

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 150

THURSDAY, 19 OCTOBER 2023, 9.00 am

Acknowledgement of Country

Prayers

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements

Questions Without Notice – approximately 2.00 pm each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.00 pm to 7.00 pm Wednesdays

Grievances – approximately 9.00 am Thursdays

Private Members' Statements – 12.50 pm Thursdays

GOVERNMENT BUSINESS – NOTICES OF MOTION

1. **Suspension of Standing Orders – Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023** (Notice given – 18/10/23)

The Leader of the House: To move –

That so much of Standing Orders be suspended as is necessary to enable the third reading of the Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023 to be moved forthwith following consideration in detail.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023** (Treasurer) (No. 122, 2r. – 9/8/23)

Second reading. Adjourned debate (Mr P.J. Rundle).

2. **Statutes (Repeals and Minor Amendments) Bill 2021** (Attorney General) (LC No. 2, 2r. – 24/11/22)

Second reading. Adjourned debate (Mr R.S. Love).

3. **Legal Deposit Amendment Bill 2023** (Minister for Culture and the Arts) (LC No. 104, 2r. – 22/6/23)

Second reading. Adjourned debate (Leader of the House).

4. **Guardianship and Administration Amendment (Medical Research) Bill 2023** (Attorney General) (LC No. 102, 2r. – 23/3/23)

Second reading. Adjourned debate (Ms M.J. Hammat – continuation of remarks).

- 5. Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023** (Minister for Police) (No. 128, 2r. – 30/8/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 6. Electricity Industry Amendment (Alternative Electricity Services) Bill 2023** (Minister for Energy) (No. 126, 2r. – 16/8/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 7. Vocational Education and Training Amendment Bill 2023** (Minister for Training) (No. 129, 2r. – 30/8/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 8. Mining Amendment Bill 2023** (Minister for Mines and Petroleum) (LC No. 107, 2r. – 22/6/23)
Second reading. Adjourned debate (Ms M. Beard).
- 9. Public Education Endowment Repeal Bill 2023** (Minister for Education) (No. 133, 2r. – 11/10/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 10. Health Practitioner Regulation National Law Application Bill 2023** (Minister for Health) (No. 131, 2r. – 11/10/23)
Second reading. Adjourned debate (Ms M. Beard).
- 11. Reserves Bill 2023** (Minister for Lands) (No. 134, 2r. – 11/10/23)
Second reading. Adjourned debate (Ms M. Beard).
- 12. Planning and Development Amendment Bill 2023** (Minister for Planning) (No. 132, 2r. – 18/10/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 13. Western Australian Marine Amendment Bill 2023** (Minister Assisting the Minister for Transport) (No. 135, 2r. – 18/10/23)
Second reading. Adjourned debate (Mr P.J. Rundle).
- 14. Premier's Statement**
Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

- 1. Western Australia's Energy Network** (Moved – 19/10/22)
Adjourned debate (Ms J.J. Shaw – continuation of remarks) on the motion moved by Dr D.J. Honey –
That this House condemns the McGowan Labor Government and its Minister for Energy for five and a half years of ongoing mismanagement of our State's energy network that is leaving households and business vulnerable to blackouts.
- 2. Cost of Living Emergency in Western Australia** (Moved – 26/10/22)
Adjourned debate (Minister for Finance – continuation of remarks) on the motion moved by Ms L. Mettam –
That this House calls for the McGowan Labor Government to address the impact of increased demand and rising costs of delivery from community organisations supporting WA families through the ongoing cost of living emergency.
- 3. Referral to the Public Accounts Committee** (Moved – 16/11/22)
Adjourned debate (Ms C.M. Rowe) on the motion moved by Mr P.J. Rundle –

That this House requests the Public Accounts Committee to inquire into and report by 31 May 2023 on the Public Trustee's administration of trusts and deceased estates, including –

- (1) inviting submissions from the public regarding experiences with the Public Trustee;
- (2) reviewing the implications of a self-funded model of delivery on estates and trusts under the responsibility of the Public Trustee;
- (3) reviewing the fees and charges of the Public Trustee together with the communication protocols used for informing clients of the statements of their estates and trusts;
- (4) reviewing level of fee subsidisation across estates and trusts; and
- (5) reviewing supplier policies and procedures.

4. Western Australia's Education System (Moved – 16/11/22)

Adjourned debate (Parliamentary Secretary to the Minister for Education and Training – continuation of remarks) on the motion moved by Mr P.J. Rundle –

That this House calls on the McGowan Labor Government to take responsibility for the mess of Western Australia's education system and take immediate action to address systemic issues impacting students and staff.

5. Management of the Health System in Western Australia (Moved – 23/11/22)

Adjourned debate (Mr S.A. Millman – continuation of remarks) on the motion moved by Ms L. Mettam –

That this House condemns the Minister for Health and the McGowan Government for their shambolic management of the health system which has a series of failings and continues to put health workers and WA families across the state at risk.

6. Pressures impacting WA Households (Moved – 30/11/22)

Adjourned debate (Ms J.J. Shaw – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House condemns the McGowan Labor Government's failure to address the rising crises across multiple portfolios, including the failure to respond to the pressures impacting Western Australian households, despite sitting on a massive \$6 billion surplus.

7. Crime and Crucial Services (Moved – 22/2/23)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Mr R.S. Love –

That the House condemns the McGowan Labor Government for their gross neglect of crucial services which has allowed crime to run rampant and exposed communities to unprecedented levels of criminality.

8. Western Australia's Health System (Moved – 15/3/23)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Ms L. Mettam –

That the House condemns the McGowan Government for its failure to implement key recommendations from the three different inquiries into Aishwarya Aswath's death at Perth Children's Hospital and its ongoing failures to understand, acknowledge and manage the challenges facing the health system, putting patients and staff at risk.

9. Housing Crisis (Moved – 22/3/23)

Adjourned debate (Mr D.A.E. Scaife – continuation of remarks) on the motion moved by Mr R.S. Love –

That the House implores the McGowan Labor Government take a state-wide, holistic look at the housing crisis and consider innovative solution to prevent the housing crisis from worsening.

10. Cost of Living Pressures on West Australian Households (Moved – 29/3/23)

Adjourned debate (Minister for Early Childhood Education – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House decries the McGowan Labor Government for its failure to deliver key services and meet budget commitments, compounding cost of living pressures on West Australian households.

11. Western Australian Families and Households (Moved – 10/5/23)

Adjourned debate (Ms M.J. Hammat – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House calls upon the McGowan Labor Government to use the upcoming 23/24 State Budget to address the many failures impacting Western Australian families and households.

12. Regional Communities (Moved – 17/5/23)

Adjourned debate (Ms J.L. Hanns – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House condemns the out-of-sight out-of-mind approach of this McGowan Labor Government to regional communities, which deserve better than six years of harmful neglect and systematic disenfranchisement from this Labor Government.

13. Ministerial Portfolios (Moved – 14/6/23)

Adjourned debate (Minister for Ports – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House laments the failure of the Premier to put in place a refreshed Cabinet in the recent reshuffle, given the multiple failures across a range of portfolios.

14. WA Health System (Moved – 21/6/23)

Adjourned debate (Dr J. Krishnan – continuation of remarks) on the motion moved by Ms L. Mettam –

That the House condemns the six years of mismanagement of the WA health system by the WA Labor Government, with dangerous staffing levels, unacceptable elective surgery wait times, and a shocking range of issues across our health system putting patients lives and healthcare workers at risk.

15. Regional Representation in the Legislative Assembly (Moved – 9/8/23)

Adjourned debate (Ms C.M. Rowe) on the motion moved by Ms M.J. Davies –

That the House calls upon the WA Labor Government to amend the *Electoral Act 1907* to raise the calculation metric of the Large District Allowance from 1.5 percent to 3 percent thereby providing assurance of continued regional representation in this House, which Western Australian communities deserve.

16. Women's and Babies Hospital (Moved – 9/8/23)

Adjourned debate (Parliamentary Secretary to the Minister for Health – continuation of remarks) on the motion moved by Ms L. Mettam –

That this House condemns the WA Labor Government's decision to abandon the new Women's and Babies Hospital at QEII in Nedlands in favour of Fiona Stanley in Murdoch 20kms south of the city and not co-located with the Perth Children's Hospital, and calls on the Health Minister to listen to medical experts and family advocacy groups and rethink her Captain's call.

17. The Future of Energy in Western Australia (Moved – 16/8/23)

Adjourned debate (Minister for Energy – continuation of remarks) on the motion moved by Dr D.J. Honey –

This House condemns the WA Labor Government’s neglect of the State’s future of energy and its inability to safeguard a dependable energy supply, enable development, process approvals, and thereby risks Western Australia’s energy security and the economic development of our State.

18. Workforce and Industries Skills Supply in Western Australia (Moved – 30/8/23)

Adjourned debate (Mr T.J. Healy – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House condemns the WA Labor Government’s stark failure to adequately address the ongoing skills crisis plaguing our State, failure to properly prioritise the fundamental needs of our workforce and industries, and inability to work with the Federal Labor Government to bolster our skills supply.

19. Prioritising Student needs in the WA Education System (Moved – 13/9/23)

Adjourned debate (Mr T.J. Healy – continuation of remarks) on the motion moved by Mr P.J. Rundle –

That this House condemns the WA Labor Government’s continued neglect of the State’s education system and acknowledges its failure to prioritise the needs of students throughout the entire State.

20. Primary Industries in WA (Moved – 20/9/23)

Adjourned debate (Ms J.L. Hanns – continuation of remarks) on the motion moved by Mr P.J. Rundle on behalf of Mr R.S. Love –

This House condemns the WA Labor Government for its blatant disregard for primary industries, as evidenced by the ill-considered fishing policies, its abrupt ban of native forest harvesting, and its failure to stand against Federal Labor’s devastating live sheep export ban, weakening the foundation of Western Australia’s economy and betraying the livelihoods of regional Western Australians.

21. WA Cook Labor Government (Moved – 11/10/23)

Adjourned debate (Deputy Premier – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House condemns the WA Labor Government for its actions in the first 100 days of Premier Cook’s leadership – a leadership marked by government overreach and of arrogant dismissal of the concerns of West Australians, underscoring the urgent need for a change in government.

22. The Management of WA’s Health System (Moved – 18/10/23)

Adjourned debate (Ms H.M. Beazley – continuation of remarks) on the motion moved by Ms L. Mettam –

That this House condemns WA Labor’s years of neglect and mismanagement of the WA health system and its failure to prioritise patient safety and support our hardworking health workers.

- * Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.
 ‡ Denotes second reading debate on the bill is being undertaken cognately with a principal bill, and no further second reading debate will occur.

COMMITTEES TO REPORT

Committee	Date Due
Joint Standing Committee on the Corruption and Crime Commission: What happens next? Beyond a finding of serious misconduct.	30 November 2023
Education and Health Standing Committee: Inquiry into support for autistic children and young people in schools.	21 March 2024
Economics and Industry Standing Committee: Inquiry into matters relating to the WA Domestic Gas Policy.	30 May 2024
Community Development and Justice Standing Committee: Inquiry into the options available to survivors of institutional child sexual abuse in Western Australia who are seeking justice	20 June 2024
Public Accounts Committee: Inquiry into how the Western Australian Government's progress towards achieving Environmental, Social and Governance (ESG) outcomes is assisting to secure international investment	31 August 2024

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

Committee	Ministers to Respond	Date Due
Economics and Industry Standing Committee: Report No. 5: A Long-term Partnership: Developing Stronger Ties with Indonesia	Premier; Minister for State and Industry Development; Public Sector Management; Federal-State Relations	17 November 2023
Joint Standing Committee on the Corruption and Crime Commission: Report No. 10: Annual Report 2022–23	Minister for Police	12 January 2024

NOTICES AND AMENDMENTS

Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023 (No. 122 – 1)

Clause 8

Deputy Premier representing the Minister for Finance — To move:

Page 6, lines 27 and 28 — To delete the lines and substitute:

concessional off-the-plan agreement means —

- (a) a concessional pre-construction agreement; or
- (b) a concessional under construction agreement;

concessional pre-construction agreement has the meaning given in section 266F;

concessional under construction agreement has the meaning given in section 266FA;

Deputy Premier representing the Minister for Finance — To move:

Page 7, after line 25 — To insert:

replacement transaction, in relation to a cancelled transaction, has the meaning given in section 107(1);

Deputy Premier representing the Minister for Finance — To move:

Page 7, after line 27 — To insert:

subsale transaction, in relation to a cancelled transaction, has the meaning given in section 107(1);

Deputy Premier representing the Minister for Finance — To move:

Page 8, line 3 — To delete “*off-the-plan*” and substitute:

pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 8, line 16 — To delete “*off-the-plan*” and substitute:

pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 8, line 26 — To delete “concessional-off-the-plan” and substitute:

concessional pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 9, lines 4 to 6 — To delete the lines and substitute:

- (3) Despite subsections (1) and (2), an agreement (the *relevant agreement*) to which either of those subsections applies is not a *concessional pre-construction agreement* —

Deputy Premier representing the Minister for Finance — To move:

Page 9, line 7 — To insert after “the”:

relevant

Deputy Premier representing the Minister for Finance — To move:

Page 9, line 19 — To insert after “the”:

relevant

Deputy Premier representing the Minister for Finance — To move:

Page 9, lines 21 to 27 — To delete the lines and substitute:

- (c) if the relevant agreement is a replacement transaction in relation to a cancelled transaction; or
- (d) if the relevant agreement is a subsale transaction in relation to a cancelled transaction that was a concessional pre-construction agreement; or

Deputy Premier representing the Minister for Finance — To move:

Page 9, line 29 — To insert before “agreement”:

relevant

Deputy Premier representing the Minister for Finance — To move:

Page 10, line 3 — To insert after “the”:

relevant

Deputy Premier representing the Minister for Finance — To move:

Page 10, after line 6 — To insert:

or

- (f) if the relevant agreement is substantially similar in effect to an earlier cancelled transaction that —
 - (i) was between all of the same parties as the parties to the relevant agreement, except that the seller was different; and
 - (ii) was entered into before 23 October 2019.

Deputy Premier representing the Minister for Finance — To move:

Page 10, after line 16 — To insert:

266FA. Concessional under construction agreement

- (1) An agreement for the transfer of dutiable property is a ***concessional under construction agreement*** if the agreement is —
 - (a) an agreement for the purchase, from the owner of land to be subdivided by the registration of a multi-tiered scheme or an amendment of a multi-tiered scheme, of a lot in the scheme on which there will be a new residential unit or apartment; and
 - (b) entered into after development for the subdivision commences, but before development for the subdivision is completed; and
 - (c) entered into in the period beginning on 31 August 2023 and ending on 30 June 2025.

- (2) An agreement (the *new agreement*) for the transfer of dutiable property is also a *concessional under construction agreement* if —
- (a) subsection (1)(a) and (b) apply to the new agreement; and
 - (b) the new agreement is substantially similar in effect to an earlier cancelled transaction that —
 - (i) was a concessional under construction agreement under subsection (1); and
 - (ii) was between all of the same parties as the parties to the new agreement, except that the seller was different.
- (3) Despite subsections (1) and (2), an agreement (the *relevant agreement*) to which either of those subsections applies is not a *concessional under construction agreement* if the relevant agreement is —
- (a) a concessional pre-construction agreement to which section 266F(2) applies; or
 - (b) a replacement transaction in relation to a cancelled transaction; or
 - (c) a subsale transaction in relation to a cancelled transaction that was a concessional off-the-plan agreement; or
 - (d) substantially similar in effect to an earlier cancelled transaction that —
 - (i) was between all of the same parties as the parties to the relevant agreement, except that the seller was different; and
 - (ii) was entered into before 31 August 2023.

Deputy Premier representing the Minister for Finance — To move:

Page 10, line 18 — To delete “(2)(a),” and substitute:

(2)(a) and 266FA(1)(a),

Deputy Premier representing the Minister for Finance — To move:

Page 11, line 10 — To insert after “or (2)(a)”:

or 266FA(1)(a)

Deputy Premier representing the Minister for Finance — To move:

Page 11, line 15 — To delete “to which section 266F(1) applies”.

Deputy Premier representing the Minister for Finance — To move:

Page 11, lines 21 to 26 — To delete the lines and substitute:

- (2) This subsection applies to a concessional off-the-plan agreement (the *new agreement*) if the new agreement is substantially similar in effect to an earlier cancelled transaction that —
 - (a) was —
 - (i) if the new agreement is a concessional pre-construction agreement — a concessional pre-construction agreement under section 266F(1); or
 - (ii) if the new agreement is a concessional under construction agreement — a concessional under construction agreement under section 266FA(1);
- and

Deputy Premier representing the Minister for Finance — To move:

Page 12, lines 3 to 11 — To delete the lines.

Deputy Premier representing the Minister for Finance — To move:

Page 14, line 10 — To delete “off-the-plan” and substitute:

pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 15, line 6 — To delete “off-the-plan” and substitute:

pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 16, line 6 — To delete “off-the-plan” and substitute:

pre-construction

Deputy Premier representing the Minister for Finance — To move:

Page 16, after line 6 — To insert:

- (4) Subject to sections 266M(2) and 266N(2)(b), the concession amount for a concessional under construction agreement is the lesser of the following —
- (a) \$50 000;
 - (b) an amount calculated by —
 - (i) determining the applicable concession percentage under the Table according to the dutiable value of the agreement; and
 - (ii) multiplying that percentage by the unadjusted duty amount for the agreement.

Table

Item	Dutiable value	Concession percentage (%)
1.	\$650 000 or less	75
2.	More than \$650 000 but less than \$750 000	Z calculated under subsection (5)
3.	\$750 000 or more	37.5

- (5) The calculation for the purposes of item 2 in the Table to subsection (4) is as follows —

$$Z = 75 - \left(\frac{V - 650\,000}{100} \times 0.0375 \right)$$

where —

V is the dutiable value of the concessional under construction agreement.

Deputy Premier representing the Minister for Finance — To move:

Page 17, lines 4 to 6 — To delete the lines and substitute:

- (i) that relevant property were the subject of a separate concessional pre-construction agreement or concessional under construction agreement (whichever is relevant); and

Clause 9**Deputy Premier representing the Minister for Finance — To move:**

Page 21, line 23 to page 22, line 11 — To delete the lines and substitute:

- (1) If a term used in this clause is given a meaning in section 266E, it has the same meaning in this clause.
- (2) Chapter 6A applies to the imposition of duty on a concessional pre-construction agreement even if the agreement was entered into in the period beginning on 23 October 2019 and ending immediately before commencement day.

Notes for this subclause:

- 1. An agreement entered into before 23 October 2019 is not a concessional pre-construction agreement under section 266F.
- 2. Under section 266F(3), certain agreements are excluded from being concessional pre-construction agreements, including —
 - (a) agreements in relation to which a rebate has been paid under the Off-the-Plan Duty Rebate Scheme (see section 266F(3)(a)); and
 - (b) agreements that were not eligible for a rebate under the Off-the-Plan Duty Rebate Scheme where development for the relevant subdivision of land is completed before 31 August 2023 (see section 266F(3)(b)).
- (2A) Chapter 6A applies to the imposition of duty on a concessional under construction agreement even if the agreement was entered into in the period beginning on 31 August 2023 and ending immediately before commencement day.

Note for this subclause:

An agreement entered into before 31 August 2023 is not a concessional under construction agreement under section 266FA.

Deputy Premier representing the Minister for Finance — To move:

Page 22, lines 22 and 23 — To delete the lines.

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly