

Minutes of Proceedings



LEGISLATIVE COUNCIL

WEDNESDAY, 10 NOVEMBER 2021

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. Ministerial Statement — South West Worker Campaign

The Minister for Regional Development made a Ministerial Statement with respect to the launching of the “ctrl your summer job” campaign, which seeks to help fill labour shortages in the South West region ahead of peak tourist season.

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Addendums —

Department of Fire and Emergency Services — Annual Report (2020-21) 864

Annual Reports —

Local Government, Sport and Cultural Industries, Department of (2020-21)
(Date received 09/11/2021)..... 860

Minister for Mental Health

Annual Reports —

Australian Criminal Intelligence Commission — Criminal Investigation
(Covert Powers) Act 2012 (WA) — Assumed Identities (2020-21)
(Date received 09/11/2021)..... 861

Parliamentary Secretary to the Attorney General

Annual Reports —

State Administrative Tribunal (2020-21) (Date received 09/11/2021)..... 862

Criminal Injuries Compensation, Office of the (2020-21) (Date received 09/11/2021) 863

4. Medical Privacy

Motion No. 19 having been called, Hon Sophia Moermond, pursuant to notice, moved —

- (1) That this House notes —
 - (a) that all Western Australians have a right to medical privacy; and,
 - (b) that the disclosure of private medical information is a personal choice and should not be mandated by the State.
- (2) In so noting, the House supports all citizens' constitutional right to freedom of choice as it relates to their own medical decisions.

Debate ensued.

Motion — put.

The Council divided.

Ayes (2)

Hon Sophia Moermond

Hon Dr Brian Walker (*Teller*)

Noes (27)

Hon Martin Aldridge
 Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Donna Faragher
 Hon Peter Foster
 Hon James Hayward
 Hon Jackie Jarvis
 Hon Alannah MacTiernan
 Hon Steve Martin
 Hon Kyle McGinn

Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Tjorn Sibma
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Steve Thomas
 Hon Neil Thomson
 Hon Wilson Tucker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Motion thus negatived.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Dr Sally Talbot in the Chair)

Joint Standing Committee on the Commissioner for Children and Young People — Report 1 — Annual Report 2020–2021

Hon Kyle McGinn moved, That the Report be noted.

Debate ensued.

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

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 —
Joint Standing Committee on the Corruption and Crime Commission — Report 1 — *Annual Report 2020–2021*, made progress, and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Order of the Day No. 1, *Biodiversity Conservation (Exemptions) Amendment Order 2021 — Disallowance*, be taken after Order of the Day No. 4, *Transfer of Land Amendment Bill 2021*. (Parliamentary Secretary to the Attorney General).

7. Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021

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

The Deputy President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 1.

Debate resumed.

The Parliamentary Secretary representing the Minister for Electoral Affairs tabled a letter from the Deputy Parliamentary Counsel to the Director of Parliamentary Services at the Department of the Premier and Cabinet advising that pursuant to the *Constitution Acts Amendment Act 1899*, a message is required for the Bill. (Tabled Paper 865).

Debate resumed.

Question — put.

The Committee divided.

Ayes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Kate Doust
Hon Sue Ellery
Hon Peter Foster
Hon Lorna Harper
Hon Jackie Jarvis
Hon Alannah MacTiernan
Hon Kyle McGinn

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 (*Teller*)

Noes (9)

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

Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Wilson Tucker
Hon Nick Goiran (*Teller*)

Question thus passed.

Clause 2.

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training, by leave, incorporated into *Hansard* information in relation to the five Language Development Centres operated by the Department of Education, in response to a question without notice asked by Hon Donna Faragher.

9. Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Steve Martin in the Chair)

Clause 2.

Debate resumed.

Hon Tjorn Sibma moved —

That the Legislative Assembly be requested to make the following amendment:

Page 2, line 9 — To delete the line and insert:

- (b) the rest of the Act — on the day after the day on which the statement referred to in the *Referendums Act 1983* section 30(3) is published in the *Gazette* in relation to the referendum required by section 2A(2) if that statement evidences that, as regards the whole of the State, the number of votes marked “yes” exceeds the number of votes marked “no”.

Point of Order

Parliamentary Secretary representing the Minister for Electoral Affairs raised the following Point of Order —

I think this amendment is out of order. The proposed amendments will impose a financial burden by requiring expenditure on a proposed referendum. The House is not permitted to amend any Bill so as to increase any proposed charge or burden on the people. The prohibition at section 46(3) of the *Constitution Acts Amendment Act 1889* is not overcome by a request to the Assembly to amend, pursuant to subsection 46(4) of the *Constitution Acts Amendment Act 1889*. I ask that you make a ruling on the amendment.

Deputy Chair's Ruling

The Deputy Chair ruled as follows —

We cannot increase expenditure in this place. We cannot request the Legislative Assembly to do so. On that basis, I rule the amendment out of order.

Amendment ruled out of order.

Question, That the clause stand as printed — put and passed.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

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.

10. Members' Statements

Statements were taken.

11. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill (No. 2) 2021

The President reported the receipt of Message No. 45 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Leader of the House representing the Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 866).

Debate stands adjourned.

12. Adjournment

The Council adjourned at 6.54pm until Thursday, 11 November 2021 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Colin de Grussa, Hon Ayor Makur Chuot and Hon Shelley Payne.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council