



LEGISLATIVE COUNCIL

TUESDAY, 19 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. Ministerial Statement — Bitumen Bandits Organised Scam Operation

The Minister for Commerce made a Ministerial Statement with respect to the bitumen bandits organised scam targeting Western Australian consumers.

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Mental Health Commission (2022-23) (Date received 14/09/2023)2508

Local Laws —

Local Government Act 1995 (City of Vincent Parking Local Law 2023 G.G. 11/09/2023).....2509

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Main Roads (2022-23) (Date received 18/09/2023)2514

Treasury Corporation (2022-23) (Date received 18/09/2023)2515

Parliamentary Secretary to the Attorney General on behalf of the Minister for Agriculture and Food

Annual Reports —

Country Housing Authority (2022-23) (Date received 18/09/2023).....2516

Reports —

DevelopmentWA Annual Performance Statement (2023-24).....2517

Parliamentary Secretary to the Attorney General*Annual Reports —*

Director of Public Prosecutions, Office of the (2022-23) (Date received 15/09/2023)2518

Equal Opportunity Commission (2022-23) (Date received 15/09/2023).....2519

Gender Reassignment Board (2022-23) (Date received 15/09/2023)2520

Historical Homosexual Conviction Expungement Act 2018 (2022-23)
(Date received 15/09/2023).....2521

Codes —

Electricity Industry Act 2004 (Electricity Networks Access Code
Amendments 2023 G.G. 12/09/2023)2522

Parliamentary Secretary to the Minister for Environment*Annual Reports —*

Botanic Gardens and Parks Authority (2022-23) (Date received 18/09/2023).....2523

Parliamentary Secretary to the Minister for Training on behalf of the Parliamentary Secretary to the Minister for Regional Development*Annual Reports —*

Gascoyne Development Commission (2022-23) (Date received 18/09/2023).....2524

Goldfields-Esperance Development Commission (2022-23) (Date received 18/09/2023)2525

Great Southern Development Commission (2022-23) (Date received 18/09/2023).....2526

Kimberley Development Commission (2022-23) (Date received 18/09/2023)2527

Mid-West Development Commission (2022-23) (Date received 18/09/2023)2528

Peel Development Commission (2022-23) (Date received 18/09/2023)2529

Pilbara Development Commission (2022-23) (Date received 18/09/2023).....2530

Regional Development Trust (2022-23) (Date received 18/09/2023).....2531

South West Development Commission (2022-23) (Date received 18/09/2023).....2532

Wheatbelt Development Commission (2022-23) (Date received 18/09/2023).....2533

Orders —

Fish Resources Management Act 1994 (Prohibition on Recreational Fishing for Greenlip
Abalone (Busselton Jetty to Shoal Cape) Order 2023 G.G. 15/09/2023)2534

4. Order of Business

Ordered — That Orders of the Day Nos 1, *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 — Disallowance*, 2, *Shire of Westonia Fencing Local Law 2023 — Disallowance*, 3, *Shire of Westonia Westonia Historical Precinct Local Law 2023 — Disallowance*, 4, *Shire of Westonia Shipping and/or Sea Container Local Law 2023 — Disallowance*, 5, *Shire of Chittering Keeping and Control of Cats Local Law 2023 — Disallowance*, 6, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, and 7, *Shire of Waroona Cat Local Law 2023 — Disallowance*, be taken after Order of the Day No. 12, *School Education Amendment Bill 2023*. (Leader of the House).

5. **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 President left the Chair.

In Committee

(Hon Stephen Pratt in the Chair)

Clause 8.

Debate resumed on the amendment moved by the Hon Kate Doust as follows —

Page 10, after line 12 — To insert:

202MEC. Obligations of medical practitioners and prescribing practitioners to provide information about counselling

- (1) Before a medical practitioner or prescribing practitioner, under section 202MC, 202MD(2) or 202ME(1), performs an abortion on a person, the practitioner must provide all necessary information to the person about access to counselling, including publicly-funded counselling.
- (2) A medical practitioner or prescribing practitioner may, in an emergency, perform an abortion on a person without complying with subsection (1).

Amendment — put.

The Committee divided.

Ayes (6)

Hon Peter Collier
Hon Ben Dawkins
Hon Donna Faragher

Hon Nick Goiran
Hon Neil Thomson
Hon Kate Doust (*Teller*)

Noes (25)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
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 Wilson Tucker
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment thus negatived.

Debate resumed.

Hon Kate Doust moved —

Page 12, after line 28 — To insert:

202MGA. Care of person born after performance of abortion

- (1) This section applies if the performance of an abortion results in a person being born alive.
- (2) Nothing in this Division prevents the registered health practitioner who performed the abortion, or any other registered health practitioner present at the time the person is born alive, from exercising any duty to provide the person with medical care and treatment that is —
 - (a) clinically safe, and
 - (b) appropriate to the person's medical condition.
- (3) To avoid doubt, the duty owed by a registered health practitioner to provide medical care and treatment to a person born alive as a result of the performance of an abortion is no different than the duty owed to provide medical care and treatment to a person born alive other than as a result of the performance of an abortion.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (9)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Nick Goiran
Hon Martin Pritchard

Hon Tjorn Sibma
Hon Dr Steve Thomas
Hon Neil Thomson
Hon Kate Doust (*Teller*)

Noes (23)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
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 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 Kate Doust moved —

Page 14, lines 20 to 24 — To delete the lines and insert:

- (b) the medical practitioner or prescribing practitioner (the ***unwilling practitioner***) is unwilling to comply with the request, whether for the reason that the unwilling practitioner has a conscientious objection to abortion or for some other reason.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (3)

Hon Nick Goiran
Hon Neil Thomson

Hon Kate Doust (*Teller*)

Noes (27)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Ben Dawkins
Hon Stephen Dawson
Hon Colin de Grussa
Hon Sue Ellery
Hon Donna Faragher
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 Wilson Tucker
Hon Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Kate Doust moved —

Page 15, after line 29 — To insert:

- (5) To avoid doubt, this section does not apply to a medical practitioner or prescribing practitioner who would be willing to comply with a request referred to in subsection (1)(a) but is unable to comply with the request because of unavailability or some other reason.

Debate ensued.

Amendment — put and negated.

Debate resumed.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Education, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Minister for Emergency Services representing the Minister for Police, 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 Mines and Petroleum tabled a response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2535).

The Leader of the House representing the Minister for Aboriginal Affairs, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Commerce, in accordance with Standing Order 108(2), advised that an answer to question on notice 1536 asked by Hon Steve Martin will be provided 20 September 2023.

The Minister for Emergency Services representing the Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

The Minister for Emergency Services representing the Minister for Police, in accordance with Standing Order 108(2), advised that answers to questions on notice 1535, 1540 and 1543 asked by Hon Dr Brad Pettitt will be provided on 10 October 2023.

The Minister for Agriculture and Food representing the Minister for Early Childhood Education tabled a response to question on notice 1527 asked by Hon Donna Faragher. (Tabled Paper 2536).

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1528 asked by Hon Ben Dawkins. (Tabled Paper 2537).

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1541 asked by Hon Dr Brad Pettitt. (Tabled Paper 2538).

The Parliamentary Secretary to the Minister for Racing and Gaming tabled a response to a question without notice 1552 asked by Hon Dr Brad Pettitt. (Tabled Paper 2539).

The Parliamentary Secretary to the Minister for Water, in accordance with Standing Order 108(2), advised that answer to question on notice 1530 asked by Hon Ben Dawkins will be provided on 21 September 2023.

7. Abortion Legislation Reform Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 5 above*).

The President left the Chair.

In Committee

(Hon Dr Brian Walker in the Chair)

Clause 8.

Debate resumed.

Hon Martin Aldridge moved —

Page 22, lines 19 and 20 — To delete the lines.

Debate ensued.

Amendment — put and negatived.

Debate resumed.

Hon Nick Goiran moved —

Page 22, lines 25 to 30 — To delete the lines.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Martin Aldridge
Hon Colin de Grussa
Hon Kate Doust
Hon Steve Martin

Hon Martin Pritchard
Hon Neil Thomson
Hon Wilson Tucker
Hon Nick Goiran (*Teller*)

Noes (21)

Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Stephen Dawson
Hon Sue Ellery
Hon Donna Faragher
Hon Lorna Harper
Hon Jackie Jarvis
Hon Ayor Makur Chuot
Hon Kyle McGinn
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 Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Nick Goiran moved —

Page 24, after line 26 — To insert:

202MS. Annual Report

- (1) The Chief Health Officer must, by 30 June each year, provide the Minister with a report about abortions performed in the preceding calendar year.
- (2) A report under subsection (1) —
 - (a) can only be statistical or summary information; and
 - (b) cannot include any particulars from which it may be possible to ascertain —
 - (i) the identity of a person on whom an abortion has been performed; or
 - (ii) the identity of a person who has performed, or has assisted in the performance of, an abortion on a person.
- (3) A report under subsection (1) must include the following information about an abortion —
 - (a) the age category of the person on whom the abortion was performed (for example, under 16 years of age);

- (b) a clinical estimate of the gestational age range of the unborn baby, at the date on which the abortion was performed (for example, up to 9 weeks, between 10 and 13 weeks, between 14 and 19 weeks, between 20 and 22 weeks, from 23 weeks);
 - (c) the type of place at which the abortion was performed (for example, a public or private hospital or a private health facility);
 - (d) if the abortion was performed on a person who was more than 23 weeks pregnant — the class of reason for the abortion having been performed (for example, an emergency to save the person's life, an emergency to save another unborn baby, unborn baby with a lethal abnormality, unborn baby with a non-lethal abnormality);
 - (e) the health profession of each registered health practitioner who performed, or assisted in the performance of, the abortion, including whether the practitioner holds specialist registration under the *Health Practitioner Regulation National Law (WA) Act 2010* and, if so, the practitioner's specialty;
 - (f) the method used to perform the abortion (for example, vacuum, vacuum and medication, medication only, dilatation and curettage, dilatation and evacuation);
 - (g) whether there were complications arising from or following upon the performance of the abortion on the person, including whether the person died as a result of the performance of the abortion or the complications;
 - (h) whether the performance of the abortion resulted in a live birth;
 - (i) other information (including data and statistics) of a kind prescribed by the regulations or determined by the Minister.
- (4) The Minister must cause a copy of the report provided to the Minister under this section to be laid before each House of Parliament within 12 sitting days of the House after the day on which the report is provided to the Minister.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (8)

Hon Martin Aldridge
 Hon Colin de Grussa
 Hon Kate Doust
 Hon Steve Martin

Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Wilson Tucker
 Hon Nick Goiran (*Teller*)

Noes (24)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Peter Collier
 Hon Stephen Dawson
 Hon Sue Ellery
 Hon Donna Faragher
 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*)

Amendment thus negatived.

Debate resumed.

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

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clauses 13 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 19 agreed to.

Clause 20.

Debate ensued.

Question — put.

The Committee divided.

Ayes (26)

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 Donna Faragher
 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*)

Noes (4)

Hon Kate Doust
Hon Steve Martin

Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Question thus passed.

Clause agreed to.

Clauses 21 and 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clause 24 agreed to.

Clauses 25 to 28 agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clauses 30 to 35 agreed to.

Clause 36.

Debate ensued.

Clause agreed to.

Clauses 37 to 41 agreed to.

Clause 42.

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.

8. Members' Statements

Statements were taken.

9. Perth Parking Management Bill 2023

The President reported the receipt of Message No. 122 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Emergency Services representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2540).

Debate stands adjourned.

10. Perth Parking Management Amendment Bill 2023

The President reported the receipt of Message No. 123 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Emergency Services representing the Minister for Transport tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2541).

Debate stands adjourned.

11. Adjournment

The Council adjourned at 9.03pm until Wednesday, 20 September 2023 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council