

# Minutes of Proceedings



## LEGISLATIVE COUNCIL

**WEDNESDAY, 2 JUNE 2021**

**1.00pm**

### 1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Ministerial Statement — Animal Welfare Act 2020 — Review

The Minister for Agriculture and Food made a Ministerial Statement with respect to the independent review and subsequent Government response to the *Animal Welfare Act 2020*.

The Minister for Agriculture and Food tabled the Government response to the *Animal Welfare Act Review 2020*. (Tabled Paper 244).

The Minister for Agriculture and Food tabled the report of the *Animal Welfare Act Review 2020*. (Tabled Paper 245).

### 3. Papers

The following Papers were laid on the Table by —

#### President

##### *Auditor General's Papers —*

Audit Results Report — 2020 Financial Audits of Universities and TAFEs (Report No. 26) (June 2021) .....	241
Delivering Essential Services to Remote Aboriginal Communities — Follow-up (Report No. 25) (June 2021) .....	242
Independent Auditor's Report — Electricity Generation and Retail Corporation — Compliance with Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013 (April 2021) .....	243

### 4. Western Australia's Public Health System

Hon Tjorn Sibma: To move on the next day of sitting —

That this House —

- (a) expresses concern at the measurable decline in the capacity and performance of Western Australia's public health system;
- (b) registers its respect for the performance of the State's frontline clinical staff despite the McGowan Government's continued mismanagement of the health portfolio;

- (c) notes the lack of confidence in the Minister for Health, the Hon Roger Cook, expressed by medical professionals and the broader community; and
- (d) acquaints the Legislative Assembly accordingly.

## **5. Sustainable Management of Western Australia's Fisheries**

Hon Dr Sally Talbot: To move on the next day of sitting —

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

## **6. Innovation Voucher Program**

Hon Dan Caddy: To move on the next day of sitting —

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.

## **7. Notice of Motion No. 3 — Standing Committee on Procedure and Privileges — Review of the Standing Orders**

The Leader of the House moved, without notice —

That Notice of Motion No. 3, Standing Committee on Procedure and Privileges — Review of the Standing Orders, be made an Order of the Day for the next sitting of the House.

Question — put and passed.

## **8. Statutory Powers of the Attorney General**

Motion No. 1 having been called, Hon Nick Goiran, pursuant to Standing Order 62(b), by leave, moved his motion in amended form as follows —

That this House —

- (a) expresses its deep regret at the deaths of Aishwarya Aswath and Cohen Fink and tenders its profound sympathy to members of their respective families in their bereavement;
- (b) notes that section 22(1)(d) of the *Coroners Act 1996* states that the Attorney General may direct a coroner, that holds jurisdiction to investigate a death, to hold an inquest if the death appears to be a Western Australian death and that this section has caused confusion for some grieving families who have sought an inquest;
- (c) acknowledges that the Deputy State Coroner made a determination on 14 May 2021 that an inquest will be held into Aishwarya's death;
- (d) further acknowledges that the Solicitor General has advised that once a coroner has decided not to hold an inquest, the Attorney General does not have the power to overrule that decision and direct that an inquest be held, as is the case following the death of Cohen Fink and the decisions of the Coroner's Court in 2020 and 2021;
- (e) notes that no Western Australian Attorney General has ever exercised that power of direction since the Act was enacted in 1996; and
- (f) notes that the Attorney General will urgently request the Department of Justice to advise as part of its statutory review into the *Coroner's Act 1996* whether section 22(1) ought to be amended to avoid confusion about its operation.

Debate ensued.

The Parliamentary Secretary to the Attorney General tabled a media release in relation to the power of the Attorney General to order coronial inquests. (Tabled Paper 246).

Debate resumed.

Question — put and passed.

## **9. Joint Standing Committee on the Corruption and Crime Commission in this 41<sup>st</sup> Parliament**

Motion No. 2 having been called, Hon Nick Goiran, pursuant to Standing Order 63, moved to postpone consideration of his motion as follows —

That this House —

- (1) Acknowledges the ongoing important role undertaken by the Joint Standing Committee on the Corruption and Crime Commission in this 41<sup>st</sup> Parliament.
- (2) Notes that the Standing Orders of the Legislative Assembly apply, as far as they are able, to the work of the Committee and that —
  - (a) pursuant to Standing Order 270 committee deliberations will be conducted in closed session; and
  - (b) pursuant to Standing Order 271(2) no member of the Committee nor any other person may publish or disclose evidence not taken in public including documentary evidence received by the Committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the Committee.
- (3) Notes the comments of Mr Matthew Hughes MLA on 13 May 2020.
- (4) Notes the content of Legislative Assembly Message No. 9 received on 26 May 2021.
- (5) Emphasises its expectation that all members serving on any parliamentary committee in this 41<sup>st</sup> Parliament will respect and adhere to the Standing Orders under which their committee is operating under; and

acquaints the Legislative Assembly accordingly.

Question — put and passed.

## **10. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

### **In Committee**

(Hon Martin Aldridge in the Chair)

#### **Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament**

The Leader of the House moved, That further consideration of the report be postponed until the next sitting.

Question — put and passed.

The President resumed the Chair.

The Chair of Committees reported that the Committee of the Whole House had considered the —  
 Standing Committee on Procedure and Privileges — Report 61 — *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament* and postponed consideration to the next sitting.

Report adopted.

### **11. 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*. (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.

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

Leave granted.

Debate resumed.

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

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

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

Debate ensued.

### **14. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to Keystart home loans from 2016-17, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Minister for Ports tabled two schedules of port charges for the Port of Port Hedland effective 1 July 2018 and 1 July 2021, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 247).

The Minister for Regional Development tabled a summary of the Minister's itinerary for December 2020 to April 2021, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 248).

The Parliamentary Secretary to the Minister for Fisheries tabled a report on the West Coast Demersal Scalefish Resource, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 249).

The Leader of the House representing the Premier tabled, and by leave incorporated into *Hansard*, information in relation to the voluntary targeted separation scheme, in response to a question without notice asked by Hon Dr Steve Thomas. (Tabled Paper 252).

The Leader of the House representing the Premier tabled documents in relation to term of government termination payments to Ministerial staff following the State Election, in response to question on notice 8 asked by Hon Martin Aldridge. (Tabled Paper 250).

The Leader of the House representing the Premier tabled guidelines for ministerial air charter during the caretaker period, in response to question on notice 9 asked by Hon Martin Aldridge. (Tabled Paper 253).

The Minister for Mental Health representing the Deputy Premier tabled, and by leave incorporated into *Hansard*, details of meetings with the Department of Health and the Department of Jobs,

Tourism, Science and Innovation since March 2021, in response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 251).

#### **15. Statement by President — Questions without Notice**

The President made the following Statement —

I have observed that during question time there has been a tendency to ask long multi-part questions, which can then lead to long multi-part answers. I have also observed questions being asked that include long preambles with reference being made to multiple sources. The practice of long questions and answers is problematic as it will inevitably result in fewer questions being asked during question time and could ultimately result in some Members not having the opportunity to have their questions put on the record.

I encourage Members to refamiliarise themselves with Standing Order 105(1)(a), which requires questions to be concise, and Standing Order 106, which requires that answers be concise and relevant. I also draw Members' attention to Standing Order 105(2), which states,

Any question that infringes upon this Standing Order may be amended, disallowed or withdrawn as ordered by the President.

It is not my preference to rule questions out of order; however, that is something I will consider if the practice continues.

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

Debate resumed on the second reading of this Bill (*see item 13 above*).

*Interruption pursuant to order.*

#### **17. Members' Statements**

Statements were taken.

#### **18. Legislation Bill 2021**

The President reported the receipt of Message No. 12 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a second time.

The Parliamentary Secretary to the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 254).

Debate stands adjourned.

#### **19. Adjournment**

The Council adjourned at 6.54pm until Thursday, 3 June 2020 at 10.00am.

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

Attendance: Present all Members except Hon Ayor Makur Chuot.