

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 98

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 22 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. 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 – The use of confinement and management regimes (Received by the Speaker of the Legislative Assembly on 17 October 2022 and held for a period of 30 days) (1687).

By the Clerk –

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 4) 2022 G.G. 18/11/2022) (1688).

Electoral Act 1907 – Regulations (Electoral Amendment Regulations 2022 G.G. 18/11/2022) (1689).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations (No. 2) 2022 G.G. 18/11/2022) (1690).

Industrial Relations Act 1979 – Regulations (Industrial Relations (General) Amendment Regulations 2022 G.G. 18/11/2022) (1691).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 4) 2022 G.G. 18/11/2022) (1692).

Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2022 G.G. 18/11/2022) (1693).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations 2022 G.G. 18/11/2022) (1694).

Police Act 1892 – Regulations (Police Force Amendment Regulations 2022 G.G. 18/11/2022) (1695).

Prisons Act 1981 – Regulations (Prisons Amendment Regulations (No. 2) 2022 G.G. 18/11/2022) (1696).

Prisons Act 1981; Sentence Administration Act 2003 – Regulations (Corrective Services Regulations Amendment (Firearms) Regulations 2022 G.G. 18/11/2022) (1697).

Prohibited Behaviour Orders Act 2010; Restraining Orders Act 1997 – Regulations (Attorney General Regulations Amendment (Firearms) Regulations 2022 G.G. 18/11/2022) (1698).

Public Sector Commission – State of the WA Government Sector Workforce 2021–2022 (1699).

Public Transport Authority Act 2003 – Regulations (Public Transport Authority Amendment Regulations (No. 2) 2022 G.G. 18/11/2022) (1700).

State Coroner for Western Australia, Office of the – Annual Report 2021–2022 (1701).

Transport (Road Passenger Services) Act 2018 – Regulations (Transport (Road Passenger Services) Amendment Regulations (No. 2) 2022 G.G. 18/11/2022) (1702).

3. Public Accounts Committee

The Speaker reported that a response by the Minister for Transport, Minister for Education, and Minister for Disability Services to the recommendations of the Public Accounts Committee's *Report No. 6: Bus Fair: The report of the inquiry into the Student Transport Assistance Policy framework* had not been received by the required time.

4. Removal of Orders of the Day

The Speaker advised that Private Members' Business Orders of the Day, *The Planning Portfolio*, and *State Education System* had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

5. Notices of Motion

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the 2023 Fringe World Program.

The Minister for Transport on the announcement that Main Roads will not proceed with the current planning study for Charles Street.

The Minister for Women's Interests on the annual National Association of Women in Construction Excellence Awards.

The Minister for Child Protection on a Department of Communities local initiative aimed at supporting foster and family carers.

7. Directors' Liability Reform Bill 2022

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

Debate resumed.

Debate interrupted by the Chair (Attorney General – continuation of remarks in reply) and adjourned until a later stage of the sitting.

8. Questions

Questions without Notice were taken.

Questions on Notice Nos 557, 559, 563, 566, 567, 571, 573 to 577, 580, 584 to 586 and 588 to 592 were answered.

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

Question on Notice No. 591 – Number of Staff by public sector departments and agencies as at June 2022 (1703).

9. Suspension of Standing Orders

Ms M.J. Davies, 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 Premier for his 90-minute secret meeting into Banksia Hill Detention Centre and calls on him to listen to the experts calling for an independent inquiry into the youth justice system.

Debate ensued.

The Leader of the House 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.

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.

10. Youth Justice System

Ms M.J. Davies, pursuant to the foregoing motion, moved,

That this House condemns the Premier for his 90-minute secret meeting into Banksia Hill Detention Centre and calls on him to listen to the experts calling for an independent inquiry into the youth justice system.

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 (47)

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
Ms L. Dalton
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
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 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 D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

11. Matter of Public Interest – Gold Corporation Governance

The Speaker informed the Assembly that she 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 calls on the Premier and Minister for Mines and Petroleum to take responsibility for the governance failures exposed at Gold Corporation putting the WA public at risk of incurring huge financial liability, and damage to our State's reputation.

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 (44)

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
Ms L. Dalton
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
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 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
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

12. Variation to the Order of Business

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

13. Directors' Liability Reform 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 and 2 agreed to.

Clause 3.

The Attorney General moved,

Page 4, after line 2 — To insert:

(2A) Despite section 2(i), if the *Emergency Management Amendment (Temporary COVID-19 Provisions) Act 2022* section 30 comes into operation on or before commencement day, section 53A of this Act —

(a) does not come into operation; and

(b) is deleted.

Amendment put and passed.

Clause 3, as amended, agreed to.

Clauses 4 to 53 agreed to.

New Clause 53A

The Attorney General moved,

Page 26, after line 8 — To insert:

53A. Section 77X amended

After section 77X(1)(f) insert:

- (fa) section 98(2) is to be read as if a reference to a direction given under section 47(1), 71(1) or 75(1) included a reference to a direction given under section 77O(1);

New Clause 53A agreed to.

Clauses 54 to 168 agreed to.

Title agreed to.

Consideration in detail concluded.

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

14. Swan and Canning Rivers Management 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.

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

Question put and passed.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.04 pm until Wednesday, 23 November 2022 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs R.M.J. Clarke, Ms D.G. D'Anna, Ms K.E. Giddens and Ms A.E. Kent.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly