

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 125

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

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TUESDAY, 13 JUNE 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. Speaker's Statement – Resignation of the Member for Rockingham

The Speaker advised members that on Thursday, 8 June 2023, she received a copy of correspondence from the Official Secretary to the Governor to the Electoral Commissioner of Western Australia, which advised as follows:

“Dear Mr Kennedy,

I am writing to inform you that in accordance with section 25 of the *Constitution Acts Amendment Act 1899*, in the absence of the Speaker of the Legislative Assembly from the State, the Governor today received the resignation of the Hon. Mark McGowan MLA, which is effective on 8 June 2023.

In accordance with section 65 of the *Electoral Act 1907*, the Governor has issued a writ to proceed with an election in the Rockingham electoral district to elect a member of the Legislative Assembly for that district.

Yours sincerely

Howard Gretton

Official Secretary

The enclosed writ, which is dated 8 June 2023, lists the following dates for the purpose of the election –

Friday, 23 June 2023 as the last day for the nomination of candidates;  
 Saturday, 29 July 2023, as the polling day; and  
 Wednesday, 6 September 2023 as the last day for the return of the writ.

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*Paper*

The following paper was presented and ordered to lie upon the Table of the House –  
 By the Speaker –  
     Speaker – Correspondence and Writ for the Rockingham by-election (2011).

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### **3. 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 Wandoo Rehabilitation Prison, Report No. 147, April 2023 (Received by the Speaker of the Legislative Assembly on 8 May 2023 and held for a period of 30 days) (1961).

Inspector of Custodial Services, Office of the – 2023 Inspection of Banksia Hill Detention Centre and Unit 18 at Casuarina Prison (Part One), Report No. 148, May 2023 (Received by the Speaker of the Legislative Assembly on 8 May 2023 and held for a period of 30 days. Deemed tabled by the Clerk of the Legislative Assembly on 8 June 2023) (1960).

By the Clerk –

Aboriginal Cultural Heritage Act 2021 – Regulations (Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 G.G. 19/05/2023) (1962).

Anzac Day Trust – Annual Report 2022 (1963).

Auditor General, Office of the – Performance Audit – Effectiveness of Public School Reviews, Report No. 22, 24 May 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 May 2023) (1957).

Building Services (Complaint Resolution and Administration) Act 2011; Building Services (Registration) Act 2011 – Regulations (Commerce Regulations Amendment (Building Services) Regulations 2023 G.G. 02/06/2023) (1964).

Bush Fires Act 1954 – Local Laws (Shire of Wagin Bush Fire Brigades Local Law (2023) G.G. 09/06/2023) (1965).

Bush Fires Act 1954 – Standards (Bush Fire Risk Treatment Amendment Standards 2023 G.G. 19/05/2023) (1966).

Cat Act 2011 – Local Laws (Shire of Chittering Keeping and Control of Cats Local Law 2023 G.G. 06/06/2023) (1967).

Cat Act 2011 – Local Laws (Shire of Waroona Cat Local Law 2023 G.G. 09/06/2023) (1968).

Cemeteries Act 1986 – Local Laws (Shire of Chittering Cemeteries Local Law 2023 G.G. 06/06/2023) (1969).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2023 G.G. 19/05/2023) (1970).

Community Titles Act 2018 – Regulations (Community Titles Amendment Regulations 2023 G.G. 19/05/2023) (1971).

Community Titles Act 2018; Registration of Deeds Act 1856; Strata Titles Act 1985; Transfer of Land Act 1893; Valuation of Land Act 1978 – Regulations (Lands Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 19/05/2023) (1972).

Conservation and Land Management Act 1984; Environmental Protection Act 1986 – Regulations (Environment Regulations Amendment (Aboriginal Cultural Heritage) Regulations 2023 G.G. 19/05/2023) (1973).

Corruption and Crime Commission – Report on oversight of a police investigation into an arrest for disorderly conduct (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 May 2023) (1958).

Criminal Investigation (Covert Powers) Act 2012 – Annual Report 1 July 2021 – 30 June 2022 by the Corruption and Crime Commission: Western Australia Police Force (1974).

Electronic Conveyancing Act 2014 – WA Operating Requirements, Version 6.2 (1975).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations (No. 2) 2023 G.G. 19/05/2023) (1976).

Fish Resources Management Act 1994 – Management Plans (Warnbro Sound (Crab) Management Plan Revocation 2023 G.G. 26/05/2023) (1977).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2023 G.G. 16/05/2023) (1978).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Cockburn Sound and Warnbro Sound) Amendment Order 2023 G.G. 19/05/2023) (1979).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery) Revocation Order 2023 G.G. 16/05/2023) (1980).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 3) 2023 G.G. 23/05/2023) (1981).

Jetties Act 1926; Marine and Harbours Act 1981; Perth Parking Management Act 1999; Road Traffic (Administration) Act 2008; Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012; Shipping and Pilotage Act 1967; Transport (Road Passenger Services) Act 2018; Transport Co-ordination Act 1966; Western Australian Marine Act 1982; Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 19/05/2023) (1982).

Jetties Act 1926; Road Traffic (Vehicles) Act 2012 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2023 G.G. 19/05/2023) (1983).

Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2023 G.G. 02/06/2023) (1984).

Legislation Act 2021 – Regulations (Legislation Regulations 2023 G.G. 02/06/2023) (1985).

Local Government Act 1995 – Local Laws (City of Gosnells Bush Fire Brigade Local Law 2023 G.G. 09/06/2023) (1986).

Local Government Act 1995 – Local Laws (Shire of Ashburton Extractive Industries Repeal Local Law 2023 G.G. 16/05/2023) (1987).

Local Government Act 1995 – Local Laws (Shire of Chittering Dogs Local Law 2023 G.G. 06/06/2023) (1988).

Local Government Act 1995 – Local Laws (Shire of Chittering Local Government Property and Public Places Local Law 2023 G.G. 06/06/2023) (1989).

Local Government Act 1995 – Local Laws (Shire of Chittering Standing Orders Local Laws 2023 G.G. 06/06/2023) (1990).

Local Government Act 1995 – Local Laws (Shire of Westonia Fencing Local Law 2023 G.G. 23/05/2023) (1991).

Local Government Act 1995 – Local Laws (Shire of Westonia Shipping and/or Sea Container Local Law 2023 G.G. 23/05/2023) (1992).

Local Government Act 1995 – Local Laws (Shire of Westonia Westonia Historical Precinct Local Law 2023 G.G. 23/05/2023) (1993).

Local Government Act 1995 – Local Laws (Town of Bassendean Parking Amendment Local Law 2023 G.G. 26/05/2023) (1994).

Local Government Act 1995 – Regulations (Local Government (Functions and General) Amendment Regulations 2023 G.G. 19/05/2023) (1995).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 2) 2023 G.G. 02/06/2023) (1996).

Metropolitan Water Supply, Sewerage, and Drainage Act 1909 – By-laws (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 2023 G.G. 19/05/2023) (1997).

Misuse of Drugs Act 1981 – Orders (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2023 G.G. 19/05/2023) (1998).

Misuse of Drugs Act 1981 – WA Police Force Annual Report 2021–22 (1999).

Planning and Development Act 2005 – Ministerial Order and Reasons in accordance with section 76(1) of the Act relating to Lot 9501 (No. 9) Cheriton Road, Gingin (2000).

Road Traffic Act 1974 – Regulations (Road Traffic (Events on Roads) Amendment Regulations 2023 G.G. 02/06/2023) (2001).

Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations 2023 G.G. 02/06/2023) (2002).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations 2023 G.G. 19/05/2023) (2003).

Swan and Canning Rivers Management Act 2006 – Regulations (Swan and Canning Rivers Management Amendment Regulations (No. 2) 2023 G.G. 02/06/2023) (2004).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 31 March 2022 (2005).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 30 June 2022 (2006).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 31 December 2022 (2007).

Western Australian Planning Commission – Improvement Plan No. 58: Koondoola Neighbourhood Centre, April 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 June 2023) (1959).

Work Health and Safety Act 2020 – Regulations (Work Health and Safety (General) (Fees) Amendment Regulations 2023 G.G. 19/05/2023) (2008).

#### **4. Speaker's Statement – Speaker's Delegation to India and Bhutan**

The Speaker advised members that from Sunday, 28 May to Sunday, 11 June 2023, she led a delegation to India and Bhutan. The delegation consisted of the members for Riverton, Cottesloe, Cockburn, Belmont, and the Clerk.

The Speaker advised she would table a report of the visit in August.

#### **5. Notices of Motion**

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

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

#### **7. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier on the Reconstitution of the Ministry.

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#### *Papers*

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

By the Premier –

Premier – Administration of Departments, Authorities, Statutes and Votes, 8 June 2023 (2012).

Ministers' Representation in the Other House – Allocation of Portfolios as at 8 June 2023 (2013).

Coordinating Ministers – Cook Labor Government as at 8 June 2023 (2014).

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#### *Speaker's Statement – Chamber Seating*

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

The Premier on the provision of support to stabilise Griffin Coal operations.

The Minister for Culture and the Arts on the Wardandi Noongar artist Sandra Hill receiving the Red Ochre Award for Lifetime Achievement at the recent Australia Council for the Arts First Nations Arts and Culture Awards.

The Minister for Culture and the Arts on Mr Iain Grandage receiving the 2023 Woodside Arts and Culture Award.

The Attorney General on the performance and operation of the Gender Reassignment Board.

The Minister for Police on the tragic loss of Constable Anthony Woods, killed in the line of duty.

The Minister for Aboriginal Affairs on the implementation of the *Aboriginal Cultural Heritage Act 2021*.

## **8. Appropriation (Recurrent 2023–24) Bill 2023**

### **Appropriation (Capital 2023–24) Bill 2023**

The Order of the Day for the presentation of the reports and minutes of Estimates Committees A and B was read.

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#### *Papers*

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

By the Deputy Speaker –

Estimates Committee A – Report and Minutes, Estimates Committee A 2023 (2015).

Estimates Committee B – Report and Minutes, Estimates Committee B 2023 (2016).

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Question proposed, That the report of Estimates Committee A be adopted.

The report of Estimates Committee A was as follows –

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the *Appropriation (Recurrent 2023–24) Bill 2023* and *Appropriation (Capital 2023–24) Bill 2023*:

Division Nos	1 and 2;
	3 (Services 1 to 3 and 6);
	4 to 13;
	14 (Services 1 to 7);
	16 (Services 1 to 4);
	17 to 20;
	24 and 26;
	27 (Services 1 to 10);
	28;
	30 to 34;
	35 (Services 1 to 6, 10 and 11); and
	42 (Service 2).

and agreed to the clauses, schedules and titles of the Bills without amendment.

Debate ensued.

Question put and passed.

Question proposed, That the report of Estimates Committee B be adopted.

The report of Estimates Committee B was as follows –

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the *Appropriation (Recurrent 2023–24) Bill 2023* and *Appropriation (Capital 2023–24) Bill 2023*:

Division Nos	3 (Services 4 and 5);
	14 (Services 1 to 7);
	15 (Services 1 to 7);
	21 to 25;
	29;

35 (Services 1 to 9);  
 36 (Services 1 to 16);  
 37 to 40;  
 41 (Services 1 to 3 and 5);  
 42 (Services 1 to 10);  
 43 (Services 1 to 4); and  
 44 to 47.

Debate ensued.

Question put and passed.

The Treasurer moved, That the Appropriation (Recurrent 2023–24) Bill 2023 be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Dr D.J. Honey speaking) and adjourned until a later stage of the sitting.

### **9. Speaker's Statement – Acting Speaker**

The Speaker advised members that the member for Hillarys was released from the office of Acting Speaker and that today she had appointed the member for Carine as an Acting Speaker for the remainder of the present session.

### **10. Speaker's Statement – Media Presence**

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

### **11. Questions**

Questions without Notice were taken.

Question on Notice No. 817 was asked.

Questions on Notice Nos 720, 723, 724, 726, 727, 729 to 734, 737, 740 to 742, 753, 754, 760 to 776, 778 to 785, 788 to 791, 793 to 807, 809 to 814 and 816 were answered.

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Paper tabled by the Minister for Transport –

Question on Notice No. 807 – METRONET Projects under Development (2010).

Paper tabled by the Minister for Health; Mental Health –

Question on Notice No. 720 – Ministerial Expert Panel Report on Assisted Reproductive Technology and Surrogacy and the Government's Response (2009).

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### **12. Speaker's Statement – Member Surveys**

The Speaker advised members of surveys to provide feedback on the services provided by the Legislative Assembly and the Parliamentary Services Department. The results of the surveys will appear in the departmental annual reports, and feedback is used to improve services, where possible.

### 13. Matter of Public Interest – Aboriginal Cultural Heritage Bill 2021

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 notes the Government's shambolic introduction, consultation and commencement of the Aboriginal Cultural Heritage Bill 2021 and calls on the Premier to delay the implementation of the Act for a period of at least six months.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (5)

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

Ms L. Mettam  
Mr P.J. Rundle

Ms M.J. Davies (*Teller*)

#### Noes (45)

Mr S.N. Aubrey  
Mr G. Baker  
Dr A.D. Buti  
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 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  
Dr J. Krishnan  
Mr P. Lilburne  
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  
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  
Ms C.M. Tonkin  
Mr R.R. Whitby  
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. 1 be resumed.

### 15. Appropriation (Recurrent 2023–24) Bill 2023

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

Debate resumed.

Question put and passed.

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

### 16. Appropriation (Capital 2023–24) Bill 2023

The Order of the Day for the third reading of the bill having been read, the Treasurer 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. Young Offenders Amendment Bill 2023**

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 14 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Corrective Services 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.

### **18. Liquor Control Amendment (Banned Drinkers Register) Bill 2023**

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

Debate resumed.

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

Question put and passed.

### **19. Message from the Deputy of the Governor**

Message No. 16 from His Excellency the Deputy of the Governor was reported assenting to the Major Events Bill 2023, Act No. 12 of 2023.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 6.24 pm until Wednesday, 14 June 2023 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Ms L.L. Baker, Ms M. Beard, Ms H.M. Beazley, Ms K.E. Giddens, Ms A. Sanderson and Mr P.C. Tinley.

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

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