

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 8

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 25 MAY 2021

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the initiation of an inquiry into the functions and operations of Perth Children's Hospital emergency department concerning the death of Aishwarya Aswath.

Paper

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

By the Minister for Health –

Health, Minister for – Independent Inquiry into Perth Children's Hospital (PCH) – Terms of Reference (253).

The Attorney General on the Law Reform Commission's review of the *Fatal Accidents Act 1959* (WA).

Paper

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

By the Attorney General –

Attorney General – The Law Reform Commission of Western Australia – Final Report Project 109 – Claims for Non-Economic Loss for Wrongful Death Under the *Fatal Accidents Act 1959* (WA) (254).

3. Message from the Governor

Message No. 3 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Financial Legislation Amendment Bill 2021.

4. Questions

Questions without Notice were taken.

5. Papers

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

By the Clerk –

Anzac Day Trust – Annual Report 2020 (232).

Auditor General, Office of the – Opinion on Ministerial Notification – DPIRD Capability Review, Report No. 24, May 2021 (Received by the Clerk of the Legislative Assembly and deemed tabled on 18 May 2021) (231).

Bush Fires Act 1954 – Local Laws (Shire of Dardanup Bush Fire Brigades Local Law 2021 G.G. 12/05/2021) (233).

Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations 2021 G.G. 21/05/2021) (234).

Conservation and Land Management Act 1984 – Lease No. 1866/100 between the Department of Biodiversity, Conservation and Attractions and the National Trust of Western Australia at Ellensbrook Homestead in Leeuwin-Naturaliste National Park (235).

Conservation and Land Management Act 1984 – Lease No. 1969/100 between the Department of Biodiversity, Conservation and Attractions and Optus Mobile Network Pty Limited to continue operating and maintaining a telecommunication facility located in Dundas Nature Reserve (236).

Conservation and Land Management Act 1984 – Lease No. 2253/100 between the Department of Biodiversity, Conservation and Attractions and Cockburn Volunteer Sea Search Rescue Group Incorporated for the purpose of activities consistent with the operation of a volunteer sea search and rescue group within Beeliar Regional Park (237).

Conservation and Land Management Act 1984 – Lease No. 2970/100 between the Department of Biodiversity, Conservation and Attractions and Yindjibarndi Aboriginal Corporation for the purpose of an eco-tourism venture including tourism accommodation within Millstream Chichester National Park (238).

Conservation and Land Management Act 1984 – Lease No. 2995/100 between the Department of Biodiversity, Conservation and Attractions and the Shire of Dardanup for the purpose of a volunteer bushfire brigade site within Reserve No. 46108 (239).

Cross-border Justice Act 2008; Prohibited Behaviour Orders Act 2010 – Regulations (Attorney General Regulations Amendment (Road Traffic) Regulations 2021 G.G. 21/05/2021) (240).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Forestry in relation to Legislative Council Question without Notice No. 110 from the Hon. Diane Evers (241).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Managed Fishery Management Plan Amendment 2021 G.G. 14/05/2021) (242).

Freedom of Information Act 1992 – Regulations (Freedom of Information Amendment Regulations (No. 2) 2021 G.G. 21/05/2021) (243).

Health (Miscellaneous Provisions) Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations 2021 G.G. 21/05/2021) (244).

Local Government Act 1995 – Local Laws (Shire of Manjimup Health Amendment Local Law 2021 G.G. 14/05/2021) (245).

Local Government Act 1995 – Local Laws (Town of Victoria Park Vehicle Management Local Law 2021 G.G. 21/05/2021) (246).

Mining Rehabilitation Fund Act 2012 – Regulations (Mining Rehabilitation Fund Amendment Regulations 2021 G.G. 21/05/2021) (247).

Road Traffic (Administration) Act 2008 – Regulations (Road Traffic (Administration) Amendment Regulations (No. 2) 2021 G.G. 21/05/2021) (248).

Road Traffic (Authorisation to Drive) Act 2008; Transport (Road Passenger Services) Act 2018 – Regulations (Transport Regulations Amendment (Road Traffic) Regulations 2021 G.G. 21/05/2021) (249).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 6) 2021 G.G. 21/05/2021) (250).

Road Traffic Act 1974 – Regulations (Road Safety Regulations Amendment and Repeal Regulations 2021 G.G. 21/05/2021) (251).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Rockingham Waste Local Law 2020 G.G. 21/05/2021) (252).

6. Notices of Motion

7. Matter of Public Interest – Health Services in Western Australia

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

At least five members having risen in support,

Ms L. Mettam moved,

That this House condemns the Minister for Health for failing in his duties as the Minister responsible for the provision of health services in Western Australia, noting the Minister has lost confidence of doctors, nurses and other healthcare workers as demonstrated by the rally outside Perth Children’s Hospital today.

Debate ensued.

Question put.

The Assembly divided.

Ayes (6)

Mr V.A. Catania
Ms M.J. Davies

Dr D.J. Honey
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle (*Teller*)

Noes (46)

Mr S.N. Aubrey	Mr W.J. Johnston	Ms M.M. Quirk
Mr G. Baker	Mr H.T. Jones	Ms R. Saffioti
Ms H.M. Beazley	Mr D.J. Kelly	Ms A. Sanderson
Dr A.D. Buti	Ms E.J. Kelsbie	Mr D.A.E. Scaife
Mr J.N. Carey	Dr J. Krishnan	Ms J.J. Shaw
Mrs R.M.J. Clarke	Mr P. Lilburne	Ms R.S. Stephens
Ms C.M. Collins	Ms S.F. McGurk	Mrs J.M.C. Stojkovski
Mr R.H. Cook	Mr D.R. Michael	Dr K. Stratton
Ms L. Dalton	Mr K.J.J. Michel	Mr C.J. Tallentire
Ms D.G. D'Anna	Mr S.A. Millman	Mr D.A. Templeman
Mr M.J. Folkard	Ms L.A. Munday	Mr P.C. Tinley
Ms K.E. Giddens	Mrs L.M. O'Malley	Ms C.M. Tonkin
Ms M.J. Hammat	Mr P. Papalia	Ms S.E. Winton
Ms J.L. Hanns	Mr S.J. Price	Ms E.L. Hamilton (<i>Teller</i>)
Mr T.J. Healy	Mr D.T. Punch	
Mr M. Hughes	Mr J.R. Quigley	

Question thus negatived.

8. Suspension of Standing Orders

The Leader of the House, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the Building and Construction Industry (Security of Payment) Bill 2021 to be introduced forthwith without notice and to proceed through all stages without delay between the stages.

Debate ensued.

Question put.

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

9. Building and Construction Industry (Security of Payment) Bill 2021

The Minister for Commerce, pursuant to the foregoing motion, moved,

That a bill for “An Act to provide an effective and fair process for securing payments under construction contracts in the building and construction industry, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Message from the Governor

Message No. 4 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Building and Construction Industry (Security of Payment) Bill 2021.

Debate ensued.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 141 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Commerce 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.

10. Adjournment

Mr D.R. Michael moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 9.19 pm until Wednesday, 26 May 2021 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker and Ms C.M. Rowe.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly