

# Minutes of Proceedings

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**LEGISLATIVE COUNCIL****TUESDAY, 22 JUNE 2021****2.00pm**

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**1. Meeting of Council**

The Council assembled at 2.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

**2. Message from His Excellency the Governor — Assent to Bill**

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

**21 June 2021 — Message No. 10****Act No.**

Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021

3 of 2021

**3. Statement by President — 25<sup>th</sup> Edition of the Parliamentary Handbook**

The President made the following Statement —

The twenty-fifth edition of the Parliamentary Handbook is currently being prepared for publication. This important publication forms part of the historical record of your service and contributions as a Member of the Council.

On your desk you will find a copy your biographical entry as it will be published in the Handbook. Please take a moment to review this document, note any amendments you may wish to make and then hand the form back to Chamber Staff.

**4. Petition**

Hon Nick Goiran presented a petition from 4 petitioners requesting the Legislative Council to support the establishment of a committee inquiry into the governance of the Department of Mines, Industry Regulation and Safety and residential/commercial building practices relating to compliance required under relevant acts, regulations, codes, policies and public accountability. (Tabled Paper 327).

## 5. Ministerial Statement — Final Report of the Joint Select Committee on Palliative Care in Western Australia — Government Response

The Minister for Mental Health representing the Minister for Health made a Ministerial Statement with respect to the Final Report of the Joint Select Committee on Palliative Care in Western Australia.

The Minister for Mental Health representing the Minister for Health tabled the Government's response to the Final Report of the Joint Select Committee on Palliative Care in Western Australia. (Tabled Paper 328).

## 6. Ministerial Statement — Asian Renewable Energy Hub

The Minister for Hydrogen Industry made a Ministerial Statement with respect to the rejection of the expanded Asian Renewable Energy Hub proposal by the Federal Environment Minister.

### *Point of Order*

Hon Peter Collier raised the following Point of Order —

I was just listening to that Ministerial Statement. I refer you to Standing Order 103(2), which states —

A statement must impart factual information relating to public affairs, and must not contain debateable matter other than matter that is inherent in the content of the statement.

President, that statement most definitely contained debateable material.

### *President's Ruling*

The President ruled as follows —

The Minister's statement contained factual information and opinion and expressed disappointment. All those, disappointment and opinion, I do not consider in the context of this statement to be debateable.

## 7. Papers

The following Papers were laid on the Table by —

### **President**

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### **Leader of the House**

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**8. Standing Committee on Public Administration — Report 36 — Terms of Reference — Inquiry into the delivery of ambulance services in Western Australia**

Hon Pierre Yang presented Report 36 of the Standing Committee on Public Administration, *Terms of Reference — Inquiry into the delivery of ambulance services in Western Australia*. (Tabled Paper 329).

**9. Transport Legislation Amendment (Identity Matching Services) Bill 2021**

The Leader of the House representing the Minister for Transport: To move on the next day of sitting —

That a Bill for "An Act to amend the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Authorisation to Drive) Act 2008* and the *Western Australian Photo Card Act 2014* to give effect to an intergovernmental agreement on identity matching services, and for related purposes." be introduced and read a first time.

# **10. Fair Trading Amendment Bill 2021**

The Minister for Regional Development representing the Minister for Commerce: To move on the next day of sitting —

That a Bill for “An Act to amend the *Fair Trading Act 2010*.” be introduced and read a first time.

# **11. Temporary Orders — Motions on Notice**

The Leader of the House: To move on the next day of sitting —

That the Temporary Orders set out in the attached Schedule be adopted and agreed to until their expiry at the end of the 41<sup>st</sup> Parliament.

## **SCHEDULE** **TEMPORARY ORDER** **MOTIONS ON NOTICE**

### **1. Duration of Temporary Order**

This Temporary Order applies from 1 July 2021 until the end of the 41<sup>st</sup> Parliament.

### **2. Definitions**

For the purposes of this Temporary Order a Private Member means a member who is not:

- (a) a Minister;
- (b) a Parliamentary Secretary; or
- (c) the President.

### **3. Quota**

- (1) Subject to (2), 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.

- (2) 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.
- (3) As each item of business is disposed of, the quota of the relevant political group reduces accordingly.

- (4) No political group shall in any calendar year exceed its quota unless provided for in this Temporary Order or the Council otherwise orders on motion without notice.

4. *Annual schedule of allocation*

- (1) Standing Order 66 is suspended for the duration of this Temporary Order.
- (2) 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.
- (3) 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; or
  - (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.
- (4) The Annual Schedule of Allocation of Motions on Notice tabled under (3), and any subsequent variations to the Schedule under (5) or (6)(b), shall be published in the Weekly Bulletin.
- (5) Subject to (8), 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.
- (6) Subject to (7), 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.
- (7) 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.
- (8) 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:

- (i) 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
  - (ii) 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.
- (9) 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 President on the adjournment of the opening day.

5. *Debate on motions on notice*

The total time for debate on each motion on notice and speaking times in Chapter IV are amended as follows:

- (1) SO 21 Time Limits on Speeches is amended by inserting after the time limits under the heading "Bills (Second and Third Reading)", the following:

**Motions on Notice (SO 15(2))**

Mover	20 minutes
Responsible Minister or Parliamentary Secretary	20 minutes
Other Members	20 minutes
Mover in Reply	5 minutes

*Amendments to Motions on Notice*

All Members	5 minutes
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- (2) SO 23 Maximum Time Limits for Certain Business Items is amended by deleting paragraph (a) in clause (1) and inserting instead:

(a) Motions on notice (SO 15(2))	120 minutes
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6. *Reply and disposal of business*

- (1) 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.
- (2) 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.

- (3) 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.

## **12. Defence to the Presence of THC in a Driver**

Hon Dr Brian Walker: To move on the next day of sitting —

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.

## **13. Temporary Order — Notice of Motion to be made Order of the Day**

The Leader of the House moved, without notice —

That the Notice of Motion I have just given for the Temporary Orders in relation to Motions on Notice be made an Order of the Day for the next sitting of the House.

Question — put and passed.

## **14. Parliamentary Superannuation Board — Appointment of Members**

The Leader of the House moved, without notice —

That Hon Martin Pritchard and Hon Dr Steve Thomas be appointed as members to the Parliamentary Superannuation Board.

Question — put and passed.

## **15. Parliamentary Services Committee — Appointment of Members**

The Leader of the House moved, without notice —

That the following Members be appointed to the Parliamentary Services Committee —

- Hon Martin Aldridge;
- Hon Donna Faragher;
- Hon Peter Foster;
- Hon Lorna Harper; and
- Hon Shelley Payne.

Question — put and passed.

## **16. 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. 10, *Sunday Entertainments Repeal Bill 2021*. (Leader of the House).

## **17. Building and Construction Industry (Security of Payment) Bill 2021**

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The President left the Chair.



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**In Committee**

(Hon Martin Aldridge in the Chair)

Clause 134.

Debate ensued.

Clause agreed to.

Clauses 135 to 141 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The President announced that the Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

**18. Supply Bill 2021**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Hon Dr Steve Thomas, by leave, tabled a graph comparing revenue, expenditure and population growth from 2000–2021. (Tabled Paper 330).

Debate resumed.

Hon Dr Steve Thomas, by leave, tabled an Explanatory Memorandum, relating to the *Supply Bill 2021*, presented in the Legislative Assembly. (Tabled Paper 331).

Debate resumed.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

The Minister for Mental Health representing the Treasurer moved, That the Bill be read a third time.

Question — put and passed.

Bill read a third time and passed.

**19. Order of Business**

Ordered — That Order of the Day No. 10, *Sunday Entertainments Repeal Bill 2021*, be taken before Order of the Day No. 7, *Agricultural Produce Commission Amendment Bill 2021*. (Leader of the House).

**20. Sunday Entertainments Repeal Bill 2021**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Question — put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading.

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

Question — put and passed.

Bill read a third time and passed.

## **21. Agricultural Produce Commission Amendment Bill 2021**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. Debate ensued.

## **22. Questions Without Notice**

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* a table setting out the number of school psychologists, by FTE, allocated to community kindergartens from 2017–2020, in response to a question without notice asked by Hon Donna Faragher.

The Minister for Mental Health representing the Minister for Police tabled operational guidance for the Western Australia Police Force regarding orders to produce business records in relation to the COVID-19 State of Emergency, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 332).

The Minister for Mental Health representing the Minister for Environment tabled an operational review by the Department of Biodiversity, Conservation and Attractions into the DON\_100 Weinup prescribed burn, in response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 333).

The Minister for Regional Development representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to the total megawatt hour output of each Synergy generation plant, including coal, gas and renewable generation, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Regional Development representing the Minister for Water tabled a report entitled *Aquatic fauna and flora surveys at the Lennox Weir Busselton* by the Centre for Sustainable Aquatic Ecosystems, Harry Butler Institute, Murdoch University, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 334).

## **23. Personal Explanation**

Hon Matthew Swinbourn, by leave, made a personal explanation in relation to the attendance of representatives from the Western Australia Police Force during Committee of the Whole House proceedings for the *Protection of Information (Entry Registration Information Relating to COVID-19 and Other Infectious Diseases) Bill 2021*.

## **24. Standing Committee on Procedure and Privileges — Report 62 — Interim Report — Review of Standing Orders (Speaking Times)**

The President presented Report 62 of the Standing Committee on Procedure and Privileges, *Interim Report — Review of Standing Orders (Speaking Times)*. (Tabled Paper 335).

Hon Kyle McGinn moved, without notice —

That Recommendation 1 contained in Report No. 62 of the Standing Committee on Procedure and Privileges, *Interim Report — Review of Standing Orders (Speaking Times)*, be adopted and agreed to.

Hon Kyle McGinn sought leave to continue his remarks at the next sitting.

Leave granted.

Debate stands adjourned.

## **25. Agricultural Produce Commission Amendment Bill 2021**

Debate resumed on the second reading of this Bill (*see item 21 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

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### **In Committee**

(Hon Jackie Jarvis in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

The Minister for Agriculture and Food tabled the Government's response to Report 45 of the Standing Committee on Legislation, *Agricultural Produce Commission Amendment Bill 2021*. (Tabled Paper 336).

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again.

## **26. Members' Statements**

Statements were taken.

## **27. Adjournment**

The Council adjourned at 10.18pm until Wednesday, 23 June 2021 at 1.00pm.

### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Klara Andric.

**PAUL GRANT**

Deputy Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council