

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 68

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 10 MAY 2022

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. Speaker's Statement – Masks

The Speaker advised that although masks are now voluntary in most places in the community, members are encouraged to continue wearing masks whilst at Parliament House.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the launch of the Trails WA website.

The Minister for Sport and Recreation on the Western Australian Football League match between East Fremantle and East Perth Football Clubs, as part of the Northampton Football Festival.

The Premier on the resignation of WA Police Deputy Commissioner Gary Dreibergs.

The Minister for Child Protection on the settlement of legal proceedings commenced by Dr Tracy Westerman.

The Minister for Water on the Waterwise Recognition Awards winners.

4. Speaker's Statement – Budget Day

The Speaker advised that in accordance with standard practice, the government had requested that the budget be presented at 2.00 pm on Thursday, 12 May 2022. Accordingly, members' 90-second statements would occur at 12.20 pm and Questions without Notice at 12.30 pm on that day.

5. Speaker's Statement – Vaccination Resolution

The Speaker advised that further to the resolution passed by the House on 23 February 2022, she had received advice from the Clerk that all members complied with paragraph 1(b) of that resolution.

6. Questions

Questions without Notice were taken.

Questions on Notice Nos 528 to 530 were asked.

Questions on Notice Nos 377 to 382, 388 to 391, 393 to 457 and 459 to 527 were answered.

Paper tabled by the Premier; Treasurer; Minister for Public Sector Management; Federal-State Relations –

Question on Notice No. 399 – Number of staff in each public sector department and agency shown by full time equivalent and headcount as at December 2021, number of staff in each government trading enterprise shown by full time equivalent and headcount as at March 2021 and number of regionally based staff in each department and agency as at December 2021 (1116).

Papers tabled by the Minister for Public Sector Management –

Question on Notice No. 415 – Average staff level in each public sector department and agency shown by full time equivalent and headcount as at December 2021 and average staff level in each government trading enterprise shown by full time equivalent and headcount as at March 2021 (1117).

Question on Notice No. 461 – Total cost of production and cost of external agencies or consultants for each public sector department and agency as reported to the Public Sector Commission for the 2017–18 financial year (1118).

7. Message from the Governor

Message No. 10 from His Excellency the Governor was reported assenting to the following bills –

Transport Legislation Amendment (Identity Matching Services) Bill 2021, Act No. 8 of 2022.

Legal Profession Uniform Law Application Bill 2021, Act No. 9 of 2022.

Legal Profession Uniform Law Application (Levy) Bill 2021, Act No. 10 of 2022.

Treasurer's Advance Authorisation Bill 2022, Act No. 11 of 2022.

Animal Resources Authority Amendment and Repeal Bill 2021, Act No. 12 of 2022.

8. Message from the Governor

Message No. 11 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Charitable Trusts Bill 2022.

9. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre, Report No. 141, March 2022 (Received by the Speaker of the Legislative Assembly on 17 March 2022 and deemed tabled by the Clerk of the Legislative Assembly on 19 April 2022) (1087).

Inspector of Custodial Services, Office of the – 2021 Inspection of Hakea Prison, Report No. 140, March 2022 (Received by the Speaker of the Legislative Assembly on 17 April 2022 and held for a period of 30 days) (1089).

By the Clerk –

Auditor General, Office of the – Annual 2020-2021 Financial Audits of State Government Entities Part 2: COVID-19 Impacts, Report No. 14, 9 May 2022 (Received and deemed tabled by the Clerk of the Legislative Assembly on 9 May 2022) (1088).

Bush Fires Act 1954 – Local Laws (Shire of Dardanup Bush Fire Brigades Amendment Local Law 2022 G.G. 06/05/2022) (1090).

Cat Act 2011 – Local Laws (Town of Bassendean Cats Amendment Local Law 2022 G.G. 08/04/2022) (1091).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2022 G.G. 22/04/2022) (1092).

Corruption and Crime Commission – Report on the balance of recommendations arising out of previous Commission reports on the Department of Corrective Services (1093).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2022 G.G. 12/04/2022) (1094).

Fair Trading Act 2010 – Standards (Competition and Consumer (Australian Consumer Law - Electronic Ticket Resale Service) Information Standard 2022 G.G. 29/04/2022) (1095).

Fair Trading Act 2010 – Standards (Consumer Goods (Button/Coin Batteries) Amendment Safety Standard 2022 G.G. 29/04/2022) (1096).

Fair Trading Act 2010 – Standards (Consumer Goods (Products Containing Button/Coin Batteries) Amendment Safety Standard 2022 G.G. 29/04/2022) (1097).

Family Court Act 1997 – Regulations (Family Court Amendment Regulations 2022 G.G. 08/04/2022) (1098).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing For Rock Lobster Amendment Order 2022 G.G. 08/04/2022) (1099).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations (No. 2) 2022 G.G. 22/04/2022) (1100).

Jetties Act 1926; Shipping and Pilotage Act 1967 – Regulations (Transport Regulations Amendment (Waiver and Refund) Regulations 2022 G.G. 08/04/2022) (1101).

Land Administration Act 1997 – Proposal: Submission No. 07/2021 under the Act for the amendments to Class A Reserve 4156 for the purpose of Museum and Park, City of Albany (1102).

Local Government Act 1995 – Local Laws (City of Melville Local Government (Meeting Procedures) Local Law 2022 G.G. 06/05/2022) (1103).

Local Government Act 1995 – Local Laws (Local Government Property Amendment Local Law 2022 G.G. 08/04/2022) (1104).

Local Government Act 1995 – Local Laws (Shire of Narrogin Health Local Law 2022 G.G. 05/04/2022) (1105).

Local Government Act 1995 – Local Laws (Town of Victoria Park Amendment (Prescribed Offences) Local Law 2022 G.G. 29/04/2022) (1106).

Lotteries Commission Act 1990 – Rules (Lotteries Commission (Oz Lotto) Amendment Rules 2022 G.G. 05/04/2022) (1107).

Lotteries Commission Act 1990 – Rules (Lotteries Commission (Super66 and Removal of Self-Serve Kiosks) Amendment Rules 2022 G.G. 12/04/2022) (1108).

Metropolitan Redevelopment Authority Act 2011 – Regulations (Metropolitan Redevelopment Authority Amendment Regulations 2022 G.G. 22/04/2022) (1109).

Ministers' Representation in the Other House – Allocation of Portfolios as of 31 March 2022 (1110).

Perth Parking Management Act 1999 – Regulations (Perth Parking Management Amendment Regulations 2022 G.G. 22/04/2022) (1111).

Planning and Development Act 2005 – Direction to the State Administrative Tribunal to refer application (DR 63 of 2022) in accordance to section 246(2)(a) of the Act (1112).

Rail Safety National Law (WA) Act 2015 – Regulations (Transport Regulations Amendment (Rail Safety National Law) Regulations 2022 G.G. 08/04/2022) (1113).

Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules 2022 G.G. 06/05/2022) (1114).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Bayswater Waste Amendment Local Law 2022 G.G. 03/05/2022) (1115).

10. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 15 February 2022 –

Auditor General, Office of the – Audit Practice Statement (937).

Paper

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

By the Speaker –

Auditor General, Office of the – Audit Practice Statement, Erratum (1119).

11. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 24 March 2022 –

Curtin University – 2021 Annual Report (1039).

Paper

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

By the Speaker –

Curtin University – 2021 Annual Report, Erratum (1120).

12. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 19 April 2022 –

Inspector of Custodial Services, Office of the – Inspection Report No. 141: 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre (1087).

Paper

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

By the Speaker –

Inspector of Custodial Services, Office of the – 2021 Inspection of the Intensive Support Unit at Banksia Hill Detention Centre, Version 2, (Erratum authorised by the Speaker) (1121).

13. Notices of Motion

14. Expiration of Notices of Motion

The Speaker advised that Private Members' Business Notices of Motion Nos 1 and 2, given on 25 May 2021 and renewed for a further 30 sitting days on 19 October 2021, would not appear on the next Notice Paper.

15. Message from the Governor – Vacancy in the Senate

The following message from His Excellency the Governor was read by the Speaker –

The Governor transmits to the Legislative Assembly a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

Government House

Perth, 19 April 2022

The dispatch from the President of the Senate reads as follows:

“Your Excellency

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify your Excellency there is a vacancy in the representation of the State of Western Australia following the resignation of Senator Ben Small on Friday, 15 April 2022.

In announcing his resignation, Senator Small indicated that there were questions as to his previous eligibility to sit as a Senator, which may need to be referred to the Court of Disputed Returns. However, those questions do not go to the manner of filling the current vacancy. This is a casual vacancy to which section 15 of the Constitution applies.

For clarity, I indicate that the term of the vacant position expires at the end of 30 June 2022.

Yours sincerely
Slade Brockman”.

The Premier, pursuant to the message from His Excellency the Governor moved –

That Madam Speaker be requested to confer with the President of the Legislative Council, in order to fix a day and place whereon and whereat the Legislative Assembly and the Legislative Council, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

Question put and passed.

16. Matter of Public Interest – Health System

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 McGowan Government for five years of cutting corners on our health system, leading to a health crisis.

Debate ensued.

Question put.

The Assembly divided.

Ayes (3)		
Dr D.J. Honey	Ms L. Mettam	Mr P.J. Rundle (<i>Teller</i>)
Noes (38)		
Mr S.N. Aubrey	Mr M. Hughes	Ms M.M. Quirk
Mr G. Baker	Mr W.J. Johnston	Ms R. Saffioti
Ms L.L. Baker	Mr D.J. Kelly	Ms A. Sanderson
Ms H.M. Beazley	Ms A.E. Kent	Mr D.A.E. Scaife
Dr A.D. Buti	Mr P. Lilburne	Dr K. Stratton
Mr J.N. Carey	Ms S.F. McGurk	Mr C.J. Tallentire
Ms C.M. Collins	Mr K.J.J. Michel	Mr D.A. Templeman
Ms L. Dalton	Mr S.A. Millman	Mr P.C. Tinley
Mr M.J. Folkard	Mr Y. Mubarakai	Ms C.M. Tonkin
Ms K.E. Giddens	Ms L.A. Munday	Mr R.R. Whitby
Ms M.J. Hammat	Mrs L.M. O'Malley	Ms S.E. Winton
Ms J.L. Hanns	Mr S.J. Price	Ms E.L. Hamilton (<i>Teller</i>)
Mr T.J. Healy	Mr J.R. Quigley	

Question thus negatived.

17. 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 *COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022* to be introduced forthwith without notice and to proceed through all stages without delay between the stages.

Debate ensued.

Question put.

The Assembly divided.

Ayes (38)

Mr S.N. Aubrey
Mr G. Baker
Ms L.L. Baker
Ms H.M. Beazley
Dr A.D. Buti
Mr J.N. Carey
Ms C.M. Collins
Ms L. Dalton
Mr M.J. Folkard
Ms K.E. Giddens
Ms M.J. Hammat
Ms J.L. Hanns
Mr T.J. Healy

Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Ms A.E. Kent
Mr P. Lilburne
Ms S.F. McGurk
Mr K.J.J. Michel
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Mrs L.M. O'Malley
Mr S.J. Price
Mr J.R. Quigley

Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms E.L. Hamilton (*Teller*)

Noes (3)

Dr D.J. Honey

Ms L. Mettam

Mr P.J. Rundle (*Teller*)

Question thus passed with the concurrence of an absolute majority of the whole number of members.

18. COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2022

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

That a bill for “An Act to amend the following to extend the operation of provisions relating to the COVID-19 pandemic –

- the *Criminal Code*;
- the *Criminal Code Amendment (COVID-19 Response) Act 2020*;
- the *Emergency Management Amendment (COVID-19 Response) Act 2020*.” 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.

Debate ensued.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 9 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 and passed.

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

19. Firearms Amendment Bill 2021

Message No. 49 dated 10 May 2022 from the Legislative Council was reported agreeing to the bill without amendment.

20. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 8.54 pm until Wednesday, 11 May 2022 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Mr R.H. Cook, Ms D.G. D'Anna, Ms M.J. Davies, Mr H.T. Jones, Ms E.J. Kelsbie, Dr J. Krishnan, Mr R.S. Love, Mr D.R. Michael, Mr P. Papalia, Mr D.T. Punch, Ms C.M. Rowe, Ms J.J. Shaw, Ms R.S. Stephens and Mrs J.M.C. Stojkovski.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly