



LEGISLATIVE COUNCIL

THURSDAY, 14 SEPTEMBER 2023

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. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Healthway (2022-23) (Date received 13/09/2023)	2498
Local Health Authorities Analytical Committee (Date received 13/09/2023)	2499
Postgraduate Medical Council (2022-23) (Date received 13/09/2023)	2500
Quadriplegic Centre (2022-23) (Date received 13/09/2023)	2501
Queen Elizabeth II Medical Centre Trust (2022-23) (Date received 13/09/2023)	2502
Reproductive Technology Council Western Australia (2022-23) (Date received 13/09/2023)	2503

3. Standing Committee on Environment and Public Affairs — Report 64 — Overview of Petitions 1 January — 30 June 2023

Hon Peter Foster presented Report 64 of the Standing Committee on Environment and Public Affairs, *Overview of Petitions 1 January — 30 June 2023*. (Tabled Paper 2504).

4. Accountability for Political Parties Amendment Bill 2023

Hon Ben Dawkins: To move on the next day of sitting —

That a Bill for “An Act to —

- amend the *Electoral Act 1907* and the *Associations Incorporation Act 2015*; and
- require political parties in Western Australia to incorporate under the *Associations Incorporation Act 2015*,
and for related purposes.” be introduced and read a first time.

5. Electoral Amendment Bill 2023

Non-Government Business No. 1 having been read for the adjourned debate on the second reading of this Bill.

Debate ensued.

Hon Ben Dawkins moved, without notice —

That the Order of the Day for the *Electoral Amendment Bill 2023* be discharged and the Bill be referred to the Standing Committee on Legislation for consideration and report not later than 20 February 2024.

Debate ensued.

Question — put and negatived.

Debate resumed.

Interruption pursuant to order.

6. Mental Health Services

Private Members' Business No. 1 having been called, Hon Ayor Makur Chuot moved, without notice —

That the Legislative Council —

- (a) recognise that early detection and treatment of mental health conditions in children has a significant impact on their development and wellbeing; and
- (b) commend the Cook Labor Government for its massive investment in health and mental health, including its commitment to infant, child and adolescent mental health services in Western Australia.

Debate ensued.

Motion lapsed.

7. Land Tax Assessment Amendment (Build-to-Rent) Bill 2023

The President reported the receipt of Message No. 121 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 2505).

Debate stands adjourned.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 — Disallowance*, 3, *Shire of Westonia Fencing Local Law 2023 — Disallowance*, 4, *Shire of Westonia Westonia Historical Precinct Local Law 2023 — Disallowance*, 5, *Shire of Westonia Shipping and/or Sea Container Local Law 2023 — Disallowance*, 6, *Shire of Chittering Keeping and Control of Cats Local Law 2023 — Disallowance*, 7, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, and 8, *Shire of Waroona Cat Local Law 2023 — Disallowance*, be taken after Order of the Day No. 13, *School Education Amendment Bill 2023*. (Leader of the House).

9. City of Kalamunda Keeping and Control of Cats 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. 2, *City of Kalamunda Keeping and Control of Cats Local Law 2023 — Disallowance*, be discharged from the Notice Paper.

Question — put and passed.

10. 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 Acting President left the Chair.

In Committee

(Hon Steve Martin in the Chair)

Statement by Deputy Chair of Committees

The Deputy Chair made the following Statement —

Last night the Committee considered three amendments moved by Hon Kate Doust. The Member moved the three amendments together, with leave of the Committee, as they were related to, and contingent upon, each other.

The first of these amendments, amendment 3/8 was put to the vote on the question “That the words to be deleted be deleted?”. The Committee divided on the question and the proposed amendment was defeated.

I note that the Notice Paper records that the Committee of the Whole House is resuming the debate on remaining amendments 4/8 and 5/8.

I advise that, as the amendments were moved as one question pursuant to Standing Order 132, and are related to each other, the first amendment having failed means that the remaining two amendments in the group now fall away.

The question now is that clause 8 stand as printed.

Clause 8.

Debate resumed.

Hon Nick Goiran, by leave, moved —

Page 9, line 28 — To delete “(1)(b) — ” and insert:

(1) —

Page 9, lines 31 to 33 — To delete “a medical practitioner with whom the primary practitioner consults need not” and insert:

the primary practitioner, and of a medical practitioner with whom the primary practitioner consults, must

Debate ensued.

Amendments — put.

The Committee divided.

Ayes (7)

Hon Peter Collier
Hon Ben Dawkins
Hon Kate Doust
Hon Steve Martin

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

Noes (24)

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 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*)

Amendments thus negated.

Debate resumed.

Hon Nick Goiran moved —

Page 10, after line 12 — To insert:

202MEA. Performance of abortion for particular reason of diagnosed or suspected Down syndrome

- (1) Subject to subsection (2), a medical practitioner or prescribing practitioner must not, and is not authorised to, perform, and a registered health practitioner or student in a relevant health profession must not, and is not authorised to assist in the performance of, an abortion on a person for the particular reason of the diagnosis in the unborn baby of, or suspicion that the unborn baby has, the genetic condition Down syndrome, also known as trisomy 21.
- (2) In an emergency, a medical practitioner is authorised to perform an abortion, or assist in the performance of an abortion, on a person in the circumstances mentioned in subsection (1) if the medical practitioner considers it necessary to perform the abortion to save the person's life or save another unborn baby.
- (3) This section applies despite any other provision of this Act.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (3)

Hon Ben Dawkins
Hon Kate Doust

Hon Nick Goiran (*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 negated.

Debate resumed.

Hon Kate Doust moved —

Page 10, after line 12 — To insert:

202MEB. Medical practitioners and prescribing practitioners not to perform abortion for sex selection

- (1) Subject to subsection (2), a medical practitioner or prescribing practitioner must not, under section 202MC, 202MD(2) or 202ME(1), perform an abortion on a person for the purposes of sex selection.
- (2) Subsection (1) does not apply if the medical practitioner or prescribing practitioner (as the case requires) is satisfied that there is a substantial risk that the person born after the pregnancy (but for the performance of the abortion) would suffer a sex-linked medical condition that would result in serious disability to that person.

Debate ensued.

Amendment — put.

The Committee divided.

Ayes (12)

Hon Martin Aldridge
 Hon Peter Collier
 Hon Ben Dawkins
 Hon Colin de Grussa
 Hon Nick Goiran
 Hon Steve Martin

Hon Sophia Moermond
 Hon Martin Pritchard
 Hon Tjorn Sibma
 Hon Wilson Tucker
 Hon Dr Brian Walker
 Hon Kate Doust (*Teller*)

Noes (19)

Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Sue Ellery
 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 Darren West
 Hon Pierre Yang
 Hon Peter Foster (*Teller*)

Amendment thus negated.

Debate resumed.

Hon Kate Doust moved —

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).

11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for Environment tabled a response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 2506).

The Leader of the House representing the Premier, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Steve Thomas.

The Minister for Finance, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Wilson Tucker.

The 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 Peter Collier.

12. Statement by President — Standing Committee on Estimates and Financial Operations — 2022-23 Annual Report Hearings

The President made the following Statement —

I have received the following letter —

Dear President

2022–23 Annual Reports

The Standing Committee on Estimates and Financial Operations (Committee) is considering the 2022–23 annual reports. I ask that you advise the Council of the following arrangements:

- (1) The Committee intends to hold hearings on each sitting Wednesday in October and November 2023. Hearings may recommence in 2024.
- (2) The Committee will consult with Members on preferred agencies to appear for a hearing. Members are welcome to participate in hearings. There will be no questions prior to hearings.
- (3) The Committee will write to Ministers for each agency that receives a qualified opinion and the follow-up on other related matters, as required.
- (4) The Committee will email key documents to Members, Ministers and public officials once finalised.

Although this process is intended to focus on the annual reports, Members may, within reason, ask general questions about the operations and finances of an agency that are outside the years in question or the annual report.

Kind regards,

Hon Peter Collier MLC

Chair

13. Abortion Legislation Reform Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 10 above*).

The President left the Chair.

In Committee

(Hon Martin Aldridge in the Chair)

Clause 8.

Debate resumed on the amendment moved by 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).

The Leader of the House representing the Minister for Health, tabled two booklets by the North Metropolitan Health Service entitled *Abortion Care-information and legal obligations for medical practitioners, and Abortion-an information booklet for consumers*. (Tabled Paper 2507).

Debate resumed.

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.

14. Members' Statements

Statements were taken.

15. Adjournment

The Council adjourned at 5.54pm until Tuesday, 19 September 2023 at 1.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Donna Faragher (*leave*).

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council