

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 104

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 14 FEBRUARY 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. Opposition Office Holders

Mr R.S. Love announced that on 30 January 2023, he was elected Leader of the Opposition, Mr P.J. Rundle was elected Deputy Leader of the Opposition and Manager of Opposition Business and Ms M. Beard was elected Opposition Whip.

3. Speaker's Statement – Seating Arrangements

The Speaker advised members that she had approved an amended seating plan for government and opposition members.

4. Speaker's Statement – Media Presence

The Speaker advised members that she had approved the presence of television cameras and photographers from 2.00 pm today to obtain footage of the first question time of the year.

5. Papers

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

By the Speaker –

Information Commissioner, Office of the – Annual Report 2021–2022 (1756).

Inspector of Custodial Services, Office of the – 2021 Inspection of Acacia Prison, Report No. 146, November 2022 (Received by the Speaker of the Legislative Assembly on 9 December 2022 and held for a period of 30 days and deemed tabled by the Clerk of the Legislative Assembly on 9 January 2023) (1750).

Inspector of Custodial Services, Office of the – 2022 Inspection of Roebourne Regional Prison, Report No. 145, October 2022 (Received by the Speaker of the Legislative Assembly on 21 November 2022 and held for a period of 30 days and deemed tabled by the Clerk of the Legislative Assembly on 22 December 2022) (1746).

By the Clerk –

Auditor General, Office of the – Financial Audit Results – State Government 2021–2022, Report No. 12, 22 December 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2022) (1747).

Auditor General, Office of the – Performance Audit – Compliance with Mining Environmental Conditions, Report No. 11, 20 December 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 20 December 2022) (1745).

Auditor General, Office of the – Performance Audit – Funding of Volunteer Emergency and Fire Services, Report No. 13, 22 December 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2022) (1748).

Auditor General, Office of the – Performance Audit – Regulation of Commercial Fishing, Report No. 10, 7 December 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 December 2022) (1743).

Bunbury Water (Aqwest) – Annual Report 2021–2022 (1757).

Cemeteries Act 1986 – Local Laws (Shire of Dardanup Cemeteries Local Law 2022 G.G. 30/11/2022) (1758).

Conservation and Land Management Act 1984 – Lease No. 2463/100 between the Department of Biodiversity, Conservation and Attractions and JAB Industries for the purpose of constructing and maintaining a dedicated mine access and haulage route within Parry Lagoons Nature Reserve, Reserve No. 42155 (1759).

Dog Act 1976 – Local Laws (City of Vincent Animal Local Law 2022 G.G. 03/02/2023) (1760).

Edith Cowan University Act 1984 – Statutes (Edith Cowan University Statute No. 28 – Election of Council Members G.G. 24/01/2023) (1761).

Edith Cowan University Act 1984 – Statutes (University Statute No. 28 – Council Elections – Correction 2023 G.G. 31/01/2023) (1762).

Electricity Industry Act 2004 – Rules – (Wholesale Electricity Market Amendment (Tranche 6 Amendments) Rules 2022) (1763).

Evidence Act 1906 – Regulations (Evidence (Prescribed Persons) Amendment Regulations 2022 G.G. 02/12/2022) (1764).

Fair Trading Act 2010 – Notices (Consumer Goods (Non-refillable Helium Cylinders) Safety Standard 2022 G.G. 09/02/2023) (1765).

Financial Management Act 2006 – Further notice given under section 65 of the Act from the Minister for Transport; Planning; Ports advising the House of the late tabling of the 2021–2022 Annual Report for the Department of Planning, Lands and Heritage, 13 February 2023 (1766).

Financial Management Act 2006 – Notice Given under section 82 of the Act by the Minister for Finance in relation to Legislative Council Question on Notice No. 1191 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 December 2022) (1744).

Financial Management Act 2006 – Notice Given under section 82 of the Act by the Minister for Tourism in relation to Legislative Assembly Question on Notice No. 576 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 January 2023) (1751).

Financial Management Act 2006 – Notice Given under section 82 of the Act by the Minister for Tourism in relation to Legislative Assembly Question on Notice No. 585 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 January 2023) (1752).

Financial Management Act 2006 – Notice Given under section 82 of the Act by the Minister for Tourism in relation to Legislative Council Question on Notice No. 1083 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 January 2023) (1753).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2023 G.G. 13/01/2023) (1767).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Prawn Managed Fishery Management Plan Amendment 2023 G.G. 27/01/2023) (1768).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Scalefish (Interim) Management Plan Amendment 2022 G.G. 20/12/2022) (1769).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2023 G.G. 27/01/2023) (1770).

Gas Standards Act 1972 – Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2023 G.G. 10/02/2023) (1771).

Governor’s Establishment – Annual Report 2021–2022 (1772).

Health Practitioner Regulation National Law (WA) Act 2010 – Regulations (Health Practitioner Regulation National Law Amendment (Paramedicine Qualification) Regulation 2022 G.G. 02/02/2023) (1773).

Health Practitioner Regulation National Law (WA) Act 2010 – Regulations (Health Practitioner Regulation National Law Amendment Regulation 2022 G.G. 02/02/2023) (1774).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order 2023 G.G. 03/02/2023) (1775).

Human Reproductive Technology Act 1991 – Regulations (Human Reproductive Technology Amendment Regulations 2023 G.G. 27/01/2023) (1776).

Infrastructure Western Australia – State Infrastructure Strategy – Foundations for a Stronger Tomorrow: WA Government Response (Received by the Clerk of the Legislative Assembly and deemed tabled on 3 February 2023) (1755).

Land Administration Act 1997 – Proposal: Submission No. 5/2022 under the Act for the excision from Class A Reserve 24703 to recreation and community purpose to permit a wider range of uses, Town of East Fremantle (1777).

Legal Practice Board of Western Australia – Annual Report 2021–2022 (1778).

Legal Profession Complaints Committees Western Australia – Annual Report 2021–2022 (1779).

Legal Profession Uniform Law Application Act 2022 – Regulations (Legal Profession Uniform Law Application Amendment Regulations 2022 G.G. 14/12/2022) (1780).

Liquor Control Act 1988 – Regulations (Liquor Control (Punmu Restricted Area) Amendment Regulations 2022 G.G. 02/12/2022) (1781).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations 2022 G.G. 23/12/2022) (1782).

Liquor Control Act 1988 – Rules (Liquor Commission Amendment Rules (No. 2) 2022 G.G. 23/12/2022) (1783).

Local Government Act 1995 – Local Laws (City of Kalamunda Dogs Local Law 2022 – Correction 2023 G.G. 20/01/2023) (1784).

Local Government Act 1995 – Local Laws (City of South Perth Penalty Units Amendment Local Law 2022 G.G. 29/11/2022) (1785).

Local Government Act 1995 – Local Laws (City of Swan Consolidated Amendment Local Law 2023 G.G. 27/01/2023) (1786).

Local Government Act 1995 – Local Laws (Mindarie Regional Council Waste Facility Site Amendment Local Law 2022 G.G. 10/01/2023) (1787).

Local Government Act 1995 – Local Laws (Shire of Dardanup Extractive Industries Local Law 2022 G.G. 30/11/2022) (1788).

Local Government Act 1995 – Local Laws (Shire of Dardanup Parking Local Law 2023 G.G. 30/11/2022) (1789).

Medicines and Poisons Act 2014 – Regulations (Medicines and Poisons Amendment Regulations 2023 G.G. 27/01/2023) (1790).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 2) 2022 G.G. 23/12/2022) (1791).

Mentally Impaired Accused Review Board – Annual Report 2021–2022 (1792).

Mines, Industry Regulation and Safety, Department of – Energy Safety Business Plan 2023–2024 (1793).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 2) 2022 G.G. 16/12/2022) (1794).

Pharmacy Registration Board of Western Australia – Annual Report 2021–2022 (1795).

Planning and Development Act 2005 – Direction to the State Administrative Tribunal on application for review (DR223 of 2022) in accordance with section 246(2)(a) of the Act – Application between Austral Bricks (WA) Pty Ltd and the Shire of Serpentine Jarrahdale (Received by the Clerk of the Legislative Assembly and deemed tabled on 6 January 2023) (1749).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations 2022 G.G. 02/12/2022) (1796).

Prisoners Review Board – Annual Report 2021–2022 (1797).

Public Accounts Committee – Government Response to Report No. 6 – Bus Fair: The report of the inquiry into the Student Transport Assistance Policy framework (1798).

Public Health Act 2016 – Orders (Public Health (Notifiable Infectious Diseases) Order (No. 2) 2022 G.G. 29/11/2022) (1799).

School Education Act 1999 – Orders (Higher School Leaving Age Options Order 2023 G.G. 24/01/2023) (1800).

Security and Related Activities (Control) Act 1996 – Regulations (Security and Related Activities (Control) Amendment Regulations 2022 G.G. 16/12/2022) (1801).

State Administrative Tribunal Act 2004 – Rules (State Administrative Tribunal Amendment Rules 2022 G.G. 30/12/2022) (1802).

State Solicitor’s Office – Second Deed of Extension and Variation – Court Security and Custodial Services Contract – State of Western Australia and Ventia Australia Pty Ltd, 2022 (1803).

Supreme Court Act 1935 – Rules (Supreme Court (Court of Appeal) Amendment Rules (No. 2) 2022 G.G. 16/12/2022) (1804).

Treasury Laws Amendment (More Competition, Better Prices) 2022 – Explanatory Memorandum (1805).

Treasury Laws Amendment (More Competition, Better Prices) Bill 2022 – House of Representatives Bill, 2022 (1806).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2022 G.G. 02/12/2022) (1807).

Western Australian Meat Industry Authority Act 1976 – Regulations (Western Australian Meat Industry Authority Amendment Regulations 2023 G.G. 27/01/2023) (1808).

Western Australian Planning Commission – Improvement Plan No. 57 Claremont Showground, November 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 February 2023) (1754).

Western Australian Treasury Corporation – Quarterly Financial Results Report for the Quarter Ended 31 December 2022 (1809).

Work Health and Safety Act 2020 – Regulations (Industrial Relations Regulations Amendment (Work Health and Safety) Regulations 2022 G.G. 23/12/2022) (1810).

6. Liberal Party Office Holders

Ms L. Mettam announced that on 30 January 2023 she was elected Leader of the Liberal Party.

7. Expiration of Notice of Motion

The Speaker advised that Private Members’ Business Notice of Motion No. 1, given on 9 November 2021 and renewed for a further 30 sitting days on 14 June 2022, would not appear on the next Notice Paper.

8. Brief Ministerial Statements

Brief Ministerial Statements were made by –
The Premier on the reconstitution of the Ministry.

Papers

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

Ministers' Representation in the Other House – Allocation of Portfolios as at
14 December 2022 (1813).

Premier – Reconstitution of the Ministry, 14 December 2022 (1814).

The Premier on the Trade Mission to Japan and South Korea, 22 January 2023 to 2 February
2023.

Paper

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

Trade Mission Travel – Report on the Premier's Mission to Japan and South Korea,
22 January 2023 to 2 February 2023 (1815).

The Minister for State Development, Jobs and Trade on the support provided by the McGowan
government to ensure the stability of Griffin Coal and certainty for the Collie workforce and
community.

9. Premier's Statement

The Premier made a statement.

On the question, That the Premier's Statement be noted,

Debate ensued.

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

10. Speaker's Statement – Clerk Assistant (Procedure) – Temporary Arrangements

The Speaker advised members that our Clerk Assistant (Procedure), Liz Kerr, would be acting
as Deputy Clerk of the Legislative Council for three-months and that Catie Parsons would be
acting as Clerk Assistant (Procedure) during this period.

11. Questions

Questions without Notice were taken.

Questions on Notice Nos 664 to 695 were asked.

Questions on Notice Nos 562, 611 to 630, 635 to 638, 644 to 656, 658 and 660 to 663 were
answered.

Paper tabled by the Minister for Transport –

Question on Notice No. 619 – Media release from 15 November 2010 by the former Minister for Transport, Hon Simon O’Brien MLC, titled ‘State Government to invest \$178.8 million in grain freight network’, the front page of the *FarmWeekly* edition of 7 March 2013, the Legislative Assembly Economics and Industry Standing Committee’s report *The Management of Western Australia’s Freight Rail Network*, October 2014 and the article ‘‘Hamstrung’ on Tier 3: MP’ from the *Merredin-Wheatbelt Mercury*, 30 July 2014 (1811).

Paper tabled by the Minister representing the Minister for Agriculture and Food –

Question on Notice No. 654 – Delegates of the Discover Great Southern Cocktail Party, held in Singapore from 8–10 November 2022, as listed by organisation, name and position (1812).

12. Message from the Governor

Message No. 33 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Criminal Law (Mental Impairment) Bill 2022.

13. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –
No. 36 – 1 December 2022

Liquor Control Amendment (Protected Entertainment Precincts) Bill 2022, Act No. 44 of 2022.

Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2022, Act No. 45 of 2022.

Medicines and Poisons (Validation) Bill 2022, Act No. 46 of 2022.

No. 37 – 7 December 2022

Working with Children (Criminal Record Checking) Amendment Bill 2022, Act No. 47 of 2022.

14. Variation to the Order of Business

Ordered, That consideration of the debate on the Premier’s Statement be resumed.

15. 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.

Mr P.J. Rundle moved, That the following words be added after “noted” –

and that this House condemns the McGowan Labor Government’s failure to invest in the health and wellbeing of our State’s education system, forcing teachers into early retirement and leaving both students and teachers lacking support.

Debate ensued.

Amendment 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 (46)

Mr S.N. Aubrey
Mr G. Baker
Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
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 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 K.J.J. Michel
Mr S.A. Millman
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 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
Mr P.C. Tinley
Ms C.M. Tonkin
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Amendment thus negatived.

Debate resumed.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.10 pm until Wednesday, 15 February 2023 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs R.M.J. Clarke and Mr Y. Mubarakai.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly