



LEGISLATIVE COUNCIL

WEDNESDAY, 16 FEBRUARY 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. President's Ruling — President's Procedural Ruling provided to the Standing Committee on Environment and Public Affairs

The President ruled as follows —

Members, Yesterday I made a procedural ruling in relation to committee proceedings under Standing Order 184(1). I note that as this ruling also relates to an Order of the Council, it also has implications for the House.

The substantive part of the ruling provided:

I refer to the Order made today by the Legislative Council relating to Members' vaccination information. By the terms of that Order, a Member was *"immediately suspended from attending the Chamber, Parliament House and the Legislative Council Committee Office until the second sitting day following the winter recess"*.

A question arose as to whether the suspended Member could remotely participate in a meeting of a standing committee of the Council by electronic communication. It is my view that the Member is subject to a physical suspension only. The suspension was not imposed under Standing Orders 30 to 33 as a *"suspension from the service of the Council"* for disorderly conduct in the proceedings of the Council. Rather, the suspension was an inbuilt penalty for non-compliance contained within the Order of the Council. This penalty was imposed under the authority of the Council's general penalty powers under section 1 of the *Parliamentary Privileges Act 1891* and is very specific in its effect. It expressly suspends the Member from *"attending"* various rooms and buildings. The Order does not suspend the Member from their service to the Council.

Accordingly, pursuant to the Standing Orders the suspended Member may fully participate remotely by electronic communication in the proceedings of standing and select committees.

I also note that, should the suspended Member choose not to participate in a committee's proceedings of which they are a Member by electronic means, then, as they are physically absent by Order of the Council, the committee attendance requirements under the Standing Orders do not apply and the suspended Member will remain a member of that Committee until either their term of suspension expires or the Council orders otherwise.

In addition to that ruling, I further draw Members' attention to the implications of this ruling for proceedings in the House. I rule that as the Member has been suspended by Order of the Council, the attendance requirements in Standing Order 28 do not apply.

Further I am of the view that the "absent Member" provisions would apply in this instance. As such, pursuant to Standing Order 57, another Member may:

- (a) move or move to postpone an order of the day;
- (b) give a notice of motion;
- (c) move a motion;
- (d) ask a question without notice; or
- (e) present a petition,

on behalf of and with the approval of the suspended Member in this case.

3. Ministerial Statement — Animal Welfare Advisory Committee

The Minister for Agriculture and Food made a Ministerial Statement with respect to the appointment of members to the State's Animal Welfare Advisory Committee, which will provide independent advice to the Agriculture and Food Minister and the Department of Primary Industries and Regional Development on animal welfare matters.

4. Paper

The following Paper was laid on the Table by —

Leader of the House

Annual Reports —

Pharmacy Registration Board (2020-21) (Date received 15/02/2022)..... 1059

5. 2019-2022 Economic Boom

Motion No. 1 having been called, Hon Dr Steve Thomas, pursuant to notice, moved —

That this House notes that —

- (a) the McGowan Government is in the process of blowing the 2019-22 economic boom, which has given it the highest revenues and largest budget surpluses in the history of Western Australia;
- (b) the boom has been the result of high iron ore prices and the new deal struck with the Commonwealth on GST;
- (c) despite this record income the McGowan Government has failed to adequately deliver services to the people of this State, and that many of their Ministers have failed in their tasks; and
- (d) thanks the Morrison Federal Government for the GST fix that has delivered billions of dollars into the State coffers.

Debate ensued.

Motion — put.

The Council divided.

Ayes (8)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Donna Faragher
 Hon James Hayward

Hon Tjorn Sibma
 Hon Dr Steve Thomas
 Hon Neil Thomson
 Hon Nick Goiran (*Teller*)

Noes (21)

Hon Dan Caddy	Hon Stephen Pratt
Hon Sandra Carr	Hon Martin Pritchard
Hon Stephen Dawson	Hon Samantha Rowe
Hon Sue Ellery	Hon Rosie Sahanna
Hon Peter Foster	Hon Matthew Swinbourn
Hon Lorna Harper	Hon Dr Sally Talbot
Hon Jackie Jarvis	Hon Wilson Tucker
Hon Alannah MacTiernan	Hon Dr Brian Walker
Hon Ayor Makur Chuot	Hon Darren West
Hon Kyle McGinn	Hon Pierre Yang (<i>Teller</i>)
Hon Shelley Payne	

Motion thus negatived.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Martin Aldridge in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report 1 — Annual Report 2020-21

Debate resumed on the motion of Hon Dr Steve Thomas, That the Report be noted.

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

Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force

Debate resumed on the motion of Hon Dr Steve Thomas, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The 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 1 — *Annual Report 2020-21*, made progress, and postponed further consideration until the next sitting.
- (2) Joint Standing Committee on the Corruption and Crime Commission — Report 2 — Joint Standing Committee on the Corruption and Crime Commission — Report No. 2 — *If not the CCC ... then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force*, made progress, and seeks to sit again.

Report adopted.

7. Order of Business

Ordered — That Orders of the Day Nos 1, *Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance*, 2, *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 — Disallowance*, 3, *City of Fremantle Parking Local Law 2021 — Disallowance*, 4, *City of Stirling Meeting Procedures Local Law 2021 — Disallowance*, 5, *City of Canning Local Government Property and Public Places Local Law 2021 — Disallowance*, and 6, *Town of Bassendean Cats Local Law 2021 — Disallowance*, be taken after Order of the Day No. 13, *Administration Amendment Bill 2021*. (Leader of the House).

8. Courts Legislation Amendment (Magistrates) Bill 2021

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

9. Questions Without Notice

Questions without notice were taken.

The Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* information in relation to all the coupes approved for inclusion in the 2022 timber harvest plan, and for the calendar years 2017-2021 inclusive, the jarrah harvest and production details, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Minister for Health tabled advice from the Chief Health Officer to the Parliament of Western Australia in relation to mandatory vaccination for the Parliament of Western Australia (11 February 2022), in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 1060).

The Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* information in relation to the production, in tonnes, of Jarrah and Karri for the calendar years 2017 to 2021 inclusive, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Regional Development representing the Minister for Energy tabled the terms of reference for the Independent Review of Christmas 2021 power outages, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 1061).

The Leader of the House representing the Premier tabled advice from the Chief Health Officer to the Premier in relation to proof of vaccination requirements (15 February 2022), in response to a question without notice asked by Hon James Hayward. (Tabled Paper 1062).

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to the Government's mandatory vaccination program confirming that the Department of Health is responsible for compliance, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Premier tabled agendas of meetings of the Vaccination Strategic Coordination Group, in response to question on notice 465 asked by Hon Martin Aldridge. (Tabled Paper 1063).

The Minister for Emergency Services, by leave, incorporated into *Hansard* information in relation to the mandatory wearing of masks and vaccination in various venues in the metropolitan area, in response to question on notice 8 asked by Hon Peter Collier.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* information in relation to record crime levels in the Kimberley region and the requirement for additional resources, in response to question on notice 23 asked by Hon Neil Thomson.

The Minister for Emergency Services representing the Minister for Environment tabled the AECOM Derby Tidal Power Project Compliance Assessment reports from 2015 to 2021, in response to question on notice 480 asked by Hon Dr Brad Pettitt. (Tabled Paper 1064).

The Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* a list of all the coupes approved for inclusion in the 2022 timber harvest plan, and for 2017 to 2021 inclusive, details on the jarrah forest harvest, jarrah production and jarrah sawlog production, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Emergency Services representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice 457 asked by Hon Nick Goiran will be provided by 22 February 2022.

The Minister for Emergency Services representing the Minister for Police, in accordance with Standing Order 108(2), advised that an answer to question on notice 479 asked by Hon Martin Aldridge will be provided by 22 February 2022.

The Minister for Emergency Services on behalf of the Minister representing the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 463, 467, 469 and 473 asked by Hon Martin Aldridge will be provided by 24 February 2022.

10. Statement by President — Resignation of John Seal-Pollard — Usher of the Black Rod

The President made the following Statement —

Members, I wish to acknowledge the departure this Friday of a very important member of our staff, the Usher of the Black Rod, John Seal-Pollard, who is leaving the Legislative Council to take up a senior position in the Parliamentary Counsel's Office.

11. Courts Legislation Amendment (Magistrates) Bill 2021

Debate resumed on the second reading of this Bill (*see item 8 above*).

The Parliamentary Secretary to the Attorney General tabled a letter from the Law Society to the Attorney General and other Members of Parliament. (Tabled Paper 1065).

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled a letter from the Attorney General to the Law Society of Western Australia. (Tabled Paper 1066).

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled an opinion on the constitutional validity of the *Courts Legislation Amendment (Magistrates) Act 2021* from the Solicitor General. (Tabled Paper 1067).

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Peter Foster 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.

12. Members' Statements

Statements were taken.

13. Adjournment

The Council adjourned at 7.01pm until Thursday, 17 February 2022 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Klara Andric, Hon Colin de Grussa (*leave*), Hon Kate Doust, Hon Steve Martin and Hon Sophia Moermond (*suspended*).

SAM HASTINGS

Acting Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council