

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 128

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 20 JUNE 2023

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. Message from the Governor

Message No. 17 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Corruption, Crime and Misconduct Amendment Bill 2023.

3. Paper

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

By the Clerk –

Biosecurity and Agriculture Management Act 2007 – Determinations (Biosecurity and Agriculture Management Determination under s. 130 - Determined Rates 2023 G.G. 16/06/2023) (2028).

Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations 2023 G.G. 16/06/2023) (2029).

Conservation and Land Management Act 1984 – Lease No. 3009/100 between the Department of Biodiversity, Conservation and Attractions and Misty Forest Pty Ltd for the purpose of a kiosk and recreational hire equipment within Lane Poole Reserve, Reserve No. 5102 (2030).

Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2023 G.G. 16/06/2023) (2031).

Criminal Procedure Act 2004; Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Justice Regulations Amendment (Major Events) Regulations 2023 G.G. 16/06/2023) (2032).

Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Amendment Regulations (No. 3) 2023 G.G. 16/06/2023) (2033).

Education Service Providers (Full Fee Overseas Students) Registration Act 1991; School Curriculum and Standards Authority Act 1997; School Education Act 1999; Teacher Registration Act 2012 – Regulations (Education Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 16/06/2023) (2034).

Firearms Act 1973; Pawnbrokers and Second-hand Dealers Act 1994; Police Act 1892; Security and Related Activities (Control) Act 1996 – Regulations (Police Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 16/06/2023) (2035).

First Home Owner Grant Act 2000; Taxation Administration Act 2003 – Regulations (Finance Regulations Amendment (Interest Rates) Regulations 2023 G.G. 16/06/2023) (2036).

Government Employees Superannuation Board – Statement of Corporate Intent 2023–2024 (2037).

Guardianship and Administration Act 1990 – Medical Research Candidates recruited under Part 9E of the Act, Summary Report 7 April 2022 to 6 April 2023 (2038).

Housing Act 1980 – Regulations (Housing Amendment Regulations 2023 G.G. 16/06/2023) (2039).

Local Government Act 1995 – Local Laws (Shire of Ravensthorpe Meeting Procedures Local Law 2022 G.G. 14/06/2023) (2040).

Planning and Development Act 2005 – Regulations (Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2023 G.G. 16/06/2023) (2041).

Public Transport Authority Act 2003 – Regulations (Public Transport Authority Amendment Regulations 2023 G.G. 16/06/2023) (2042).

Public Trustee Act 1941 – Notices (Public Trustee Scale of Fees 2023 G.G. 16/06/2023) (2043).

Water Services Act 2012 – Regulations (Water Services Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 16/06/2023) (2044).

4. Notices of Motion

5. Removal of Order of the Day

The Speaker advised that Private Members' Business Orders of the Day, Live Sheep Trade and Energy to Regional WA Customers, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the WAnderland online gateway winning the Australian Museums and Galleries Association Award in the Program Website category.

The Minister for Aboriginal Affairs on the Tjiwarl Palyakuwa Indigenous Land Use Agreement.

The Minister for Mental Health on the appointment of Ms Maureen Lewis as the new Mental Health Commissioner for Western Australia.

The Minister for Housing on the changes to Keystart's interest rate policy.

The Minister for Fisheries on World Ocean Day.

The Minister for Fisheries; Volunteering on the Gold Medallion for exceptional bravery awarded to Marine Officer Ray Worrall.

The Minister for Prevention of Family and Domestic Violence on the Family and Domestic Violence Code of Practice and Associated Audit Tool Project.

7. Community Development and Justice Standing Committee – Membership

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

That the Member for Kimberley be discharged from the Community Development and Justice Standing Committee.

Question put and passed.

8. Collie Coal (Griffin) Agreement Amendment Bill 2023

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 (Ms J.L. Hanns speaking) and adjourned until a later stage of the sitting.

9. Speaker's Statement – Member Surveys Reminder

The Speaker advised members to return their completed Legislative Assembly and Parliamentary Services departments surveys to a staff member by the end of the week.

10. Questions

Questions without Notice were taken.

Question on Notice No's 725, 752, 787 and 815 were answered.

11. Government Trading Enterprises Bill 2022

Message No. 101 dated 15 June 2023 from the Legislative Council was reported agreeing to the bill without amendment.

12. Legal Deposit Amendment Bill 2023

Message No. 102 dated 15 June 2023 from the Legislative Council was reported forwarding for concurrence a bill for "An Act to amend the *Legal Deposit Act 2012*."

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

13. Suspension of Standing Orders

Mr R.S. Love, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House calls upon the Premier to heed the calls from the community and industry to delay the implementation of the *Aboriginal Cultural Heritage Act 2021*, noting his Minister's failure to consult with or prepare the community for 1 July.

The Leader of the House moved, To add to the motion –
“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

14. Implementation of the Aboriginal Cultural Heritage Act 2021

Mr R.S. Love, pursuant to the foregoing motion, moved,

That this House calls upon the Premier to heed the calls from the community and industry to delay the implementation of the *Aboriginal Cultural Heritage Act 2021*, noting his Minister's failure to consult with or prepare the community for 1 July.

Debate ensued.

Question put.

The Assembly divided.

Ayes (6)

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

Mr R.S. Love
Ms L. Mettam

Mr P.J. Rundle
Ms M. Beard (*Teller*)

Noes (45)

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
Ms L. Dalton
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
Ms S.F. McGurk
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price

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
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

15. Variation to the Order of Business

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

16. Collie Coal (Griffin) Agreement Amendment Bill 2023

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

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 7 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for State and Industry Development, Jobs and Trade moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

17. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

18. Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023

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

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 8 agreed to.

Clause 9.

The Minister Assisting the Minister for Transport moved,

Page 7, lines 29 and 30 — To delete “published in the *Gazette* — ” and substitute:

published —

Page 8, lines 6 and 7 — To delete “published in the *Gazette*,” and substitute:

published,

Amendments put and passed.

Clause 9, as amended, agreed to.

Clauses 10 to 13 agreed to.

Clause 14.

The Minister Assisting the Minister for Transport moved,

Page 10, line 9 — To insert after “in the Gazette”:

or on the WA legislation website

Amendment put and passed.

Clause 14, as amended, agreed to.

Clause 15.

The Minister Assisting the Minister for Transport moved,

Page 10, line 18 — To delete “in the *Gazette*”.

Page 10, line 24 — To delete “in the *Gazette*”.

Page 11, line 9 — To insert after “in the *Gazette*”:

or on the WA legislation website

Amendments put and passed.

Clause 15, as amended, agreed to.

Clauses 16 to 34 agreed to.

Clause 35.

The Minister Assisting the Minister for Transport moved,

Page 22, line 4 — To delete “*gazettal*” and substitute:

publication

Page 22, lines 5 and 6 — To delete “in the *Gazette*,” and substitute:

on the WA legislation website;

Page 22, line 16 — To delete “*gazettal*” and substitute:

publication

Page 22, line 23 — To delete “*gazettal*” and substitute:

publication

Page 22, line 26 — To delete “*gazettal*” and substitute:

publication

Amendments put and passed.

Clause 35, as amended, agreed to.

Clauses 36 to 73 agreed to.

Clause 74.

The Minister Assisting the Minister for Transport moved,

Page 102, lines 4 and 5 — To delete “in the *Gazette*.” and substitute:

on the WA legislation website.

Amendment put and passed.

Clause 74, as amended, agreed to.

Clauses 75 and 76 agreed to.

Clause 77.

The Minister Assisting the Minister for Transport moved,

Page 107, line 17 — To delete “\$1 500.” and substitute:

\$5 000.

Amendment put and passed.

Clause 77, as amended, agreed to.

Clauses 78 to 98 agreed to.

Clause 99.

The Minister Assisting the Minister for Transport moved,

Page 124, line 18 — To delete “*gazettal*” and substitute:

publication

Page 124, line 20 — To delete “in the *Gazette*,” and substitute:

on the WA legislation website;

Page 125, line 3 — To delete “*gazettal*” and substitute:

publication

Page 125, line 12 — To delete “*gazettal*” and substitute:

publication

Page 125, line 16 — To delete “*gazettal*” and substitute:

publication

Amendments put and passed.

Clause 99, as amended, agreed to.

Clauses 100 to 123 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

19. Adjournment

The Minister for Ports moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.04 pm until Wednesday, 21 June 2023 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Ms K.E. Giddens, Mr K.J.J. Michel, Ms L.A. Munday and Mr P.C. Tinley.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly

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