

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 88

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

WEDNESDAY, 21 SEPTEMBER 2022

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Mining Amendment Bill 2021

Message No. 69 dated 20 September 2022 from the Legislative Council was reported agreeing to the bill without amendment.

3. Speaker's Statement – Tabling of the Parliamentary Departments' 2021–22 Annual Reports

The Speaker advised members that she had received letters from the Clerk of the Legislative Assembly, the Clerk of the Legislative Council and the Executive Manager of Parliamentary Services advising that they will not be able to present their Departments' 2021–22 Annual Reports within the prescribed 90-day period after the end of the 2021–22 financial year, as required under section 64(1) of the Financial Management Act. This is because the Office of the Auditor General is unable to provide their audit opinions within the usual timeframe. It is anticipated the Annual Reports will be tabled in both Houses of Parliament on 15 November 2022.

Papers

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

By the Speaker –

Financial Management Act 2006 – Section 65 Notice from the Department of the Legislative Assembly informing the House of a late tabling of their 2021–22 Annual Report (1480).

Financial Management Act 2006 – Section 65 Notice from the Department of the Legislative Council informing the House of a late tabling of their 2021–22 Annual Report (1481).

Financial Management Act 2006 – Section 65 Notice from the Parliamentary Services Department informing the House of a late tabling of their 2021–22 Annual Report (1482).

4. Papers

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

Acacia Prison Services Agreement – Annual Report 2021–2022 (1436).

Botanic Gardens and Parks Authority – Annual Report 2021–2022 (1437).

Criminal Investigation (Covert Powers) Act 2012 – Australian Criminal Intelligence Commission Assumed Identities Annual Report 2021–2022 pursuant to subsection 76(1) of the Act (1439).

Criminal Investigation (Covert Powers) Act 2012 – Western Australian Police report pursuant to section 103 (1) of the Act – Witness Identity Protection Certificates 1 July 2021 to 30 June 2022 (1440).

Director of Equal Opportunity in Public Employment – Annual Report 2021–2022 (1441).

Economic Regulation Authority – Annual Report 2021–2022 (1442).

Education, Department of – Annual Report 2021–2022 (1443).

Equal Opportunity Commission – Annual Report 2021–2022 (1444).

Fremantle Ports – Annual Report 2021–2022 (1445).

Gender Reassignment Board of Western Australia – Annual Report 2021–2022 (1446).

Government Employee Superannuation Board – Annual Report 2021–2022 (1447).

Historical Homosexual Expungement Act 2018 – Department of Justice Annual Reports 2021–2022, 2020–2021 and 2019–2020 pursuant to section 30 of the Act (1448).

Infrastructure Western Australia – Annual Report 2021–2022 (1449).

Insurance Commission of Western Australia – Annual Report 2021–2022 (1450).

Justice, Department of – Annual Report 2021–2022 (1451).

Legal Aid WA – Annual Report 2021–2022 (1452).

Legal Costs Committee – Annual Report 2021–2022 (1453).

Local Health Authorities Analytical Committee – Annual Report 2021–2022 (1454).

Main Roads Western Australia – Annual Report 2021–2022 (1455).

Mines, Industry Regulation and Safety, Department of – Annual Report 2021–2022 (1456).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – A report on giving effect to the recommendations arising from the Investigation into handling of complaints by the Legal Services and Complaints Committee (1457).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2021–2022 (1458).

Pilbara Ports Authority – Annual Report 2021–2022 (1459).
 Premier and Cabinet, Department of the – Annual Report 2021–2022 (1460).
 Public Advocate, Office of the – Annual Report 2021–2022 (1461).
 Public Education Endowment Trust – Annual Report 2021–2022 (1462).
 Public Sector Commission – Annual Report 2021–2022 (1463).
 Public Transport Authority – Annual Report 2021–2022 (1464).
 Queen Elizabeth II Medical Centre Trust – Annual Report 2021–2022 (1465).
 Rottnest Island Authority – Annual Report 2021–2022 (1466).
 School Curriculum and Standards Authority – Annual Report 2021–2022 (1467).
 South West Development Commission – Annual Report 2021–2022 (1468).
 State Training Board – Annual Report 2021–2022 (1469).
 Surveillance Devices Act 1998 – Annual Report 2021–2022 pursuant to section 43 of the Act (1470).
 Swan River Trust – Annual Report 2021–2022 (1471).
 Training Accreditation Council – Annual Report 2021–2022 (1472).
 Training and Workforce Development, Department of – Annual Report 2021–2022 (1473).
 Treasury, Department of – Annual Report 2021–2022 (1474).
 Water Corporation – Annual Report 2021–2022 (1475).
 Western Australia Police Force – Annual Report 2021–2022 (1476).
 Western Australian Treasury Corporation – Annual Report 2021–2022 (1477).
 Wheatbelt Development Commission – Annual Report 2021–2022 (1478).
 Zoological Parks Authority – Annual Report 2021–2022 (1479).

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Industrial Relations on the Government's Response to the Community Development and Justice Standing Committee's Report No. 2 – Enough is Enough: Sexual harassment against women in the FIFO mining industry.

Paper

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

By the Minister for Industrial Relations –

Community Development and Justice Standing Committee – Government Response to Report No. 2 – Enough is Enough: Sexual harassment against women in the FIFO mining industry (1438).

The Minister for Women's Interests on the Government's Response to the Community Development and Justice Standing Committee's Report No. 2 – Enough is Enough: Sexual harassment against women in the FIFO mining industry.

The Leader of the House, on behalf of the Treasurer, on the late tabling of 2021–22 Annual Reports.

Papers

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

By the Leader of the House, on behalf of the Treasurer –

Financial Management Act 2006 – Section 65 Notice from the Minister for Emergency Services informing the House of a late tabling of the 2021–22 Annual Report from the Department of Fire and Emergency Services (1483).

Financial Management Act 2006 – Section 65 Notice from the Minister for Disability Services informing the House of a late tabling of the 2021–22 Annual Report from the Disability Services Commission (1484).

Financial Management Act 2006 – Section 65 Notice from the Minister for Lands informing the House of a late tabling of the 2021–22 Annual Report from DevelopmentWA (1485).

Financial Management Act 2006 – Section 65 Notice from the Minister for Housing; Homelessness informing the House of a late tabling of the 2021–22 Annual Report from the Housing Authority (1486).

Financial Management Act 2006 – Section 65 Notice from the Minister for Lands informing the House of a late tabling of the 2021–22 Annual Report from Landgate (1487).

Financial Management Act 2006 – Section 65 Notice from the Minister for Environment; Climate Action informing the House of a late tabling of the 2021–22 Annual Report from the Department of Biodiversity, Conservation and Attractions (1488).

Financial Management Act 2006 – Section 65 Notice from the Minister for Environment; Climate Action informing the House of a late tabling of the 2021–22 Annual Reports from the Keep Australia Beautiful Council and the Department of Water and Environmental Regulations (1489).

Financial Management Act 2006 – Section 65 Notice from the Minister for Child Protection; Women's Interests; Prevention of Family and Domestic Violence; Community Services informing the House of a late tabling of the 2021–22 Annual Report from the Department of Communities (1490).

Financial Management Act 2006 – Section 65 Notice from the Minister for Racing and Gaming informing the House of a late tabling of the 2021–22 Annual Report from the Racing, Penalties and Appeal Tribunal (1491).

Financial Management Act 2006 – Section 65 Notice from the Minister for Racing and Gaming informing the House of a late tabling of the 2021–22 Annual Report from the Gaming and Wagering Commission (1492).

Financial Management Act 2006 – Section 65 Notice from the Minister for Racing and Gaming informing the House of a late tabling of the 2021–22 Annual Report from the Western Australian Greyhound Racing Association (1493).

Financial Management Act 2006 – Section 65 Notice from the Minister for Finance informing the House of a late tabling of the 2021–22 Annual Report from the Department of Finance (1494).

Financial Management Act 2006 – Section 65 Notice from the Minister for Planning informing the House of a late tabling of the 2021–22 Annual Report from the Department of Planning, Lands and Heritage (1495).

Financial Management Act 2006 – Section 65 Notice from the Minister for Transport informing the House of a late tabling of the 2021–22 Annual Report from the Department of Transport (1496).

Financial Management Act 2006 – Section 65 Notice from the Minister for Mines and Petroleum informing the House of a late tabling of the 2021–22 Annual Report from the Coal Miners Welfare Board (1497).

Financial Management Act 2006 – Section 65 Notice from the Attorney General informing the House of a late tabling of the 2021–22 Annual Report from the Public Trustee (1498).

Financial Management Act 2006 – Section 65 Notice from the Attorney General informing the House of a late tabling of the 2021–22 Annual Report from the Office of the Director of Public Prosecutions (1499).

Financial Management Act 2006 – Section 65 Notice from the Attorney General informing the House of a late tabling of the 2021–22 Annual Report from the Law Reform Commission of Western Australia (1500).

Financial Management Act 2006 – Section 65 Notice from the Attorney General informing the House of a late tabling of the 2021–22 Annual Report from the State Solicitor's Office (1501).

Financial Management Act 2006 – Section 65 Notice from the Attorney General; Minister for Electoral Affairs informing the House of a late tabling of the 2021–22 Annual Reports from the Legal Contribution Trust, the Professional Standards Council, the Western Australian Electoral Commission and the Commissioner for Children and Young People (1502).

Financial Management Act 2006 – Section 65 Notice from the Minister for Culture and the Arts; Sport and Recreation informing the House of a late tabling of the 2021–22 Annual Reports from the Department of Local Government, Sport and Cultural Industries, Venues West, the Combat Sports Commission and the Art Gallery of Western Australia (1503).

Financial Management Act 2006 – Section 65 Notice from the Minister for Regional Development informing the House of a late tabling of the 2021–22 Annual Report from the Mid West Development Commission (1504).

Financial Management Act 2006 – Section 65 Notice from the Minister for Regional Development informing the House of a late tabling of the 2021–22 Annual Report from the Great Southern Development Commission (1505).

Financial Management Act 2006 – Section 65 Notice from the Minister for Regional Development informing the House of a late tabling of the 2021–22 Annual Report from the Goldfields-Esperance Development Commission (1506).

Financial Management Act 2006 – Section 65 Notice from the Minister for Agriculture and Food informing the House of a late tabling of the 2021–22 Annual Report from the Western Australian Meat Industry Authority (1507).

Financial Management Act 2006 – Section 65 Notice from the Minister for Regional Development; Agriculture and Food; Hydrogen Industry informing the House of a late tabling of the 2021–22 Annual Report from the Department of Primary Industries and Regional Development (1508).

Financial Management Act 2006 – Section 65 Notice from the Minister for Health; Mental Health informing the House of a late tabling of the 2021–22 Annual Report from the Queen Elizabeth II Medical Centre Trust (1509).

Financial Management Act 2006 – Section 65 Notice from the Minister for Health; Mental Health informing the House of a late tabling of the 2021–22 Annual Report from Healthway (1511).

Financial Management Act 2006 – Section 65 Notice from the Minister for Health; Mental Health informing the House of a late tabling of the 2021–22 Annual Report from the Mental Health Commission (1512).

Financial Management Act 2006 – Section 65 Notice from the Minister for Health; Mental Health informing the House of a late tabling of the 2021–22 Annual Reports from the Department of Health, the Child and Adolescent Health Service, the East Metropolitan Health Service, the North Metropolitan Health Service, the South Metropolitan Health Service, the WA Country Health Service, the Health Support Services and PathWest Laboratory Medicine WA (1513).

Financial Management Act 2006 – Section 65 Notice from the Acting Minister for Education and Training informing the House of a late tabling of the 2021–22 Annual Report from the Construction Training Fund (1514).

Financial Management Act 2006 – Section 65 Notice from the Deputy Premier; Minister for State Development, Jobs and Trade; Tourism; Commerce; Science informing the House of a late tabling of the 2021–22 Annual Reports from the Department of Jobs, Tourism, Science and Innovation and Tourism Western Australia (1515).

Financial Management Act 2006 – Section 65 Notice from the Premier; Treasurer informing the House of a late tabling of the 2021–22 Annual Report from the Lotteries Commission (Lotterywest) (1516).

Financial Management Act 2006 – Section 65 Notice from the Premier; Treasurer informing the House of a late tabling of the 2021–22 Annual Report from the Fire and Emergency Services Superannuation Board (1517).

The Minister for Culture and the Arts on the passing of Aly May and her contribution to the Western Australian fashion and creative industries.

The Minister for Planning on the recent decision to call-in a change of use application regarding RUAH Community Services for a property in Northbridge after it was refused by the City of Perth.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Planning –

Planning and Development Act 2005 – RUAH Change of Use Application Decision of the Minister for Planning pursuant to Section 246(2)(a) of the Planning and Development Act 2005 (1518).

The Minister for Citizenship and Multicultural Interests on the passing of Mr Salim Youssef, a key member of the Multicultural Advisory Council.

The Minister for Aboriginal Affairs on the appointment of seven inaugural members to Western Australia's Aboriginal Cultural Heritage Council.

6. Precedence of Private Members' Business

The Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have precedence from 4.00 pm to 8.00 pm on Wednesday, 21 September 2022.

Question put and passed.

7. Human Tissue and Transplant Amendment Bill 2022

The Minister for Health, pursuant to notice, moved,

That a bill for "An Act to –

- amend the *Human Tissue and Transplant Act 1982*; and
- make consequential amendments to the *Anatomy Act 1930* and the *Health Legislation Administration Act 1984*." be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

8. Land Tax Assessment Amendment Bill 2022

The Minister for Finance, pursuant to notice, moved,

That a bill for "An Act to amend the *Land Tax Assessment Act 2002*." be introduced and read a first time.

Question put and passed.

The Minister for Finance presented an explanatory memorandum and bill read a first time.

The Minister for Finance moved, That the bill be now read a second time.

Mr P.J. Rundle moved, That the debate be adjourned.

Question put and passed.

9. Variation to the Order of Business

Ordered, That Government Business Notice of Motion No. 1 be considered before Bills Notice of Motion No. 3.

10. Suspension of Standing Orders – Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

The Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 to proceed through all stages without delay between the stages.

Debate ensued.

Question put.

The Assembly divided.

Ayes (44)

Mr S.N. Aubrey
Mr G. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
Mr R.H. Cook
Mr M.J. Folkard
Ms K.E. Giddens
Ms E.L. Hamilton
Ms M.J. Hammat
Mr T.J. Healy
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
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 R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw
Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms C.M. Rowe (*Teller*)

Noes (5)

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

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Question thus passed.

11. Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

The Minister for Environment, pursuant to notice, moved,

That a bill for “An Act to amend the *Emergency Management Act 2005* and the *Public Health Act 2016* and to make consequential amendments to other Acts.” be introduced and read a first time.

Question put and passed.

The Minister for Environment presented an explanatory memorandum and bill read a first time.

The Minister for Environment moved, That the bill be now read a second time.

Message from the Governor

Message No. 24 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022.

Debate ensued.

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

12. Questions

Questions without Notice were taken.

13. Paper

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

Kimberley Ports Authority – Annual Report 2021–2022 (1510).

14. Variation to the Order of Business

Ordered, That the debate upon the second reading of the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 be resumed.

15. Emergency Management Amendment (Temporary COVID-19 Provisions) 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 (Dr D.J. Honey speaking) and adjourned until a later stage of the sitting.

16. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 10 be next considered.

17. METRONET Projects

Mr R.S. Love, pursuant to notice, moved,

That this House calls on the McGowan Labor Government to take responsibility for the cost blow-outs and lengthy delays besieging the METRONET projects.

Debate ensued.

Debate interrupted by the Chair (Mrs J.M.C. Stojkovski speaking) and adjourned until a later stage of the sitting.

18. Variation to the Order of Business

Ordered, That the debate upon the second reading of the Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022 be resumed.

19. Emergency Management Amendment (Temporary COVID-19 Provisions) Bill 2022

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (36)

Mr G. Baker
 Dr A.D. Buti
 Mr J.N. Carey
 Mrs R.M.J. Clarke
 Ms C.M. Collins
 Mr M.J. Folkard
 Ms E.L. Hamilton
 Ms M.J. Hammat
 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
 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 P. Papalia
 Mr S.J. Price

Mr D.T. Punch
 Ms M.M. Quirk
 Ms R. Saffioti
 Ms A. Sanderson
 Mr D.A.E. Scaife
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Dr K. Stratton
 Mr C.J. Tallentire
 Ms C.M. Tonkin
 Mr R.R. Whitby
 Ms C.M. Rowe (*Teller*)

Noes (4)

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

Mr R.S. Love
 Mr P.J. Rundle (*Teller*)

Question thus passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 46 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Environment moved, That the bill be now read a third time.

Debate ensued.

Question put.

The Assembly divided.

Ayes (32)

Mr G. Baker
 Dr A.D. Buti
 Mr J.N. Carey
 Ms C.M. Collins
 Mr M.J. Folkard
 Ms E.L. Hamilton
 Ms M.J. Hammat
 Mr T.J. Healy
 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
 Ms S.F. McGurk
 Mr D.R. Michael
 Mr K.J.J. Michel
 Mr S.A. Millman
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price

Ms M.M. Quirk
 Ms A. Sanderson
 Mr D.A.E. Scaife
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Dr K. Stratton
 Mr C.J. Tallentire
 Ms C.M. Tonkin
 Mr R.R. Whitby
 Ms C.M. Rowe (*Teller*)

Noes (4)

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

Mr R.S. Love
 Mr P.J. Rundle (*Teller*)

Question thus passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

20. Special Adjournment

Ms C.M. Rowe moved, That the House at its rising adjourn until Tuesday, 18 October 2022 at 1.00 pm.

Question put and passed.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.58 pm until Tuesday, 18 October 2022 at 1.00 pm.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Ms L. Dalton, Ms D.G. D’Anna, Ms J.L. Hanns, Mr M. Hughes, Mr M. McGowan and Ms S.E. Winton.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly