



LEGISLATIVE COUNCIL

WEDNESDAY, 20 MARCH 2024

1.00pm

1. Meeting of Council

The Council assembled at 1.00pm pursuant to order.

The Deputy President, Hon Martin Aldridge, took the Chair.

Prayers and an Acknowledgement of Country were read.

2. Ministerial Statement — School Education Amendment Bill 2023

The Parliamentary Secretary to the Minister for Culture and the Arts made a Ministerial Statement with respect to a correction to an answer to a question by Hon Nick Goiran during the Committee stage of the *School Education Amendment Bill 2023* on Tuesday, 19 March 2024.

3. Papers

The following Papers were laid on the Table by —

Leader of the House

Annual Reports —

Edith Cowan University (2022-23) (Date received 20/03/2024).....3021

Murdoch University (2022-23) (Date received 20/03/2024)3022

University of Western Australia (2022-23) (Date received 20/03/2024).....3023

Parliamentary Secretary to the Attorney General

Addendums —

Department of Justice — Annual Report (2021-22) (Date received 20/03/2024)3024

Parliamentary Secretary to the Minister for Culture and the Arts

Annual Reports —

Western Australian Institute of Sport (WAIS) (2022-23) (Date received 20/03/2024)3025

4. Shire of Wyalkatchem Bush Fire Brigades Amendment Local Law 2023 — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *Shire of Wyalkatchem Bush Fire Brigades Amendment Local Law 2023* published in the *Gazette* on 7 November 2023 and tabled in the Legislative Council on 14 November 2023 under the *Bush Fires Act 1954*, be and is hereby disallowed. (Table Paper 2807)

5. The University of Western Australia Lands By-laws — Disallowance

Hon Lorna Harper: To move on the next day of sitting —

That, pursuant to recommendation of the Joint Standing Committee on Delegated Legislation, the *University of Western Australia Lands By-laws* published in the *Gazette* on 10 November 2023 and tabled in the Legislative Council on 14 November 2023 under the *University of Western Australia Act 1911*, be and is hereby disallowed. (Tabled Paper 2797)

6. Biological Sex

Motion No. 12 having been called, Hon Ben Dawkins, pursuant to Standing Order 62(b), sought leave to move his motion in an amended form.

Leave denied.

Hon Ben Dawkins, pursuant to notice, moved —

That the Legislative Council agrees —

- (a) that biological sex is a fact; and
- (b) that it is not scientifically possible to change your biological sex from one sex to the other sex at a cellular level; and
- (c) that in some settings, biological sex is more important than gender identity.

Debate ensued.

Point of Order

Hon Pierre Yang raised the following Point of Order —

to be inserted from the Hansard

Deputy President's Ruling

The Deputy President ruled as follows —

to be inserted from the Hansard

Debate ensued.

Point of Order

Hon Pierre Yang raised the following Point of Order —

to be inserted from the Hansard

Deputy President's Ruling

The Deputy President ruled as follows —

to be inserted from the Hansard

Hon Nick Goiran moved, without notice —

To delete limbs (b) and (c)

Debate ensued.

Amendment — put.

The Council divided.

Ayes (3)

Hon Ben Dawkins
Hon Dr Brian Walker

Hon Nick Goiran (*Teller*)

Noes (21)

Hon Martin Aldridge
 Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Dr Brad Pettitt

Hon Stephen Pratt
 Hon Martin Pritchard
 Hon Samantha Rowe
 Hon Rosie Sahanna
 Hon Matthew Swinbourn
 Hon Dr Sally Talbot
 Hon Wilson Tucker
 Hon Darren West
 Hon Pierre Yang
 Hon Peter Foster (*Teller*)

Amendment thus negatived.

Debate resumed.

Point of Order

Hon Ben Dawkins raised the following Point of Order —

to be inserted from the Hansard

Deputy President's Ruling

The Deputy President ruled as follows —

to be inserted from the Hansard

Debate resumed.

Point of Order

Hon Ben Dawkins raised the following Point of Order —

to be inserted from the Hansard

Deputy President's Ruling

The Deputy President ruled as follows —

to be inserted from the Hansard

Debate resumed.

Point of Order

Hon Ben Dawkins raised the following Point of Order —

to be inserted from the Hansard

Deputy President's Ruling

The Deputy President ruled as follows —

to be inserted from the Hansard

Debate resumed.

Motion — put.

The Council divided.

Ayes (1)

Hon Ben Dawkins (*Teller*)

Noes (22)

Hon Martin Aldridge
 Hon Klara Andric
 Hon Dan Caddy
 Hon Sandra Carr
 Hon Stephen Dawson
 Hon Kate Doust
 Hon Lorna Harper
 Hon Jackie Jarvis
 Hon Ayor Makur Chuot
 Hon Kyle McGinn
 Hon Sophia Moermond

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*)

Motion thus negated.

7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Dr Sally Talbot in the Chair)

Standing Committee on Public Administration — Report 37 — Delivery of Ambulance Services in Western Australia: Critical Condition

Hon Pierre Yang moved, That the Report be noted.

Debate ensued.

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

Standing Committee on Estimates and Financial Operations — Report 86 — Consideration of the 2020-21 Annual Reports

Hon Peter Collier 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 Public Administration — Report 37 — *Delivery of Ambulance Services in Western Australia: Critical Condition*, and postponed consideration to the next sitting.
- (2) Standing Committee on Estimates and Financial Operations — Report 86 — *Consideration of the 2020-21 Annual Reports*, made progress, and seeks to sit again.

Report adopted.

8. Order of Business

Ordered — That Orders of the Day Nos 1, *City of Bunbury Bush Fire Brigade Local Law 2023 — Disallowance* and, 2, *Shire of Kondinin Amendment Local Law 2023 — Disallowance*, be taken after Order of the Day No. 6, *Health Practitioner Regulation National Law Application Bill 2023*. (Minister for Emergency Services).

9. Electricity Industry Amendment (Alternative Electricity Services) 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 Stephen Pratt in the Chair)

Clause 1.

Debate resumed.

10. Questions Without Notice

Questions without notice were taken.

The Minister for Emergency Services on behalf of the Minister for Finance, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Neil Thomson.

The Minister for Emergency Services representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Brad Pettitt.

The Minister for Emergency Services representing the Minister for Police tabled, a response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 3026).

The Parliamentary Secretary to the Minister for Health tabled, a response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 3027).

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 Wilson Tucker.

The Minister for Emergency Services representing Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

The Minister for Emergency Services representing Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

The Minister for Emergency Services representing Minister for Police, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Martin Aldridge.

The Parliamentary Secretary to the Attorney General, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Ben Dawkins.

11. Electricity Industry Amendment (Alternative Electricity Services) Bill 2023

Resumption of consideration of this Bill in Committee of the Whole House (*see item 9 above*).

The President left the Chair.

In Committee

(Hon Dr Brian Walker in the Chair)

Clause 1.

Debate resumed.

Clause agreed to.

Clause 2.

The Parliamentary Secretary to the Minister for Energy moved —

Page 2, lines 8 and 9 — To delete the lines and insert:

Royal Assent (***assent day***);

- (b) section 26(2) —
 - (i) if the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 5 comes into operation on or before assent day — on the day after assent day;
 - (ii) otherwise — immediately after the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 5 comes into operation;
 - (c) section 26(3) —
 - (i) if the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 24 comes into operation on or before assent day — on the day after assent day;
 - (ii) otherwise — immediately after the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 24 comes into operation;
 - (d) the rest of the Act — on the day after assent day.
- (2) Subsection (1)(d) is subject to section 29.

Debate ensued.

Amendment — put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 25 agreed to.

The Parliamentary Secretary to the Minister for Energy moved —

Page 38, after line 29 — To insert:

Part 4 — Amendments consequential to enactment of the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024*

26. *Electricity Industry Act 2004* amended

- (1) This section amends the *Electricity Industry Act 2004*.
- (2) After section 59X(2) insert:
 - (2A) The AES code of practice must be consistent with the State electricity objective.
- (3) In section 59X(4) delete “section 39.” and insert:

section 39 or the electricity system and market rules.

27. *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* amended

- (1) This section amends the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024*.
- (2) In section 4(1) in the insertion delete the definition of **Coordinator**.
- (3) Delete section 9.

28. *Act amended*

- (1) This section amends this Act.
- (2) In section 4 in the insertion delete the definition of **Coordinator**.
- (3) Delete section 15.

29. *Repeal of s. 27 or 28*

Despite section 2(1)(d) —

- (a) if the *Electricity Industry Amendment (Distributed Energy Resources) Act 2024* section 4 comes into operation on or before the day on which this section comes into operation — section 27 does not come into operation and is repealed; or
- (b) if paragraph (a) does not apply — section 28 does not come into operation and is repealed.

Debate ensued.

New Part agreed to.

Title.

Parliamentary Secretary to the Minister for Energy moved —

Page 1, line 8 — To delete "**1945.**" and insert:

1945 and the Electricity Industry Amendment (Distributed Energy Resources) Act 2024.

Amendment — put and passed.

Title as amended agreed to.

The Acting President resumed the Chair.

Bill reported with amendment.

The Parliamentary Secretary to the Minister for Energy, by leave, moved, That the report be adopted.
Report adopted.

The Parliamentary Secretary to the Minister for Energy moved, without notice —

That so much of Standing Orders be suspended so as to enable the *Electricity Industry Amendment (Alternative Electricity Services) Bill 2023* to be read a third time.

The motion requiring the concurrence of an absolute majority.

Question — put.

The Acting President having counted the Council, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Parliamentary Secretary to the Minister for Energy 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 and passed.

Bill read a third time and passed.

12. Vocational Education and Training Amendment Bill 2023

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

Debate resumed.

Interruption pursuant to order.

13. Members' Statements

Statements were taken.

14. Adjournment

The Council adjourned at 6.39pm until Thursday, 21 March 2024 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Sue Ellery, Hon Colin de Grussa and Hon Shelley Payne.

SAM HASTINGS

Clerk of the Legislative Council

HON ALANNA CLOHESY MLC

President of the Legislative Council