

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 89

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

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TUESDAY, 18 OCTOBER 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 – New Sergeant-at-Arms**

The Speaker advised members that Thomas Moorhead had been appointed Sergeant-at-Arms.

**3. Electoral District of North West Central – Return of Writ and Member Sworn**

The Clerk produced the certified copy of the returned writ for the by-election for the Electoral District of North West Central and reported that it certified that Ms Merome Beard had been duly elected to serve in the Legislative Assembly for that district.

Ms M. Beard took and subscribed the Affirmation of Office according to law.

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*Speaker's Statement – Women's Representation in the House*

The Speaker, on behalf of the House, congratulated the member for North West Central on her election and welcomed her to the Chamber. She acknowledged that this is an historic occasion, as the Legislative Assembly now has 29 women members out of a total of 59 members, the highest proportion of women members ever in this Chamber.

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#### **4. Message from the Governor**

Message No. 25 from His Excellency the Governor was reported assenting to the following bills –

Mining Amendment Bill 2021, Act No. 31 of 2022.

Casino Legislation Amendment (Burswood Casino) Bill 2022, Act No. 32 of 2022.

#### **5. Message from the Governor**

Message No. 26 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Human Tissue and Transplant Amendment Bill 2022.

#### **6. Petition**

Dongara-Geraldton Bypass – Mr R.S. Love presented a petition from 1,141 people asking the Legislative Assembly to oppose the proposed corridor re-alignment and to endorse the use of the existing Brand Highway and its infrastructure as much as possible with upgrades where necessary (P. 33).

#### **7. 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 – 2022 Inspection of Pardelup Prison Farm, Report No. 144, August 2022 (Received by the Speaker of the Legislative Assembly on 23 August 2022 and held for a period of 30 days and deemed tabled on 11 October 2022) (1520).

Register of Members' Financial Interests – Annual Returns as at 30 June 2022 and Additional Information for Returns from the Years 2021–2022 under the Members of Parliament (Financial Interests) Act 1992 (1521).

State Records Commission – Annual Report 2021–2022 (1522).

By the Clerk –

Auditor General, Office of the – Annual Report 2021–2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 27 September 2022) (1519).

Bank of Western Australia Act 1995 – 2022 Annual Certificate of Compliance (1523).

Biodiversity Conservation Act 2016 – Orders (Biodiversity Conservation (Species) Order 2022 G.G. 30/09/2022) (1524).

Biodiversity Conservation and Attractions, Department of – Annual Report 2021–2022 (1525).

Biosecurity Council of Western Australia – Annual Report 2021–2022 (1526).

Building Act 2011 – Regulations (Building Amendment Regulations (No. 2) 2022 G.G. 23/09/2022) (1527).

Bush Fires Act 1954 – Local Laws (Shire of Pingelly Bush Fire Brigades Local Law 2022 G.G. 10/10/2022) (1528).

Cat Act 2011 – Local Laws (City of Kwinana Cat Amendment Local Law 2022 G.G. 11/10/2022) (1529).

Child and Adolescent Health Service – Annual Report 2021–2022 (1530).

- Coal Miners' Welfare Board of Western Australia – Annual Report 2021–2022 (1531).
- Commissioner for Children and Young People – Annual Report 2021–2022 (1532).
- Conservation and Land Management Act 1984 – Lease No. 3038/100 between the Department of Biodiversity, Conservation and Attractions and Optus Fixed Infrastructure Pty Limited for the purpose of constructing, maintaining and operating telecommunications facilities in Frank Hann National Park (1533).
- Construction Training Fund – Annual Report 2021–2022 (1534).
- Criminal Injuries Compensation, Office of – Annual Report 2021–2022 (1535).
- Criminal Investigation (Covert Powers) Act 2012 – Annual Report 1 July 2021–30 June 2022 by the Corruption and Crime Commission: Report for the Minister for Fisheries (1536).
- Criminal Investigation (Covert Powers) Act 2012 – Western Australian Police Force Assumed Identities Annual Report 2021–2022 pursuant to section 76(1) of the Act (1537).
- Development WA – Annual Report 2021–2022 (1538).
- Director of Public Prosecution, Office of the – Annual Report 2021–2022 (1539).
- East Metropolitan Health Service – Annual Report 2021–2022 (1540).
- Education and Health Standing Committee – Government Response to Committee Report No. 2 – Making Hope Practical: Report of the inquiry into the response of Western Australian schools to climate change (1541).
- Environmental Protection Authority – Annual Report 2021–2022 (1542).
- Finance, Department of – Annual Report 2021–2022 (1543).
- Financial Management Act 2006 – Further notice given under Section 65 of the Act from the Governor's Establishment of the late tabling of the Governor's Establishment Annual Report 2021–2022 (1545).
- Financial Management Act 2006 – Further notice given under section 65 of the Act from the Minister for Culture and Arts; Sport and Recreation; International Education; Heritage of the late tabling of the 2021–2022 Annual Report for the Venues West, Combat Sports Commission and the Art Gallery of Western Australia (1546).
- Financial Management Act 2006 – Further notice given under Section 65 of the Act from the Minister for State Development; Jobs and Trade; Tourism; Science of the late tabling of the Department of Jobs, Tourism, Science and Innovation and Tourism Western Australia Annual Report 2021–2022 (1544).
- Fire and Emergency Services, Department of – Annual Report 2021–2022 (1547).
- Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 3) 2022 G.G. 23/09/2022) (1548).
- Government of Western Australia – Annual Report on State Finances 2021–2022 (1549).
- Health, Department of – Annual Report 2021–2022 (1550).
- Healthway – Annual Report 2021–2022 (1551).
- Keep Australia Beautiful Council – Annual Report 2021–2022 (1552).

Land Administration Act 1997 – Proposal: Submission No. 4/2022 under the Act for a proposed excision from Class A Reserve 23043 for the purpose of Preservation, Recreation and Parkland, Shire of Esperance (1553).

Law Reform Commission of Western Australia – Annual Report 2021–2022 (1554).

Local Government Act 1995 – Local Laws (City of Bayswater Keeping and Control of Cats Local Law 2022 G.G. 7/10/2022) (1555).

Local Government Act 1995 – Local Laws (City of Busselton Holiday Homes Amendment Local Law 2022 G.G. 11/10/2022) (1556).

Local Government Act 1995 – Local Laws (City of Kwinana Repeal Local Law 2022 G.G. 7/10/2022) (1557).

Local Government, Sport and Cultural Industries, Department of – Annual Report 2021–2022 (1558).

Lotterywest – Annual Report 2021–2022 (1559).

Mental Health Commission – Annual Report 2021–2022 (1560).

Mental Health Tribunal – Annual Report 2021–2022 (1561).

Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003 – Regulations (Commerce Regulations Amendment (Motor Vehicle Dealers and Repairers) Regulations 2022 G.G. 23/09/2022) (1562).

National Rail Safety Regulator, Office of the – Annual Report 2021–2022 (1563).

North Metropolitan Health Service – Annual Report 2021–2022 (1564).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – A report on giving effect to the recommendations arising from an investigation into the Office of the Public Advocate's role in notifying the families of Mrs Joyce Savage, Mr Robert Ayling and Mr Kenneth Hartley of the deaths of Mrs Savage, Mr Ayling and Mr Hartley (1565).

PathWest – Annual Report 2021–2022 (1566).

Perth Theatre Trust – Annual Report 2021–2022 (1567).

Plumbers Licensing Act 1995 – Regulations (Plumbers Licensing and Plumbing Standards Amendment Regulations 2022 G.G. 23/09/2022) (1568).

Public Trustee – Annual Report 2021–2022 (1569).

Road Safety Council – Report on Activities 2021–2022 (1570).

Road Traffic Act 1974 – Regulations (Road Traffic (Events on Roads) Amendment Regulations 2022 G.G. 7/10/2022) (1571).

South Metropolitan Health Service – Annual Report 2021–2022 (1572).

State Administrative Tribunal – Annual Report 2021–2022 (1573).

State Solicitor's Office – Annual Report 2021–2022 (1574).

Supervised Release Review Board – Annual Report 2021–2022 (1575).

Transport, Department of – Annual Report 2021–2022 (1576).

Western Australian Country Health Service – Annual Report 2021–2022 (1577).

Western Australian Industrial Relations Commission, Chief Commissioner of the – Annual Report 2021–2022 (1578).

Western Australian Meat Industry Authority – Annual Report 2021–2022 (1579).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2022 G.G. 7/10/2022) (1580).

## **8. Correction to Tabled Paper**

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 16 September 2021 –

Mines, Industry Regulation and Safety, Department of – Annual Report 2020–2021 (565).

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### *Paper*

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

By the Speaker –

Mines, Industry Regulation and Safety, Department of – Annual Report 2020–2021 – Erratum (1581).

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## **9. Notices of Motion**

## **10. Removal of Order of the Day**

The Speaker advised that Private Members' Business Order of the Day, Governmental Transparency, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

## **11. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Commerce on the progress report by the Building Commissioner reviewing local government inspections of pool safety barriers.

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### *Paper*

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

By the Minister for Commerce –

Mines, Industry Regulation and Safety, Department of – Progress Report: Local governments' periodic inspections of private swimming pool safety barriers 2021–22 (1582).

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The Attorney General on the passing of the Chief Executive of the Corruption and Crime Commission, Mr Ray Warnes PSM.

The Minister for Racing and Gaming on the appointment of Assistant Commissioner Paul Steel to the position of Independent Monitor of the Perth Casino.

The Minister for Prevention of Family and Domestic Violence on the launch of the National Plan to End Violence Against Women and Children 2022–2032.

The Minister for Health on the protection of the Memorial Garden at King Edward Memorial Hospital.

The Minister for Seniors and Ageing on his recent attendance at the Broome Elders Forum.

The Minister for Seniors and Ageing on Dementia Action Week.

The Minister for Environment on the progress of the draft Forest Management Plan 2024–2033.

## **12. Land Tax Assessment Amendment Bill 2022**

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

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### *Personal Explanation*

The Minister for Finance made a personal explanation on a clarification to the second reading speech on the Land Tax Assessment Amendment Bill 2022 delivered to the House on 21 September 2022.

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Debate resumed.

Debate interrupted by the Chair (Mr C.J. Tallentire speaking) and adjourned until a later stage of the sitting.

## **13. Questions**

Questions without Notice were taken.

Questions on Notice Nos 557 to 575 were asked.

Question on Notice No. 555 was answered.

## **14. Suspension of Standing Orders**

Ms L. Mettam, 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 condemns the Minister for Health for the insulting way she has treated nurses and midwives in wage negotiations and for playing politics with patient care that will likely result in escalating industrial action and compromised health care, potentially putting patients' lives at risk.

The Minister for Finance 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.

## 15. Nurses and Midwives Wage Negotiations

Ms L. Mettam, pursuant to the foregoing motion, moved,

That this House condemns the Minister for Health for the insulting way she has treated nurses and midwives in wage negotiations and for playing politics with patient care that will likely result in escalating industrial action and compromised health care, potentially putting patients' lives at risk.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (6)

Ms M. Beard  
Ms M.J. Davies

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

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

### Noes (43)

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  
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  
Dr J. Krishnan  
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 P. Papalia  
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 P.C. Tinley  
Ms C.M. Tonkin  
Mr R.R. Whitby  
Ms C.M. Rowe (*Teller*)

Question thus negatived.

## 16. Matter of Public Interest – Review of Demersal Scalefish Policy

The Deputy Speaker informed the Assembly that he was in receipt of a notice from Mr R.S. Love that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr R.S. Love moved,

That this House;

- (1) recognises the irreplaceable economic, social, and public health value fishing brings Western Australia and calls on the Minister for Fisheries to:
  - (a) review his policy to ban fishing for demersal scalefish, including Pink Snapper and Black Dhufish, for as much as nine months of the year;
  - (b) develop a plan for the West Coast Fishery that balances community, economic, and environmental outcomes; and
- (2) acknowledges the more than 18,000 West Australians who have petitioned the Minister to conduct such a review.

Debate ensued.

The Minister for Fisheries moved to delete all the words after “House” and insert the following –

“

recognises the importance of sustainable fisheries management to Western Australia for present and future generations and acknowledges the work of the McGowan Government in collaborating with peak fishing sector bodies to safeguard the future of demersal scalefish species in the west coast bioregion.

”.

Debate ensued.

On the question, That the words to be deleted, be deleted,

Amendment put.

The Assembly divided.

#### Ayes (43)

Mr S.N. Aubrey  
Mr G. Baker  
Ms H.M. Beazley  
Dr A.D. Buti  
Mr J.N. Carey  
Ms C.M. Collins  
Mr R.H. Cook  
Ms L. Dalton  
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  
Dr J. Krishnan  
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 P. Papalia  
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 P.C. Tinley  
Ms C.M. Tonkin  
Mr R.R. Whitby  
Ms C.M. Rowe (*Teller*)

#### Noes (6)

Ms M. Beard  
Ms M.J. Davies

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

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

Amendment thus passed.

On the question, That the words to be inserted, be inserted,

Amendment put and passed.

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

Question put.

The Assembly divided.



## Ayes (43)

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

## Noes (6)

Ms M. Beard	Dr D.J. Honey	Ms L. Mettam
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle ( <i>Teller</i> )

Question thus passed.

The motion, as agreed to by the House –

That this House recognises the importance of sustainable fisheries management to Western Australia for present and future generations and acknowledges the work of the McGowan Government in collaborating with peak fishing sector bodies to safeguard the future of demersal scalefish species in the west coast bioregion.

### 17. Variation to the Order of Business

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

### 18. Land Tax Assessment 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 until a later stage of the sitting.

Question put and passed.

### 19. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

### 20. Premier's Statement

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

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*Maiden Speech*

Ms M. Beard gave her maiden speech.

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The Minister for Finance moved, That the debate be adjourned.

Question put and passed.

**21. Variation to the Order of Business**

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

**22. Land Tax Assessment 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.

Question put and passed.

Bill read a second time.

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

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

Question put and passed.

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

**23. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 6.31 pm until Wednesday, 19 October 2022 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Ms D.G. D'Anna, Ms J.L. Hanns, Mr M. Hughes, Ms A.E. Kent, Mr P. Lilburne and Mr D.A. Templeman.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. MICHELLE H. ROBERTS**  
Speaker of the Legislative Assembly