

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 95

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

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TUESDAY, 15 NOVEMBER 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 – Acting Speaker Appointment**

The Speaker advised that the member for Southern River had been appointed as an Acting Speaker for Tuesday, 15 November 2022.

**3. Messages from the Legislative Council**

Messages from the Legislative Council were reported returning the following bills without amendment –

27 October 2022

Charitable Trusts Bill 2022 (Message No. 74).

Mining Amendment Bill 2022 (Message No. 75).

**4. Messages from the Governor**

Messages from His Excellency the Governor were reported assenting to the following bills –  
No. 29 – 28 October 2022

Fair Trading Amendment Bill 2021, Act No. 34 of 2022.

Health and Disability Services (Complaints) Amendment Bill 2021, Act No. 35 of 2022.

Owner-Drivers (Contracts and Disputes) Amendment Bill 2022, Act No. 36 of 2022.

No. 30 – 1 November 2022

Duties Amendment (Farm-in Agreements) Bill 2022, Act No. 37 of 2022.

Charitable Trusts Bill 2022, Act No. 38 of 2022.

Mining Amendment Bill 2022, Act No. 39 of 2022.

## 5. 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 – Annual Report 2021–2022 (Received by the Speaker of the Legislative Assembly on 5 October 2022 and held for a period of 30 days) (1622).

By the Clerk –

Auditor General, Office of the – Opinion on Ministerial Notification – Tom Price Hospital Redevelopment and Meekatharra Health Centre Business Cases, Report No. 7, 2 November 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 November 2022) (1621).

Cemeteries Act 1986 – Local Laws (Shire of Dumbleyung Cemeteries Local Law 2022 G.G. 03/11/2022) (1623).

Cemeteries Act 1986 – Local Laws (Shire of Kondinin Cemeteries Local Law 2022 G.G. 10/11/2022) (1624).

Chief Advocate for Residents of Declared Places under the Declared Places (Mentally Impaired Accused) Act 2015 – Annual Report 2021–2022 (1625).

Disability Services Commission – Annual Report 2021–2022 (1626).

Electricity Generation and Retail Corporation – Independent Auditor’s Assurance Report 2022: Compliance with Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013 and the Electricity (Standard Products) Wholesale Arrangements 2014 (1627).

Electricity Generation and Retail Corporation – Independent Auditor’s Assurance Report 2022: Compliance with Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013 and the Segregation and Transfer Pricing Guidelines 2020 (1628).

Electricity Industry Act 2004 – Regulations (Electricity Industry (Pilbara Networks) Amendment Regulations 2022 G.G. 04/11/2022) (1629).

Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations (No. 2) 2022 G.G. 02/11/2022) (1630).

Fair Trading Act 2010 – Regulations (Fair Trading (Funeral Pricing Code of Practice) Regulations 2022 G.G. 08/11/2022) (1631).

Goldfields-Esperance Development Commission – Annual Report 2021–2022 (1632).

Great Southern Development Commission – Annual Report 2021–2022 (1633).

Land Information Authority Act 2006 – 2022 Statutory Review of the Act (1634).

Local Government Act 1995 – Local Laws (City of Belmont Consolidated Local Law Amendment Local Law 2022 G.G. 28/10/2022) (1635).

Local Government Act 1995 – Local Laws (City of Wanneroo Private Property Repeal Local Law 2022 G.G. 28/10/2022) (1636).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Bush Fire Brigades Local Law 2022 G.G. 03/11/2022) (1637).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Control of Refuse on Building Sites Repeal Local Law 2022 G.G. 03/11/2022) (1638).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Dogs Local Law 2022 G.G. 03/11/2022) (1639).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Extractive Industries Local Law 2022 G.G. 03/11/2022) (1640).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Fencing Local Law 2022 G.G. 03/11/2022) (1641).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Health Local Law 2022 G.G. 03/11/2022) (1642).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Local Government Property and Public Places Local Law 2022 G.G. 03/11/2022) (1643).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Parking and Parking Facilities Repeal Local Law 2022 G.G. 03/11/2022) (1644).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Pest Plants Repeal Local Law 2022 G.G. 03/11/2022) (1645).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Standing Orders Local Law 2022 G.G. 03/11/2022) (1646).

Local Government Act 1995 – Local Laws (Shire of Kojonup Cat Local Law 2022 G.G. 31/10/2022) (1647).

Local Government Act 1995 – Local Laws (Shire of Kojonup Parking Local Law 2022 G.G. 31/10/2022) (1648).

Local Government Act 1995 – Local Laws (Shire of Kondinin Bush Fire Brigades Local Law 2022 G.G. 10/11/2022) (1649).

Local Government Act 1995 – Local Laws (Shire of Kondinin Dogs Local Law 2022 G.G. 10/11/2022) (1650).

Local Government Act 1995 – Local Laws (Shire of Kondinin Public Places and Local Government Property Local Law 2022 G.G. 10/11/2022) (1651).

Local Government Act 1995 – Local Laws (Shire of Kondinin Repeal Local Law 2022 G.G. 10/11/2022) (1652).

Local Government Act 1995 – Local Laws (Shire of Leonora Dog Amendment Local Law 2022 G.G. 04/11/2022) (1653).

Local Government Act 1995 – Local Laws (Shire of Narrogin Amendment Local Law 2022 G.G. 04/11/2022) (1654).

Local Government Act 1995 – Local Laws (Town of Victoria Park Waste Local Law 2022 G.G. 28/10/2022) (1655).

Local Government Act 1995 – Regulations (Local Government (Administration) Amendment Regulations 2022 G.G. 08/11/2022) (1656).

Local Government Act 1995 – Regulations (Local Government Regulations Amendment Regulations 2022 G.G. 02/11/2022) (1657).

Magistrates Court Act 2004 – Rules (Magistrates Court (General) Amendment Rules 2022 G.G. 04/11/2022) (1658).

Planning and Development Act 2005 – Regulations (Planning and Development (Local Planning Schemes) Amendment Regulations (No. 3) 2022 G.G. 02/11/2022) (1659).

Racing and Wagering Western Australia – Annual Report 2021–2022 (1660).

Road Traffic (Authorisation to Drive) Act 2008 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2022 G.G. 02/11/2022) (1661).

Road Traffic (Authorisation to Drive) Act 2008; Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Fee Waiver and Refund) Regulations 2022 G.G. 04/11/2022) (1662).

Transport Coordination Act 1966 – 2022 Statutory Review of the Act (1663).

Waste Authority – Annual Report 2021–2022 (1664).

Work Health and Safety Commission – Annual Report 2021–2022 (1665).

## **6. Removal of Orders of the Day**

The Speaker advised that Private Members' Business Orders of the Day, Rail Safety, Forest Industry, WA Police and WA Safe Transition Plan had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

## **7. Notices of Motion**

## **8. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Transport informing the House that the State Government's response to the Public Accounts Committee's Report No. 6, Bus Fair: The report of the inquiry into the Student Transport Assistance Policy framework, will be provided to the Parliament in the next few weeks.

The Minister for Health on Perinatal Mental Health Week.

## **9. Variation to the Order of Business**

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

## **10. Health Services Amendment Bill 2021**

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 17 agreed to.

Clause 18.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

### 11. Speaker's Statement – Dinner Break

The Speaker advised that the House is required to sit beyond 7.00 pm tonight and that there would be a dinner break between 6.00 pm and 7.00 pm.

### 12. Questions

Questions without Notice were taken.

Questions on Notice Nos 611 to 629 were asked.

### 13. Matter of Public Interest – Youth Justice System

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

At least five members having risen in support,

Ms M.J. Davies moved,

That this House calls on the Premier to admit the catastrophic failure in the youth justice system in Western Australia and immediately establish an independent inquiry into youth justice, detention, and rehabilitation services in the State.

Debate ensued.

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#### *Paper*

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

By the Minister for Corrective Services –

Corrective Services, Minister for – Talking points in relation to Banksia Hill Detention Centre (1666).

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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 (42)

Mr S.N. Aubrey

Mr G. Baker

Ms L.L. Baker

Ms H.M. Beazley

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 K.E. Giddens

Ms E.L. Hamilton

Ms M.J. Hammat

Ms J.L. Hanns

Mr T.J. Healy

Mr W.J. Johnston

Mr H.T. Jones

Ms E.J. Kelsbie

Ms A.E. Kent

Dr J. Krishnan

Mr P. Lilburne

Mr M. McGowan

Mr D.R. Michael

Mr K.J.J. Michel

Mr S.A. Millman

Mr Y. Mubarakai

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

Dr K. Stratton

Mr C.J. Tallentire

Mr D.A. Templeman

Ms C.M. Tonkin

Ms S.E. Winton

Ms C.M. Rowe (*Teller*)

Question thus negatived.

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

Ordered, That consideration of Government Business Order of the Day No. 3 be resumed.

**15. Health Services Amendment Bill 2021**

The Order of the Day for the further consideration in detail of the bill was read.

*CONSIDERATION IN DETAIL*

Clauses 18 to 99 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Parliamentary Secretary to the Minister for Health, representing the Minister for Health, 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.

**16. Auditor General 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.

*CONSIDERATION IN DETAIL*

Clauses 1 to 9 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General 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. Government Railways Amendment Bill 2021**

Message No. 76 dated 15 November 2022 from the Legislative Council was reported agreeing to the bill without amendment.

**18. Statutes (Repeals and Minor Amendments) Bill 2021**

Message No. 77 dated 15 November 2022 from the Legislative Council was reported forwarding for concurrence a bill for

“An Act to —

- repeal various obsolete Acts; and
- repeal various obsolete Imperial Acts or provisions of them in so far as they are part of the law of Western Australia; and
- make minor amendments to various Acts.”

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

**19. Human Tissue and Transplant Amendment Bill 2022**

Message No. 78 dated 15 November 2022 from the Legislative Council was reported agreeing to the bill without amendment.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 8.36 pm until Wednesday, 16 November 2022 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Dr A.D. Buti, Mr M. Hughes, Ms S.F. McGurk, Ms L.A. Munday, Ms J.J. Shaw, Ms R.S. Stephens, Mrs J.M.C. Stojkovski and Mr R.R. Whitby.

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

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