

**LEGISLATIVE COUNCIL****THURSDAY, 18 AUGUST 2022****10.00am**

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, Motions Without Notice and Orders of the Day.

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MOTIONS

1. 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*.

2. Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings
(Notice given 12 October 2021)

Hon Nick Goiran: To move —

That this House —

- (1) Thanks the Commissioner for Children and Young People for his *Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings*.
- (2) Notes with grave concern the Commissioner's damning findings which expose that —
 - (a) children raised their concerns, and these were not responded to in a timely manner;
 - (b) the information and knowledge management systems of the Department are not fit for purpose and impede decision making for children and young people and organisational accountability;
 - (c) the Department does not have a cohesive or effective framework or policy, practices or services to understand and respond to children and young people with harmful sexual behaviours;
 - (d) the Department does not consistently ensure that high quality and safe care by well trained and supported staff and carers is provided to children and young people in the care of the CEO in residential care;
 - (e) the Department's risk assessment and management strategies are not effective in consistently preventing, identifying and mitigating risks to children and young people in residential care; and
 - (f) the Department's internal safeguards and review mechanisms do not contribute effectively to the safety of children and young people in residential care.
- (3) Calls on the Government to urgently provide a precise and time bound plan of how it proposes to address the Commissioner's findings and recommendations.

3. Amendment to Standing Orders — Removal of Prayers from Formal Business (Notice given 13 October 2021)

Hon Sophia Moermond: To move —

That Standing Order 14(1) be amended by:

- (a) deleting item (a); and
- (b) renumbering the remaining items accordingly.

4. Elder Abuse (*Notice given 15 February 2022*)

Hon Nick Goiran: To move —

That this House —

- (a) reminds the McGowan Labor Government that its January 2017 election manifesto on responding to elder abuse promised that it would “expedite” amendments to the law surrounding enduring powers of attorney and guardianship;
- (b) notes that on 13 September 2017 the Legislative Council established, on the motion of the Opposition, the Select Committee into Elder Abuse;
- (c) reminds the Government that the Select Committee’s 24th recommendation in its 2018 Final Report called on it to “act as a matter of urgency”;
- (d) notes that more than 5 years have passed since the election promise was made;
- (e) expresses its deep concern about the impact on victims of elder abuse given its prevalence in our State and reports of an increase during the pandemic; and
- (f) calls on the Government to apologise for breaking trust with the victims, the electors and the Parliament, and to make amends without any further delay.

5. COVID-19 in 2022 (*Notice given 24 February 2022*)

Hon Dr Steve Thomas: To move —

That this House:

- (a) notes this State’s lack of preparedness for the inevitable outbreak of COVID-19 in 2022 and the spread of the Omicron strain;
- (b) notes the constant changing of the State’s COVID rules by the State Government, and that the lack of consistency is damaging to the business community in particular;
- (c) notes the lack of openness and accountability of the Government in making these changes, including not making the information used to make the decisions and thresholds and trigger points freely available;
- (d) notes that this arrogant willingness to keep the community in the dark is unnecessary and unjustified, as the vast majority of the community is mature enough to assess the situation rationally; and
- (e) calls on the McGowan Government to stop treating the Western Australian community with contempt, and provide them with consistent, clear and manageable rules for COVID and release all supporting data and information used to justify them and all thresholds for future actions.

6. Government Budget Surpluses *(Notice given 23 March 2022)*

Hon Dr Steve Thomas: To move —

That this House —

(1) Notes that —

- (a) the McGowan Government's prediction of \$15 billion in surpluses over five years looks to be an underestimate given the high iron ore price and high oil price;
- (b) the McGowan Government has also reaped in hundreds of millions of dollars extra in local fees, charges and taxes, which has given it the highest revenues and largest budget surpluses in the history of Western Australia; and
- (c) despite this record income the McGowan Government has failed to adequately deliver services to the people and businesses of this State, and that many of their Ministers have failed in their tasks.

(2) Calls on the McGowan Government to use the massive wealth in the upcoming 2022-23 State Budget to improve its performance, and to deliver a real vision for the future of all the people of Western Australia, including those in the regions.

7. Homelessness in Western Australia *(Notice given 11 May 2022)*

Hon Sophia Moermond: To move —

That this House recognises that homelessness in Western Australia has reached alarming levels with around nine thousand people considered homeless on any given night of the week, and the McGowan Labor Government must do more to tackle the problem by —

- (a) urgently having independent analysis done on the changing scale and nature of homelessness across Western Australia taking into account the many social, economic and policy factors that impact on homelessness;
- (b) identifying policies and practices from all levels of government that have a bearing on delivering services to the homeless; and
- (c) drastically increasing financial aid to those organisations that work with the homeless so as they can expand their operations to help more Western Australian citizens.

8. Cost of Living *(Notice given 12 May 2022)*

Hon Sophia Moermond: To move —

That this House acknowledges the incredible rise in the cost of living that has become a burden on everyday Australians, with rising fuel and grocery prices, record inflation, and an increase in transport and business costs and —

- (a) urges the McGowan Labor Government to consider all economic levers at its disposal to further ease cost of living pressures in Western Australia; and
- (b) also urges the Premier, in his role as Treasurer, to set up an investigation by his department to consider how a Universal Basic Income for all Western Australian residents could ensure that citizens are keeping up with everyday cost of living pressures and that no one in our State is living under the poverty line.

9. Greyhound Racing (*Notice given 17 May 2022*)

Hon Sophia Moermond: To move —

That this House —

- (a) notes that the greyhound racing industry in Western Australia is a cruelty fuelled, so-called “sport”, that is designed to profit off the immense suffering and pain of racing greyhounds;
- (b) further notes that the wellbeing, safety, and welfare of greyhounds is *not* the number one priority of Greyhounds WA, instead it is only after corporate profits and government support to enrich themselves; and
- (c) calls on the government to immediately ban the archaic blood sport that is greyhound racing for good.

10. Select Committee into the adequacy of child development services and related programs delivered in Western Australia (*Notice given 16 June 2022*)

Hon Donna Faragher: To move —

- (1) A Select Committee is established to examine the adequacy of child development services and related programs delivered in Western Australia.
- (2) The Select Committee is to inquire into and report on —
 - (a) the critical importance of early access to child development services, including paediatric and allied health services, and the impact of any delay to accessing these services on a child’s overall development, health and wellbeing;
 - (b) the adequacy of Western Australian government child development services and related programs provided to support children and their families in both metropolitan and regional Western Australia;
 - (c) opportunities for improved collaboration and integration of child development services, programs and initiatives across both the government and non-government sectors;
 - (d) other government and non-government child development service models and programs operating outside of Western Australia which are having a positive benefit for children and their families and their potential for applicability to the State; and
 - (e) any other relevant matter.
- (3) The Select Committee is to report no later than 12 months after the motion is agreed to.
- (4) The Select Committee shall consist of three members.

11. Human Rights of People with Disability (*Notice given 16 June 2022*)

Hon Lorna Harper: 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.

12. Elimination of Gas in Residential Buildings (*Notice given 11 August 2022*)

Hon Dr Brad Pettitt: To move —

That this House calls on the McGowan Government to:

- (a) bring forward legislation that will end gas connections in all new residential buildings as soon as possible;
- (b) create and fund a plan to eliminate gas from houses entirely; and
- (c) develop and fund a range of incentives that will help households and businesses change over from gas to renewable, electric houses.

13. Underperformance of McGowan Government Ministers (*Notice given 17 August 2022*)

Hon Dr Steve Thomas: To move —

That this House notes the underperformance of a number of McGowan Government ministers, resulting in the loss of community and industry confidence across a range of sectors, and calls on the Premier to remove the worst Cabinet performers from their portfolios immediately rather than allowing them to warm their ministerial seat for months or years to come.

ORDERS OF THE DAY

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

Second reading continuation of remarks Hon Neil Thomson — 27 mins (Thursday, 11 August 2022).

2. *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).

3. Civil Procedure (Representative Proceedings) Bill 2021 [LA 37–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Thursday, 28 October 2021).

4. Charitable Trusts Bill 2022 [LA 68–2] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Thursday, 16 June 2022).

5. *Health and Disability Services (Complaints) Amendment Bill 2021 [LA 60–2] *Leader of the House representing the Minister for Health*

Second reading adjourned (Wednesday, 18 May 2022).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 138 (Tabled 9 August 2022).

6. Mining Amendment Bill 2021 [LA 49–1] Parliamentary Secretary to the Minister for Mines and Petroleum

Second reading adjourned (Tuesday, 9 August 2022).

7. Family Court Amendment Bill 2022 [LA 66–1] Parliamentary Secretary to the Attorney General

Second reading adjourned (Tuesday, 9 August 2022).

8. Bush Fires Amendment Bill 2022 [LA 73–1] Minister for Emergency Services

Committee progress clause 1 (Wednesday, 17 August 2022).

9. Casino Legislation Amendment (Burswood Casino) Bill 2022 [LA 76–1] Minister for Emergency Services representing the Minister for Racing and Gaming

Second reading adjourned (Thursday, 11 August 2022).

10. 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.

11. 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?

12. 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?

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

Second reading adjourned (Thursday, 3 June 2021).

14. Climate Change and Greenhouse Gas Emissions Reduction Bill 2021 [LC 48–1]
Hon Dr Brad Pettitt

Second reading adjourned (Thursday, 14 October 2021).

15. Retail Trading Hours Amendment Bill 2021 [LC 62–1] Hon Wilson Tucker

Second reading adjourned (Thursday, 16 December 2021).

16. Investment in Digital Inclusion (Moved 16 December 2021)

Resumption of debate adjourned (Thursday, 16 December 2021), on the motion of Hon Wilson Tucker as follows —

That this House:

- (a) recognises the benefits of digital inclusion, particularly in remote and regional areas of Western Australia;

- (b) notes that despite the rollout of the NBN, many regional Western Australians still lack network access and remain effectively digitally excluded; and
- (c) calls on the State Government to increase investment in initiatives to improve network access and digital inclusion for regional Western Australia.

Total time remaining on motion — 7 mins.

17. St Patrick's Day (*Moved 17 March 2022*)

Resumption of debate adjourned (Thursday, 17 March 2022), on the motion of Hon Dr Brian Walker as follows —

Noting that today is St Patrick's Day, this House encourages all those celebrating to enthusiastically embrace the pot at the end of the rainbow.

Total time remaining on motion — 57 mins.

MATTERS REFERRED TO COMMITTEES

1. *Standing Committee on Procedure and Privileges — Matter of Privilege raised by Hon Sue Ellery MLC (*Referred 14 June 2022*)

Terms of Reference:

- (a) determine whether the conduct of Hon James Hayward MLC constitutes a breach of privilege or is a contempt of the Council; and
- (b) if the PPC so find finds, advise what penalties, if any, the Council might impose for the breach or contempt.

**See Standing Committee on Procedure and Privileges Report No. 67 (Tabled 15 June 2022).*

SELECT COMMITTEES

1. Select Committee into Cannabis and Hemp (*Established 13 October 2021*)

On the motion of Hon Dr Brian Walker as follows —

- (1) A Select Committee to be known as the Cannabis and Hemp Select Committee is established.
- (2) The Select Committee is to inquire into and report on the potential to amend the current legislation and regulations which apply to cannabis and hemp in Western Australia, with particular reference to —
 - (a) the current barriers to pharmaceutical nutraceutical use of cannabinoid products;
 - (b) medicinal cannabis, its prescription, availability and affordability; and
 - (c) the potential benefits and risks of permitting industrial hemp for human consumption.

- (3) The Select Committee shall consist of five members, namely: Hon Dr Brian Walker (Chair); Hon Matthew Swinbourn (Deputy Chair); Hon Jackie Jarvis; Hon Lorna Harper and Hon James Hayward.
- (4) The Select Committee may table interim reports, and is to table its final report by no later than 12 months after the committee has been established.

COMMITTEE INITIATED INQUIRIES

1. Standing Committee on Estimates and Financial Operations — Terms of Reference: Inquiry into the financial administration of homelessness services in Western Australia (*Notice given 18 November 2021*)

Resolution of the Committee on 17 November 2021 to commence an Inquiry into the financial administration of homelessness services in Western Australia with particular focus on —

- (a) the current funding and delivery of services;
- (b) 'All Paths Lead to a Home', Western Australia's 10-Year Strategy on Homelessness 2020-2030;
- (c) existing data systems and how data informs service delivery; and
- (d) any other related matter.

Pursuant to Standing Order 163, Hon Steve Martin is substituted for Hon Nick Goiran and Hon Dan Caddy is substituted for Hon Samantha Rowe for the duration of this inquiry.

2. Joint Standing Committee on the Corruption and Crime Commission — Terms of Reference: Inquiry into What happens next? Beyond a finding of serious misconduct (*Notice given 24 March 2022*)

Resolution of the Committee on 23 March 2022 to commence an inquiry entitled What happens next? Beyond a finding of serious misconduct with the following terms of reference —

The Committee will inquire into what happens after a public officer is found to have engaged in serious misconduct including —

- (a) disciplinary and other sanctions imposed by departments, local government, the Western;
- (b) unexplained wealth and criminal benefits proceedings initiated by the Corruption and Crime Commission;
- (c) criminal prosecutions arising from serious misconduct investigations including prosecuting arrangements, challenges and outcomes;
- (d) the roles of the Corruption and Crime Commission, Public Sector Commission, departments, local government, the Western Australia Police Force and other authorities in taking action, overseeing and/or reporting the above outcomes; and
- (e) measures to improve the effectiveness, transparency and/or oversight of the above.

The Committee will report by 30 November 2023.

3. Joint Standing Committee on the Commissioner for Children and Young People — Terms of Reference: Inquiry into the most effective ways for Western Australia to address food insecurity for children and young people affected by poverty (*Notice given 7 April 2022*)

Resolution of the Committee on 6 April 2022 to commence an inquiry into the most effective ways for Western Australia to address food insecurity for children and young people affected by poverty with the following terms of reference —

The Committee will consider —

- (1) The impact of poor nutrition on children and young people and the extent of the problem in Western Australia.
- (2) Challenges for children and young people in accessing enough nutritious food.
- (3) The extent to which food relief:
 - (a) is currently accessed by children and young people, including at school and in early childhood education and care settings; and
 - (b) is effective.
- (4) The extent to which food literacy programs aimed at children and young people and/or their parents/carers:
 - (a) Are currently accessed; and
 - (b) Are effective
- (5) Government-funded school lunch programs.
- (6) Any other existing or potential initiatives.
- (7) Western Australia's obligations and responsibilities to monitor and address food insecurity as an aspect of child wellbeing.

The Committee is particularly keen to hear about experiences of Aboriginal and Torres Strait Islander children and the children of refugees and newly arrived migrants.

The Committee will report by 30 April 2023.

CONSIDERATION OF COMMITTEE REPORTS

1. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Report Review 2020-21: Examination of selected reports by the Commissioner for Children and Young People (*Tabled 18 November 2021*)

Resumption of debate (Wednesday, 17 August 2022) on the motion of Hon Jackie Jarvis that the report be noted.

See Tabled paper 895.

Time remaining on motion — 2 hours 3 minutes. (Motion to be postponed in 3 minutes).

Standing Order 110(2A) and (2B) applied — 16 March 2022.

2. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 3 — The merits of appointing a commissioner for Aboriginal children and young people (Tabled 18 November 2021)

Continuation of remarks Hon Jackie Jarvis — 6 mins (Wednesday, 17 August 2022) on the motion of Hon Neil Thomson that the report be noted.

See Tabled paper 896.

Time remaining on motion — 2 hours 31 minutes. (Motion to be postponed in 31 minutes).

Standing Order 110(2A) and (2B) applied — 23 March 2022.

Government Response Tabled 16 March 2022 (Tabled Paper 1133).

3. Joint Standing Committee on the Corruption and Crime Commission — Report No. 4 — The definition of ‘public officer’ in the Corruption, Crime and Misconduct Act 2003 (Tabled 24 March 2022)

Consideration. See Tabled paper 1175.

Government Response Tabled 9 August 2022 (Tabled Paper 1449).

4. Joint Standing Committee on the Corruption and Crime Commission — Report No. 5 — Police power of arrest — Parliamentary Inspector’s report (Tabled 24 March 2022)

Consideration. See Tabled paper 1176.

Government Response Tabled 9 August 2022 (Tabled Paper 1414).

5. Joint Standing Committee on the Corruption and Crime Commission — Report No. 6 — The Corruption and Crime Commission’s unexplained wealth function — The review by the Honourable Peter Martino (Tabled 24 March 2022)

Consideration. See Tabled paper 1177.

6. Standing Committee on Environment and Public Affairs — Report No. 58 — Overview of Petitions (2 June 2021 to 2 December 2021) (Tabled 24 March 2022)

Consideration. See Tabled paper 1178.

7. Standing Committee on Estimates and Financial Operations — Report No. 85 — Consideration of the 2021-22 Budget Estimates (Tabled 30 November 2021)

Resumption of debate (Wednesday, 6 April 2022) on the motion of Hon Peter Collier that the report be noted.

See Tabled paper 937.

Time remaining on motion — 3 hours.

Standing Order 110(2A) and (2B) applied — 6 April 2022.

Government Response Tabled 15 February 2022 (Tabled Paper 1009).

8. Standing Committee on Procedure and Privileges — Report No. 66 — Person referred to in the Legislative Council — Submission not considered (Tabled 7 April 2022)

Consideration. See Tabled paper 1216.

9. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 1 — Annual Report 2020–2021 (Tabled 16 September 2021)

Continuation of remarks Hon Kyle McGinn — 4 mins (Wednesday, 11 May 2022) on the motion of Hon Neil Thomson that the report be noted.

See Tabled paper 678.

Time remaining on motion — 1 hour.

Standing Order 110(2A) and (2B) applied — 10 November 2021, 8 December 2021, 11 May 2022.

10. Standing Committee on Public Administration — Report No. 37 — Delivery of Ambulance Services in Western Australia: Critical Condition (Tabled 19 May 2022)

Consideration. *See Tabled paper 1290.*

Government Response Tabled 9 August 2022 (Tabled Paper 1395).

11. Standing Committee on Estimates and Financial Operations — Report No. 86 — Consideration of the 2020-21 Annual Reports (Tabled 14 June 2022)

Consideration. *See Tabled paper 1334.*

Government Response Tabled 16 August 2022 (Tabled Paper 1485).

12. Joint Standing Committee on Delegated Legislation — Report No. 2 — Annual Report 2021 (Tabled 16 June 2022)

Consideration. *See Tabled paper 1345.*

* 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.

SAM HASTINGS

Clerk of the Legislative Council