

Minutes of Proceedings



LEGISLATIVE COUNCIL

WEDNESDAY, 11 OCTOBER 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. Petition

Hon Wilson Tucker presented an E-Petition from 1,030 petitioners requesting the Legislative Council to call on the State Government to hold a referendum for the introduction of daylight saving time in Western Australia. (Tabled Paper 2695).

3. Ministerial Statement — 2024 Parliamentary Sitting Dates

The Leader of the House made a Ministerial Statement with respect to the 2024 Parliamentary sitting dates.

The Leader of the House tabled the Parliamentary sitting calendar for 2024. (Tabled Paper 2696).

4. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Road Safety Council (2022-23) (Date received 10/10/2023).....2692

Minister for Emergency Services

Annual Reports —

Transport, Department of (2022-23) (Date received 10/10/2023).....2693

Parliamentary Secretary to the Attorney General

Reports —

Petroleum Retailers Rights and Liabilities Act 1982 — Statutory Review (May 2023) ...2694

5. Presence of TCH in a driver's oral fluid, blood, or urine

Motion No. 12 having been called, Hon Sophia Moermond, pursuant to notice, moved —

- (1) That this House welcomes the Cook Government's commitment to establish a working group to investigate sensible changes to our driving laws which would allow patients prescribed medicinal cannabis to drive if not impaired, and urges the working group to consider the establishment of a complete defence to the presence of THC in a driver's oral fluid, blood, or urine in circumstances where —
 - (a) the driver has a valid doctor's prescription for a medicine containing THC; and
 - (b) the offence does not involve dangerous or reckless driving; and
 - (c) an officer has not established driver impairment by another means.
- (2) This House further calls upon the Government to set a reporting date for the working group, such that legislative changes can be debated ahead of the next election.

Debate ensued.

The Leader of the House representing the Minister for Health tabled the Department of Health's *Consultation Report, Amendments to the Medicines and Poisons Regulations 2016 and the Schedule 8 Medicines Prescribing Code (April 2023)*. (Tabled Paper 2697).

Hon Dr Steve Thomas moved, without notice —

In paragraph (2) — To delete all the words after "group".

Debate ensued.

Amendment — put.

The Council divided.

Ayes (11)

Hon Martin Aldridge
Hon Peter Collier
Hon Nick Goiran
Hon Louise Kingston
Hon Sophia Moermond
Hon Tjorn Sibma

Hon Dr Steve Thomas
Hon Neil Thomson
Hon Wilson Tucker
Hon Dr Brian Walker
Hon Colin de Grussa (*Teller*)

Noes (18)

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

Amendment thus negated.

Debate resumed.

Motion — put.

The Council divided.

Ayes (3)

Hon Sophia Moermond
Hon Wilson Tucker

Hon Dr Brian Walker (*Teller*)

Noes (29)

Hon Martin Aldridge
Hon Klara Andric
Hon Dan Caddy
Hon Sandra Carr
Hon Peter Collier
Hon Stephen Dawson
Hon Colin de Grussa
Hon Kate Doust
Hon Sue Ellery
Hon Donna Faragher
Hon Nick Goiran
Hon Lorna Harper
Hon Jackie Jarvis
Hon Louise Kingston
Hon Ayor Makur Chuot

Hon Steve Martin
Hon Kyle McGinn
Hon Shelley Payne
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 Peter Foster (*Teller*)

Motion thus negated.

6. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Sandra Carr in the Chair)

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.

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

Joint Standing Committee on Delegated Legislation — Report 3 — Annual Report 2022

Hon Lorna Harper moved, That the Report be noted.

Debate ensued.

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 58 — *Overview of Petitions (2 June 2021 to 2 December 2021)*, made progress, and postponed further consideration until the next sitting.
- (2) Joint Standing Committee on Delegated Legislation — Report 3 — *Annual Report 2022*, made progress, and seeks to sit again.

Report adopted.

7. 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. 10, *School Education Amendment Bill 2023*. (Leader of the House).

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

The Acting President reported the receipt of Message No. 125 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Energy moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Energy moved, That the Bill be read a second time.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Energy tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2698).

Debate stands adjourned.

9. Workers Compensation and Injury Management Bill 2023

The following Message from the Legislative Assembly was reported —

Honourable President

Message No. 126

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Workers Compensation and Injury Management Bill 2023*.

Ms. R. Stephens

Acting Speaker

Legislative Assembly Chamber

Perth, 11 October 2023

10. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

The Order of the Day for the 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 1.

Debate ensued.

11. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Early Childhood Education, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Minister for Agriculture and Food representing the Minister for Housing, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Louise Kingston.

12. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

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

The Acting President left the Chair.

In Committee

(Hon Dr Sally Talbot in the Chair)

Clause 1.

Debate resumed.

The Leader of the House representing the Minister for Aboriginal Affairs tabled a list of parties invited for a briefing in relation to the *Aboriginal Heritage Legislation Amendment and Repeal Bill 2023*. (Tabled Paper 2699).

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.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 6.39pm until Thursday, 12 October 2023 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Pierre Yang.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council