have with allocation limits, the impacts on private property rights and the failure of successive governments to implement a workable Water Resources Management Bill for Western Australia.
Total time remaining on motion – 9 mins.

BILLS REFERRED TO COMMITTEES

- 1. Guardianship and Administration Amendment (Medical Research) Bill 2020** [LA 176–1b]
Leader of the House (Referred 2 April 2020)
On the motion of Hon Michael Mischin as follows —
- (1) The *Guardianship and Administration Amendment (Medical Research) Bill 2020* (“**Bill**”) in the form it was agreed to by the Legislative Council and Legislative Assembly, is referred to the Legislation Committee.
 - (2) The Committee is to inquire into the Bill and the amendments made to the *Guardianship and Administration Act 1990* by the *Guardianship and Administration Amendment (Medical Research) Act 2020*.
 - (3) The Committee is to report by Wednesday, 25 November 2020.
- Now stands referred to the Standing Committee on Legislation.

2. Statutes (Repeals and Minor Amendments) Bill 2020 [LC 200–1B] Minister for Education and Training

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review.
Second reading adjourned (Wednesday, 9 September 2020).

3. *Electoral Amendment Bill 2020 [LA 100–2] Minister for Electoral Affairs

Now stands referred to the Standing Committee on Legislation to report by 12 November 2020.
Second reading adjourned (Thursday, 10 September 2020).
cf SNP 100 Issue 2 – 24 September 2020.

MATTERS REFERRED TO COMMITTEES

1. Matter of Privilege (Referred 12 June 2019)

Now stands referred to the Standing Committee on Procedure and Privileges (Standing Order 93(5)).
See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

2. *Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Ms Emily Roper (Referred 15 August 2019)

In relation to the refusal by Ms Emily Roper, the Acting Director General of the Department of the Premier and Cabinet, to comply with a summons to attend and produce documents at 9.00am on Friday, 9 August 2019, issued by the Legislative Council Standing Committee on Procedure and Privileges, and the events leading up to that non-compliance:

- (1) Did Ms Emily Roper, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.
See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

3. *Standing Committee on Procedure and Privileges — Referral of a Matter of Privilege in relation to Mr Darren Foster (Referred 15 August 2019)

In relation to the actions of Mr Darren Foster, the Director General of the Department of the Premier and Cabinet, in producing documents to the Corruption and Crime Commission relating to former Members of the Legislative Council without following a procedure that the Legislative Council or the Legislative Council Standing Committee on Procedure and Privileges had authorised for determining issues of parliamentary privilege:

- (1) Did Mr Darren Foster, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

Now stands referred to the Standing Committee on Procedure and Privileges.
See Standing Committee on Procedure and Privileges Report No. 55 (Tabled 14 August 2019).

4. Standing Committee on Environment and Public Affairs — Report 54 — The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs – are they clear for petitioners and do they reflect its core petitions role? (Referred 17 September 2020)

On the motion of Hon Matthew Swinbourn as follows —

That recommendations 1, 3, 7, 8, 9, 11, 12, 13 and 14 of Report 54 of the Standing Committee on Environment and Public Affairs, *The functions, Procedures and Processes of the Standing Committee on Environment and Public Affairs – are they clear for petitioners and do they reflect its core petitions role?* be referred to the Standing Committee on Procedure and Privileges for inquiry and report.

Now stands referred to the Standing Committee on Procedure and Privileges.

SELECT COMMITTEES

1. Joint Select Committee into Palliative Care in Western Australia (Established 28 May 2020)

Resolution of the Legislative Council and Legislative Assembly as follows —

- (1) That a Joint Select Committee of the Legislative Assembly and Legislative Council into palliative care in Western Australia be established.
- (2) That the Joint Select Committee inquire into and report on —
 - (a) the progress in relation to palliative care, in particular implementation of recommendations of the Joint Select Committee into End of Life Choices;
 - (b) the delivery of the services associated with palliative care funding announcements in 2019–2020;
 - (c) the delivery of palliative care into regional and remote areas; and
 - (d) the progress on ensuring greater equity of access to palliative care services between metropolitan and regional areas.
- (3) That the Joint Select Committee consist of six members, of whom —
 - (a) three will be members of the Assembly; and
 - (b) three will be members of the Council.
- (4) That the Standing Orders of the Legislative Council relating to Standing and Select Committees will be followed as far as they can be applied.
- (5) That the Joint Select Committee report to both Houses by 19 November 2020.

On 28 May 2020 the following Legislative Council Members were appointed to the Committee —
Hon. Nick Goiran MLC (Deputy Chair)

Hon. Alison Xamon MLC

Hon. Kyle McGinn MLC

On 20 May 2020 the following Legislative Assembly Members were appointed to the Committee —
Mr Chris Tallentire MLA (Chair)

Mr Zak Kirkup MLA

Mr Shane Love MLA

CONSIDERATION OF COMMITTEE REPORTS

1. Standing Committee on Environment and Public Affairs — Report No. 52 — Punitive not protective: when the mandatory registration of young people is not based on risk (Tabled 21 May 2020)

Continuation of remarks Hon Alison Xamon — 8 mins (Wednesday, 11 November 2020) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 3886.*

(After 40 minutes Temporary Order 4 applies).

Government Response tabled 11 August 2020 (Tabled paper 4034).

2. Joint Standing Committee on the Corruption and Crime Commission — Report No. 13 — Annual Report 2018–19 (Tabled 28 November 2019)

Continuation of remarks Hon Nick Goiran — 8 mins (Wednesday, 11 November 2020) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 3452.*

(After 49 minutes Temporary Order 4 applies). (Temporary Order 4 applied 10 June 2020).

3. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 5 — From Words to Action — Fulfilling the obligation to be child safe (Tabled 13 August 2020)

Resumption of postponed debate (Wednesday, 11 November 2020) on motion of Hon Stephen Dawson that the report be noted. *See Tabled paper 4092.*

(After 60 minutes Temporary Order 4 applies).

4. Standing Committee on Public Administration — Report No. 31 — Coming home safely: WorkSafe and the workplace culture in Western Australia (Tabled 18 August 2020)

Continuation of introductory remarks Hon Kyle McGinn — 8 mins (Wednesday, 11 November 2020) on the motion that the report be noted. *See Tabled paper 4119.*

(After 48 minutes Temporary Order 4 applies).

Government Response tabled 20 October 2020 (Tabled paper 4499).

5. Standing Committee on Uniform Legislation and Statutes Review — Report No. 124 — Inquiry into the Form and Content of the Statute Book (Tabled 19 November 2019)

Continuation of remarks Hon Pierre Yang — 9 mins (Wednesday, 19 August 2020) on the motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 3396.*

Government Response tabled 11 February 2020 (Tabled paper 3528).

(Temporary Order 4 applied 19 August 2020).

6. Select Committee into Elder Abuse — Final Report — ‘I never thought it would happen to me’: When trust is broken (Tabled 13 September 2018)

Continuation of remarks Hon Dr Sally Talbot — 2 mins (Wednesday, 19 August 2020) on the motion of Hon Nick Goiran that the report be noted. *See Tabled paper 1787.*

Government Response tabled 20 November 2018 (Tabled paper 2182).

(Temporary Order 4 applied 10 October 2018, 13 February 2019, 3 April 2019, 8 May 2019, 14 August 2019, 25 September 2019, 11 March 2020, 19 August 2020).

7. Standing Committee on Environment and Public Affairs — Report No. 53 — Overview of Petitions 1 July 2018 to 31 December 2018 (*Tabled 20 August 2020*)

Consideration. *See Tabled paper 4141.*

8. Standing Committee on Estimates and Financial Operations — Report No. 78 — 2019-20 Budget Cycle – Part 1: Estimates hearings and related matters (*Tabled 16 October 2019*)

Continuation of remarks Hon Pierre Yang — 10 mins (Wednesday, 9 September 2020) on the motion of Hon Stephen Dawson that the report be noted. *See Tabled paper 3270.*

Government Response tabled 5 December 2019 (Tabled paper 3491).

(Temporary Order 4 applied 18 March 2020, 9 September 2020).

9. Select Committee on Personal Choice and Community Safety — Final Report — Community safety: for the greater good, but at what cost? (*Tabled 12 May 2020*)

Continuation of remarks Hon Aaron Stonehouse — 8 mins (Wednesday, 16 September 2020) on the motion of Hon Aaron Stonehouse that the report be noted. *See Tabled paper 3848.*

Government Response tabled 18 August 2020 (Tabled paper 4113).

(Temporary Order 4 applied 16 September 2020).

10. Standing Committee on Environment and Public Affairs — Report No. 54 — The functions, processes and procedures of the Standing Committee on Environment and Public Affairs — are they clear for petitioners and do they reflect its core petitions role? (*Tabled 17 September 2020*)

Consideration. *See Tabled paper 4233.*

11. Select Committee into Local Government — Final Report — Inquiry into Local Government (*Tabled 22 September 2020*)

Consideration. *See Tabled paper 4262.*

12. Select Committee into Alternate Approaches to Reducing Illicit Drug Use and its Effects on the Community — Final Report — Help, Not Handcuffs: Evidence-Based Approaches to Reducing Harm from Illicit Drug Use (*Tabled 28 November 2019*)

Resumption of postponed debate (Wednesday, 23 September 2020) on the motion of Hon Alison Xamon that the report be noted. *See Tabled paper 3450.*

Government Response tabled 25 June 2020 (Tabled paper 4001).

(Temporary Order 4 applied 13 May 2020, 23 September 2020).

13. Joint Standing Committee on the Corruption and Crime Commission — Report No. 15 — If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force (*Tabled 24 September 2020*)

Consideration. *See Tabled paper 4371.*

14. Standing Committee on Environment and Public Affairs — Report No. 55 — Overview of Petitions, 1 January 2019 to 30 June 2019 (*Tabled 24 September 2020*)

Consideration. *See Tabled paper 4372.*

15. Standing Committee on Environment and Public Affairs — Report No. 56 — Overview of Petitions, 1 July 2019 to 30 June 2020 (*Tabled 24 September 2020*)

Consideration. *See Tabled paper 4373.*

16. Standing Committee on Public Administration — Report No. 33 — Private Property Rights: The Need for Disclosure and Fair Compensation (*Tabled 30 September 2020*)

Consideration. *See Tabled paper 4391.*

17. Standing Committee on Estimates and Financial Operations — Report No. 80 — 2018-19 Budget Cycle – Part 2: Annual Report Hearings (Tabled 19 March 2020)

Continuation of remarks Hon Nick Goiran — 8 mins (Wednesday, 14 October 2020) on motion of Hon Alanna Clohesy that the report be noted. *See Tabled paper 3710 (Temporary Order 4 applied 14 October 2020).*

18. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 6 — Annual Report 2019–2010 (Tabled 15 October 2020)

Consideration. *See Tabled paper 4482.*

19. Select Committee into Mining on Pinjin Station — Final Report — Inquiry into Mining on Pinjin Station (Tabled 14 May 2020)

Continuation of remarks Hon Kyle McGinn — 1 min (Wednesday, 21 October 2020) on the motion of Hon Kyle McGinn that the report be noted. *See Tabled paper 3870. Government Response tabled 11 August 2020 (Tabled paper 4033). (Temporary Order 4 applied 21 October 2020).*

20. Joint Standing Committee on the Corruption and Crime Commission — Report No. 14 — Red flags...red faces. Corruption risk in public procurement in Western Australia (Tabled 19 May 2020)

Resumption of postponed debate (Wednesday, 11 November 2020) on motion of Hon Stephen Dawson that the report be noted. *See Tabled paper 3871. (Temporary Order 4 applied 11 November 2020). Government Response tabled 11 August 2020 (Tabled paper 4032).*

21. Standing Committee on Estimates and Financial Operations — Report No. 82 — The Local Projects Local Jobs program and the establishment of a Parliamentary Budget Office (Tabled 25 June 2020)

Resumption of debate adjourned (Wednesday, 11 November 2020) on motion of Hon Alison Xamon that the report be noted. *See Tabled paper 4006. (Temporary Order 4 applied 11 November 2020). Government Response tabled 8 September 2020 (Tabled paper 4149).*

GOVERNMENT RESPONSES

<i>Committee</i>	<i>Minister</i>	<i>Due Date</i>
Joint Standing Committee on the Commissioner for Children and Young People Report 5 — <i>From Words to Action — Fulfilling the Obligation to be Child Safe</i> Tabled 13 August 2020 #TP 4092	Premier	13 November 2020
Select Committee into Local Government — Final Report — <i>Inquiry into Local Government</i> Tabled 22 September 2020 #TP 4262	Leader of the House	22 November 2020
Joint Standing Committee on the Corruption and Crime Commission — Report No. 15 — <i>If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force</i> Tabled 24 September 2020 #TP 4371	Premier	24 December 2020
Standing Committee on Public Administration — Report No. 33 — <i>Private Property Rights: The Need for Disclosure and Fair Compensation</i> Tabled 30 September 2020 #TP 4391	Leader of the House	30 November 2020

* For amendments see Supplementary Notice Paper and/or Committee Report

Ω Note: Legislative Assembly Standing Orders apply.

For a list of all Petitions tabled see cumulative Tabled Paper list.

NIGEL PRATT

Clerk of the Legislative Council