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Daily Notice Paper



LEGISLATIVE COUNCIL

TUESDAY, 14 SEPTEMBER 2021

2.00pm

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, 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.

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MOTIONS

1. Reform of Western Australia's Fines Enforcement Regime *(Notice given 1 June 2021)*

Hon Pierre Yang: To move —

That this House notes the historic reform of Western Australia's fines enforcement regime during the last term of Government and commends the McGowan Government on the meaningful difference this reform has provided to those in our community who experience genuine hardship as a result of their inability to pay a fine. In particular this House notes in relation to the reform —

- (a) the impact of the commencement of the Work and Development Permit Scheme;
- (b) the reduction of individuals imprisoned as a result of fine default;
- (c) the introduction of garnishee orders and their impact in recovering payment for outstanding fines; and
- (d) the prohibition of issuing licence suspension orders for individuals whose last known address is in a remote area, addressing the disproportionate impact of suspended licences on individuals living in remote areas without public transport infrastructure.

2. Sustainable Management of Western Australia's Fisheries *(Notice given 2 June 2021)*

Hon Dr Sally Talbot: To move —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to sustainable management of Western Australia's fisheries.

3. Innovation Voucher Program *(Notice given 2 June 2021)*

Hon Dan Caddy: To move —

That this House notes the McGowan Government's commitment to foster innovation and grow entrepreneurship in Western Australia through the successful Innovation Voucher Program and by providing initial funding for start-ups and small businesses to commercialise their ideas and create jobs.

4. McGowan Labor Government — Machinery of Government Changes *(Notice given 3 June 2021)*

Hon Peter Collier: To move —

That this House expresses its concern with the McGowan Labor Government's machinery of government changes, in particular the establishment of the Department of Communities, in relation to, amongst other things —

- (a) the impact of the amalgamation of five departments into one with the Department of Communities upon some of Western Australia's most vulnerable people;
- (b) the issues surrounding a lack of leadership and direction within departments; and
- (c) the issues surrounding the duplication of Ministerial responsibility within amalgamated departments.

5. Housing Concerns *(Notice given 3 June 2021)*

Hon Steve Martin: To move —

That this House expresses its concern with issues within the Housing portfolio, in particular —

- (a) the unacceptable and rising level of homelessness throughout Western Australia;
- (b) the impact of COVID-19 on affordable housing, and
- (c) the shortage of rental housing throughout Western Australia and the shortfall in government provided housing.

6. World Elder Abuse Awareness *(Notice given 3 June 2021)*

Hon Rosetta Sahanna: To move —

That the Legislative Council notes the McGowan Government's ongoing efforts to combat elder abuse in Western Australia and recognise the importance of World Elder Abuse Awareness Day.

7. State Disability Strategy *(Notice given 3 June 2021)*

Hon Lorna Harper: To move —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to building inclusive communities which support and empower people with disability, through the State Disability Strategy.

8. Ambulance Ramping Crisis *(Notice given 15 June 2021)*

Hon Dr Steve Thomas: To move —

That the Legislative Council calls on the Government to acknowledge and fix the ambulance ramping crisis afflicting our health system.

9. Machinery of Government — Outcomes *(Notice given 15 June 2021)*

Hon Dr Steve Thomas: To move —

That the Legislative Council calls on the Government to identify the costs, savings and outcomes of its Machinery of Government changes implemented on 1 July 2017.

10. Contribution of WA Police *(Notice given 15 June 2021)*

Hon Peter Collier: To move —

That this House —

- (1) Recognises the valuable contribution of WA Police to the State.
- (2) Encourages the Labor Government to recognise the significant pressures on all areas of the police force due to factors including —
 - (a) COVID-19;
 - (b) substance abuse throughout the community;
 - (c) cost of living pressures for officers, particularly those serving in remote and regional areas of the State; and
 - (d) increased domestic violence cases,
 and calls upon the Government to provide the appropriate salary and conditions accordingly.

11. Family and Domestic Violence *(Notice given 15 June 2021)*

Hon Sandra Carr: To move —

That this House notes —

- (a) the public interest that has been generated from the recently aired 'See What You Made Me Do' television series aired on SBS about peoples' experiences of family and domestic violence; and
- (b) the efforts of the McGowan Government to address this issue in the community through a significant increase in funding, awareness, and legislative reform.

12. Improved Seniors' Safety and Security Rebate *(Notice given 16 June 2021)*

Hon Martin Pritchard: To move —

That the Legislative Council notes the McGowan Government's reinstatement of the improved seniors' Safety and Security Rebate and the impact that this \$16 million election commitment will have in ensuring that our seniors are protected and secure in their homes.

13. Investment in Early Years *(Notice given 16 June 2021)*

Hon Donna Faragher: To move —

That this House —

- (a) recognises that the early years are identified as a critical period in a child's life marked by rapid and significant changes in their physical, cognitive, social and emotional development; and
- (b) calls on the McGowan Government to significantly increase its investment in this critical area.

14. Human Rights of People with Disability *(Notice given 17 June 2021)*

Hon Stephen Pratt: To move —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to individual and systemic advocacy in Western Australia in working to promote, protect and defend the human rights of people with disability.

15. Defence to the Presence of THC in a Driver *(Notice given 22 June 2021)*

Hon Dr Brian Walker: To move —

That this House urges the McGowan Government to legislate to introduce a complete defence to the presence of THC in a driver's oral fluid or blood in circumstances where —

- (a) the driver has a valid doctor's prescription for a medicine containing THC;
- (b) the offence does not involve dangerous or reckless driving; and
- (c) an officer has not established driver impairment.

16. Corruption and Crime Commission — Access to Documents *(Notice given 24 June 2021)*

Hon Nick Goiran: To move —

That this House —

- (a) expresses its appreciation to the Members and staff responsible for the drafting, tabling and publishing of the 61st report of the Standing Committee on Procedure and Privileges (Committee);
- (b) is concerned that good faith negotiations between the Committee and the Corruption and Crime Commission (CCC) ceased inexplicably;
- (c) notes that the Committee's audit reveals that 1,120 privileged documents were provided without parliamentary approval by the Government to the CCC;
- (d) 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

encourages the CCC to avail itself forthwith of the opportunity to access the more than 450,000 non-privileged records.

17. Western Australia's Economy *(Notice given 9 September 2021)*

Hon Jackie Jarvis: To move —

That the Legislative Council notes the continued improvement in Western Australia's economy and financial situation under the McGowan Labor Government.

18. Insurance Commission of Western Australia *(Notice given 9 September 2021)*

Hon Nick Goiran: To move —

That this House —

- (1) Notes that the Insurance Commission of Western Australia (Commission) —
 - (a) received \$665.4 million on 11 September 2020 as its share of the settlement of the Bell Group litigation settlement;
 - (b) were not involved in the preparation of the Premier's media release on 4 October 2020 which said that every residential household would from 1 November 2020 receive a one-off \$600 electricity bill credit "funded from the recent Bell Group settlement";

- (c) paid approximately \$200 million to the Government in 2020-21 by way of tax equivalent payments on the Bell settlement sum; and
 - (d) have covered approximately \$292 million in costs arising from the Bell litigation leaving it with an after tax net sum of \$173 million.
- (2) Expresses its concern that the Premier —
- (a) misled Western Australians when he made his electricity credit announcement on 4 October 2020; and
 - (b) did not have the Bell settlement funds when the electricity bill credits were issued.
- (3) Reminds the Premier that the funding of the Bell Group litigation was derived from a WA Inc levy imposed on motorists.
- (4) Calls on the Premier to —
- (a) acknowledge that the Commission Board owe fiduciary duties;
 - (b) undertake not to interfere with the discharge of those duties; and
 - (c) table any reports he receives from the Commission under sections 28 or 29 of the *Insurance Commission of Western Australia Act 1986*.

ORDERS OF THE DAY

1. *City of Kalamunda Dogs Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Question to be put at today's sitting)

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Kalamunda Dogs Local Law 2021* published in the *Gazette* on 16 April 2021 and tabled in the Legislative Council on 4 May 2021 under the *Dog Act 1976*, be and is hereby disallowed. (Tabled Paper 51).

See Joint Standing Committee on Delegated Legislation Report No. 1 (Tabled 9 September 2021).

2. Weapons Amendment Regulations 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 10 August 2021 on the motion of Hon Dr Brian Walker (Days remaining 5 after today (Indicative date — 14 October 2021))

That the *Weapons Amendment Regulations 2021* published in the *Gazette* on 2 July 2021 and tabled in the Legislative Council on 3 August 2021 under the *Weapons Act 1999*, be and are hereby disallowed. (Tabled Paper 389).

3. Estimates of Revenue and Expenditure — Consolidated Fund Estimates 2021–2022 (Notice given 9 September 2021) Minister for Mental Health representing the Treasurer

Debate adjourned Hon Pierre Yang (Thursday, 9 September 2021) on the motion of the Minister for Mental Health representing the Treasurer as follows —

That pursuant to Standing Order No. 69(1) the Legislative Council take note of Tabled Paper No. 534A-D (2021–2022 Budget Statements), laid upon the Table of the House on 9 September 2021.

(Days remaining 9 after today – SO 69(2))

4. Conservation and Land Management Amendment Bill 2021 [LA 7–1] *Minister for Mental Health representing the Minister for Environment*

Second reading adjourned (Thursday, 24 June 2021).

5. Courts Legislation Amendment (Magistrates) Bill 2021 [LA 27–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Wednesday, 4 August 2021).

6. Transfer of Land Amendment Bill 2021 [LA 16–1] *Minister for Regional Development representing the Minister for Lands*

Second reading adjourned (Thursday, 5 August 2021).

7. *Fair Trading Amendment Bill 2021 [LC 19–1] *Minister for Regional Development representing the Minister for Commerce*

Second reading adjourned (Wednesday, 23 June 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 133 (Tabled 10 August 2021).

cf SNP 19 Issue 1 — 10 August 2021.

8. *Transport Legislation Amendment (Identity Matching Services) Bill 2021 [LC 26–1] *Leader of the House representing the Minister for Transport*

Second reading adjourned (Wednesday, 23 June 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 134 (Tabled 10 August 2021).

9. Children and Community Services Amendment Bill 2021 [LA 20–2] *Parliamentary Secretary to the Minister for Child Protection*

Second reading continuation of remarks in reply Parliamentary Secretary to the Minister for Child Protection — 53 mins (Thursday, 9 September 2021).

10. *Dog Amendment (Stop Puppy Farming) Bill 2021 [LA 22–1] *Leader of the House representing the Minister for Local Government*

Second reading continuation of remarks Hon Dr Steve Thomas — 45 mins (Thursday, 2 September 2021).

cf SNP 22 Issue 1 – 3 September 2021.

11. *Statutes (Repeals and Minor Amendments) Bill 2021 [LC 2–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Thursday, 6 May 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 135 (Tabled 31 August 2021).

12. Administration Amendment Bill 2021 [LA 13–2] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Tuesday, 7 September 2021).

13. Criminal Appeals Amendment Bill 2021 [LA 35–1] Parliamentary Secretary to the Attorney General

Second reading adjourned (Wednesday, 8 September 2021).

14. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 1 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 1 states —

A standing memorandum of understanding relating to the compulsory production of evidence and determinations as to material that is subject to parliamentary privilege be advanced between the Legislative Council and relevant investigative agencies, in accordance with the resolution of the Legislative Council of 5 September 2019.

15. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 2 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 2 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

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?

16. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 3 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 3 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

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?

17. Standing Committee on Uniform Legislation and Statutes Review — Report No. 133 — Fair Trading Amendment Bill 2021 (Tabled 10 August 2021)

Continuation of introductory remarks Hon Donna Faragher (Tuesday, 10 August 2021) in moving the following motion —

That Recommendation 1 of the Standing Committee on Uniform Legislation and Statutes Review contained in its Report 133, *Fair Trading Amendment Bill 2021*, be adopted and agreed to.

18. Misuse of Drugs Amendment Bill 2021 [LC 23–1] Hon Dr Brian Walker

Second reading adjourned (Thursday, 3 June 2021).

BILLS REFERRED TO COMMITTEES

1. Legal Profession Uniform Law Application (Levy) Bill 2021 [LA 32–1] *Parliamentary Secretary to the Attorney General*

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review. (SO 126 applies until 17 September 2021).

Second reading adjourned (Wednesday, 4 August 2021).

2. Legal Profession Uniform Law Application Bill 2021 [LA 31–2] Parliamentary Secretary to the Attorney General

Now stands referred to the Standing Committee on Uniform Legislation and Statutes Review. (SO 126 applies until 17 September 2021).

Second reading adjourned (Wednesday, 4 August 2021).

COMMITTEE INITIATED INQUIRIES

1. Standing Committee on Public Administration — Terms of Reference: Inquiry into the delivery of ambulance services in Western Australia (*Notice given 22 June 2021*)

Resolution of the Committee on 17 June 2021 to commence an Inquiry into the delivery of ambulance services in Western Australia with the following terms of reference —

- (a) how 000 ambulance calls are received, assessed, prioritised and despatched in the metropolitan area and in the regions;
- (b) the efficiency and adequacy of the service delivery model of ambulance services in metropolitan and regional areas of Western Australia;
- (c) whether alternative service delivery models in other jurisdictions would better meet the needs of the community; and
- (d) any other matters considered relevant by the Committee.

The Committee intends to table its report by March 2022.

CONSIDERATION OF COMMITTEE REPORTS

1. Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — Annual Report 2020–21 (*Tabled 9 September 2021*)

Consideration. *See Tabled paper 536.*

2. Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — 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 9 September 2021*)

Consideration. *See Tabled paper 537.*

GOVERNMENT RESPONSES

Committee	Minister	Due Date
^Ω Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — <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 9 September 2021 #TP 537	Attorney General Minister for Police	9 December 2021

* 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