



LEGISLATIVE COUNCIL

THURSDAY, 11 NOVEMBER 2021

10.00am

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — Soil and Land Conservation Amendment Bill

The Minister for Agriculture and Food made a Ministerial Statement with respect to the introduction of legislation into the Legislative Assembly to modernise and improve the effectiveness of the Western Australian Soil and Land Conservation Council.

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

School Curriculum and Standards Authority (2020-21) (Date received 10/11/2021) 867

Minister for Mental Health

Annual Reports —

Waste Authority (2020-21) (Date received 10/11/2021) 868

Reports —

Treasury Corporation — Quarterly Report (for the quarter ended 30 September 2021)..... 869

4. City of Canning Fencing Local Law 2021 — Disallowance

Hon Stephen Pratt: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *City of Canning Fencing Local Law 2021* published in the *Gazette* on 31 August 2021 and tabled in the Legislative Council on 7 September 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 516).

5. **Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021 — Disallowance**

Hon Stephen Pratt: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Serpentine-Jarrahdale Bush Fire Brigades Local Law 2021* published in the *Gazette* on 3 September 2021 and tabled in the Legislative Council on 7 September 2021 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled Paper 516).

6. **Change to the Date of Australia Day**

Hon Wilson Tucker: To move on the next day of sitting —

- (1) That this House recognises that —
 - (a) Australians deserve a national holiday around which we can all rally and celebrate our positive achievements and experiences to date;
 - (b) 26 January is not an appropriate date for that purpose because for many indigenous Australians, it marks the beginning of a period of immense loss and trauma at the hands of European settlers; and
 - (c) as Australia becomes more multicultural, issues of identity and belonging are becoming more important, and governments can't afford to ignore them.
- (2) Expresses its support for a change to the date of Australia Day, and calls on the Premier to request that the Commonwealth Government makes this change.

7. **WA Safe Transition Plan**

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

That this House —

- (a) notes the Government's announcement on 5 November 2021 of a plan for the opening of the State from COVID restrictions called the WA Safe Transition Plan;
- (b) notes the lack of detail in the announced plan and requests the Government table modelling and health advice which shows when Western Australia is predicted to reach 90% vaccination of over 12s for each Local Government Area in the State;
- (c) asks the Government to explain in detail how it will monitor and manage mandated vaccination cohorts and the impacts this will have on business, employees and the economy in both metropolitan and regional Western Australia; and
- (d) notes the constant failings of the Western Australian health system and asks the State Government to explain in detail the preparations they have made to ensure the health system can cope with COVID when it arrives.

Debate ensued.

Motion lapsed.

8. **Order of Business**

Ordered — That Orders 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*. (Minister for Regional Development).

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

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 6.

Debate resumed.

Question — put.

The Committee divided.

Ayes (20)

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

Hon Shelley Payne
 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 (10)

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

Hon Sophia Moermond
 Hon Tjorn Sibma
 Hon Neil Thomson
 Hon Wilson Tucker
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clause 11 agreed to.

Clause 12.

Debate ensued.

The Parliamentary Secretary to the Minister for Electoral Affairs moved, That the Deputy Chair report progress and seek to sit again at a later stage of this day's sitting.

Question — put and passed.

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 at a later stage of this day's sitting.

Ordered — That the Committee of the Whole House sit again at a later stage of this day's sitting.

10. Statement by President — Resignation of the Clerk, Nigel Pratt

The President made the following Statement —

I wish to advise the House that Mr Nigel Pratt, Clerk of the Legislative Council and Clerk of the Parliaments, has provided written notice to me that he will vacate his commission in March 2022. Today, I advised the Governor of Mr Pratt's resignation. Mr Pratt has had a long and distinguished parliamentary career spanning more than 20 years, serving both the Western Australian and Tasmanian Legislative Councils. I commend Mr Pratt on his parliamentary service and particularly his dedicated and diligent eight years of service as Clerk of this place. I thank him on behalf of myself and past Presidents he has supported. At an appropriate time, I hope Members can join me in recognising and celebrating Mr Pratt's successful career. In the meantime, please join me in acknowledging Mr Pratt's service by acclamation. Thank you, Mr Pratt.

11. Statement by President — Mandatory Vaccinations

The President made the following Statement —

Members, as you will be aware, the Chief Health Officer published health advice on 20 October 2021 regarding mandatory COVID-19 vaccinations. Certain groups will need to be fully COVID vaccinated in order to attend work during a lockdown or similar restrictions. Members of Parliament and their staff fall into one of these groups. The Speaker and I are seeking further advice about how to give effect to this new requirement for Members to be vaccinated. In the meantime, I strongly urge any Member who is not yet vaccinated to get vaccinated for the health and safety of yourselves and your families, your colleagues and staff and your constituents. I encourage all Members to advise the Clerk of your vaccination status in order for us to be better prepared in the event that a lockdown occurs.

12. Order of Business

Ordered — That Order of the Day No. 16, *Constitutional and Electoral Legislation Amendment (Electoral Equality) Bill 2021*, be taken forthwith. (Leader of the House).

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

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Peter Foster in the Chair)

Clause 12.

Debate resumed.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

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 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 Darren West
 Hon Pierre Yang (*Teller*)

Noes (11)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Donna Faragher
 Hon Nick Goiran
 Hon Steve Martin
 Hon Sophia Moermond

Hon Tjorn Sibma
 Hon Dr Steve Thomas
 Hon Neil Thomson
 Hon Wilson Tucker
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Clause agreed to.

Clause 16 agreed to.

Clauses 17 to 19 agreed to.

Clause 20.

Debate ensued.

Hon Tjorn Sibma moved —

Page 10, after line 27 — To insert:

- (2) At the end of section 16I insert:
- (2) In making the division of the State into districts the Commissioners shall ensure districts are located entirely within or wholly outside the metropolitan area of Perth.
- (3) In subsection (2) —

metropolitan area of Perth means the part of the State that comprises —

- (a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
- (b) Rottnest Island.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (10)

Hon Martin Aldridge
 Hon Peter Collier
 Hon James Hayward
 Hon Steve Martin
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 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Brian Walker
 Hon Darren West
 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

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

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clause 23.

Debate ensued.

14. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Health tabled an email from the WA Country Health Service co-ordinator of midwifery to the WA Country Health Service Maternity

Nurse Unit Manager, in response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 870).

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

Resumption of consideration of this Bill in Committee of the Whole House (*see item 13 above*).
The President left the Chair.

In Committee

(Hon James Hayward in the Chair)

Clause 23.

Debate resumed.

Question — put.

The Committee divided.

Ayes (20)

Hon Dan Caddy
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Question thus passed.

Clause agreed to.

Clause 24.

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.

16. Members' Statements

Statements were taken.

Hon Colin de Grussa, by leave, tabled a letter in relation to Remembrance Day and the scheduling of Parliament, and correspondence between Hon Alannah MacTiernan, Hon Colin Holt and the State President of the Returned Services League of Australia. (Tabled Paper 871).

17. Adjournment

The Council adjourned at 5.42pm until Tuesday, 16 November 2021 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ayor Makur Chuot.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council



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Hon Wilson Tucker: To move on the next day of sitting —

- (1) That this House recognises that —
 - (a) Australians deserve a national holiday around which we can all rally and celebrate our positive achievements and experiences to date;
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7. **WA Safe Transition Plan**

Non-Government Business No. 1 having been called, Hon Dr Steve Thomas moved, without notice —

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- (d) notes the constant failings of the Western Australian health system and asks the State Government to explain in detail the preparations they have made to ensure the health system can cope with COVID when it arrives.

Debate ensued.

Motion lapsed.

8. **Order of Business**

Ordered — That Orders 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*. (Minister for Regional Development).

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The Deputy President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 6.

Debate resumed.

Question — put.

The Committee divided.

Ayes (20)

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Question thus passed.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

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Clause agreed to.

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Question — put and passed.

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The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again at a later stage of this day's sitting.

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The President made the following Statement —

I wish to advise the House that Mr Nigel Pratt, Clerk of the Legislative Council and Clerk of the Parliaments, has provided written notice to me that he will vacate his commission in March 2022. Today, I advised the Governor of Mr Pratt's resignation. Mr Pratt has had a long and distinguished parliamentary career spanning more than 20 years, serving both the Western Australian and Tasmanian Legislative Councils. I commend Mr Pratt on his parliamentary service and particularly his dedicated and diligent eight years of service as Clerk of this place. I thank him on behalf of myself and past Presidents he has supported. At an appropriate time, I hope Members can join me in recognising and celebrating Mr Pratt's successful career. In the meantime, please join me in acknowledging Mr Pratt's service by acclamation. Thank you, Mr Pratt.

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Members, as you will be aware, the Chief Health Officer published health advice on 20 October 2021 regarding mandatory COVID-19 vaccinations. Certain groups will need to be fully COVID vaccinated in order to attend work during a lockdown or similar restrictions. Members of Parliament and their staff fall into one of these groups. The Speaker and I are seeking further advice about how to give effect to this new requirement for Members to be vaccinated. In the meantime, I strongly urge any Member who is not yet vaccinated to get vaccinated for the health and safety of yourselves and your families, your colleagues and staff and your constituents. I encourage all Members to advise the Clerk of your vaccination status in order for us to be better prepared in the event that a lockdown occurs.

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Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Peter Foster in the Chair)

Clause 12.

Debate resumed.

Clause agreed to.

Clause 13.

Debate ensued.

Clause agreed to.

Clause 14 agreed to.

Clause 15.

Debate ensued.

Question — put.

The Committee divided.

Ayes (21)

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Question thus passed.

Clause agreed to.

Clause 16 agreed to.

Clauses 17 to 19 agreed to.

Clause 20.

Debate ensued.

Hon Tjorn Sibma moved —

Page 10, after line 27 — To insert:

- (2) At the end of section 16I insert:
- (2) In making the division of the State into districts the Commissioners shall ensure districts are located entirely within or wholly outside the metropolitan area of Perth.
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metropolitan area of Perth means the part of the State that comprises —

- (a) the region that was, as at the relevant day, described in the Third Schedule to the *Metropolitan Region Town Planning Scheme Act 1959*; and
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Debate ensued.

Amendment — put.

The Committee divided.

Ayes (10)

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 Hon Pierre Yang (*Teller*)

Amendment thus negatived.

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

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22.

Debate ensued.

Clause agreed to.

Clause 23.

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The President left the Chair.

In Committee

(Hon James Hayward in the Chair)

Clause 23.

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Question — put.

The Committee divided.

Ayes (20)

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Question thus passed.

Clause agreed to.

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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.

16. Members' Statements

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17. Adjournment

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Members present during the day's proceedings

Attendance: Present all Members except Hon Ayor Makur Chuot.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council