



## LEGISLATIVE COUNCIL

**WEDNESDAY, 18 MAY 2022**

**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 a Senator — Mr Benjamin John Small

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 18 May 2022, the Members of such Houses, sitting and voting together in pursuance of section 15 of the *Commonwealth of Australia Constitution Act*, did choose Benjamin John Small of 72a Matheson Road, Applecross, Western Australia, to hold the place vacated by former Senator the Honourable Benjamin John Small.

### 3. Papers

The following Papers were laid on the Table by —

#### President

*Auditor General's Papers* —

COVID-19 Contact Tracing System — Application Audit (Report No. 15) (2021-22).....1285  
Staff Rostering in Corrective Services (Report No. 16) (2021-22).....1286

### 4. Decriminalisation of Marijuana for Personal Use

Motion No. 19 having been called, Hon Dr Brian Walker, pursuant to notice, moved —

That this House supports and endorses the WA State Labor Party policy to decriminalise the possession of small amounts of marijuana for personal use and return to a system of infringement notice penalties and diversion to counselling services.

Debate ensued.

The Leader of the House moved —

To delete all words after 'House' and insert:

notes the Cannabis Intervention Requirement (CIR) scheme implemented since 2011 as an intensive individual intervention, which gives the Western Australian Police Force the discretion to divert eligible people found with small quantities of cannabis or drug paraphernalia into drug diversion programs, rather than charge them with a criminal offence

Amendment — put.

The Council divided.

**Ayes (25)**

Hon Martin Aldridge  
 Hon Klara Andric  
 Hon Sandra Carr  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Colin de Grussa  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Peter Foster  
 Hon Lorna Harper  
 Hon James Hayward  
 Hon Jackie Jarvis

Hon Steve Martin  
 Hon Stephen Pratt  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Rosie Sahanna  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Neil Thomson  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

**Noes (3)**

Hon Sophia Moermond  
 Hon Wilson Tucker

Hon Dr Brian Walker (*Teller*)

Amendment thus passed.

Debate resumed.

Motion, as amended — put.

The Council divided.

**Ayes (25)**

Hon Martin Aldridge  
 Hon Klara Andric  
 Hon Sandra Carr  
 Hon Peter Collier  
 Hon Stephen Dawson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Peter Foster  
 Hon Lorna Harper  
 Hon James Hayward  
 Hon Jackie Jarvis  
 Hon Steve Martin

Hon Stephen Pratt  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Rosie Sahanna  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Neil Thomson  
 Hon Darren West  
 Hon Pierre Yang  
 Hon Colin de Grussa (*Teller*)

**Noes (4)**

Hon Sophia Moermond  
 Hon Dr Brad Pettitt

Hon Wilson Tucker  
 Hon Dr Brian Walker (*Teller*)

Motion, as amended, thus passed.

**5. Order of Business**

Ordered — That Order of the Day No. 1, *City of Vincent Local Government Property Local Law 2021 — Disallowance*, be taken after Order of the Day No. 8, *Civil Procedure (Representative Proceedings) Bill 2021*. (Leader of the House).

**6. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2022–2023**

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Emergency Services representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 1270A-D (2022–2023 Budget Statements), laid upon the Table of the House on 12 May 2022.

Debate ensued.

On the motion of Hon Colin de Grussa the debate was adjourned to the next sitting.

**7. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022**

The Order of the Day for the further consideration of this urgent Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

**In Committee**

(Hon Peter Foster in the Chair)

Clause 1.

Debate resumed.

Hon Sophia Moermond moved —  
Page 2, line 4 — To insert before “*Extension*”:

*Final*

Debate ensued.  
Amendment — put and negatived.  
Debate resumed.  
Clause agreed to.  
Clauses 2 and 3 agreed to.  
Clause 4.  
Debate ensued.  
Hon Sophia Moermond moved —  
Page 3, line 9 — To delete “3 January 2023,” and insert:

20 November 2022,

Debate ensued.  
Amendment — put and negatived.  
Question, That the clause stand as printed — put and passed.  
Clause 5.  
Debate ensued.  
Clause agreed to.  
Clauses 6 to 8 agreed to.  
Clause 9.  
Debate ensued.

## **8. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Housing, by leave, incorporated into *Hansard* information in relation to the average wait time to access public housing, by region, as at 30 April 2022, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Parliamentary Secretary to the Minister for Regional Development on behalf of the Minister for Regional Development representing the Minister for Forestry, by leave, incorporated into *Hansard* a table listing the Forest Products Commission’s contracts for firewood timber grades, in response to a question without notice asked by Hon Dr Steve Thomas.

## **9. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022**

Resumption of consideration of this urgent Bill in Committee of the Whole House (*see item 7 above*).  
The President left the Chair.

---

**In Committee**

(Hon Dr Brian Walker in the Chair)

Clause 9.

Debate resumed.

Clause agreed to.

Title agreed to.

---

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Emergency Services 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.

The Council divided.

**Ayes (16)**

Hon Klara Andric  
 Hon Sandra Carr  
 Hon Stephen Dawson  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Peter Foster  
 Hon Lorna Harper  
 Hon Jackie Jarvis

Hon Dr Brad Pettitt  
 Hon Stephen Pratt  
 Hon Martin Pritchard  
 Hon Rosie Sahanna  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Darren West  
 Hon Pierre Yang (*Teller*)

**Noes (7)**

Hon Martin Aldridge  
 Hon Steve Martin  
 Hon Sophia Moermond  
 Hon Tjorn Sibma

Hon Neil Thomson  
 Hon Dr Brian Walker  
 Hon Colin de Grussa (*Teller*)

Question thus passed.

Bill read a third time and passed.

**10. Health and Disability Services (Complaints) Amendment Bill 2021**

The Acting President reported the receipt of Message No. 65 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House representing the Minister for Health moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House representing the Minister for Health moved, That the Bill be read a second time.

The Leader of the House representing the Minister for Health tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1287).

Debate stands adjourned and Bill referred to the Standing Committee on Uniform Legislation and Statutes Review [SO 126].

#### **11. Transfer of Land Amendment Bill 2021**

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

*Interruption pursuant to order.*

#### **12. Members' Statements**

Statements were taken.

#### **13. Adjournment**

The Council adjourned at 6.31pm until Thursday, 19 May 2022 at 10.00am.

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

Attendance: Present all Members except Hon Dan Caddy, Hon Nick Goiran, Hon Alannah MacTiernan (*by leave*), Hon Ayor Makur Chuot, Hon Kyle McGinn and Hon Shelley Payne.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council