

33

Business Program



LEGISLATIVE COUNCIL

TUESDAY, 7 SEPTEMBER 2021

2.00pm

Prayers

Acknowledgement of Country

ORDER OF BUSINESS

Condolence Motions

Petitions

Hon Pierre Yang

Statements by Ministers and Parliamentary Secretaries

Minister for Hydrogen Industry

Papers for Tabling

President

Leader of the House

Minister for Mental Health

Minister for Regional Development

Parliamentary Secretary to the Attorney General

Notice of Questions

Notices of Motions to Introduce Bills

Notices of Motions for Disallowance

Notices of Motions

Motions without Notice

Hon Dr Steve Thomas

Orders of the Day

4.30pm Questions without Notice

5.00pm Orders of the Day (continued)

9.45pm Members' Statements

10.25pm House adjourns

ORDERS OF THE DAY

[NB: It is intended that Orders of the Day Nos 1, 2, 3, 5 and 6 be discharged]

1. Town of Port Hedland Waste Local Law 2020 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Town of Port Hedland Waste Local Law 2020* published in the *Gazette* on 11 January 2021 and tabled in the Legislative Council on 4 May 2021 under the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled Paper 76).

2. Shire of Broome Waste Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Broome Waste Local Law 2021* published in the *Gazette* on 30 March 2021 and tabled in the Legislative Council on 4 May 2021 under the *Waste Avoidance and Resource Recovery Act 2007*, be and is hereby disallowed. (Tabled Paper 75).

3. Shire of Gingin—Meeting Procedures Amendment Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Gingin—Meeting Procedures Amendment Local Law 2021* published in the *Gazette* on 1 April 2021 and tabled in the Legislative Council on 4 May 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 57).

4. City of Kalamunda Dogs Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

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).

5. Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Peppermint Grove Activities in Thoroughfares and Public Places and Trading Local Law 2021* published in the *Gazette* on 22 April 2021 and tabled in the Legislative Council on 4 May 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 57).

6. Shire of Peppermint Grove Fencing Local Law 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 23 June 2021 on the motion of Hon Lorna Harper (Days remaining 3 after today (Indicative date — 14 September 2021))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Peppermint Grove Fencing Local Law 2021* published in the *Gazette* on 22 April 2021 and tabled in the Legislative Council on 4 May 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 57).

7. Weapons Amendment Regulations 2021 — Disallowance

Moved *pro forma* (SO 67(3)) 10 August 2021 on the motion of Hon Dr Brian Walker (Days remaining 8 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).

19. [Standing Committee on Procedure and Privileges — Report 64 — Review of the Standing Orders](#) (Tabled 2 September 2021)

Consideration on the motion of Hon Dan Caddy (Thursday, 2 September 2021) as follows —

That Recommendations 1 to 38 contained in Report No. 64 of the Standing Committee on Procedure and Privileges, *Review of Standing Orders*, be adopted and agreed to.

See Tabled Paper 505 (Tabled 2 September 2021).

Recommendation 1 states —

That recommendations 2 to 8, 13 to 17 and 19 to 38 come into effect on the first sitting day of the week following their adoption.

Recommendation 2 states —

That the words “6.00pm to 7.30pm” be deleted in Standing Order 5(2) and the following words be inserted in their place —

6.00pm to 7.00pm

Recommendation 3 states —

1. That the following words be deleted in Standing Order 5(2) —

Wednesday 4.15pm to 4.30pm

Thursday 1.00pm to 2.00pm
4.15pm to 4.30pm

2. That the following words be inserted in their place —

Thursday 1.00pm to 2.00pm

Recommendation 4 states —

That Standing Order 169 be deleted and the following be inserted in its place —

169. Scheduling of Meetings

- (1) A Committee may meet during a suspension or adjournment of the Council.
- (2) A Committee may seek permission in writing from the President to meet to deliberate in private session between 4.15pm and 4.30pm on a sitting day.
- (3) If the President grants permission to a request in accordance with (2), the President must advise the Council at the earliest opportunity.
- (4) A Committee cannot conduct its meeting until the Council has been advised under (3).

- (5) Only one Committee can be authorised to meet in accordance with (2) on any sitting day.

Recommendation 5 states —

That the following words be inserted after Standing Order 125 —

125A. Urgent Bills

- (1) At any time after the moving of the Second Reading of a Bill a Minister or Parliamentary Secretary may declare that a Bill is an urgent Bill.
- (2) After a Bill has been declared an urgent Bill, a Minister or Parliamentary Secretary may move a motion specifying the maximum debate time to apply to each stage of the Bill. At the conclusion of the maximum debate time prescribed in Standing Order 23(1)(e), the Presiding Officer must interrupt debate and put to the vote all questions as are necessary to dispose of the motion.
- (3) If the motion is agreed, when the maximum debate time for a stage of the Bill has expired, the Presiding Officer must interrupt the debate and put to the vote all questions as are necessary for the Bill to complete that stage, including all amendments standing on the Supplementary Notice Paper. Except by leave, the question on each clause, schedule, preamble, title or amendment must be put as a separate question.
- (4) A Minister or Parliamentary Secretary may commence or complete a second reading reply speech notwithstanding the operation of (3).
- (5) A further motion under (2) can be moved at any time including, notwithstanding (3), immediately after the expiry of a maximum debate time.
- (6) The motion that the question be now put (closure) shall not be moved in any proceedings in respect of which time has been allotted under this Standing Order.
- (7) For the purposes of this Standing Order a stage of a Bill means a vote on a reading or the completion of the Committee of the Whole stage.

Recommendation 6 states —

That Standing Order 21 be amended by inserting after the section headed "**Matter of Privilege (SO 93)**" —

Motion to allocate time for urgent Bill (SO 125A)

All Members	5 minutes
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Amendments to the motion

All Members	2 minutes
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Recommendation 7 states —

That Standing Order 23 be amended by inserting after item (1)(d) —

- (d) Allocation of time for urgent Bill (SO 125(A)) 30 minutes

Recommendation 8 states —

That Standing Order 65 be amended as follows —

At the relevant place in the list of items, insert —

SO 125A	Motion to allocate time for urgent Bill
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Recommendation 9 states —

That Standing Order 66 should be repealed and replaced with the following to have effect from 1 January 2022 —

66. Motions on Notice

Definitions

- (1) For the purposes of this Standing Order a Private Member means a member who is not —
 - (a) a Minister;
 - (b) a Parliamentary Secretary; or
 - (c) the President.

Quota

- (2) Subject to (3), the number of opportunities available to members of a political group in each calendar year of sittings shall be a quota calculated as the sum of —

$$\left(\frac{\text{Number of Private Members of political group}}{\text{Total Private Members}} \times 100 \right) \times \left(\frac{\text{Number of sitting weeks}}{100} \right)$$

rounded to the nearest whole number.

- (3) Where the sum of quotas exceeds sitting weeks or a political group has a quota of zero, the quota of the political group comprising the greatest number of members supporting the Government shall be reduced so that as the case requires —
 - (a) the sum of quotas equals sitting weeks; and
 - (b) each other political group has a minimum quota of one.
- (4) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.
- (5) No political group shall in any calendar year exceed its quota unless provided for in this Standing Order or the Council otherwise orders on motion without notice.

Annual schedule of allocation

- (6) There shall be an Annual Schedule of Allocation of Motions on Notice for business taken under Standing Order 15(2) which sets out the pro rata allocation of dates between political groups in accordance with their respective quota.
- (7) The President shall table the Annual Schedule of Allocation of Motions on Notice —
 - (a) following the tabling of a schedule of dates for sittings of the Council under Standing Order 6, which is to apply for the forthcoming calendar year;
 - (b) following a general election when members of the Council are declared elected, which is to apply to the calendar year from when those members take their seats; or
 - (c) otherwise as required.

- (8) The Annual Schedule of Allocation of Motions on Notice tabled under (7), and any subsequent variations to the Schedule under (9), shall be published in the Weekly Bulletin.
- (9) Subject to (13), the Annual Schedule of Allocation of Motions on Notice shall only be varied —
- (a) to take into account any change to the Business Program ordered by the Council under Standing Order 17; or
 - (b) by an agreement to exchange allocated dates that is communicated in writing to the Clerk by each of the parties to the exchange by 4.00pm on the Wednesday prior to the earliest allocated date that is the subject of the exchange agreement.
- (10) If the Council resolves to sit on additional Wednesdays not provided for in the Annual Sitting Schedule, Motions on Notice on those days shall be allocated in the following order of priority —
- (a) To any political grouping who, during that calendar year, forewent a scheduled opportunity to move a Motion on Notice due to the Council not sitting on a scheduled Wednesday; and
 - (b) By way of the Clerk drawing lots that represent the proportion of Private Members from political groups.
- (11) Subject to (12), at the time for publication of the Weekly Bulletin on the Friday preceding the sitting week, the Clerk shall publish the first mentioned notice of motion listed on the Notice Paper in the name of the Member of the political group allotted the business under SO 15(2) in the Annual Schedule of Allocation of Motions on Notice.
- (12) Where multiple notices of motion in the names of Members of the political group allotted the business under SO 15(2) are listed on the Notice Paper and the leader of that political group advises the Clerk in writing by 10.00am on the Friday preceding the sitting week of an alternative listed notice of motion, the Clerk shall publish that notice of motion in the Weekly Bulletin.
- (13) If no notice of motion in the name of a Member of the political group allotted the business under SO 15(2) is listed on the Notice Paper by 10.00am on the Friday prior to the allocated date, unless the Council otherwise orders on motion without notice —
- (a) business to be taken under Standing Order 15(2) for the following week shall be vacated and the Council is to proceed to other business; and
 - (b) the political group listed on the Annual Schedule of Allocation of Motions on Notice for the following week shall have its total quota allocation in the Schedule reduced as if the allocated session for Motions on Notice had proceeded.
- (14) The consideration of notices taken under Standing Order 15(2) for the period from the opening day to when members elected at the general election take their seats shall be selected by lot drawn by the Clerk on the adjournment of the opening day.
- (15) Any notice of motion that has not been moved after one year will be automatically discharged from the Notice Paper.

Reply and disposal of business

- (16) When an item is not earlier disposed of, at 5 minutes before the end of the time provided for the consideration of the item, the President is to interrupt proceedings to allow the mover of the motion to speak in reply for not more than 5 minutes. If the mover elects not to make a reply the member interrupted may continue their speech.
- (17) At the close of debate or at the expiry of the maximum time limit, the President is to put every question necessary to dispose of the motion forthwith and successively without further amendment or debate, unless the motion is withdrawn as provided by the Standing Orders.
- (18) When an item is disposed of prior to the expiry of the maximum time limit the period for motions on notice concludes and the Council is to proceed to other business.

Recommendation 10 states —

That Standing Order 21 be amended, to have effect from 1 January 2022, by inserting after the section headed "**Motions**" —

Motions on Notice (SO 15(2))

All Members	20 minutes
Mover in Reply	5 minutes
<i>Amendments to Motions on Notice</i>	
All Members	5 minutes

Recommendation 11 states —

That Standing Order 23 be amended, to have effect from 1 January 2022, by deleting clause (1)(a) and inserting in its place —

(a) Motions on Notice (SO 15(2))	120 minutes
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Recommendation 12 states —

That the Temporary Order on Motions on Notice adopted by the Council on 23 June 2021 be rescinded, to have effect from 31 December 2021.

Recommendation 13 states —

That Standing Order 110 is amended by inserting the following after (2) —

- (2A) Where the debate on an order of the day listed under (2) has reached one hour of consideration and further orders of the day are listed on the Notice Paper, the debate on the order of the day shall be postponed.
- (2B) An order of the day postponed under (2A) shall be listed for further consideration after the orders of the day for the consideration of committee reports listed on that day's Notice Paper and not disposed of.
- (2C) After an order of the day listed under (2) has been debated for the maximum period prescribed in Standing Order 23(1)(b), the question must be put that the report be noted unless, immediately before that question is put, a Member moves that the report be further considered. If such a motion is agreed by the Committee and adopted by the Council, the order of the day will remain on the Notice Paper and be postponed as if it was postponed under (2B).

- (2D) A motion to further consider a report under (2C) can be moved after the expiry of further maximum periods prescribed in Standing Order 23(1)(b).

Recommendation 14 states —

That Standing Order 21 be amended as follows —

1. Delete the following words under the heading "**Consideration of Committee Reports**"—

All Members one period of 10 minutes per report

At the discretion of the Chair of Committees and when no other Member wishes to speak, a Member may be allocated a second period of 5 minutes per report.

2. Insert the following words in their place —

All Members unlimited periods of 10 minutes per report

Recommendation 15 states —

That Standing Order 23(1)(b) be amended by deleting "60 minutes" and inserting in its place "240 minutes".

Recommendation 16 states —

That Standing Order 53 be amended as follows —

At the relevant place in the list of items, insert —

SO 110(2C) Further consideration of a Committee Report

Recommendation 17 states —

That Standing Order 65 be amended as follows —

At the relevant place in the list of items, insert —

SO 110(2C) Further consideration of a Committee Report

Recommendation 18 states —

That the Council adopt the following temporary order to be in operation from 1 January 2022 until 31 March 2023.

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 website for a nominated period ("posted period");
 - (c) by which 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 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 website an e-petition cannot be altered other than by order of the President.

- (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 website at the same time.
- (6) Only residents of Western Australia will be eligible to join an e-petition.
- (7) 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.
- (8) An e-petition published on the Parliament's website, but not presented to the Council prior to the prorogation of the Parliament or the dissolution of the Legislative Assembly, may be presented to the subsequent Parliament and become a petition of the subsequent Parliament.
- (9) An e-petition may be facilitated during any adjournment of the Legislative Council and during any period of prorogation.
- (10) 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 or disability.
- (11) A person cannot sign or join an e-petition more than once.
- (12) Only the name and address of the Principal Petitioner shall be made public on the Legislative Council's website.
- (13) 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.
- (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 website on which to publish 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.

Recommendation 19 states —

That the definition of "strangers" in Schedule 3 be deleted with the following definition inserted in its place —

"strangers" means all persons other than Members of the Legislative Council, parliamentary officers and Members' infants requiring immediate care.

Recommendation 20 states —

1. That item 1(h) in Standing Order 14 be deleted and the subsequent items renumbered accordingly.
2. That Standing Order 107 be deleted and the following be inserted in its place —

107. Questions on Notice

- (1) Members may lodge written questions on notice, signed by or on behalf of the Member, for any sitting day with the Clerk not later than midday on that day.
- (2) Questions lodged shall be published in a Supplementary Notice Paper in the order in which the questions were received by the Clerk.

Recommendation 21 states —

That Standing Order 21 is amended as follows —

1. Delete the following words under the heading “**Statement on Tabling of Committee Report (SO 189)**” —
Chair (or nominated Member) 3 minutes
2. Insert the following words in their place —
Chair (or nominated Member) 5 minutes

Recommendation 22 states —

That Standing Order 21 be amended by inserting after the section headed “**Statement on Tabling of Committee Report (SO 189)**” —

Statements by Ministers and Parliamentary Secretaries (SO 103)

All Ministers and Parliamentary Secretaries 5 minutes

Recommendation 23 states —

That Standing Order 42 is deleted.

Recommendation 24 states —

That Standing Order 44 be deleted and the following be inserted in its place —

44. Offensive Words

A Member shall not use offensive words in debate, including offensive words against the Sovereign, the Governor, either House of Parliament, any Member of either House or a judicial officer.

Recommendation 25 states —

That Standing Order 45 be deleted and the following be inserted in its place —

45. Imputations and Personal Reflections

All imputations of improper motives and all personal reflections on the Sovereign, the Governor, any Member of either House of Parliament or a judicial officer, are disorderly other than by substantive motion.

Recommendation 26 states —

That Standing Order 108(2) be amended by deleting “9 sitting days” and insert in its place “one calendar month”.

Recommendation 27 states —

That Standing Order 122 is deleted and the following inserted in its place —

122. Contents of a Bill

- (1) No clause shall be included in any Bill that does not come within its title.
- (2) Such matters as have no proper relationship to each other shall not be included in one and the same Bill.
- (3) An omnibus Bill to amend more than one Act may be introduced if —

- (a) the amendments deal with an interrelated topic that can be regarded as a single broad policy; or
 - (b) the amendment to each Act are of a similar nature in each case; or
 - (c) the Bill is referred to a committee.
- (4) Any Bill that the President determines —
- (a) does not conform to the Standing Orders; or
 - (b) in the case of a Council Bill, cannot be introduced in the Council in accordance with any constitutional or statutory provision
- shall be withdrawn by order of the President.

Recommendation 28 states —

That Standing Order 128(2) is amended by deleting “Bill.” and inserting —

Bill and may only recommend amendments to the Bill that are consistent with the policy of the Bill.

Recommendation 29 states —

That Schedule 1, item 4.4 be deleted.

Recommendation 30 states —

That Standing Order 171 be amended by deleting the words “The Clerk” and inserting in their place “A parliamentary officer”.

Recommendation 31 states —

That Standing Order 186(3) is amended by inserting after “sign” —

, or authorise the application of their electronic signature to,

Recommendation 32 states —

1. That Standing Order 188(2)(b) is deleted and the following inserted in its place —

- (b) except for reports —
 - (i) giving notice of a committee-initiated inquiry under Standing Order 179;
 - (ii) seeking an extension of time on an inquiry referred by the Council;
 - (iii) on a motion for disallowance; or
 - (iv) on a Bill,

listed for consideration by the Council in accordance with Standing Order 110.

2. That Standing Order 110(1) be amended by deleting, “(except reports pertaining to Bills)”.

Recommendation 33 states —

1. That Standing Order 211 be amended to insert after (4) —

- (5) For the avoidance of doubt, a vote is a ballot paper with the name of the candidate for election to that office that a Member chooses to be President.

2. That Standing Order 212 be amended to insert after (8) —

- (9) For the avoidance of doubt, a vote is a ballot paper with the name of the candidate for election to that office that a Member chooses to be President.

Recommendation 34 states —

That Standing Order 30 be amended as follows —

1. To delete item (b).
2. To insert after item (e) —
 - (f) is otherwise disorderly,
3. To renumber the items accordingly.

Recommendation 35 states —

That in Standing Order 67(3) the words “*pro forma*” be deleted.

Recommendation 36 states —

That Standing Order 101(1)(c) is amended by deleting, “whether by insertion or deletion or inter-lineation”.

Recommendation 37 states —

That Standing Order 126 is amended as follows —

1. In (5) by deleting “working” and inserting “business” in its place.
2. In (7) by inserting after “45” —
 - calendar

Recommendation 38 states —

That Standing Order 161(1) be deleted and replaced with the following —

- (1) Subject to (5), at any Committee meeting, a majority of Members is a quorum.

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

Second reading continuation of remarks Hon Nick Goiran — 25 mins (Thursday, 2 September 2021).

14. [*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.

8. [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).

10. [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).

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

NIGEL PRATT

Clerk of the Legislative Council