



LEGISLATIVE COUNCIL

WEDNESDAY, 13 SEPTEMBER 2023

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. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Performance Audit — Staff Exit Controls for Government Trading Enterprises

(Report No. 4) (September 2023).....2491

Leader of the House

Annual Reports —

Local Government Advisory Board (2022-23) (Date received 12/09/2023)2492

Local Government Standard Panel (2022-23) (Date received 12/09/2023)2493

3. Proposed Voice to Parliament

Hon Dr Steve Thomas: To move on the next day of sitting —

That this House —

- (a) supports the importance of the *Australian Constitution* as the founding document of our nation;
- (b) notes that the *Australian Constitution* currently treats all Australians as equals;
- (c) supports strong measures to improve the outcomes for Aboriginal people across Western Australia, and
- (d) opposes the Federal Labor Party's proposed Voice to Parliament because —
 - (i) it divides the community by creating different levels of Australian citizenship without providing the local solutions needed to achieve part (c), and
 - (ii) it cannot be properly explained by the Federal Labor Government.

4. 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 6 — The Corruption and Crime Commission's unexplained wealth function — The review by the Honourable Peter Martino

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

Question — put and passed.

Standing Committee on Environment and Public Affairs — Report 59 — Overview of Petitions 3 December 2021 to 30 June 2022

Debate resumed on the motion of Hon Peter Foster, 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 6 — *The Corruption and Crime Commission's unexplained wealth function — The review by the Honourable Peter Martino* and had noted same.
- (2) Standing Committee on Environment and Public Affairs — Report 59 — *Overview of Petitions 3 December 2021 to 30 June 2022*, made progress, and seeks to sit again.

Report adopted.

5. Order of Business

Ordered — That Orders of the Day Nos 1, *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 — Disallowance*, and 2, *City of Kalamunda Keeping and Control of Cats Local Law 2023 — Disallowance*, be taken after Order of the Day No. 7, *School Education Amendment Bill 2023*. (Leader of the House).

6. Abortion Legislation Reform Bill 2023

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

In Committee

(Hon Sandra Carr in the Chair)

Clause 8.

Debate resumed on the amendment moved by Hon Ben Dawkins as follows —

Page 8, line 6 — To delete "23" and insert:

20

The Leader of the House representing the Minister for Health tabled statistical information in relation to abortions in Western Australia from 2018 to 2022. (Tabled Paper 2494).

The Leader of the House representing the Minister for Health tabled a list of organisations invited by the Department of Health to make a submission for the abortion consultation. (Tabled Paper 2495).

The Leader of the House representing the Minister for Health tabled the comparison between Form 1, the Department of Health's Report and the *Abortion Legislation Reform Bill 2023*. (Tabled Paper 2496).

Debate resumed.

Amendment — put.

The Committee divided.

Ayes (4)

Hon Kate Doust
Hon Nick Goiran

Hon Neil Thomson
Hon Ben Dawkins (*Teller*)

Noes (27)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Steve Martin
Hon Kyle McGinn
Hon Sophia Moermond

Hon Shelley Payne
Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Wilson Tucker
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Nick Goiran moved —

Page 9, line 13 — To delete “circumstances.” and insert:

circumstances; and

- (c) the primary practitioner, or a medical practitioner consulted under paragraph (b), holds specialist registration in obstetrics and gynaecology under the *Health Practitioner Regulation National Law (WA) Act 2010*.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Peter Collier
Hon Ben Dawkins
Hon Kate Doust
Hon Steve Martin

Hon Martin Pritchard
Hon Tjorn Sibma
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Noes (24)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Sue Ellery
Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
Hon Sophia Moermond
Hon Shelley Payne

Hon Dr Brad Pettitt
Hon Stephen Pratt
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Dr Sally Talbot
Hon Dr Steve Thomas
Hon Wilson Tucker
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Kate Doust, by leave, moved —

Page 9, line 23 — To delete “abortion.” and insert:

abortion; and

Page 9, after line 23 — To insert:

- (d) without limiting paragraphs (a) to (c), the matters referred to in section 202MEA.

Page 10, after line 12 — To insert:

202MEA. Mandatory considerations for performance of abortion by medical practitioner at more than 23 weeks

For the purposes of section 202ME(2)(d), the matters to which a medical practitioner must have regard are as follows —

- (a) whether it is essential to perform an abortion of an affected foetus in a multiple pregnancy at a gestation that does not risk severe prematurity and its attendant consequences for the surviving foetus;

- (b) whether there are serious foetal abnormalities that were not identifiable, diagnosed or fully evaluated before the pregnancy reached 23 weeks, including but not limited to abnormalities involving the brain, heart, renal and skeletal systems, or whether the foetus has been exposed to infective agents which may damage or limit the gestation and development of the foetus;
- (c) whether the person on whom the abortion is to be performed (the **patient**) has had difficulty accessing timely and necessary specialist services before the pregnancy reached 23 weeks, including but not limited to patients experiencing significant socio-economic disadvantage, cultural or language barriers and those who reside in remote locations;
- (d) whether the patient has been denied agency over the decision to continue a pregnancy or not, including (but not limited to) the abuse of minors and vulnerable adults to sexual and physical violence including rape, incest and sexual slavery;
- (e) whether the abuse outlined in paragraph (d) includes circumstances in which such abuse is not apparent, or the pregnancy is not diagnosed until an advanced gestational age;
- (f) whether medical or psychiatric conditions of the patient may become apparent or deteriorate during the pregnancy to the point where they are a threat to the patient's life;
- (g) whether the patient has a deteriorating maternal medical condition, or late diagnosis of a disease requiring treatment incompatible with an ongoing pregnancy (such as malignancies).

7. Questions Without Notice

Questions without notice were taken.

The Minister for Emergency Services representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Brad Pettitt.

The Parliamentary Secretary to the Minister for Regional Development, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Steve Thomas.

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1513 asked by Hon Dr Brad Pettitt. (Tabled Paper 2497).

8. Abortion Legislation Reform Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 6 above*).

The President left the Chair.

In Committee

(Hon Dr Sally Talbot in the Chair)

Clause 8.

Debate ensued on the amendments moved by Hon Kate Doust as follows —

Page 9, line 23 — To delete "abortion." and insert:

abortion; and

Page 9, after line 23 — To insert:

- (d) without limiting paragraphs (a) to (c), the matters referred to in section 202MEA.

Page 10, after line 12 — To insert:

202MEA. Mandatory considerations for performance of abortion by medical practitioner at more than 23 weeks

For the purposes of section 202ME(2)(d), the matters to which a medical practitioner must have regard are as follows —

- (a) whether it is essential to perform an abortion of an affected foetus in a multiple pregnancy at a gestation that does not risk severe prematurity and its attendant consequences for the surviving foetus;
- (b) whether there are serious foetal abnormalities that were not identifiable, diagnosed or fully evaluated before the pregnancy reached 23 weeks, including but not limited to abnormalities involving the brain, heart, renal and skeletal systems, or whether the foetus has been exposed to infective agents which may damage or limit the gestation and development of the foetus;
- (c) whether the person on whom the abortion is to be performed (the **patient**) has had difficulty accessing timely and necessary specialist services before the pregnancy reached 23 weeks, including but not limited to patients experiencing significant socio-economic disadvantage, cultural or language barriers and those who reside in remote locations;
- (d) whether the patient has been denied agency over the decision to continue a pregnancy or not, including (but not limited to) the abuse of minors and vulnerable adults to sexual and physical violence including rape, incest and sexual slavery;
- (e) whether the abuse outlined in paragraph (d) includes circumstances in which such abuse is not apparent, or the pregnancy is not diagnosed until an advanced gestational age;
- (f) whether medical or psychiatric conditions of the patient may become apparent or deteriorate during the pregnancy to the point where they are a threat to the patient's life;
- (g) whether the patient has a deteriorating maternal medical condition, or late diagnosis of a disease requiring treatment incompatible with an ongoing pregnancy (such as malignancies).

Amendments — put.

The Committee divided.

Ayes (7)

Hon Ben Dawkins
 Hon Nick Goiran
 Hon Steve Martin
 Hon Tjorn Sibma

Hon Neil Thomson
 Hon Wilson Tucker
 Hon Kate Doust (*Teller*)

Noes (25)

Hon Martin Aldridge
 Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Colin de Grussa
 Hon Sue Ellery
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Sophia Moermond

Hon Shelley Payne
 Hon Dr Brad Pettitt
 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
 Hon Peter Foster (*Teller*)

Amendments thus negatived.

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.

9. Members' Statements

Statements were taken.

10. Adjournment

The Council adjourned at 6.32pm until Thursday, 14 September 2023 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher (*leave*).

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council