



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.

Question, That the clause stand as printed — put and passed.

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 (*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