



LEGISLATIVE COUNCIL

THURSDAY, 3 JUNE 2021

10.00am

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Message from the Deputy of the Governor — Assent to Bill

The President reported the receipt of a Message from the deputy of the Governor assenting to the following Bill —

2 June 2021 — Message No. 5

COVID-19 Response Legislation Amendment (Extension of Expiring Provisions)
Bill 2021

Act No.

1 of 2021

3. McGowan Labor Government — Machinery of Government Changes

Hon Peter Collier: To move on the next day of sitting —

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.

4. Housing Concerns

Hon Steve Martin: To move on the next day of sitting —

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.

5. World Elder Abuse Awareness

Hon Rosetta Sahanna: To move on the next day of sitting —

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.

6. State Disability Strategy

Hon Lorna Harper: To move on the next day of sitting —

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.

7. Misuse of Drugs Amendment Bill 2021

Non-Government Business No. 1 having been called, Hon Dr Brian Walker, pursuant to notice, moved —

That a Bill for "An Act to amend the *Misuse of Drugs Act 1981*." be introduced and read a first time.

Question — put and passed.

Bill read a first time.

Hon Dr Brian Walker moved, That the Bill be read a second time.

Hon Dr Brian Walker tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 255).

Debate stands adjourned.

8. Cannabis Decriminalisation Measures

Non-Government Business No. 2 having been called, Hon Sophia Moermond moved, without notice —

That this House calls upon the McGowan Government to reintroduce the cannabis decriminalisation measures contained in the *Cannabis Control Act 2003*, as introduced and supported by the Labor Government of the day, ahead of conducting a detailed investigation into the potential to fully legalise cannabis here in Western Australia.

Debate ensued.

Motion lapsed.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Bunbury Public Places and Local Government Property Local Law 2020 — Disallowance*, 2, *Boxing Contest Rules 2020 — Disallowance*, 3, *Kickboxing Contest Rules 2020 — Disallowance*, 4, *MMA Contest Rules 2019 — Disallowance*, and 5, *Muay Thai Contest Rules 2020 — Disallowance*, be taken after Order of the Day No. 7, *Building and Construction Industry (Security of Payment) Bill 2021* and that Order of the Day No. 6, *Address-in-Reply* be taken after Order of the Day No. 11, *Standing Committee on Procedure and Privileges — Review of the Standing Orders*. (Leader of the House).

Point of Order

Hon Nick Goiran raised the following Point of Order —

It is irregular for the Leader of the House to move this motion. Although it is customary for a motion, whether moved by the Leader of the House or some other senior Member of Government, to postpone the disallowance motions found on the notice paper, it is not customary for the Address-in-Reply, currently found at Order of the Day No. 6, to be moved in this fashion. I draw to the President's attention Standing Order 206, which states —

Except as provided by Standing Order 67, the Order of the Day for the Address-in-Reply shall take precedence over all other business until it is resolved.

President's Ruling

The President ruled as follows —

Members, the Standing Orders provide that the Address-in-Reply does take precedence and this is reflected in the way it is listed on the Business Program, but reflect that the matter can be determined by the House on the motion of the Leader of the House. There is therefore no irregularity in this motion before the House.

Point of Order

Hon Nick Goiran raised the following Point of Order —

It seems to me that Standing Order 206 has been breached. Was a suspension of Standing Orders required for the motion that was just passed?

President's Ruling

The President ruled as follows —

Members, there is no point of order. My ruling was consistent with the previous advice; that is, Standing Order 206 gives precedence to the Address-in-Reply and motions to disallow regulations. But, as I said, that is consistent in that every day the Leader of the House moves an order of business motion and the House considers that. The House has considered that motion and agreed to it, as is usual practice and in relation to the Standing Orders. Therefore, there is no point of order.

10. Standing Committee on Procedure and Privileges — Review of the Standing Orders

Order of the Day No. 11 having been called, the Leader of the House, pursuant to notice, moved —

- (1) That the Standing Committee on Procedure and Privileges be required to undertake a review of the Standing Orders with a view to —
 - (a) modernising the procedures of the House; and
 - (b) reviewing and adopting best practice from other Upper House Chambers in Australian Parliaments, including the Australian Senate.
- (2) The Committee make recommendations for new and amended Standing Orders.
- (3) The Committee is to report to the House no later than 10 August 2021.
- (4) The Committee is to provide an Interim Report on recommendations in respect to speaking time limits by 22 June 2021.

Debate ensued.

Hon Martin Aldridge sought leave to continue his remarks at a later stage of this day's sitting.

Leave granted.

On the motion of Hon Colin de Grussa the debate was adjourned to a later stage of this day's sitting.

11. Order of Business

Ordered — That Order of the Day No. 6, *Address-in-Reply*, be taken forthwith. (Leader of the House).

12. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

On the motion of Hon Colin de Grussa the debate was adjourned to the next sitting.

13. Order of Business

Ordered — That Order of the Day No. 11, *Standing Committee on Procedure and Privileges — Review of the Standing Orders*, be taken forthwith. (Leader of the House).

14. Standing Committee on Procedure and Privileges — Review of the Standing Orders

Debate resumed on the motion of the Leader of the House (*see item 10 above*).

On the motion of Hon Pierre Yang the debate was adjourned to a later stage of this day's sitting.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Health tabled documents in relation to the *Voluntary Assisted Dying Act 2019 – Access Standard*, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 256).

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to payment plans from Synergy and Horizon Power, in response to a question without notice asked by Hon James Hayward.

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to Synergy and Horizon Power for the periods 2019-20 and 2020 to date, in response to a question without notice asked by Hon Steve Martin.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the Keystart Shared Ownership Home Loan Scheme for the financial years 2016-17, 2017-18, 2018-19 and 2019-20, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to St John of God Health Care funding, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Mental Health representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to the seizure in Langford of an unconfirmed quantity of cannabis plants from two neighbouring grow houses, in response to a question without notice asked by Hon Dr Brian Walker.

The Parliamentary Secretary to the Attorney General, in accordance with Standing Order 108(2), advised that answer to questions on notice 53 and 78 asked by Hon Tjorn Sibma will be provided on 15 June 2021.

The Parliamentary Secretary to the Minister for Child Protection tabled the 2020 Progress Report, *A Safer WA for Children and Young People*, in response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 257).

16. Suspension of Standing Orders

The Leader of the House moved, without notice —

That so much of Standing Orders be suspended so as to enable the Council to sit beyond 5.20pm on this day's sitting and take Members' Statements at a time ordered by the House.

Debate ensued.

Interruption pursuant to order.

17. President's Ruling — Infants of Members in the Chamber

The President ruled as follows —

Members, I rise to provide clarification to members on the ability for Members to provide for the immediate needs of their infant children in the Legislative Council Chamber. As Members know, working in this place has its challenges, none more so than the hours that this Council sits. Recently, the Parliament has implemented measures to support parliamentarians with their child-caring commitments, including the provision of a family room. However, circumstances can and do arise whereby a Member with child-caring responsibilities is required for urgent parliamentary business and may feel constrained from participating fully in debate due to their needs as a new parent. Although Members have been able to care for their infant children in the Council Chamber since 2012, it has always been subject to the discretion of the President or Member presiding under Standing Order 97. This may have served as a barrier for Members to care for their infant's immediate need. This hesitancy could be the result of an interpretation of the Standing Orders that treats an infant of a Member as a stranger for the purpose of the Standing Orders. In my view, such an interpretation is not correct. It is my ruling that an infant of a Member is not a stranger for the purpose of the Standing Orders. Standing Order 4 provides that in cases that are not provided for in the Standing Orders, the President is to determine a matter with reference to the custom and practice of the Council and may refer to parliamentary practice in other jurisdictions. In the absence of any Standing Orders, custom or practice relating to an infant of a Member requiring care, and with reference to the practices in other Australian jurisdictions, I rule that a Member may bring their infant onto the floor of the Council when providing for their immediate care. An infant being fed or otherwise requiring the care of the Member is not required to leave the Chamber during a division. Further, despite Standing Order 24, it is not disorderly for a Member to leave the Chamber with their infant at times when the President rises and speaks, if the need arises. My ruling does not affect my discretion or that of any other Member presiding to maintain order in the Chamber.

18. Members' Statements

Statements were taken.

19. Sunday Entertainments Repeal Bill 2021

The President reported the receipt of Message No. 13 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Commerce moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for Commerce tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 258).

Debate stands adjourned.

20. Special Adjournment

The Leader of the House moved, without notice —

That the Council at its rising this evening adjourn to a date and time 60 minutes from the time that the Council rises.

Question — put and passed.

21. Adjournment

The Council adjourned at 6.24pm until Thursday, 3 June 2021 at 7.24pm.

Members present during the day's proceedings

Attendance: Present all Members.

NIGEL PRATT

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council