



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.

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.

I now table a copy of the letters from each Clerk and the Executive Manager, Parliamentary Services.

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 the State Government ban 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 notices of Annual Reports extension of time 2021-2022. (Tabled Paper 1648).

5. Ministerial Statement — Transformative renewable hydrogen plant to be built in the Pilbara

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 —

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Reports —

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

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Director of Equal Opportunity in Public Employment (2021-22)
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Public Education Endowment Trust (2021-22) (Date received 20/09/2022).....1611

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

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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

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Minister for Emergency Services

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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
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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 —

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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

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Acacia Prison Services Agreement (2021-22) (Date received 20/09/2022).....	1635
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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 consideration to 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 vacancy rates, 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 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 Health, by leave, incorporated into *Hansard* information in relation to mental health services in the Great Southern, 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 media coverage of Severity Assessment Code 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 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 public 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, in accordance with Standing Order 108(2), advised that an answer to questions on notice 776 asked by Hon Martin Aldridge will be provided by 11 October 2022.

The Minister for Emergency Services representing the Minister for , by leave, incorporated into *Hansard* information 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.

The Minister for Emergency Services representing the Minister for Environment tabled documents in relation to the list of 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 representing the Minister for Water, 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 Parliamentary Secretary to the Minister for Regional Development tabled documents in relation to Department of Primary Industries and Regional Development map of 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.

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 Hon Sue Ellery.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council