



LEGISLATIVE COUNCIL

TUESDAY, 10 MAY 2022

2.00pm

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. Statement by President — Senate Vacancy

The President made the following Statement —

I have a message from His Excellency the Governor that transmits to the Legislative Council a copy of a despatch which he has received from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate. The despatch from the President of the Senate reads as follows —

Your Excellency

Vacancy in the representation of Western Australia

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency there is a vacancy in the representation of the State of Western Australia following the resignation of Senator Ben Small on Friday, 15 April 2022.

In announcing his resignation, Senator Small indicated that there were questions as to his previous eligibility to sit as a Senator, which may need to be referred to the Court of Disputed Returns. However, those questions do not go to the manner of filling the current vacancy. This is a casual vacancy to which section 15 of the Constitution applies.

For clarity, I indicate that the term of the vacant position expires at the end of 30 June 2022.

Yours sincerely

Senator the Honourable Slade Brockman
President of the Senate

3. Message from His Excellency the Governor — Assent to Bills

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

14 April 2022 — Message No. 10	Act No.
Transport Legislation Amendment (Identity Matching Services) Bill 2021	8 of 2022
Legal Profession Uniform Law Application Bill 2021	9 of 2022
Legal Profession Uniform Law Application (Levy) Bill 2021	10 of 2022
Treasurer's Advance Authorisation Bill 2022	11 of 2022
Animal Resources Authority Amendment and Repeal Bill 2021	12 of 2022

4. Statement by President — COVID-19 — Legislative Council Sitting Arrangements

The President made the following Statement —

Like all public and private institutions over the past two years, the Parliament, as a workplace, has put in place a number of public health and safety measures to minimise the risk of COVID-19 transmission.

I confirm that following consultation with the party leaders, many of those health and safety settings for the Chamber and its surrounds have been amended.

The arrangements for the Chamber going forward are:

- Seating arrangements have been restored and Members may now sit and speak in all proceedings from their own allocated seat.
- As the suspension of Standing Orders agreed to on 15 February 2022 requiring sit/stand divisions has now expired, divisions will be conducted in the usual manner.
- The bar of the Chamber is now closed and the President's Gallery is no longer part of the floor of the House.
- Arrangements for advisers in the Chamber will return to the usual practice.
- Hard copies of documents will once again be distributed in the Chamber.
- Masks are no longer required, but I strongly encourage the wearing of masks in the Chamber.
- Admission to the Chamber remains subject to all persons strictly adhering to hygiene requirements. Hand sanitiser continues to be available at each of the entrances to the Chamber, and all persons are required to use this on entry to the Chamber.
- Please also follow other health guidelines, including only attending if you are well. If Members need to cough or sneeze, they should do so either into their elbow or a tissue, with the tissue then immediately discarded into a bin.

The following social distancing practices will remain in place:

- Bottled water will continue to be available for Members at the rear of the Chamber.
- The Chair of Committees and Deputy Chairs will continue to sit in the President's Chair during Committee of the Whole House.
- Hansard will continue to be reporting remotely and will not be present on the floor of the House or the Public Gallery. Any speech notes for Hansard should be delivered to them via email at the conclusion of your speech.
- The Public Gallery remains closed for the time being.

Other public health and safety measures around the Parliament have been communicated to Members and staff in an email update from the Clerk.

5. Statement by President — Compliance with an Order of the Council

The President made the following Statement —

My final piece of correspondence is a communication from the Clerk of the Legislative Council. It reads —

President

Pursuant to an Order of the Council made on 15 February 2022 regarding the vaccination and booster requirements for Members of the Legislative Council, I advise that the suspension imposed on Hon Sophia Moermond for failing to comply with paragraph 2(a) of the Order was lifted on 6 May 2022.

Clerk of the Legislative Council

6. Petitions

Hon Nick Goiran presented an E-Petition from 8,318 petitioners requesting the Legislative Council to inquire into the publication of health advice and modelling which informs the state of emergency declarations. (Tabled Paper 1248).

Hon Dr Brad Pettitt presented an E-Petition from 695 petitioners requesting the Legislative Council to support a review of the *Animal Welfare Act 2002*, specifically focussing on the minimum penalties for animal abuse. (Tabled Paper 1249).

7. Papers

The following Papers were laid on the Table by —

President

Addendums —

Audit Practice Statement (February 2022) — Erratum (4 May 2022).....1223

Inspector of Custodial Services, Office of the — 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre (Report No. 141) (March 2022).....1224

Auditor General's Papers —

Audit Results Report — Annual 2020-21 Financial Audits of State Government Entities — Part 2: COVID-19 Impacts (Report No. 14) (May 2022) (Deemed tabled 09/05/2022).....1225

Reports —

Corruption and Crime Commission — Report of the balance of recommendations arising out of previous Commission reports on the Department of Corrective Services (May 2022).....1226

Inspector of Custodial Services, Office of the — 2021 Inspection of Hakea Prison (Report No. 140) (March 2022).....1227

Inspector of Custodial Services, Office of the — 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre (Report No. 141) (March 2022) (Deemed Tabled 17/04/2022).....1228

Leader of the House

Addendums —

Curtin University — Annual Report (2020-21).....1229

Directions —

Direction from the Minister for Planning to the State Administrative Tribunal — Application for review (DR 63 of 2022) in accordance with Section 246(2)(a) of the Planning and Development Act 2005	1230
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Local Laws —

Cat Act 2011 (Town of Bassendean Cats Amendment Local Law 2022 G.G. 08/04/2022)	1231
Local Government Act 1995 (Shire of Narrogin Health Local Law 2022 G.G. 05/04/2022, Local Government Property Amendment Local Law 2022 G.G. 08/04/2022, Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 G.G. 29/04/2022 and City of Melville Local Government (Meeting Procedures) Local Law 2022 G.G. 06/05/2022)	1232

Proposals —

Land Administration Act 1997 — Submission No 07/2021 — Amendments to Class A Reserve 4156 City of Albany	1233
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Regulations —

Children and Community Services Act 2004 (Children and Community Services Amendment Regulations 2022 G.G. 22/04/2022).....	1234
Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2022 G.G. 22/04/2022)	1235
Jetties Act 1926; Shipping and Pilotage Act 1967 (Transport Regulations Amendment (Waiver and Refund) Regulations 2022 G.G. 08/04/2022).....	1236
Metropolitan Redevelopment Authority Act 2011 (Metropolitan Redevelopment Authority Amendment Regulations 2022 G.G. 22/04/2022)	1237
Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2022 G.G. 22/04/2022)	1238
Rail Safety National Law (WA) Act 2015 (Transport Regulations Amendment (Rail Safety National Law) Regulations 2022 G.G. 08/04/2022)	1239

Rules —

Lotteries Commission Act 1990 (Lotteries Commission (Oz Lotto) Amendment Rules 2022 G.G. 05/04/2022 and Super66 and Removal of Self-Serve Kiosks) Amendment Rules 2022 G.G. 12/04/2022).....	1240
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Minister for Emergency Services*Local Laws —*

Bush Fires Act 1954 (Shire of Dardanup Bush Fire Brigades Amendment Local Law 2022 G.G. 06/05/2022).....	1241
Waste Avoidance and Resource Recovery Act 2007 (City of Bayswater Waste Amendment Local Law 2022 G.G. 03/05/2022).....	1242

Notices —

Energy Safety Act 2006 (Energy Safety Levy Notice 2022 G.G. 12/04/2022)	1243
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Standards —

Fair Trading Act 2010 (Competition and Consumer (Australian Consumer Law - Electronic Ticket Resale Service) Information Standard 2022 G.G. 29/04/2022, Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022 G.G. 29/04/2022 and Consumer Goods (Products Containing Button/Coin Batteries) Amendment Safety Standard 2022 G.G. 29/04/2022).....	1244
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Parliamentary Secretary to the Attorney General*Regulations* —

Family Court Act 1997 (Family Court Amendment Regulations 2022 G.G. 08/04/2022) 1245

Rules —

Supreme Court Act 1935 (Supreme Court Amendment Rules 2022 G.G. 06/05/2022)..... 1246

Parliamentary Secretary to the Minister for Disability Services*Orders* —Fish Resources Management Act 1994 (Prohibition on Fishing For Rock Lobster
Amendment Order 2022 G.G. 08/04/2022) 1247**8. Joint Sitting — Senate Vacancy**

The Leader of the House moved, without notice —

That with reference to the Message reported to the Council by the President from His Excellency the Governor, the Honourable President be requested to confer with the Honourable Madam Speaker in order to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

Question — put and passed.

9. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Vincent Local Government Property Local Law 2021 — Disallowance*, and 2, *Shire of Broome Waste Local Law 2021 — Disallowance*, be taken after Order of the Day No. 5, *Fair Trading Amendment Bill 2021*. (Leader of the House).

10. Firearms Amendment 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.

In Committee

(Hon Steve Martin in the Chair)

Clause 6.

Debate resumed.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.
Clause 11 agreed to.
Clause 12.
Debate ensued.
Clause agreed to.
Clauses 13 and 14 agreed to.
Clause 15.
Debate ensued.
Clause agreed to.
Clauses 16 to 19 agreed to.
Clause 20.
Debate ensued.
Clause agreed to.
Clause 21 agreed to.
Clause 22.
Debate ensued.
Clause agreed to.
Clauses 23 and 24 agreed to.
Clause 25.
Debate ensued.
Clause agreed to.
Clause 26 agreed to.
Clause 27.
Debate ensued.
Clause agreed to.
Clause 28 agreed to.
Clause 29.
Debate ensued.
Clause agreed to.
Clauses 30 to 34 agreed to.
Clause 35.
Debate ensued.
Clause agreed to.
Clauses 36 to 41 agreed to.
Clause 42.
Debate ensued.
Clause agreed to.
Clause 43.
Debate ensued.
Clause agreed to.
Clauses 44 to 46 agreed to.
Clause 47.
Debate ensued.

Clause agreed to.
 Clauses 48 and 49 agreed to.
 Clause 50.
 Debate ensued.
 Clause agreed to.
 Clauses 51 and 52 agreed to.
 Clause 53.
 Debate ensued.
 Clause agreed to.
 Clauses 54 to 85 agreed to.
 Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Acting President announced that the Deputy 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.

11. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table of the average number of public servant FTEs employed by the State for the years 2016-17 to 2020-21, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a table of the of the cost to the State for public service wages and superannuation for the financial years 2017-18 to 2020-21, in response to a question without notice asked by Hon Dr Steve Thomas.

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a table of the number of resignations of enrolled and registered nurses, by contract type, between 1 December 2021 and 1 May 2022, in response to a question without notice asked by Hon Steve Martin.

The Leader of the House representing the Minister for Child Protection tabled the Department of Communities *Residential Care Practice Manual*, in response to question on notice 651 asked by Hon Nick Goiran. (Tabled Paper 1250).

The Minister for Emergency Services representing the Treasurer, by leave, incorporated into *Hansard* a list of the 24 Treasurer's Special Purpose Accounts, in response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Innovation and ICT tabled a list of State Government's digital inclusion initiatives including the agency responsible for each initiative, in response to question on notice 621 asked by Hon Wilson Tucker. (Tabled Paper 1251).

The Minister for Emergency Services tabled the Department of Fire and Emergency Services *Operational Circular 13/2022*, in response to question on notice 622 asked by Hon Martin Aldridge. (Tabled Paper 1252).

The Minister for Emergency Services tabled documents in relation to the Minister's visit to Esperance on 11 March 2022, in response to question on notice 623 asked by Hon Martin Aldridge. (Tabled Paper 1253).

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Agriculture and Food tabled documents in relation to unsuccessful applications to the Department of Primary Industries and Regional Development to import exotic bird species in 2018, 2019, 2020 and 2021, in response to question on notice 591 asked by Hon Dr Steve Thomas. (Tabled Paper 1254).

The Parliamentary Secretary to the Minister for Disability Services on behalf of the Minister for Agriculture and Food tabled documents in relation to the outcome and assessment of grants received by the Sweeter Bananas Cooperative of Carnarvon, in response to question on notice 663 asked by Hon Dr Steve Thomas. (Tabled Paper 1255).

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to the daily release of COVID-19 statistics, in response to question on notice 625 asked by Hon Martin Aldridge.

12. Statement by President — Animal Rescue Kits

The President made the following Statement —

Western Australia's Animal Rescue Cooperative (ARC) have provided rescue kits for Members.

Members can keep them in their vehicles should you encounter injured animals on the road.

These kits have contact details for wildlife rescue groups, information about who to contact for emergencies and some items to help in an emergency until a vet or wild life carer can be contacted.

Western Australia's ARC has offered these free for Members to promote good animal welfare and the important work they do particularly during the fire seasons.

I encourage you to pick a rescue kit up from the Parliament's courtyard this week.

I thank the Member for Maylands for coordinating this.

13. Sentencing Legislation Amendment (Persons Linked to Terrorism) Bill 2021

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

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Jackie Jarvis in the Chair)

Clause 1.

Debate ensued.

The Parliamentary Secretary to the Attorney General tabled a jurisdictional comparison table of presumption against parole. (Tabled Paper 1256).

Debate resumed.

The Parliamentary Secretary to the Attorney General tabled Annexure F of the jurisdictional comparison table of presumption against bail and parole. (Tabled Paper 1257).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

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.

14. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022

The President reported the receipt of Message No. 62 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1258).

Debate stands adjourned.

15. Adjournment

There being no Members' Statements the Council adjourned at 9.56pm until Wednesday, 11 May 2022 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Lorna Harper, Hon Alannah MacTiernan, Hon Samantha Rowe, Hon Dr Sally Talbot, Hon Neil Thomson, Hon Wilson Tucker and Hon Darren West.

SAM HASTINGS
Clerk of the Legislative Council

HON ALANNA CLOHESY MLC
President of the Legislative Council