

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 80

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 9 AUGUST 2022

1. Meeting of Assembly

The Assembly met at 1.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Speaker's Statement – Chamber Bells

The Speaker advised members that for over a hundred years, this chamber has been convened and divisions called by a ringing bell sound. Today marks a change from that tradition to a uniquely Australian sound, the sound of the didgeridoo. The didgeridoo piece is titled Makuru and it was composed and performed by Noongar Elder Mr Jeremy Garlett. This is intended as a trial until the end of the year. The Speaker welcomed Members' feedback and suggestions.

3. Vacancy in the Electoral District of North West Central

The Speaker advised members that yesterday she received a letter from the member for North West Central, submitting his resignation from his position as member for the electoral district of North West Central in the Western Australian Legislative Assembly in the following terms –

“ Dear Speaker,

I wish to inform you that as of the 8th of August 2022, I resign as the Member for North West Central.

Regards

Vince Catania MLA
Member for North West Central

”.

The Premier, without notice, moved,

That the seat for the electoral district of North West Central be and is hereby declared vacant by reason of the resignation of Vincent Alexander Catania.

Question put and passed.

The Speaker advised members that it was her intention to issue a writ directing the Electoral Commissioner to conduct a by-election for the electoral district of North West Central on 17 September 2022.

4. Papers

The following papers were presented and ordered to lie upon the Table of the House –

By the Clerk –

Anzac Day Trust – Annual Report 2021 (1257).

Architects Act 2004; Gas Standards Act 1972 – Regulations (Commerce Regulations Amendment (Mutual Recognition) Regulations 2022 G.G. 30/06/2022) (1258).

Associations Incorporation Act 2015; Co-operatives Act 2009; Electricity Act 1945; Plumbers Licensing Act 1995; Residential Tenancies Act 1987 – Regulations (Commerce Regulations Amendment (Legal Profession) Regulations 2022 G.G. 30/06/2022) (1259).

Auditor General, Office of the – Financial Audit Results – Universities and TAFEs 2021, Report No. 2 (Received by the Clerk of the Legislative Assembly and deemed tabled on 21 July 2022) (1254).

Auditor General, Office of the – Information Systems Audit Report 2022 – Local Government Entities, Report No. 22 (Received by the Clerk of the Legislative Assembly and deemed tabled on 28 June 2022) (1239).

Auditor General, Office of the – Opinion on Ministerial Notification – AWU Funding Agreement – Report No. 23 (Received by the Clerk of the Legislative Assembly and deemed tabled on 28 June 2022) (1240).

Auditor General, Office of the – Opinion on Ministerial Notification – Wooroloo Bushfire Inquiry, Report No. 1 (Received by the Clerk of the Legislative Assembly and deemed tabled on 18 July 2022) (1253).

Births, Deaths and Marriages Registration Act 1998; Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; Classification (Publications, Films and Computer Games) Enforcement Act 1996; Coroners Act 1996; District Court of Western Australia Act 1969; Evidence Act 1906; Fines, Penalties and Infringement Notices Enforcement Act 1994; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 – Regulations (Attorney General Regulations Amendment (Fees and Charges) Regulations 2022 G.G. 30/06/2022) (1260).

ChemCentre – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 11 July 2022) (1251).

Civil Judgments Enforcement Act 2004; Cross-border Justice Act 2008; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 – Regulations (Attorney General Regulations Amendment (Legal Profession) Regulations 2022 G.G. 30/06/2022) (1261).

Community Titles Act 2018; Strata Titles Act 1985 – Regulations (Lands Regulations Amendment (Legal Profession) Regulations 2022 G.G. 30/06/2022) (1262).

Conservation and Land Management Act 1984 – Orders (Bardi Jawi Gaarra Marine Park Order 2022 G.G. 05/07/2022) (1263).

Conservation and Land Management Act 1984 – Orders (Lalang-gaddam Marine Park (Amalgamation) Order 2022 G.G. 26/07/2022) (1264).

Conservation and Land Management Act 1984 – Orders (Maiyalam Marine Park Order 2022 G.G. 05/07/2022) (1265).

Conservation and Land Management Act 1984 – Orders (Mayala Marine Park Order 2022 G.G. 05/07/2022) (1266).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Report No. 5: Police Power of Arrest: Parliamentary Inspector's Report (1267).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations (No. 2) 2022 G.G. 05/07/2022) (1268).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations (No. 3) 2022 G.G. 05/07/2022) (1269).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations 2022 G.G. 30/06/2022) (1270).

Development WA – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 13 July 2022) (1252).

District Court of Western Australia Act 1969 – Regulations (District Court (Jurisdiction) Regulations 2022 G.G. 29/07/2022) (1271).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules 2022 G.G. 24/06/2022) (1272).

Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Amendment Regulations 2022 G.G. 29/07/2022) (1273).

Family Court Act 1997 – Regulations (Family Court Amendment Regulations (No. 2) 2022 G.G. 30/06/2022) (1274).

Fish Resources Management Act 1994 – Management Plans (South Coast Line and Fish Trap Managed Fishery Management Plan Amendment 2022 G.G. 28/06/2022) (1275).

Fish Resources Management Act 1994 – Management Plans (South Coast Nearshore Net Managed Fishery Management Plan Amendment 2022 G.G. 28/06/2022) (1276).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 2) 2022 G.G. 15/07/2022) (1277).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2022 G.G. 05/07/2022) (1278).

Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Health Services Act 2016; Medicines and Poisons Act 2014; Private Hospitals and Health Services Act 1927; Radiation Safety Act 1975; Tobacco Products Control Act 2006 – Regulations (Health Regulations Amendment (Fees and Charges) Regulations 2022 G.G. 15/07/2022) (1279).

Forest Products Commission – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 27 June 2022) (1238).

Fremantle Ports — Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1245).

Gold Corporation — Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on the 28 June 2022) (1241).

Health (Miscellaneous Provisions) Act 1911 — Local Laws (City of Joondalup Health Amendment Local Law 2021 G.G. 05/08/2022) (1280).

Health Services Act 2016 — Orders (Health Services (Fees and Charges) Amendment Order (No. 3) 2022 G.G. 28/06/2022) (1281).

Heritage Act 2018 — Regulations (Heritage Amendment Regulations 2022 G.G. 05/07/2022) (1282).

Horizon Power — Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1244).

Human Tissue and Transplant Act 1982 — Codes (Non-Coronial Post-Mortem Examinations Code of Practice 2022 G.G. 02/08/2022) (1283).

Infrastructure Western Australia — State Infrastructure Strategy Supplement (Received by the Clerk of the Legislative Assembly and deemed tabled on 3 August 2022) (1256).

Infrastructure Western Australia — State Infrastructure Strategy (Received by the Clerk of the Legislative Assembly and deemed tabled on 3 August 2022) (1255).

Kimberley Ports Authority — Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1246).

Land Administration Act 1997 — Proposal: Submission No. 3/2022 under the Act for the excision from Class A Reserve 7615 for widening of Great Northern Highway (1284).

Land Surveyors Licensing Board — Annual Report 2021 (1285).

Landgate — Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on the 30 June 2022) (1243).

Legal Profession Uniform Law Application Act 2022 — Regulations (Legal Profession Uniform Law Application Regulations 2022 G.G. 30/06/2022) (1286).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform Admission Amendment (Board) Rule 2021 G.G. 14/07/2022) (1287).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform Conduct (Barristers) Amendment Rule 2022 G.G. 14/07/2022) (1288).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform General Amendment (Conditional Costs Agreements) Rule 2022 G.G. 14/07/2022) (1289).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform General Amendment (Interest Rate) Rule 2021 G.G. 14/07/2022) (1290).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform General Amendment (Managed Investment Schemes) Rule 2021 G.G. 14/07/2022) (1291).

Legal Profession Uniform Law Application Act 2022 — Rules (Legal Profession Uniform Law Application (Accreditation) Rules 2022 G.G. 30/06/2022) (1292).

Legal Profession Uniform Law Application Act 2022 – Rules (Legal Profession Uniform Law Australian Solicitors’ Conduct Amendment (No. 2) Rules 2022 G.G. 14/07/2022) (1293).

Legal Profession Uniform Law Application Act 2022 – Rules (Legal Profession Uniform Law Australian Solicitors’ Conduct Amendment Rules 2022 G.G. 14/07/2022) (1294).

Local Government Act 1995 – Local Laws (City of Fremantle Cat Management Amendment Local Law 2022 G.G. 01/07/2022) (1295).

Local Government Act 1995 – Local Laws (Shire of Bridgetown-Greenbushes Pest Plants Repeal Local Law 2021 G.G. 05/07/2022) (1296).

Local Government Act 1995 – Local Laws (Shire of Menzies Amendment Local Law 2022 G.G. 15/07/2022) (1297).

Local Government Act 1995 – Local Laws (Shire of Upper Gascoyne Activities in Thoroughfares Local Law 2021 G.G. 02/08/2022) (1298).

Local Government Act 1995 – Orders (Local Government (COVID-19 Response) Amendment Order 2022 G.G. 24/06/2022) (1299).

Magistrates Court (Civil Proceedings) Act 2004; Magistrates Court Act 2004 – Rules (Magistrates Court Rules Amendment (Legal Profession) Rules 2022 G.G. 24/06/2022) (1300).

Mid-West Ports – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1249).

Mining Act 1978 – Regulations (Mining Amendment Regulations 2022 G.G. 30/06/2022) (1301).

Pilbara Ports Authority – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1247).

Planning and Development Act 2005 – Direction to the State Administrative Tribunal on Application for Review (DR 95 of 2022) in accordance with section 246(2)(a) of the Act (1302).

Queen Elizabeth II Medical Centre Act 1966 – By-laws (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2022 G.G. 05/08/2022) (1303).

Racing and Wagering Western Australia Act 2003 – Rules (Rules of Wagering Amendment Rules 2022 G.G. 15/07/2022) (1304).

Racing Penalties (Appeals) Act 1990 – Regulations (Racing Penalties (Appeals) Amendment Regulations 2022 G.G. 30/06/2022) (1305).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 5) 2022 G.G. 05/07/2022) (1306).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations 2022 G.G. 30/06/2022) (1307).

Shipping and Pilotage Act 1967 – Regulations (Navigable Waters Amendment Regulations 2022 G.G. 29/07/2022) (1308).

Southern Ports Authority – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1248).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2022 G.G. 30/06/2022) (1309).

Teacher Registration Act 2012 – Regulations (Teacher Registration (General) Amendment Regulations 2022 G.G. 30/06/2022) (1310).

Transport (Road Passenger Services) Act 2018 – Regulations (Transport (Road Passenger Services) Amendment Regulations 2022 G.G. 05/07/2022) (1311).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (Colleges) Amendment Regulations 2022 G.G. 05/07/2022) (1312).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Kwinana Waste Local Law 2022 G.G. 27/07/2022) (1313).

Water Corporation – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 July 2022) (1250).

Western Australian Future Health Research and Innovation Fund Act 2012 – Future Health and Research and Innovation Fund Recommendation regarding the Medical Research and Innovation: Remote delivery of general and advanced health care (1314).

Western Australian Treasury Corporation – Statement of Corporate Intent 2022–2023 (1315).

Western Power – Statement of Corporate Intent 2022–2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 June 2022) (1242).

Young Offenders Act 1994 – Orders (Young Offenders (Detention Centre) Order 2022 G.G. 13/07/2022) (1316).

5. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 23 June 2022 –

Carers Advisory Council – Compliance Report 2020–2021 (1228).

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Speaker –

Carers Advisory Council – Compliance Report 2020–2021, Erratum (1318).

6. Removal of Order of the Day

The Speaker advised that Government Business Order of the Day, Animal Welfare and Trespass Legislation Amendment Bill 2021, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

The Speaker further advised that a bill removed under this Standing Order may be restored by motion to the point it had reached prior to its removal.

7. Removal of Orders of the Day

The Speaker advised that Private Members' Business Orders of the Day, 100 Days of Government, and Western Australian Health Service had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

8. Notices of Motion

9. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the appointment of Western Australia's thirty-fourth Governor, His Excellency the Honourable Chris Dawson APM.

The Premier on the recent ReconnectWA mission to Italy, United Kingdom, Ireland and Qatar to promote Western Australia as a safe place to visit, work, study and invest.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Premier –

Trade Mission Travel – Report on the recent ReconnectWA Mission to Italy; United Kingdom; Ireland and Qatar (June–July 2022) (1319).

The Minister for Health on the Government's response to the final report of the Legislative Council Standing Committee on Public Administration's Inquiry into the Delivery of Ambulance Services in WA.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Health –

Health, Department of – A New Century for Ambulance Services – Response to the Legislative Council Standing Committee on Public Administration 'Critical Condition: Inquiry into the Delivery of Ambulance Services in WA (1320).

The Deputy Premier on his recent ReconnectWA missions to Singapore, East Java, United Kingdom and Europe.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science –

Trade Mission Travel – Report on the recent Reconnect WA missions to Singapore, East Java, United Kingdom and Europe (April, May and June 2022) (1321).

The Deputy Premier on his recent Invest and Trade Mission to India, accompanied by the Minister for International Education.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science –

Trade Mission Travel – Report on the recent Invest and Trade Mission to India (July 2022) (1322).

The Minister for Corrective Services on the recent transfer of a cohort of young offenders from Banksia Hill Detention Centre to the newly gazetted, temporary youth detention facility at Casuarina Prison.

The Minister for Homelessness on the significant activities during this year's Homelessness Week.

The Minister for Seniors and Ageing on the progress of Western Australia's first Seniors Strategy.

10. Message from the Governor

Message No. 16 from His Excellency the Governor was reported assenting to the following bills –

Planning and Development Amendment Bill 2022, Act No. 17 of 2022.

Criminal Appeals Amendment Bill 2021, Act No. 18 of 2022.

Soil and Land Conservation Amendment Bill 2021, Act No. 19 of 2022.

Forest Products Amendment Bill 2021, Act No. 20 of 2022.

Transfer of Land Amendment Bill 2021, Act No. 21 of 2022.

11. Message from the Governor

Message No. 17 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Casino Legislation Amendment (Burswood Casino) Bill 2022.

12. Bush Fires Amendment Bill 2022

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Mr R.S. Love speaking) and adjourned until a later stage of the sitting.

13. Questions

Questions without Notice were taken.

Questions on Notice Nos 541 and 542 were asked.

Questions on Notice Nos 386, 532 to 537, 539 and 540 were answered.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Local Government –

Question on Notice No. 532 – Local Government Profiles Management Report 2021 (1317).

14. Speaker's Statement – Clerk Assistant

The Speaker advised members that Liz Kerr, Clerk Assistant (Procedure), would be acting as Deputy Clerk of the Legislative Council for three months and that Suzanne Veletta would be acting as Clerk Assistant (Procedure) during this period.

15. Matter of Public Interest – Role of the Attorney General

The Speaker informed the Assembly that she was in receipt of a notice from Ms M.J. Davies that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Ms M.J. Davies moved,

That this House calls on the Premier to dismiss the Attorney General from cabinet after his continued failure to deliver in the critical role as the highest law officer of WA.

Debate ensued.

Question put.

The Assembly divided.

Ayes (5)

Ms M.J. Davies
Dr D.J. Honey

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Noes (44)

Mr S.N. Aubrey
Mr G. Baker
Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Ms D.G. D'Anna
Mr M.J. Folkard
Ms E.L. Hamilton
Ms M.J. Hammat
Ms J.L. Hanns
Mr T.J. Healy
Mr M. Hughes

Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mr M. McGowan
Ms S.F. McGurk
Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mrs L.M. O'Malley

Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

16. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

17. Bush Fires Amendment Bill 2022

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Ms C.M. Rowe moved, That the debate be adjourned.

Question put and passed.

18. Adjournment

Ms C.M. Rowe moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.02 pm until Wednesday, 10 August 2022 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms H.M. Beazley, Ms L. Dalton, Ms K.E. Giddens, Ms R. Saffioti and Ms R.S. Stephens.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly