



## LEGISLATIVE COUNCIL

**TUESDAY, 14 FEBRUARY 2023**

**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. Messages from His Excellency the Governor — Assent to Bills

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

<b>1 December 2022 — Message No. 36</b>	<b>Act No.</b>
Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022	44 of 2022
Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022	45 of 2022
Medicines and Poisons (Validation) Bill 2022	46 of 2022
<b>7 December 2022 — Message No. 37</b>	<b>Act No.</b>
Working with Children (Criminal Record Checking) Amendment Bill 2022	47 of 2022

### 3. Statement by President — Photography in the Chamber

The President made the following Statement —

I advise I have approved the presence of a photographer and camera operator in the press gallery this afternoon during Question Time. A photographer will also be taking stock images from outside each of the Chamber's side entrances. This will enable the media to obtain up-to-date images of the Legislative Council.

### 4. Statement by President — Procedural Notes

The President made the following Statement —

I advise that the Clerk's office has updated the Procedural Notes over the summer recess. The updated notes have been inserted in the notes folders in Members' desks.

### 5. Statement by President — Hon Jackie Jarvis — Resignation from committee roles

The President made the following Statement —

I have received a letter. It reads:

Dear President,

Following my appointment as a Minister, I wish to resign from the following positions, effective immediately:

1. Deputy Chair of Committees (and Acting President)

2. Member — Standing Committee on Estimates and Financial Operations; including the Inquiry into the financial administration of homelessness services in Western Australia
3. Member — Select Committee into Cannabis and Hemp

With kind regards

Hon Jackie Jarvis MLC

**6. Statement by President — Hon Peter Foster — Resignation as Deputy Chair of Committees**

The President made the following Statement —

I have received a letter. It reads —

Dear President,

As discussed, with immediate effect, I am resigning from the position of Deputy Chair of Committees in the Legislative Council.

It was been a huge privilege to work with yourself, the Deputy President and the Legislative Council Clerk team during my time serving the Legislative Council in this capacity, and I wish the very best to the incoming Deputy Chairs.

Kind Regards

Peter Foster MLC

**7. Statement by President — Compliance with an Order of the Legislative Council made on 20 October 2022**

The President made the following Statement —

I have received a letter. It reads —

Dear President

I advise that Hon James Hayward has completed the further training on parliamentary privilege and ethics as ordered by the Legislative Council on 20 October 2022.

Yours sincerely

Sam Hastings

Clerk of the Legislative Council

**8. Statement by President — Hon Alannah MacTiernan — Resignation from the Council**

The President made the following Statement —

I have received a letter. It reads —

Dear President,

As you are aware, I will not be returning to the Parliament this year.

Please accept this letter as notice that I resign from my role as a Member of the Legislative Council as of close of business 10 February 2023.

Please pass on my best wishes to all the Members and staff of the Legislative Council as you continue to govern wisely and in the best interests of the people of this State.

Yours sincerely,

Alannah MacTiernan MLC

Member for South West Region

The Leader of the House moved, without notice —

That a vacancy in the membership of the Legislative Council is declared by reason of the resignation on Friday, 10 February 2023 of Hon Alannah MacTiernan, Member for the South West Region.

Question — put and passed.

## 9. Petitions

Hon Martin Aldridge presented a petition from 1,371 petitioners requesting the Legislative Council to support measures to ensure ongoing management of litter on Highway 1, between Manjimup and Denmark, bisecting the Walpole Wilderness Area. (Tabled Paper 1998).

Hon Martin Aldridge presented an E-Petition from 65 petitioners requesting the Legislative Council to support measures to ensure ongoing management of litter on Highway 1, between Manjimup and Denmark, bisecting the Walpole Wilderness Area. (Tabled Paper 1999).

Hon Dr Brian Walker presented an E-Petition from 1,183 petitioners requesting the Legislative Council to recommend the State Government introduce urgent legislative changes to allow Western Australian adults access to vaping products. (Tabled Paper 2000).

## 10. Ministerial Statement — Reconstitution of the Ministry

The Leader of the House made a Ministerial Statement with respect to the reconstitution of the Ministry that occurred on 14 December 2022.

The Leader of the House tabled the reconstitution of the Ministry as at 14 December 2022. (Tabled Paper 2001).

## 11. Ministerial Statement — Scams Awareness

The Minister for Commerce made a Ministerial Statement with respect to the Department of Mines, Industry Regulation and Safety Consumer Protection Division continuing to raise community awareness of scams and socially engineered fraud through WA ScamNet.

## 12. Papers

The following Papers were laid on the Table by —

### President

#### *Auditor General's Papers —*

Regulation of Commercial Fishing (Report No. 10) (December 2022) (Deemed tabled 07/12/2022).....	1937
Compliance with Mining Environmental Conditions (Report No. 11) (December 2022) (Deemed tabled 20/12/2022) .....	1938
Financial Audit Results — State Government 2021-22 (Report No. 12) 2022-23 (Deemed tabled 22/12/2022).....	1939
Funding of Volunteer Emergency and Fire Services (Report No. 13) 2022-23 (Deemed tabled 22/12/2022).....	1940
Independent Auditor's Opinion — Report on the audit of the financial statements of the Department of the Legislative Council for the financial years 2017-2018, 2018-2019, 2019-2020, 2020-2021 and 2021-2022 .....	1941

#### *Annual Reports —*

Information Commissioner, Office of the (2021-22) (Date received 01/12/2022)..... 1942

#### *Annual Reports — Extension of Time —*

Department of Planning, Lands and Heritage (2021-22) Annual Report..... 1943

*Reports —*

Inspector of Custodial Services, Office of the — 2022 Inspection of Roebourne Regional Prison (Report No. 145) (October 2022) (Deemed tabled 22/12/2022) ....	1944
Inspector of Custodial Services, Office of the — 2021 Inspection of Acacia Prison (Report No. 146) (November 2022) (Deemed tabled 09/01/2023) .....	1945

**Leader of the House***Annual Reports —*

Governor's Establishment (2021-22) (Date received 10/02/2023) .....	1946
Pharmacy Registration Board of Western Australia (2021-22) (Date received 01/02/2023) .....	1947

*Directions —*

Direction from the Minister for Planning to the State Administrative Tribunal — Application for review (DR 223 of 2022) in accordance with Section 246(2) (b) of the Planning and Development Act 2005 (Deemed tabled 06/01/2023) .....	1948
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*Notices —*

Fair Trading Act 2010 (Consumer Goods (Non-refillable Helium Cylinders) Safety Standard 2022 G.G. 09/02/2023) .....	1949
Financial Management Act 2006 (Section 82) — Notice from the Minister for Finance regarding Question Without Notice No. 1191 asked by the Hon Neil Thomson (Deemed tabled 08/12/2022) .....	1950

*Orders —*

Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order 2023 G.G. 03/02/2023) .....	1951
Public Health Act 2016 (Public Health (Notifiable Infectious Diseases) Order (No. 2) 2022 G.G. 29/11/2022) .....	1952
School Education Act 1999 (Higher School Leaving Age Options Order 2023 G.G. 24/01/2023) ....	1953

*Plans —*

Western Australian Planning Commission — Improvement Plan No. 57 (Claremont Showground) (November 2022) (Deemed tabled 02/02/2023) .....	1954
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*Regulations —*

Gas Standards Act 1972 (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2023 G.G. 10/02/2023) .....	1955
Health Practitioner Regulation National Law (WA) Act 2010 (Health Practitioner Regulation National Law Amendment Regulation 2022 G.G. 02/02/2023 and Health Practitioner Regulation National Law Amendment (Paramedicine Qualification) Regulation 2022 G.G. 02/02/2023) .....	1956
Human Reproductive Technology Act 1991 (Human Reproductive Technology Amendment Regulations 2023 G.G. 27/01/2023) .....	1957
Medicines and Poisons Act 2014 (Medicines and Poisons Amendment Regulations 2023 G.G. 27/01/2023) .....	1958
Mental Health Act 2014 (Mental Health Amendment Regulations (No. 2) 2022 G.G. 23/12/2022) .....	1959
Port Authorities Act 1999 (Port Authorities Amendment Regulations 2022 G.G. 02/12/2022) ....	1960

*Reports —*

Energy Safety Business Plan (2023-24) .....	1961
State Infrastructure Strategy — Foundations for a Stronger Tomorrow — WA Government Response (Deemed tabled 03/02/2023) .....	1962

*Statutes —*

Edith Cowan University Act 1984 (Edith Cowan University Statute No. 28 - Election of Council Members G.G. 24/01/2023 and University Statute No. 28 - Council Elections – Correction 2023 G.G. 31/01/2023).....	1963
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**Minister for Emergency Services***Bills —*

Commonwealth of Australia — Treasury Laws Amendment (More Competition, Better Prices) Bill 2022 and Explanatory Memorandum.....	1964
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*Notices —*

Financial Management Act 2006 (Section 82) — Notice from the Minister for Tourism regarding Legislative Assembly Questions on Notice No. 576 asked by Mr R.S. Love (Deemed tabled 25/01/2023) .....	1965
Financial Management Act 2006 (Section 82) — Notice from the Minister for Tourism regarding Legislative Assembly Questions on Notice No. 585 asked by Mr R.S. Love (Deemed tabled 25/01/2023) .....	1966
Financial Management Act 2006 (Section 82) — Notice from the Minister for Tourism regarding Questions on Notice No. 1083 asked by Hon Dr Steve Thomas (Deemed tabled 25/01/2023) .....	1967

*Regulations —*

Firearms Act 1973 (Firearms Amendment Regulations 2023 G.G. 13/01/2023).....	1968
Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations 2022 G.G. 16/12/2022).....	1969

*Reports —*

Western Australian Treasury Corporation — Quarterly Financial Results Report (for the six months ended 31 December 2022) .....	1970
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*Response to Reports*

Standing Committee on Estimates and Financial Operations — Consideration of the 2022-23 Budget Estimates (Report No. 87) (October 2022) (Treasurer).....	1971
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**Minister for Agriculture and Food***Local Laws —*

Cemeteries Act 1986 (Shire of Dardanup Cemeteries Local Law 2022 G.G. 30/11/2022) .....	1972
Dog Act 1976 (City of Vincent Animal Local Law 2022 G.G. 03/02/2023).....	1973
Local Government Act 1995 (Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 G.G. 10/01/2023, City of Kalamunda Dogs Local Law 2022 – Correction 2023 G.G. 20/01/2023 and City of Swan Consolidated Amendment Local Law 2023 G.G. 27/01/2023) .....	1974
Local Government Act 1995 (City of South Perth Penalty Units Amendment Local Law 2022 G.G. 29/11/2022, Shire of Dardanup Extractive Industries Local Law 2022 G.G. 30/11/2022 and Shire of Dardanup Parking Local Law 2023 G.G. 30/11/2022) .....	1975

*Proposals —*

Land Administration Act 1997 — Submission No. 05/2022 — Excision from Class A Reserve 24703 to change to 'Recreation and Community Purpose' to permit a wider range of uses.....	1976
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*Regulations —*

Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations 2023 G.G. 27/01/2023) .....	1977
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**Parliamentary Secretary to the Attorney General***Annual Reports —*

Legal Practice Board (2021-22) (Date received 14/02/2023) .....	1978
Legal Profession Complaints Committee (2021-22) (Date received 14/02/2023) .....	1979
Mentally Impaired Accused Review Board (2021-22) (Date received 14/02/2023).....	1980
Prisoners Review Board (2021-22) (Date received 14/02/2023) .....	1981

*Regulations —*

Electricity Industry (Wholesale Electricity Market) Regulations 2004 — Wholesale Electricity Market Amendment (Tranche 6 Amendments) Rules 2022.....	1982
Evidence Act 1906 (Evidence (Prescribed Persons) Amendment Regulations 2022 G.G. 02/12/2022) .....	1983
Legal Profession Uniform Law Application Act 2022 (Legal Profession Uniform Law Application Amendment Regulations 2022 G.G. 14/12/2022).....	1984
Mining Act 1978 (Mining Amendment Regulations (No. 2) 2022 G.G. 16/12/2022) .....	1985
Work Health and Safety Act 2020 (Industrial Relations Regulations Amendment (Work Health and Safety) Regulations 2022 G.G. 23/12/2022) .....	1986

*Reports —*

State of Western Australia and Ventia Australia Pty Ltd — Second Deed of Extension and Variation — Court Security and Custodial Services Contract (2022).....	1997
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*Rules —*

State Administrative Tribunal Act 2004 (State Administrative Tribunal Amendment Rules 2022 G.G. 30/12/2022) .....	1987
Supreme Court Act 1935 (Supreme Court (Court of Appeal) Amendment Rules (No. 2) 2022 G.G. 16/12/2022) .....	1988

**Parliamentary Secretary to the Minister for Environment***Leases —*

CALM Lease No. 2463/100 — Between the Conservation and Land Management Executive Body and JAB Industries for the purpose of constructing and maintaining a dedicated mine access road to JAB's Basalt Mining area in Reserve 42155 Kununurra.....	1989
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*Regulations —*

Liquor Control Act 1988 (Liquor Control (Punmu Restricted Area) Amendment Regulations 2022 G.G. 02/12/2022 and Liquor Control Amendment Regulations 2022 G.G. 23/12/2022) .....	1990
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*Rules —*

Liquor Control Act 1988 (Liquor Commission Amendment Rules (No. 2) 2022 G.G. 23/12/2022).....	1991
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**Parliamentary Secretary to the Minister for Regional Development***Management Plans —*

Fish Resources Management Act 1994 (Shark Bay Prawn Managed Fishery Management Plan Amendment 2023 G.G. 27/01/2023).....	1992
Fish Resources Management Act 1994 (West Coast Demersal Scaefish (Interim) Management Plan Amendment 2022 G.G. 20/12/2022) .....	1993

*Regulations —*

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations 2023 G.G. 27/01/2023) .....	1994
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**Parliamentary Secretary to the Minister for Training***Annual Reports —*

AQWEST (Bunbury Water) (2021-22) (Date received 01/02/2023).....	1995
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*Regulations —*

Vocational Education and Training Act 1996 (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2022 G.G. 02/12/2022).....	1996
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**13. Standing Committee on Uniform Legislation and Statutes Review — Report 141 — Teacher Registration Amendment Bill 2022**

Hon Donna Faragher presented Report 141 of the Standing Committee on Uniform Legislation and Statutes Review, *Teacher Registration Amendment Bill 2022*. (Tabled Paper 2002).

**14. Standing Committee on Uniform Legislation and Statutes Review — Report 142 — Directors' Liability Reform Bill 2022**

Hon Donna Faragher presented Report 142 of the Standing Committee on Uniform Legislation and Statutes Review, *Directors' Liability Reform Bill 2022*. (Tabled Paper 2003).

**15. Standing Committee on Public Administration — Report 38 — Consultation with Statutory Office Holders**

Hon Pierre Yang presented Report 38 of the Standing Committee on Public Administration, *Consultation with Statutory Office Holders*. (Tabled Paper 2004).

**16. Standing Committee on Public Administration — Report 39 — Terms of Reference: Inquiry into organ and tissue donation in Western Australia**

Hon Pierre Yang presented Report 39 of the Standing Committee on Public Administration, *Terms of Reference: Inquiry into organ and tissue donation in Western Australia*. (Tabled Paper 2005).

**17. Deputy Chairs of Committee — Appointment**

The Leader of the House moved, without notice —

That the following Members be appointed Deputy Chairs of Committees —

- Hon Sandra Carr; and
- Hon Stephen Pratt.

Question — put and passed.

## **18. Standing Committee on Estimates and Financial Operations — Appointment of Member**

The Leader of the House moved, without notice —

That Hon Dan Caddy be appointed to the Standing Committee on Estimates and Financial Operations.

Question — put and passed.

## **19. Special Adjournment**

The Leader of the House moved, without notice —

That the House at its rising on Thursday, 22 June 2023, adjourn until 2.00pm on Tuesday, 8 August 2023 to facilitate the annual Budget estimates hearings.

The motion requiring the concurrence of an absolute majority.

Question — put.

The President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **20. Order of Business**

Ordered — That Orders of the Day Nos 1, *Shire of Meekatharra Health Local Law 2021 — Disallowance*, and 2, *City of Bayswater Keeping and Control of Cats Local Law 2022 — Disallowance*, be taken after Order of the Day No 5, *Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022*. (Leader of the House).

## **21. Health Services 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.

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### **In Committee**

(Hon Steve Martin in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Minister for Health, by leave, tabled a table of errors in the *Health Services Act 2015*, as passed, corrected in the *Health Services Amendment Bill 2021*. (Tabled Paper 2006).

Debate resumed.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Debate ensued.



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.

Debate ensued.

## **22. Questions Without Notice**

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Housing, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Wilson Tucker.

The Parliamentary Secretary to the Minister for Fisheries tabled a response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 2007).

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

The Minister for Emergency Services representing the Minister for Police tabled a response to a question without notice asked by Hon Wilson Tucker. (Tabled Paper 2008).

The Minister for Emergency Services, tabled a response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 2009).

The Leader of the House representing the Minister for Aboriginal Affairs, tabled a response to question on notice 1106 asked by Hon Neil Thomson. (Tabled Paper 2010).

The Minister for Finance tabled a response to question on notice 1173 asked by Hon Martin Aldridge. (Tabled Paper 2011).

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1112 asked by Hon Neil Thomson will be provided by 23 February 2023.

The Minister for Finance representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1128 asked by Hon Steve Martin will be provided by 23 February 2023.

The Minister for Emergency Services tabled a response to question on notice 1113 asked by Hon Martin Aldridge. (Tabled Paper 2012).

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1143 asked by Hon Dr Brad Pettitt. (Tabled Paper 2016).

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1144 asked by Hon Dr Brad Pettitt. (Tabled Paper 2017).

The Minister for Emergency Services tabled a response to question on notice 1146 asked by Hon Martin Aldridge. (Tabled Paper 2013).

The Minister for Emergency Services tabled a response to question on notice 1177 asked by Hon Martin Aldridge. (Tabled Paper 2014).

The Minister for Emergency Services tabled a response to question on notice 1179 asked by Hon Martin Aldridge. (Tabled Paper 2015).

The Parliamentary Secretary to the Minister for Industrial Relations tabled a response to question on notice 1178 asked by Hon Martin Aldridge. (Tabled Paper 2018).

The Parliamentary Secretary to the Minister for Corrective Services, in accordance with Standing Order 108(2), advised that an answer to question on notice 1094 asked by Hon Peter Collier will be provided by 21 February 2023.

The Parliamentary Secretary to the Minister for Water tabled a response to question on notice 1169 asked by Hon Dr Brad Pettitt. (Tabled Paper 2019).

### **23. Health Services Amendment Bill 2021**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 21 above*).

The President left the Chair.

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#### **In Committee**

(Hon Steve Martin in the Chair)

Clause 11.

Debate resumed.

Clause agreed to.

Clause 12.

Debate ensued.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

Clause agreed to.

Clauses 16 and 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20.

Debate ensued.

Clause agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clause 23 agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 27 agreed to.

Clause 28.

Debate ensued.

Hon Nick Goiran moved —

Page 26, line 31, To delete the line and insert —

regulations, or under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* or the *Criminal Injuries Compensation Act 2003*

Debate ensued.

Amendment — put.

The Committee divided.

#### **Ayes (6)**

Hon Martin Aldridge  
Hon Donna Faragher  
Hon Nick Goiran

Hon Tjorn Sibma  
Hon Neil Thomson  
Hon Colin de Grussa (*Teller*)

#### **Noes (18)**

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

Hon Shelley Payne  
Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Rosie Sahanna  
Hon Matthew Swinbourn  
Hon Dr Brian Walker  
Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

Amendment thus negatived.

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

Clauses 29 to 34 agreed to.

Clause 35.

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.

**24. Members' Statements**

Statements were taken.

**25. Adjournment**

The Council adjourned at 10.11pm until Wednesday, 15 February 2023 at 1.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Ayor Makur Chuot.

**PAUL GRANT**

Acting Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council