

Minutes of Proceedings



LEGISLATIVE COUNCIL

THURSDAY, 28 OCTOBER 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 — National Redress Scheme

The Parliamentary Secretary to the Attorney General made a Ministerial Statement with respect to Ms Bronte Glass' experience in applying for redress as part of the National Redress Scheme.

3. Papers

The following Papers were laid on the Table by —

Minister for Mental Health

Annual Reports —

Commission for Occupational Safety and Health (2020–21) (Date received 27/10/2021)..... 830

Parliamentary Secretary to the Attorney General

Annual Reports —

Greyhound Racing Association (2020–21) (Date received 27/10/2021)..... 831

4. Medical Privacy

Hon Sophia Moermond: To move on the next day of sitting —

- (1) That this House notes —
 - (a) that all Western Australians have a right to medical privacy; and,
 - (b) that the disclosure of private medical information is a personal choice and should not be mandated by the State.
- (2) In so noting, the House supports all citizens' constitutional right to freedom of choice as it relates to their own medical decisions.

5. Western Australian Space Sector

Non-Government Business No. 1 having been called, Hon Sophia Moermond moved, without notice —

That this House expresses its support to the Department of Jobs, Tourism, Science and Innovation for its partnership with the Western Australian space sector and their goal to —

- (a) create high paying jobs and diversify the economy in the exciting area that is the Western Australian space sector;
- (b) drive innovation within our State; and
- (c) inspire a passion for STEM amongst Western Australian students, and

urges the Government to think big, and act even bigger, by making substantial investments in organisations that support this inspiring and growing part of our economy that Western Australia is geographically perfectly poised to take advantage of.

Debate ensued.

Motion lapsed.

6. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2021–2022

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

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper No. 534A-D (2021–2022 Budget Statements), laid upon the Table of the House on 9 September 2021.

Debate resumed.

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

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

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

8. Questions Without Notice

Questions without notice were taken.

The Minister for Mental Health representing the Minister for Health tabled the WA Country Health Service regions COVID-19 vaccination clinics details, in response to question on notice 286 asked by Hon Martin Aldridge. (Tabled Paper 832).

The Minister for Mental Health representing the Minister for Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 289 asked by Hon James Hayward will be provided by 19 November 2021.

The Minister for Mental Health representing the Minister for Aboriginal Affairs, by leave, incorporated into *Hansard* information in relation to the consultation conducted by the Government for the *Aboriginal Cultural Heritage Bill*, in response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Mental Health representing the Minister for Health, by leave, incorporated into *Hansard* information in relation to the Health Workers (Restrictions on Access) Directions and reporting by *The West Australian* that these directions are not being adhered to, in response to a question without notice asked by Hon Martin Aldridge.

Point of Order

Hon Nick Goiran raised the following Point of Order —

President, I seek your ruling on an answer provided during question time by the Minister for Mental Health representing the Minister for Police. The Minister in his response referred me to Standing Order 104. Standing Order 104 states, in part —

Questions may be asked of —

- (a) a Minister or Parliamentary Secretary relating to public affairs with which the Minister or Parliamentary Secretary is connected, to proceedings in the Council, or to any matter of administration for which the Minister or Parliamentary Secretary is responsible;

The issue here is that I was seeking information that is in the knowledge of the Commissioner of Police. I was asking whether the Commissioner of Police raised the matter with the previous Minister for Police, not the current one. It appears that the Minister for Police has interpreted that as meaning that he cannot provide that information. If that were true, it would mean that we would be unable to ask any questions of any Minister about historical matters that occurred prior to them taking that Ministry. I seek your ruling on this and I appreciate that this may need to be provided on another occasion.

President's Ruling

The President ruled as follows —

Honourable Member, I would need to review the question and the answer and your explanation of your understanding of Standing Order 104, in which case I will take it under advisement and provide a response or ruling to the Chamber at a later date.

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

Debate resumed on the second reading of this Bill (*see item 7 above*).

Statement by President

The President made the following Statement —

Members, the question is that the bill be read a second time. Before I put that question, the second reading of this Bill requires an absolute majority pursuant to section 16M of the *Electoral Act 1907*. If there is a dissenting voice when I put the question on the second reading, I will divide the House.

The Bill requiring the concurrence of an absolute majority.

Question — put.

There being a dissentient voice the President ordered the Council to divide.

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 Ayor Makur Chuot

Hon Kyle McGinn
 Hon Dr Brad Pettitt
 Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Dr Brian Walker
 Hon Darren West
 Hon Shelley Payne (*Teller*)

Noes (10)

Hon Donna Faragher
 Hon Nick Goiran
 Hon James Hayward
 Hon Steve Martin
 Hon Sophia Moermond

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

The concurrence of an absolute majority of the whole number of Members being met, Question thus passed.

Bill read a second time.

10. Order of Business

Ordered — That Members' Statements be taken forthwith. (Leader of the House).

11. Members' Statements

Statements were taken.

12. Poseidon Nickel Agreement Amendment (Termination) Bill 2021

The President reported the receipt of Message No. 43 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade moved, That the Bill be read a second time.

The Minister for Regional Development representing the Minister for State Development, Jobs and Trade tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 833).

Debate stands adjourned.

13. Civil Procedure (Representative Proceedings) Bill 2021

The President reported the receipt of Message No. 44 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary to the Attorney General moved, That the Bill be read a second time.

The Parliamentary Secretary to the Attorney General tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 834).

Debate stands adjourned.

14. Adjournment

The Council adjourned at 6.02pm until Tuesday, 9 November 2021 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Pierre Yang.

PAUL GRANT

Deputy Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council