



LEGISLATIVE COUNCIL

WEDNESDAY, 21 SEPTEMBER 2022

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. Statement by President — Tabling of Parliamentary Departments 2021-2022 Annual Reports

The President made the following Statement —

I have received letters from the Clerk of the Legislative Council, Clerk of the Legislative Assembly and the Executive Manager of Parliamentary Services advising me that they will not be able to present their Departments' 2021-22 Annual Reports within the prescribed 90-day period after the end of the 2021-22 financial year, as required under section 64(1) of the *Financial Management Act 2006*.

This is because the Office of the Auditor General is unable to provide their audit opinions within the usual timeframe.

It is anticipated the Annual Reports will be tabled in both Houses of Parliament on 15 November 2022.

The President tabled correspondence from the Clerk of the Legislative Council in relation to the late tabling of the 2021-2022 Annual Report. (Tabled Paper 1644).

The President tabled correspondence from the Clerk of the Legislative Assembly in relation to the late tabling of the 2021-2022 Annual Report. (Tabled Paper 1645).

The President tabled correspondence from the Executive Manager of the Parliamentary Services Department in relation to the late tabling of the 2021-2022 Annual Report. (Tabled Paper 1646).

3. Petition

Hon Dr Brad Pettitt presented a petition from 5,228 petitioners requesting the Legislative Council to recommend to the State Government the banning of Greyhound racing. (Tabled Paper 1647).

4. Ministerial Statement — Extension of Time for 2021-22 Annual Reports

The Minister for Emergency Services representing the Treasurer made a Ministerial Statement with respect to a number of agencies unable to table their 2021-22 annual reports in Parliament within the timeframe as stated in the *Financial Management Act 2006*.

The Minister for Emergency Services representing the Treasurer tabled the extension of time notices for the tabling of 2021-22 Annual Reports. (Tabled Paper 1648).

5. Ministerial Statement — Yuri Renewable Ammonia Plan

The Minister for Hydrogen Industry made a Ministerial Statement with respect to Yuri Green Ammonia project on the Burrup Peninsular in the Pilbara which will produce renewable hydrogen on an industrial scale.

6. Papers

The following Papers were laid on the Table by —

President

Annual Reports — Extension of Time —

Information Commissioner, Office of the — Annual Report (2021-22)
(Date received 20/09/2022).....1600

Annual Reports —

Ombudsman, Western Australia (2021-22) (Date received 20/09/2022)1601

Reports —

Ombudsman Western Australia — A report on giving effect to the
recommendations arising from the Investigation into the handling of
complaints by the Legal Service and Complaints Committee1602

Minister for Emergency Services on behalf of the Leader of the House

Annual Reports —

Director of Equal Opportunity in Public Employment (2021-22)
(Date received 20/09/2022).....1603

Education, Department of (2021-22) (Date received 20/09/2022)1604

Fremantle Ports (2021-22) (Date received 20/09/2022)1605

Infrastructure Western Australia (2021-22) (Date received 20/09/2022)1606

Local Health Authorities Analytical Committee (2021-22) (Date received 20/09/2022)1607

Main Roads (2021-22) (Date received 20/09/2022)1608

Pilbara Ports Authority (2021-22) (Date received 20/09/2022).....1609

Premier and Cabinet, Department of the (2021-22) (Date received 20/09/2022)1610

Public Education Endowment Trust (2021-22) (Date received 20/09/2022).....1611

Public Sector Commission (2021-22) (Date received 20/09/2022).....1612

Public Transport Authority (2021-22) (Date received 20/09/2022)1613

Queen Elizabeth II Medical Centre Trust (2021-22) (Date received 20/09/2022)1614

School Curriculum and Standards Authority (2021-22) (Date received 20/09/2022)1615

State Training Board (2021-22) (Date received 20/09/2022)1616

Training Accreditation Council (2021-22) (Date received 20/09/2022)1617

Training and Workforce Development, Department of (2021-22)
(Date received 20/09/2022).....1618

Minister for Emergency Services

Annual Reports —

Australian Criminal Intelligence Commission — Criminal Investigation
(Covert Powers) Act 2012 (WA) — Assumed Identities (2021-22)
(Date received 20/09/2022).....1619

Botanic Gardens and Parks Authority (2021-22) (Date received 21/09/2022)	1620
Corruption and Crime Commission — Surveillance Devices Act 1998 (2021-22) (Date received 20/09/2022)	1621
Economic Regulation Authority (2021-22) (Date received 20/09/2022)	1622
Government Employees Superannuation Board (2021-22) (Date received 20/09/2022)	1623
Insurance Commission of Western Australia (2021-22) (Date received 20/09/2022)	1624
Police Force Western Australia (2021-22) (Date received 20/09/2022)	1625
Police Force Western Australia — Criminal Investigation (Covert Powers) Act 2012 Witness Identity Protection Certificates (2021-22) (Date received 21/09/2022)	1626
Swan River Trust (2021-22) (Date received 20/09/2022)	1627
Treasury (2021-22) (Date received 20/09/2022)	1628
Treasury Corporation (2021-22) (Date received 20/09/2022)	1629
Zoological Parks Authority (2021-22) (Date received 21/09/2022)	1630

Minister for Regional Development

Annual Reports —

Rottnest Island Authority (2021-22) (Date received 20/09/2022)	1631
South West Development Commission (2021-22) (Date received 20/09/2022)	1632
Water Corporation (2021-22) (Date received 21/09/2022)	1633
Wheatbelt Development Commission (2021-22) (Date received 20/09/2022)	1634

Parliamentary Secretary to the Attorney General

Annual Reports —

Acacia Prison Services Agreement (2021-22) (Date received 20/09/2022)	1635
Equal Opportunity Commission (2021-22) (Date received 20/09/2022)	1636
Gender Reassignment Board (2021-22) (Date received 20/09/2022)	1637
Historical Homosexual Conviction Expungement Act 2018 (2019-20), (2020-21) and (2021-22) (Date received 20/09/2022)	1638
Justice, Department of (2021-22) (Date received 20/09/2022)	1639
Legal Aid (2021-22) (Date received 20/09/2022)	1640
Legal Costs Committee (2021-22) (Date received 20/09/2022)	1641
Mines, Industry Regulation and Safety, Department of (2021-22) (Date received 21/09/2022)	1642
Public Advocate, Office of the (2021-22) (Date received 20/09/2022)	1643

7. Underperformance of McGowan Government Ministers

Motion No. 11 having been called, Hon Dr Steve Thomas, pursuant to notice, moved —

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.

Debate ensued.

Motion — put.

The Council divided.

Ayes (7)

Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Steve Martin

Hon Tjorn Sibma
 Hon Dr Steve Thomas
 Hon Colin de Grussa (*Teller*)

Noes (19)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Shelley Payne

Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Motion thus negatived.

8. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Jackie Jarvis in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 5 — Police power of arrest — Parliamentary Inspectors report

Debate resumed on the motion of Hon Pierre Yang, That the Report be noted.

Debate interrupted and postponed pursuant to SO 110(2A)

Joint Standing Committee on the Corruption and Crime Commission — Report 6 — The Corruption and Crime Commission's unexplained wealth function — The review by the Honourable Peter Martino

Hon Dr Steve Thomas moved, That the Report be noted.

Debate ensued.

Interruption pursuant to order.

The Deputy President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report 5 — *Police power of arrest — Parliamentary Inspector's report*, made progress, and postponed further consideration until the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 6 — *The Corruption and Crime Commission's unexplained wealth function — The review by the Honourable Peter Martino*, made progress, and seeks to sit again.

Report adopted.

9. Duties Amendment (Farm-in Agreements) Bill 2022

The Acting President reported the receipt of Message No. 76 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Emergency Services representing the Minister for Finance moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Emergency Services representing the Minister for Finance moved, That the Bill be read a second time.

The Minister for Emergency Services representing the Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1649).

Debate stands adjourned.

10. Health and Disability Services (Complaints) Amendment Bill 2021

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

11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Corrective Services, by leave, incorporated into *Hansard* information in relation to prison guard staffing levels, in response to a question without notice asked by Hon James Hayward.

The Parliamentary Secretary representing the Minister for Energy, by leave, incorporated into *Hansard* information in relation to the Esperance Energy Transition Plan, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Mental Health, by leave, incorporated into *Hansard* information in relation to mental health services in the Great Southern region, in response to a question without notice asked by Hon Colin de Grussa.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to graduate nursing positions offered by the Department of Health, in response to a question without notice asked by Hon Steve Martin.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to Severity Assessment Code 1 clinical incidents in Western Australian hospitals, in response to a question without notice asked by Hon Steve Martin.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to food and medicinal foraging in Western Australian forests and national parks, in response to a question without notice asked by Hon Sophia Moermond.

The Minister for Emergency Services on behalf of Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to social housing stock broken into public housing and community housing, by region, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to total public housing stock and vacancies, in response to a question without notice asked by Hon Steve Martin.

The Minister for Emergency Services on behalf of the Leader of the house representing the Minister for Public Sector Management, in accordance with Standing Order 108(2), advised that an answer to questions on notice 776 asked by Hon Martin Aldridge will be provided on 11 October 2022.

The The Minister for Emergency Services representing the Minister for Environment, tabled, and by leave incorporated into *Hansard*, documents in relation to landfills licensed under part 5, division 3 of the *Environmental Protection Act*, 1986 within the Swan Coastal Plain, in response to question on notice 898 asked by Hon Tjorn Sibma. (Tabled Paper 1652).

The Parliamentary Secretary to the Minister for Regional Development on behalf of the Minister for Regional Development representing the Minister for Water; Forestry; Youth, in accordance with Standing Order 108(2), advised that an answer to questions on notice 864 asked by Hon Martin Aldridge will be provided by 11 October 2022.

The Minister for Emergency Services on behalf of the Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to vacant and occupied social housing homes in Western Australia, in response to a question without notice asked by Hon Steve Martin.

The Parliamentary Secretary to the Minister for Regional Development tabled, and by leave incorporated into *Hansard*, information in relation to Department of Primary Industries and Regional Development map of the distribution of feral pigs within the South West agricultural zone of Western Australia, in response to a question without notice asked by Hon James Hayward. (Tabled Paper 1653).

12. President's Ruling — Matter of Privilege raised by Hon Nick Goiran

The President ruled as follows —

On Thursday, 1 September 2022 the Hon Nick Goiran raised a matter of privilege, which I undertook to consider and report back to the House.

The Hon Nick Goiran proposed that in answering a question on behalf of the Minister for Child Protection, the Hon Sue Ellery had provided a false answer.

The relevant part of the answer provided by the Leader of the House at Question Time was:

- (1) Workload management reporting is a point-in-time report produced on the first Friday of every month. The Honourable Member's question was asked on 10 August 2022, so the most recent finalised results for July 2022 were provided.

The assumption that underpins the Hon Nick Goiran's claim that the answer provided was untrue, is that the Leader of the House should have provided the figures from the point-in-time report produced on 5 August 2022.

While it is not my intention to undertake a forensic review of the matter, I would point out that the Leader of the House provided 'the most recent finalised results for July 2022'. It may have been the case that the point-in-time report produced on 5 August 2022 had not yet been finalised on 10 August 2022 when the answer was provided.

In any event, as the Hon Nick Goiran noted on 1 September all of the information he requested has now been provided.

Accordingly, I rule that there is no substantive matter of privilege to be investigated.

13. Papers

The following Papers were laid on the Table by —

Minister for Emergency Services on behalf of the Leader of the House

Annual Reports —

Kimberley Ports Authority (2021-22) (Date received 21/09/2022)1654

Determinations —

Minister for Planning — Reasons for determination of application for review (DR29 of 2022) Ruah Community Services Ltd and City of Perth in accordance with Section 247(4)(b) of the Planning and Development Act 20051655

Determination of application for review (DR29 of 2022) Ruah Community Services Ltd and City of Perth in accordance with Section 247(4)(b) of the Planning and Development Act 2005 — Annex A Conditions of Approval1656

14. Health and Disability Services (Complaints) Amendment Bill 2021

Debate resumed on the second reading of this Bill (*see item 10 above*).

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Dr Brian Walker in the Chair)

Clause 1.

Debate ensued.

Interruption pursuant to order.

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.

15. Working with Children (Criminal Record Checking) Amendment Bill 2022

The President reported the receipt of Message No. 75 from the Legislative Assembly forwarding the Bill for concurrence.

Minister for Emergency Services on behalf of Leader of the House representing the Minister for Child Protection moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

Minister for Emergency Services on behalf of Leader of the House representing the Minister for Child Protection moved, That the Bill be read a second time.

Minister for Emergency Services on behalf of Leader of the House representing the Minister for Child Protection tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1650).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

16. Mining Amendment Bill 2022

The President reported the receipt of Message No. 77 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Mines and Petroleum moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Parliamentary Secretary to the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1651).

Debate stands adjourned.

17. Adjournment

There being no Members' Statements the Council adjourned at 6.45pm until Tuesday, 11 October 2022 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sue Ellery.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council