

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 195

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 10 SEPTEMBER 2024

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. Petition

Leeuwin Offshore Wind Farm Project – Ms L. Mettam presented an e-petition from 1462 people asking the Premier and Minister for Environment to oppose the proposed Leeuwin Offshore Wind Farm project in the interest of the health and wellbeing of Western Australian residents. This project will potentially impact the marine mammals, fish, birdlife and unique reefs for the long term, and directly impact recreational and commercial fishing industry and related tourism industries (P. 64).

3. Papers

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

By the Clerk –

Auditor General, Office of the – Legislative Reform Priorities and Timeframes, Report 2, 19 August 2024 (Received by the Clerk of the Legislative Assembly and deemed tabled on 19 August 2024) (3033).

Children's Court of Western Australia Act 1988; District Court of Western Australia Act 1969; Magistrates Court Act 2004; Supreme Court Act 1935 – Regulations (Court Fees Regulation Amendment Regulations 2024) (3035).

Combat Sports Act 1987 – Rules (Mixed Martial Arts Contest Amendment Rules (No. 2) 2024 G.G. 27/08/2024) (3036).

Community Protection (Offender Reporting) Act 2004; Security and Related Activities (Control) Act 1996; Surveillance Devices Act 1998 – Regulations (Police Regulations Amendment (Criminal Law Mental Impairment) Regulations 2024) (3037).

Criminal Law (Mental Impairment) Act 2023 – Regulations (Criminal Law (Mental Impairment) Regulations 2024) (3038).

Declared Places (Mental Impairment) Act 2015 – Regulations (Declared Places (Mentally Impaired Accused) Amendment Regulations 2024) (3039).

Economic Regulation Authority – Annual Report 2023–2024 (3040).

Education and Health Standing Committee – Minister for Training and Workforce Development; Water; Industrial Relations response to the Education and Health Standing Committee Report New Bite; How Alternative proteins could improve dietary and planetary health, Report 7 (3041).

Fair Trading Act 2010 – Notices (Consumer Goods (Infant Sleep Products) Safety Standard 2024 G.G. 12/08/2024) (3042).

Fair Trading Act 2010 – Standards (Consumer Goods (Infant Products) Information Standard 2024 G.G. 12/08/2024) (3043).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Agriculture and Food; Forestry; Small Business relevant to the Legislative Council 2024–2025 Budget Estimates Hearing on 26 June 2024 (3044).

Freedom of Information Act 1992; Legal Profession Uniform Law Application Act 2022 – Regulations (Attorney General Regulations Amendment (Criminal Law Mental Impairment) Regulations 2024) (3045).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 5) 2024) (3046).

Industrial Relations Act 1979 – Regulations (Industrial Arbitration (Union Elections) Amendment Regulations (No. 2) 2024) (3047).

Industrial Relations Act 1979 – Regulations (Industrial Arbitration (Union Elections) Amendment Regulations 2024) (3048).

Inspector of Custodial Services, Office of the – People in custody with an intellectual disability, July 2024 (Received by the Speaker of the Legislative Assembly on 23 July 2024 and held for a period of 30 days, deemed tabled on 23 August 2024) (3034).

Local Government Act 1995 – Local Laws (City of Bunbury Bush Fire Brigades Local Law 2024 G.G. 29/08/2024) (3049).

Lotterywest – Statement of Corporate Intent 2024–2025 (3050).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 3) 2024) (3051).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 4) 2024) (3052).

National Gas Access (WA) Act 2009 – Regulations (National Gas Access (WA) (Act Amendment) Regulations 2024) (3053).

National Gas Access (WA) Act 2009 – Regulations (National Gas Access (WA) (Part 3) Amendment Regulations 2024) (3054).

Road Traffic (Administration) Act 2008 – Regulations (Road Traffic (Administration) Amendment Regulations (No. 2) 2024) (3055).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2024) (3056).

School Education Act 1999 – Regulations (School Education (Student Residential Colleges) Amendment Regulations 2024) (3057).

4. Speaker's Statement – Staffing Appointments

The Speaker advised that Mathew Bates, the new Clerk of the Legislative Assembly, commenced on 19 August and that today was his first day in the chamber in the role. The Speaker also advise that, after a period as Acting Clerk, Liz Kerr took up her permanent position as Deputy Clerk on the same day. Finally, Ms Catie Parsons will be commencing as Clerk

Assistant (Procedure) next week. Catie has supported various committees since she joined in the Legislative Assembly in 2013.

5. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –
No. 20 – 20 August 2024

Appropriation (Recurrent 2024–25) Bill 2024, Act No. 25 of 2024.

Appropriation (Capital 2024–25) Bill 2024, Act No. 26 of 2024.

No. 26 – 30 August 2024

Duties Amendment (First Home Owner Concessions) Bill 2024, Act No. 27 of 2024.

6. Messages from the Governor

Messages from His Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –

Evidence Amendment Bill 2024 (Message No. 21).

Local Government Amendment Bill 2024 (Message No. 22).

Towing Services Bill 2024 (Message No. 23).

Environmental Protection Amendment Bill 2024 (Message No. 24).

Community Protection (Offender Reporting) Amendment Bill 2024 (Message No. 25).

7. Duties Amendment (First Home Owner Concessions) Bill 2024

Message No. 148 dated 21 August 2024 from the Legislative Council was reported agreeing to the bill without amendment.

8. Brief Ministerial Statement

A Brief Ministerial Statement was made by –

The Minister for Sport and Recreation on the Paris 2024 Paralympic Games.

9. Notice of Motion after the Time Prescribed

Ms L. Mettam was granted leave to present a late notice of motion.

10. Family Violence Legislation Reform Bill 2024

Message No. 149 dated 22 August 2024 from the Legislative Council was reported as follows –
The Legislative Council acquaints the Legislative Assembly that it has agreed to the Family Violence Legislation Reform Bill 2024 subject to the amendments contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Family Violence Legislation Reform Bill 2024

No. 1

Clause 4, page 3, after line 11 — To insert:

(2A) In section 3(1) in the definition of *designated family relationship*:

(a) in paragraph (c) delete “other;” and insert:

other; or

(b) after paragraph (c) insert:

(d) one of whom is a child who —

(i) ordinarily resides, or resided, with the other person; or

(ii) regularly resides or stays, or resided or stayed, with the other person;

or

(e) one of whom is, or was, a child of whom the other person is a guardian;

No. 2

Clause 50, page 38, after line 29 — To insert:

(3) In section 4(2) in the definition of *designated family relationship*:

(a) in paragraph (c) delete “other;” and insert:

other; or

(b) after paragraph (c) insert:

(d) one of whom is a child who —

(i) ordinarily resides, or resided, with the other person; or

(ii) regularly resides or stays, or resided or stayed, with the other person;

or

(e) one of whom is, or was, a child of whom the other person is a guardian;

No. 3

Clause 53, page 45, line 4 — To delete “(1)(e)(i),” and insert:

(1)(c), (d), (e)(i),

No. 4

Clause 61, page 54, after line 29 — To insert:

- (3) In section 4(1) in the definition of *designated family relationship*:
- (a) in paragraph (c) delete “other;” and insert:

other; or
 - (b) after paragraph (c) insert:

(d) one of whom is a child who —
 - (i) ordinarily resides, or resided, with the other person; or
 - (ii) regularly resides or stays, or resided or stayed, with the other person;or
 - (e) one of whom is, or was, a child of whom the other person is a guardian;

Ordered by leave, That Legislative Council Message No. 149 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment Nos 1, 2 and 4 be agreed to.

Amendments put and passed.

The Attorney General moved, That amendment No.3 be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

11. Police Legislation Amendment Bill 2024

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 5 agreed to.

Clause 6.

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

12. Questions

Questions without Notice were taken.

Question on Notice Nos 1255 to 1379 were asked.

Question on Notice Nos 1140, 1142 to 1149, 1151 to 1156, 1162 to 1165, 1167 to 1171, 1173 to 1175, 1177 to 1182, 1184 to 1186, 1188, 1190 to 1192, 1194 to 1199, 1201 to 1205, 1207 to 1209, 1211 to 1216, 1218 to 1222, 1224 to 1226, 1228 to 1232, 1234, 1237, 1243 and 1247 to 1249 were answered.

Paper tabled by the Minister for International Education –

Question on Notice No. 1140 – Unique school enrolments and breakdown (3058)

13. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

14. Removal of Orders of the Day

The Speaker advised that Private Members' Business Orders of the Day, The Future of Energy in Western Australia and Workforce and Industries Skills Supply in Western Australia, have not been debated for more than 12 calendar months and have been removed from the Notice Paper.

15. Matter of Public Interest – Corrective Services Portfolio

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

At least five members having risen in support,

Ms L. Mettam moved,

This House condemns the Minister for Corrective Services and the Cook Labor Government for the second juvenile death in custody and for failing to protect the rights and safety of children in juvenile detention, including ignoring repeated calls to close Unit 18.

Debate ensued.

Question put.

The Assembly divided.

Ayes (5)

Ms M. Beard
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 H.M. Beazley
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 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 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
Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw
Ms R.S. Stephens
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Ms C.M. Rowe (*Teller*)

Question thus negatived.

16. Variation to the Order of Business

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

17. Police Legislation Amendment Bill 2024

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

CONSIDERATION IN DETAIL

Clauses 6 to 36 agreed to.

Title agreed to.

Consideration in detail concluded.

Ms L. Mettam moved,

That the House reconsider the Police Legislation Amendment Bill 2024 for the purpose of examining Clause 9.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 9 agreed to.

Reconsideration in detail concluded.

Sitting suspended from 5.54 pm to 6.01 pm.

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

The Minister for Police 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. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.16 pm until Wednesday, 11 September 2024 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms M.J. Davies, Ms K.E. Giddens, Mr M. Hughes, Ms A.E. Kent, Mrs M.R. Marshall, Mr D.R. Michael and Mr R.R. Whitby.

MATHEW BATES
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly

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