

**LEGISLATIVE COUNCIL****TUESDAY, 22 FEBRUARY 2022****2.00pm**

ORDER OF BUSINESS

Petitions, Statements by Ministers and Parliamentary Secretaries, Papers for Tabling, Notices of Motions for Disallowance, Notices of Motions to Introduce Bills, Notices of Motions, Questions without Notice, Motions Without Notice, Motions and Orders of the Day.

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MOTIONS

1. Reform of Western Australia's Fines Enforcement Regime *(Notice given 1 June 2021)*

Hon Pierre Yang: To move —

That this House notes the historic reform of Western Australia's fines enforcement regime during the last term of Government and commends the McGowan Government on the meaningful difference this reform has provided to those in our community who experience genuine hardship as a result of their inability to pay a fine. In particular this House notes in relation to the reform —

- (a) the impact of the commencement of the Work and Development Permit Scheme;
- (b) the reduction of individuals imprisoned as a result of fine default;
- (c) the introduction of garnishee orders and their impact in recovering payment for outstanding fines; and
- (d) the prohibition of issuing licence suspension orders for individuals whose last known address is in a remote area, addressing the disproportionate impact of suspended licences on individuals living in remote areas without public transport infrastructure.

2. Sustainable Management of Western Australia's Fisheries *(Notice given 2 June 2021)*

Hon Dr Sally Talbot: To move —

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

3. Innovation Voucher Program (*Notice given 2 June 2021*)

Hon Dan Caddy: To move —

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.

4. McGowan Labor Government — Machinery of Government Changes (*Notice given 3 June 2021*)

Hon Peter Collier: To move —

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.

5. Housing Concerns (*Notice given 3 June 2021*)

Hon Steve Martin: To move —

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.

6. World Elder Abuse Awareness (*Notice given 3 June 2021*)

Hon Rosetta Sahanna: To move —

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.

7. Machinery of Government — Outcomes (*Notice given 15 June 2021*)

Hon Dr Steve Thomas: To move —

That the Legislative Council calls on the Government to identify the costs, savings and outcomes of its Machinery of Government changes implemented on 1 July 2017.

8. Contribution of WA Police (*Notice given 15 June 2021*)

Hon Peter Collier: To move —

That this House —

- (1) Recognises the valuable contribution of WA Police to the State.
- (2) Encourages the Labor Government to recognise the significant pressures on all areas of the police force due to factors including —
 - (a) COVID-19;
 - (b) substance abuse throughout the community;
 - (c) cost of living pressures for officers, particularly those serving in remote and regional areas of the State; and
 - (d) increased domestic violence cases,
 and calls upon the Government to provide the appropriate salary and conditions accordingly.

9. Family and Domestic Violence (*Notice given 15 June 2021*)

Hon Sandra Carr: To move —

That this House notes —

- (a) the public interest that has been generated from the recently aired 'See What You Made Me Do' television series aired on SBS about peoples' experiences of family and domestic violence; and
- (b) the efforts of the McGowan Government to address this issue in the community through a significant increase in funding, awareness, and legislative reform.

10. Improved Seniors' Safety and Security Rebate (*Notice given 16 June 2021*)

Hon Martin Pritchard: To move —

That the Legislative Council notes the McGowan Government's reinstatement of the improved seniors' Safety and Security Rebate and the impact that this \$16 million election commitment will have in ensuring that our seniors are protected and secure in their homes.

11. Investment in Early Years (*Notice given 16 June 2021*)

Hon Donna Faragher: To move —

That this House —

- (a) recognises that the early years are identified as a critical period in a child's life marked by rapid and significant changes in their physical, cognitive, social and emotional development; and
- (b) calls on the McGowan Government to significantly increase its investment in this critical area.

12. Human Rights of People with Disability (*Notice given 17 June 2021*)

Hon Stephen Pratt: To move —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to individual and systemic advocacy in Western Australia in working to promote, protect and defend the human rights of people with disability.

13. Defence to the Presence of THC in a Driver *(Notice given 22 June 2021)*

Hon Dr Brian Walker: To move —

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.

14. Corruption and Crime Commission — Access to Documents *(Notice given 24 June 2021)*

Hon Nick Goiran: To move —

That this House —

- (a) expresses its appreciation to the Members and staff responsible for the drafting, tabling and publishing of the 61st report of the Standing Committee on Procedure and Privileges (Committee);
 - (b) is concerned that good faith negotiations between the Committee and the Corruption and Crime Commission (CCC) ceased inexplicably;
 - (c) notes that the Committee's audit reveals that 1,120 privileged documents were provided without parliamentary approval by the Government to the CCC;
 - (d) reasserts that draft parliamentary speeches, motions and questions are subject to parliamentary privilege in the same way as confidential parliamentary committee material such as committee deliberations and draft report recommendations; and
- encourages the CCC to avail itself forthwith of the opportunity to access the more than 450,000 non-privileged records.

15. Insurance Commission of Western Australia *(Notice given 9 September 2021)*

Hon Nick Goiran: To move —

That this House —

- (1) Notes that the Insurance Commission of Western Australia (Commission) —
 - (a) received \$665.4 million on 11 September 2020 as its share of the settlement of the Bell Group litigation settlement;
 - (b) were not involved in the preparation of the Premier's media release on 4 October 2020 which said that every residential household would from 1 November 2020 receive a one-off \$600 electricity bill credit "funded from the recent Bell Group settlement";
 - (c) paid approximately \$200 million to the Government in 2020-21 by way of tax equivalent payments on the Bell settlement sum; and
 - (d) have covered approximately \$292 million in costs arising from the Bell litigation leaving it with an after tax net sum of \$173 million.
- (2) Expresses its concern that the Premier —
 - (a) misled Western Australians when he made his electricity credit announcement on 4 October 2020; and
 - (b) did not have the Bell settlement funds when the electricity bill credits were issued.

- (3) Reminds the Premier that the funding of the Bell Group litigation was derived from a WA Inc levy imposed on motorists.
- (4) Calls on the Premier to —
 - (a) acknowledge that the Commission Board owe fiduciary duties;
 - (b) undertake not to interfere with the discharge of those duties; and
 - (c) table any reports he receives from the Commission under sections 28 or 29 of the *Insurance Commission of Western Australia Act 1986*.

16. Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings
(Notice given 12 October 2021)

Hon Nick Goiran: To move —

That this House —

- (1) Thanks the Commissioner for Children and Young People for his *Independent Review into the Department of Communities' policies and practices in the placement of children with harmful sexual behaviours in residential care settings*.
- (2) Notes with grave concern the Commissioner's damning findings which expose that —
 - (a) children raised their concerns, and these were not responded to in a timely manner;
 - (b) the information and knowledge management systems of the Department are not fit for purpose and impede decision making for children and young people and organisational accountability;
 - (c) the Department does not have a cohesive or effective framework or policy, practices or services to understand and respond to children and young people with harmful sexual behaviours;
 - (d) the Department does not consistently ensure that high quality and safe care by well trained and supported staff and carers is provided to children and young people in the care of the CEO in residential care;
 - (e) the Department's risk assessment and management strategies are not effective in consistently preventing, identifying and mitigating risks to children and young people in residential care; and
 - (f) the Department's internal safeguards and review mechanisms do not contribute effectively to the safety of children and young people in residential care.
- (3) Calls on the Government to urgently provide a precise and time bound plan of how it proposes to address the Commissioner's findings and recommendations.

17. Amendment to Standing Orders — Removal of Prayers from Formal Business (Notice given 13 October 2021)

Hon Sophia Moermond: To move —

That Standing Order 14(1) be amended by:

- (a) deleting item (a); and
- (b) renumbering the remaining items accordingly.

18. Elder Abuse (*Notice given 15 February 2022*)

Hon Nick Goiran: To move —

That this House —

- (a) reminds the McGowan Labor Government that its January 2017 election manifesto on responding to elder abuse promised that it would “expedite” amendments to the law surrounding enduring powers of attorney and guardianship;
- (b) notes that on 13 September 2017 the Legislative Council established, on the motion of the Opposition, the Select Committee into Elder Abuse;
- (c) reminds the Government that the Select Committee’s 24th recommendation in its 2018 Final Report called on it to “act as a matter of urgency”;
- (d) notes that more than 5 years have passed since the election promise was made;
- (e) expresses its deep concern about the impact on victims of elder abuse given its prevalence in our State and reports of an increase during the pandemic; and
- (f) calls on the Government to apologise for breaking trust with the victims, the electors and the Parliament, and to make amends without any further delay.

ORDERS OF THE DAY

1. Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance

Moved (SO 67(3)) 10 November 2021 on the motion of Hon Dr Brad Pettitt (Question to be put at this day’s sitting).

That the *Biodiversity Conservation (Exemptions) Amendment Order 2021* published in the *Gazette* on 15 October 2021 and tabled in the Legislative Council on 26 October 2021 under the *Biodiversity Conservation Act 2016*, be and is hereby disallowed. (Tabled paper 814).

2. City of Stirling Meeting Procedures Local Law 2021 — Disallowance

Moved (SO 67(3)) 2 December 2021 on the motion of Hon Stephen Pratt (Days remaining 7 after today (Indicative date — 23 March 2022))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Stirling Meeting Procedures Local Law 2021* published in the *Gazette* on 7 September 2021 and tabled in the Legislative Council on 14 September 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 544).

3. City of Wanneroo Animals Local Law 2021 — Disallowance

Moved (SO 67(3)) 17 February 2022 on the motion of Hon Lorna Harper (Days remaining 16 after today (Indicative date — 18 May 2022))

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Wanneroo Animals Local Law 2021* published in the *Gazette* on 27 October 2021 and tabled in the Legislative Council on 9 November 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 836).

4. Conservation and Land Management Amendment Bill 2021 [LA 7–1] *Minister for Emergency Services representing the Minister for Environment*

Second reading adjourned (Thursday, 24 June 2021).

5. Courts Legislation Amendment (Magistrates) Bill 2021 [LA 27–1] *Parliamentary Secretary to the Attorney General*

Committee progress clause 1 (Thursday, 17 February 2022).

6. Transfer of Land Amendment Bill 2021 [LA 16–1] *Leader of the House representing the Minister for Lands*

Second reading adjourned (Thursday, 5 August 2021).

7. *Fair Trading Amendment Bill 2021 [LC 19–1] *Minister for Emergency Services representing the Minister for Commerce*

Second reading adjourned (Wednesday, 23 June 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 133 (Tabled 10 August 2021).

cf SNP 19 Issue 1 — 10 August 2021.

8. *Transport Legislation Amendment (Identity Matching Services) Bill 2021 [LC 26–1] *Leader of the House representing the Minister for Transport*

Second reading adjourned (Wednesday, 23 June 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 134 (Tabled 10 August 2021).

9. *Statutes (Repeals and Minor Amendments) Bill 2021 [LC 2–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Thursday, 6 May 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 135 (Tabled 31 August 2021).

10. *Administration Amendment Bill 2021 [LA 13–2] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Tuesday, 7 September 2021).

cf SNP 13 Issue 3 – 13 October 2021.

11. Criminal Appeals Amendment Bill 2021 [LA 35–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Wednesday, 8 September 2021).

12. *Legal Profession Uniform Law Application (Levy) Bill 2021 [LA 32–1] *Parliamentary Secretary to the Attorney General*

Second reading adjourned (Wednesday, 4 August 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 136 (Tabled 12 October 2021).

13. *Legal Profession Uniform Law Application Bill 2021 [LA 31–2] Parliamentary Secretary to the Attorney General

Second reading adjourned (Wednesday, 4 August 2021).

cf SNP 31 Issue 1 – 12 October 2021.

See Standing Committee on Uniform Legislation and Statutes Review Report No. 136 (Tabled 12 October 2021).

14. Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021 [LA 38–2] Parliamentary Secretary to the Attorney General

Second reading adjourned (Tuesday, 26 October 2021).

15. Wittenoom Closure Bill 2021 [LA 28–1] Leader of the House representing the Minister for Lands

Second reading adjourned (Wednesday, 27 October 2021).

16. Poseidon Nickel Agreement Amendment (Termination) Bill 2021 [LA 44–1] Minister for Regional Development representing the Minister for State Development, Jobs and Trade

Second reading adjourned (Thursday, 28 October 2021).

17. Civil Procedure (Representative Proceedings) Bill 2021 [LA 37–1] Parliamentary Secretary to the Attorney General

Second reading adjourned (Thursday, 28 October 2021).

18. *Mutual Recognition (Western Australia) Amendment Bill 2021 [LC 58–1] Leader of the House representing the Premier

Second reading adjourned (Wednesday, 17 November 2021).

See Standing Committee on Uniform Legislation and Statutes Review Report No. 137 (Tabled 15 February 2022).

19. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament (Tabled 13 May 2021)

Consideration on the motion of Hon Simon O’Brien (Thursday, 13 May 2021) as follows —

That Recommendation 1 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 1 states —

A standing memorandum of understanding relating to the compulsory production of evidence and determinations as to material that is subject to parliamentary privilege be advanced between the Legislative Council and relevant investigative agencies, in accordance with the resolution of the Legislative Council of 5 September 2019.

20. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 2 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 2 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

In relation to the refusal by Ms Emily Roper, the Acting Director General of the Department of the Premier and Cabinet, to comply with a summons to attend and produce documents at 9.00am on Friday, 9 August 2019, issued by the Legislative Council Standing Committee on Procedure and Privileges, and the events leading up to that non-compliance:

- (1) Did Ms Emily Roper, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

21. Standing Committee on Procedure and Privileges — Report 61 — Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament
(Tabled 13 May 2021)

Consideration on the motion of Hon Simon O'Brien (Thursday, 13 May 2021) as follows —

That Recommendation 3 contained in Report 61 of the Standing Committee on Procedure and Privileges, *Progress Report: Supreme Court proceedings and matters of privilege raised in the 40th Parliament*, be adopted and agreed to.

See Tabled Paper 191 (Tabled 13 May 2021).

Recommendation 3 states —

The Committee recommends that the following matters be re-referred to the Procedure and Privileges Committee for inquiry and report:

In relation to the actions of Mr Darren Foster, the Director General of the Department of the Premier and Cabinet, in producing documents to the Corruption and Crime Commission relating to former Members of the Legislative Council without following a procedure that the Legislative Council or the Legislative Council Standing Committee on Procedure and Privileges had authorised for determining issues of parliamentary privilege:

- (1) Did Mr Darren Foster, or any other person or body, commit a contempt of the Legislative Council or any breach of its privileges?
- (2) If the Committee so finds that any contempt of the Legislative Council has been committed, or that any of the privileges of the Legislative Council have been breached, then what penalty, if any, should the Legislative Council impose for each contempt or breach?

22. Misuse of Drugs Amendment Bill 2021 [LC 23–1] *Hon Dr Brian Walker*

Second reading adjourned (Thursday, 3 June 2021).

23. Climate Change and Greenhouse Gas Emissions Reduction Bill 2021 [LC 48–1]
Hon Dr Brad Pettitt

Second reading adjourned (Thursday, 14 October 2021).

24. Retail Trading Hours Amendment Bill 2021 [LC 62–1] *Hon Wilson Tucker*

Second reading adjourned (Thursday, 16 December 2021).

25. Investment in Digital Inclusion (*Moved 16 December 2021*)

Resumption of debate adjourned (Thursday, 16 December 2021), on the motion of Hon Wilson Tucker as follows —

That this House:

- (a) recognises the benefits of digital inclusion, particularly in remote and regional areas of Western Australia;
- (b) notes that despite the rollout of the NBN, many regional Western Australians still lack network access and remain effectively digitally excluded; and
- (c) calls on the State Government to increase investment in initiatives to improve network access and digital inclusion for regional Western Australia.

Total time remaining on motion — 7 mins.

SELECT COMMITTEES

1. Select Committee into Cannabis and Hemp (*Established 13 October 2021*)

On the motion of Hon Dr Brian Walker as follows —

- (1) A Select Committee to be known as the Cannabis and Hemp Select Committee is established.

The Select Committee is to inquire into and report on the potential to amend the current legislation and regulations which apply to cannabis and hemp in Western Australia, with particular reference to —

- (a) the current barriers to pharmaceutical nutraceutical use of cannabinoid products;
- (b) medicinal cannabis, its prescription, availability and affordability; and
- (c) the potential benefits and risks of permitting industrial hemp for human consumption.

The Select Committee shall consist of five members, namely: Hon Dr Brian Walker (Chair); Hon Matthew Swinbourn (Deputy Chair); Hon Jackie Jarvis; Hon Lorna Harper and Hon James Hayward. The Select Committee may table interim reports, and is to table its final report by no later than 12 months after the committee has been established.

COMMITTEE INITIATED INQUIRIES

1. **Standing Committee on Public Administration — Terms of Reference: Inquiry into the delivery of ambulance services in Western Australia** (*Notice given 22 June 2021*)

Resolution of the Committee on 17 June 2021 to commence an Inquiry into the delivery of ambulance services in Western Australia with the following terms of reference —

- (a) how 000 ambulance calls are received, assessed, prioritised and despatched in the metropolitan area and in the regions;
- (b) the efficiency and adequacy of the service delivery model of ambulance services in metropolitan and regional areas of Western Australia;
- (c) whether alternative service delivery models in other jurisdictions would better meet the needs of the community; and
- (d) any other matters considered relevant by the Committee.

The Committee intends to table its report by March 2022.

2. **Standing Committee on Estimates and Financial Operations — Terms of Reference: Inquiry into the financial administration of homelessness services in Western Australia** (*Notice given 18 November 2021*)

Resolution of the Committee on 17 November 2021 to commence an Inquiry into the financial administration of homelessness services in Western Australia with particular focus on —

- (a) the current funding and delivery of services
- (b) 'All Paths Lead to a Home', Western Australia's 10-Year Strategy on Homelessness 2020-2030
- (c) existing data systems and how data informs service delivery
- (d) any other related matter.

Pursuant to Standing Order 163, Hon Steve Martin is substituted for Hon Nick Goiran and Hon Dan Caddy is substituted for Hon Samantha Rowe for the duration of this inquiry.

CONSIDERATION OF COMMITTEE REPORTS

1. **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** (*Tabled 9 September 2021*)

Continuation of remarks Hon Nick Goiran — 5 min (Wednesday, 16 February 2022) on the motion of Hon Dr Steve Thomas that the report be noted.

See Tabled paper 537.

Government Response Tabled 30 November 2021 (Tabled Paper 913).

Time remaining on motion — 1 hour 1 min. (Motion to be postponed in 1 min).

Standing Order 110(2A) and (2B) applied — 13 October 2021, 17 November 2021.

2. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 2 — Report Review 2020-21: Examination of selected reports by the Commissioner for Children and Young People (*Tabled 18 November 2021*)

Consideration. *See Tabled paper 895.*

3. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 3 — The merits of appointing a commissioner for Aboriginal children and young people (*Tabled 18 November 2021*)

Consideration. *See Tabled paper 896.*

4. Standing Committee on Estimates and Financial Operations — Report No. 85 — Consideration of the 2021-22 Budget Estimates (*Tabled 30 November 2021*)

Consideration. *See Tabled paper 937.*

Government Response Tabled 15 February 2022 (Tabled Paper 1009).

5. Joint Standing Committee on the Commissioner for Children and Young People — Report No. 1 — Annual Report 2020–2021 (*Tabled 16 September 2021*)

Resumption of debate (Wednesday, 8 December 2021) on the motion of Hon Neil Thomson that the report be noted.

See Tabled paper 678.

Time remaining on motion — 2 hours.

Standing Order 110(2A) and (2B) applied — 10 November 2021, 8 December 2021.

6. Joint Standing Committee on the Corruption and Crime Commission — Report No. 1 — Annual Report 2020–21 (*Tabled 9 September 2021*)

Continuation of remarks Hon Jackie Jarvis — 6 mins (Wednesday, 16 February 2022) on the motion of Hon Dr Steve Thomas that the report be noted.

See Tabled paper 536.

Time remaining on motion — 1 hour.

Standing Order 110(2A) and (2B) applied — 15 September 2021, 27 October 2021, 16 February 2022.

GOVERNMENT RESPONSES

Committee	Minister	Due Date
^Ω Joint Standing Committee on the Commissioner for Children and Young People — Report No. 3 — <i>The merits of appointing a commissioner for Aboriginal children and young people</i> Tabled 18 November 2021 #TP 896	Attorney General Treasurer	18 February 2022

* For amendments see Supplementary Notice Paper and/or Committee Report

^Ω Note: Legislative Assembly Standing Orders apply.

For a list of all Petitions tabled see cumulative Tabled Paper list.

SAM HASTINGS

Acting Clerk of the Legislative Council