



LEGISLATIVE COUNCIL

WEDNESDAY, 20 SEPTEMBER 2023

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. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Building Management Authority (2022-23) (Date received 19/09/2023)	2542
Finance, Department of (2022-23) (Date received 19/09/2023).....	2543
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Minister for Agriculture and Food

Addendums —

Housing Authority — Annual Report (2021-22)	2553
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Annual Reports —

Agricultural Produce Commission (2022-23) (Date received 20/09/2023).....	2554
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Rural Business Development Commission (2022-23) (Date received 20/09/2023).....	2556
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Veterinary Practice Board (2022-23) (Date received 20/09/2023)	2558
Western Australian Meat Industry Authority (2022-23) (Date received 20/09/2023)	2559

Parliamentary Secretary to the Attorney General*Annual Reports —*

Legal Aid WA (2022-23) (Date received 19/09/2023)	2560
Legal Costs Committee (2022-23) (Date received 19/09/2023)	2561

Parliamentary Secretary to the Minister for Culture and the Arts*Annual Reports —*

Arts and Culture Trust (2022-23) (Date received 19/09/2023)	2562
Combat Sports Commission (2022-23) (Date received 19/09/2023)	2563
State Library of Western Australia (2022-23) (Date received 19/09/2023)	2564
Swan Bells Foundation Inc. (2022-23) (Date received 19/09/2023)	2565
Venueswest (2022-23) (Date received 19/09/2023)	2566
Western Australian Museum (2022-23) (Volume 1) (Date received 19/09/2023)	2567
Western Australian Museum (2022-23) (Volume 2) (Date received 19/09/2023)	2568

Parliamentary Secretary to the Minister for Training on behalf of the Parliamentary Secretary to the Minister for Regional Development*Annual Reports —*

Disability Services Commission (2022-23) (Date received 20/09/2023)	2569
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Parliamentary Secretary to the Minister for Training*Annual Reports —*

State Training Board (2022-23) (Date received 19/09/2023)	2570
Training Accreditation Council (2022-23) (Date received 19/09/2023)	2571
Training and Workforce Development, Department of (2022-23) (Date received 19/09/2023)	2572
Water Corporation (2022-23) (Date received 19/09/2023)	2573

3. Daylight Saving Bill 2023

Hon Wilson Tucker, pursuant to Standing Order 62(a), gave notice of an amended form of Bill for Introduction No. 1, *Daylight Saving Bill 2023*, as follows —

That a Bill for “An Act to provide for a referendum on the question of daylight saving throughout the State, to alter standard time accordingly if the majority of electors indicates approval of daylight saving in the referendum, and for related purposes.” be introduced and read a first time.

4. Proposed Voice to Parliament

Motion No. 13 having been called, Hon Dr Steve Thomas sought leave to move his motion in an amended form [SO 62(b)].

Leave granted.

Hon Dr Steve Thomas, pursuant to notice, moved —

That this House —

- (a) supports the importance of the Australian *Constitution* as the founding document of our nation;
- (b) notes that the Australian *Constitution* currently treats all Australians as equals;

- (c) supports strong measures to improve the outcomes for Aboriginal people across Western Australia; and
- (d) opposes the Federal Labor Party's proposed Voice to Parliament because —
 - (i) enshrining in our *Constitution* a body for only one group of Australians means permanently dividing Australians; and
 - (ii) it cannot be properly explained by the Federal Labor Government.

Debate ensued.

Hon Stephen Dawson moved to amend the motion as follows —

- (1) In paragraph (b) — To delete "currently treats all Australians as equals;" and insert —

does not recognise Aboriginal and Torres Strait Islander peoples;

- (2) To delete paragraph (d) and insert —

- (d) supports the proposed Voice to Parliament because —
 - (i) it recognises Aboriginal and Torres Strait Islander people in our *Constitution*; and
 - (ii) it provides a framework for consulting with, and improving outcomes for, Aboriginal and Torres Strait Islander peoples.

Point of Order

Hon Dr Steve Thomas raised the following Point of Order —

The amendment moved by Deputy Leader of the House has provided a complete reversal of the original motion. In the proposed amendment (2)(d), he has shifted from "opposes the proposed Voice to Parliament" to "supports". I therefore ask for your ruling on whether that is a complete negative of the motion.

President's Ruling

The President ruled as follows —

I do not agree that the amendment is a direct negative. The amendment moved by the Minister for Emergency Services seeks to exchange something in the motion that is on the same subject. Therefore, there is no point of order.

Debate ensued.

Hon Nick Goiran moved to amend the amendment as follows —

To insert after paragraph (d)(ii) —

- (iii) Premier McGowan twice refused to provide Parliament with the briefing note he received on the proposed voice;
- (iv) Premier McGowan has broken the law of Western Australia by failing to give notice of this refusal to the Auditor General; and
- (v) replacement Premier Cook has compounded his predecessor's breach of the law by choosing to keep this information hidden from the Parliament, from a parliamentary inquiry and for the from the people of Western Australia.

Debate ensued.

Question, That the amendment to the amendment be agreed to — put.

The Council divided.

Ayes (5)

Hon Steve Martin
Hon Tjorn Sibma
Hon Dr Steve Thomas

Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Noes (22)

Hon Martin Aldridge
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 Ayor Makur Chuot
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
Hon Peter Foster (*Teller*)

Amendment to the amendment thus negatived.

Debate resumed.

Question, That the words to be deleted, be deleted — put.

The Council divided.

Ayes (21)

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 Ayor Makur Chuot
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
Hon Peter Foster (*Teller*)

Noes (6)

Hon Martin Aldridge
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Question thus passed.

Point of Order

Hon Nick Goiran raised the following Point of Order —

The question that was before the House or the amendment that has been moved seeks to delete two things. One is to delete the words “currently treats all Australians as equals;”. A Member may have a view for or against that.

Secondly, it seeks to delete paragraph (d), on which a Member may have a different view. In other words, the Member may want to have some words deleted but not others, and that is not possible in line with this process. The same point applies to the insertion of the words whereby a Member may feel they can support the insertion of —

does not recognise Aboriginal and Torres Strait Islander peoples;
but does not support the insertion of —

(d) supports the proposed Voice to Parliament

President's Ruling

The President ruled as follows —

There is no point of order. The amendment conforms with Standing Order 88 and the opportunity for Members to choose to debate those parts of the amendment arose when the question "the words to be deleted, be deleted" were put.

Question — That the words to be inserted, be inserted — put.

The Council divided.

Ayes (21)

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 Ayor Makur Chuot
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
Hon Peter Foster (*Teller*)

Noes (6)

Hon Martin Aldridge
Hon Steve Martin
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Amendment thus passed.

Debate resumed on the motion, as amended.

Motion, as amended — put.

The Council divided.

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Ayes (23)

Hon Martin Aldridge
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 Ayor Makur Chuot
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 Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Noes (5)

Hon Steve Martin
Hon Tjorn Sibma
Hon Dr Steve Thomas

Hon Neil Thomson
Hon Nick Goiran (*Teller*)

Motion, as amended, thus passed.

5. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Stephen Pratt in the Chair)

**Standing Committee on Environment and Public Affairs — Report 59 — Overview of Petitions
3 December 2021 to 30 June 2022**

Debate resumed on the motion of Hon Peter Foster, That the Report be noted.

Debate interrupted and postponed pursuant to SO 110(2A).

**Standing Committee on Environment and Public Affairs — Report 58 — Overview of Petitions
(2 June 2021 to 2 December 2021)**

Debate resumed on the motion of Hon Peter Foster, That the Report be noted.

Interruption pursuant to order.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Standing Committee on Environment and Public Affairs — Report 59 — *Overview of Petitions 3 December 2021 to 30 June 2022*, made progress, and postponed further consideration until the next sitting.
- (2) Standing Committee on Environment and Public Affairs — Report 58 — *Overview of Petitions (2 June 2021 to 2 December 2021)*, made progress, and seeks to sit again.

Report adopted.

6. Order of Business

Ordered — That Orders of the Day Nos 1, *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 — Disallowance*, 2, *Shire of Westonia Fencing Local Law 2023 — Disallowance*, 3, *Shire of Westonia Westonia Historical Precinct Local Law 2023 — Disallowance*, 4, *Shire of Westonia Shipping and/or Sea Container Local Law 2023 — Disallowance*, 5, *Shire of Chittering Keeping and Control of Cats Local Law 2023 — Disallowance*, 6, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, and 7, *Shire of Waroona Cat Local Law 2023 — Disallowance*, be taken after Order of the Day No. 12, *School Education Amendment Bill 2023*. (Leader of the House).

7. 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 Dr Brian Walker in the Chair)

Clause 42.

Debate resumed.

Clause agreed to.

Clause 43 agreed to.

Clause 44.

Debate ensued.

8. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Health, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Education, in accordance with Standing Order 108(2), advised that an answer to question on notice 1521 asked by Hon Donna Faragher will be provided on 17 October 2023.

The Leader of the House representing the Minister for Aboriginal Affairs, in accordance with Standing Order 108(2), advised that answers to questions on notice 1532 and 1533 asked by Hon Neil Thomson will be provided on 17 October 2023.

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 1546 asked by Hon Dr Brad Pettitt will be provided on 10 October 2023.

The Minister for Agriculture and Food tabled, and by leave incorporated into *Hansard*, a response to a question without notice asked by Hon Steve Martin. (Tabled Paper 2574).

The Parliamentary Secretary to the Minister for Water tabled a response to question on notice 1530 asked by Hon Ben Dawkins. (Tabled Paper 2575).

9. Abortion Legislation Reform Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 7 above*).

The President left the Chair.

In Committee

(Hon Dr Sally Talbot in the Chair)

Clause 44.

Debate resumed.

Clause agreed to.

Clauses 45 to 49 agreed to.

Clause 50.

Debate ensued.

Clause agreed to.

Clauses 51 to 56 agreed to.

Clause 57.

Debate ensued.

Clause agreed to.

Clause 58.

Debate ensued.

Clause agreed to.

Clause 59.

Debate ensued.

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The 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.

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Ayes (25)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Peter Collier
Hon Stephen Dawson
Hon Sue Ellery
Hon Donna Faragher
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 Dr Brian Walker
Hon Darren West
Hon Pierre Yang
Hon Peter Foster (*Teller*)

Noes (6)

Hon Ben Dawkins
Hon Kate Doust
Hon Steve Martin

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

Question thus passed.

Bill read a third time and passed.

10. Workers Compensation and Injury Management Bill 2023 and Workers Compensation and Injury Management Amendment Bill 2023

The Order of the Day for the further consideration of these Bills, in Committee of the Whole House, having been read.

The President left the Chair.

In Committee

(Hon Steve Martin in the Chair)

Workers Compensation and Injury Management Bill 2023

Clause 365.

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.

11. Members' Statements

Statements were taken.

Hon Ben Dawkins sought leave to table documents.

Leave denied.

12. Adjournment

The Council adjourned at 7.00pm until Thursday, 21 September 2023 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council