



LEGISLATIVE COUNCIL

TUESDAY, 27 FEBRUARY 2024

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 — Election of Senator Ghosh

The President made the following Statement —

I have the honour to inform you that at a joint sitting of the Houses of Parliament of the State of Western Australia held in Perth on 1 February 2024, the Members of such Houses, sitting and voting together in pursuance of section 15 of the *Commonwealth of Australia Constitution Act*, did choose Varun Nagarajan Ghosh of 158 Nicholson Road, Subiaco, Western Australia, to hold the place vacated by former Senator Patrick Dodson.

3. Statement by President — Photography in the Chamber

The President made the following Statement —

I advise that I have approved the presence of a photographer in the press gallery for the first fifteen minutes of sitting today.

4. Petitions

Hon Darren West presented a petition from 2819 petitioners requesting the Legislative Council support the reclassification of Julimar State Forest to give it national park status. (Tabled Paper 2973).

Hon Dr Steve Thomas presented a petition from 8 petitioners requesting the Legislative Council support an additional bus for school students from Brunswick to Harvey Senior High School. (Tabled Paper 2974).

Hon Dr Brad Pettitt presented a petition from 332 petitioners requesting the Legislative Council reform legislation on eRideables in Western Australia. (Tabled Paper 2975).

5. Ministerial Statement — Reconstitution of the Ministry

The Leader of the House made a Ministerial Statement with respect to the reconstitution of the Ministry which occurred on Friday, 8 December 2023.

The Leader of the House tabled Allocation of Portfolios — Ministers representation in the other house (as at 8 December 2023) and the Reconstitution of the Ministry. (Tabled Paper 2904).

6. Ministerial Statement — Minister for Finance; Commerce; Women's Interests

The Minister for Finance; Commerce; Women's Interests made a Ministerial Statement with respect to selected public sector procurements being part of a gender equality procurement pilot, which applies a gender equality clause to processes valued at more than \$250,000.

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Leader of the House

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8. Standing Committee on Public Administration — Report 41 — The donation conversation: Organ and tissue donation in Western Australia

Hon Pierre Yang presented Report 41 of the Standing Committee on Public Administration, *The donation conversation: Organ and tissue donation in Western Australia*. (Tabled Paper 2976).

9. Standing Committee on Uniform Legislation and Statutes Review — Report 145 — Health Practitioner Regulation National Law Application Bill 2023

Hon Donna Faragher presented Report 145 of the Standing Committee on Uniform Legislation and Statutes Review, *Health Practitioner Regulation National Law Application Bill 2023*. (Tabled Paper 2977).

10. Standing Committee on Uniform Legislation and Statutes Review — Report 146 — Therapeutic Goods Law Application Bill 2023

Hon Donna Faragher presented Report 146 of the Standing Committee on Uniform Legislation and Statutes Review, *Therapeutic Goods Law Application Bill 2023*. (Tabled Paper 2978).

11. Bicentennial Anniversary Celebrations

Hon Tjorn Sibma: To move on the next day of sitting —

That this House —

- (a) acknowledge the year 2029 will mark the bicentennial anniversary of the foundation of Perth and Fremantle, and the establishment of the Swan River Colony;
- (b) additionally, acknowledge that 2026 will mark the bicentennial anniversary of the establishment of a British presence at Albany;
- (c) that these historic moments set the trajectory for the development of modern Western Australia, subsequently forming part of the Commonwealth of Australia;
- (d) that the commemoration and celebration of these milestones provides an opportunity for all Western Australians, of all backgrounds, both to reflect upon the achievements of our State, and upon our shared aspirations as a unified and cohesive community looking to the next two centuries; and
- (e) that the State Government support a bipartisan approach which funds and coordinates an appropriate program of works and events to mark the bicentenaries

in a manner which involves and respects the contributions of all Western Australians.

12. Elder Abuse

Hon Nick Goiran: To move on the next day of sitting —

That this House —

- (a) reminds the WA Labor Government that its January 2017 election manifesto on responding to elder abuse promised that it would “expedite” amendments to the law surrounding enduring powers of attorney and guardianship;
- (b) notes that on 13 September 2017 the Legislative Council established, on the motion of the Opposition, the Select Committee into Elder Abuse;
- (c) reminds the Government that the Select Committee’s 24th recommendation in its 2018 Final Report called on it to “act as a matter of urgency”;
- (d) notes that more than 7 years have passed since the election promise was made;
- (e) expresses its deep concern about the impact on victims of elder abuse given its prevalence in our State; and
- (f) calls on the Government to apologise for breaking trust with the victims, the electors and the Parliament, and to make amends without any further delay.

13. Home Ownership

Hon Tjorn Sibma: To move on the next day of sitting —

That this House –

- (a) commits to the desirability of home ownership as a critical policy objective for any responsible Government;
- (b) that home ownership must remain a plausible and achievable goal for people – so that an individual earning a median income should realistically be capable of purchasing a median-priced dwelling over the long run of economic and property price cycles;
- (c) acknowledge the many forms and sources of policy challenges and impediments to home ownership facing the community of Western Australia; and
- (d) note with alarm that these challenges and impediments to home ownership are disproportionately impacting younger people.

14. City of Vincent Parking Local Law 2023 — Disallowance — Discharge from Notice Paper

The Order of the Day having been called, Hon Lorna Harper moved, without notice —

That pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, Order of the Day No. 1, *City of Vincent Parking Local Law 2023 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

15. Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. Debate ensued.

Question — put and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon Sandra Carr in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Emergency Services tabled a response to question on notice 1813 asked by Hon Martin Aldridge. (Tabled Paper 2979).

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 Minister for Agriculture and Food representing the Minister for Housing, in accordance with Standing Order 108(2), advised that answers to questions on notice No. 1789, 1794, 1787, 1803, and 1804 asked by Hon Steve Martin will be provided on 12 March 2024.

The Minister for Agriculture and Food representing the Minister for Housing, in accordance with Standing Order 108(2), advised that answers to question on notice No. 1744 asked by Hon Steve Martin will be provided on 12 March 2024.

The Minister for Agriculture and Food representing the Minister for Housing, in accordance with Standing Order 108(2), advised that answers to question on notice No. 1754 asked by Hon Steve Martin will be provided on 12 March 2024.

17. Statement by President — Staff appointments

The President made the following Statement —

Members

I wish to advise you of a number of recent staff appointments.

Sophia Simpson and Lauren Levia have recently joined the Procedure Office following their appointments to the Parliamentary Officer (Procedure) positions.

Rebecca Condo has joined my Office as Executive Officer and Lauren Wells is acting Executive Officer to the Clerk.

I thank all staff for their continued service to the Legislative Council and wish them well in their new roles.

I also wish to advise of a recent staff retirement. We farewell Chris Hunt after 38 years of service. Chris commenced with the Council on 11 February 1985 as a Parliamentary Attendant.

Chris served as a Parliamentary Officer and later as the Usher of the Black Rod. Chris coordinated the celebrations of the Council's 175th anniversary in 2007 and the opening of Parliament in 2008.

Chris was known for his deep reflections around the afternoon tea trolley, his speeches commencing with the sentence "what should happen dot dot dot", and his many misadventures with typewriters before ushering in the age of computers.

During his time at Parliament, Chris was a friend and mentor to many staff and a counsel to Members.

I am sure I speak for all Members as I wish Chris a very happy retirement.

18. Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 16 above*).

The President left the Chair.

In Committee

(Hon Stephen Pratt in the Chair)

Clause 4.

Debate resumed.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 15 agreed to.

Clause 16.

Debate ensued.

Clause agreed to.

Clauses 17 to 25 agreed to.

Clause 26.

Debate ensued.

Clause agreed to.

Clauses 27 to 37 agreed to.

Clause 38.

Debate ensued.

Clause agreed to.

Clauses 39 to 83 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary to the Minister for Energy moved, That the Bill be read a third time.

The Acting President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

19. Land Tax Assessment Amendment (Residential Construction Exemptions) Bill 2023

The Acting President reported the receipt of Message No. 141 from the Legislative Assembly forwarding the Bill for concurrence.

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 Finance moved, That the Bill be read a second time.

The Minister for Finance tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2980).

Debate stands adjourned.

20. Casino (Burswood Island) Agreement Amendment Bill 2023

The Acting President reported the receipt of Message No. 142 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question — put and passed.

Bill read a first time.

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

The Minister for Emergency Services tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2981).

Debate stands adjourned.

21. Residential Tenancies Amendment Bill 2023

The Acting President reported the receipt of Message No. 140 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture and Food moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Agriculture and Food moved, That the Bill be read a second time.

The Minister for Agriculture and Food tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2982).

Debate stands adjourned.

22. Sentence Administration Amendment (Monitoring Equipment) Bill 2023

The Acting President reported the receipt of Message No. 139 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a second time.

{The Parliamentary Secretary to the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2983).

Debate stands adjourned.

23. Cognate Debate — Perth Parking Management Bill 2023 and Perth Parking Management Amendment Bill 2023

The Minister Assisting the Minister for State and Industry Development, Jobs and Trade sought leave of the Council to debate Order of the Day No. 5, *Perth Parking Management Bill 2023*, and Order of the Day No. 6, *Perth Parking Management Amendment Bill 2023*, cognately [SO 127].
Leave granted.

24. Perth Parking Management Bill 2023 and Perth Parking Management Amendment Bill 2023

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate ensued.

Question — That the *Perth Parking Management Bill 2023* be read a second time — put.

The Council divided.

Ayes (17)

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 Shelley Payne

Hon Stephen Pratt
Hon Martin Pritchard
Hon Samantha Rowe
Hon Rosie Sahanna
Hon Matthew Swinbourn
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Noes (8)

Hon Martin Aldridge
Hon Peter Collier
Hon Donna Faragher
Hon Louise Kingston

Hon Steve Martin
Hon Neil Thomson
Hon Wilson Tucker
Hon Colin de Grussa (*Teller*)

Question thus passed.

Bill read a second time.

Question — That the *Perth Parking Management Amendment Bill 2023* be read a second time — put and passed.

Bill read a second time.

The Deputy President left the Chair.

(Hon Sandra Carr in the Chair)

Perth Parking Management Bill 2023

Clause 1.

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.

25. Members' Statements

Statements were taken.

26. Adjournment

The Council adjourned at 8.48pm until Wednesday, 18 February 2023 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ben Dawkins, Hon Ayor Makur Chuot, Hon Kyle McGinn, and Hon Dr Sally Talbot.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council