

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 131

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 8 AUGUST 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. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 18 – 22 June 2023

Government Trading Enterprises Bill 2022, Act No. 13 of 2023.

No. 19 – 26 June 2023

Collie Coal (Griffin) Agreement Amendment Bill 2023, Act No. 14 of 2023.

Young Offenders Amendment Bill 2023, Act No. 15 of 2023.

Misuse of Drugs Amendment Bill 2023, Act No. 16 of 2023.

3. Message from the Governor

Message No. 20 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Rail Safety National Law Application Bill 2023.

4. 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 Broome Regional Prison, Report No. 149, June 2023 (Received by the Speaker of the Legislative Assembly on 6 July 2023 and held for a period of 30 days) (2057).

By the Clerk –

Aboriginal Cultural Heritage Act 2021 – Regulations (Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023 G.G. 23/06/2023) (2058).

Aboriginal Cultural Heritage Act 2021 – Regulations (Aboriginal Cultural Heritage Amendment Regulations (No. 3) 2023 G.G. 23/06/2023) (2059).

Administration Act 1903 – Orders (Administration (Intestacy Legacy Amounts) Order 2023 G.G. 01/08/2023) (2060).

Adoption Act 1994; Children and Community Services Act 2004 – Regulations (Child Protection Regulations Amendment (Fees and Payments) Regulations 2023 G.G. 30/06/2023) (2061).

Auditor General, Office of the – Better Practice Guide – Audit Readiness, Report No. 26, 30 June 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 June 2023) (2052).

Auditor General, Office of the – Financial Audit Results – Universities and TAFEs 2022, Report No. 27, 30 June 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 June 2023) (2053).

Biodiversity Conservation Act 2016 – Orders (Biodiversity Conservation (Threatened Ecological Communities) Order 2023 G.G. 26/05/2023) (2062).

Births, Deaths and Marriages Registration Act 1998; Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; Classification (Publications, Films and Computer Games) Enforcement Act 1996; Coroners Act 1996; District Court of Western Australia Act 1969; Evidence Act 1906; Fines, Penalties and Infringement Notices Enforcement Act 1994; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 – Regulations (Attorney General Regulations Amendment (Fees and Charges) Regulations 2023) (2063).

Bush Fires Act 1954 – Local Laws (Shire of Dumbleyung Bush Fire Brigades Local Law 2023 G.G. 04/08/2023) (2064).

Cat Act 2011 – Local Laws (Shire of Ashburton Cats Local Law 2023 G.G. 01/08/2023) (2065).

Cemeteries Act 1986 – Local Laws (Shire of Esperance Cemeteries Local Law 2023 G.G. 11/07/2023) (2066).

ChemCentre – Statement of Corporate Intent 2023–2024 (2067).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations (No. 2) 2023) (2068).

Contaminated Sites Act 2003 – Regulations (Contaminated Sites Amendment Regulations 2023 G.G. 30/06/2023) (2069).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Committee Report No. 8 – Unlawful Detention in Public Hospitals – Parliamentary Inspector's report (2071).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Committee Report No. 9 – A Need for Clarity– Parliamentary Inspector's Report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met? (2070).

Corruption and Crime Commission – Serious misconduct risks in a Housing Authority project (Received by the Clerk of the Legislative Assembly and deemed tabled on 20 July 2023) (2056).

Dog Act 1976 – Local Laws (Shire of Waroona Dog Local Law 2023 G.G. 07/07/2023) (2072).

Dog Act 1976 – Local Laws (Town of Claremont Animal Local Law 2023 G.G. 28/07/2023) (2073).

Dog Act 1976 – Local Laws (Town of Cottesloe Dogs Local Law 2023 G.G. 04/08/2023) (2074).

Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Amendment Regulations (No. 2) 2023 G.G. 30/06/2023) (2075).

Electricity Corporations Act 2005 – Regulations (Electricity Corporations (Areas of Operation) Amendment Regulations 2023 G.G. 20/06/2023) (2076).

Electricity Corporations Act 2005 – Regulations (Electricity Corporations (Electricity Generation and Retail Corporation) Amendment Regulations 2023 G.G. 30/06/2023) (2077).

Electricity Corporations Act 2005; Government Trading Enterprises Act 2023; Western Australian Land Authority Act 1992 – Regulations (Government Trading Enterprises Regulations 2023 G.G. 30/06/2023) (2078).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2023 G.G. 27/06/2023) (2079).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2023 G.G. 27/06/2023) (2080).

Family Court Act 1997 – Regulations (Family Court Amendment Regulations 2023 G.G. 30/06/2023) (2081).

Finance Brokers Control Act 1975; Settlement Agents Act 1981 – Regulations (Commerce Regulations Amendment (Transfer of Land) Regulations 2023) (2082).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations (No. 4) 2023 G.G. 30/06/2023) (2083).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing for Demersal Finfish from Charter Boats (West Coast Region) Order 2023 G.G. 23/06/2023) (2084).

Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Health Services Act 2016; Human Reproductive Technology Act 1991; Medicines and Poisons Act 2014; Private Hospitals and Health Services Act 1927; Radiation Safety Act 1975; Tobacco Products Control Act 2006 – Regulations (Health Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 30/06/2023) (2085).

Forest Products Commission – Statement of Corporate Intent 2023–2024 (2086).

Fremantle Ports Authority – Draft Statement of Corporate Intent 2023–2024 (2087).

Gold Corporation – Statement of Corporate Intent 2023–2024 (2088).

Government Railways Act 1904 – By-laws (Government Railways (Trespass) By-law 2023) (2089).

Health (Miscellaneous Provisions) Act 1911 – Notices (Shire of Dardanup – Fee for Registration of a Lodging House (2023) G.G. 21/07/2023) (2090).

Health (Miscellaneous Provisions) Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations 2023 G.G. 30/06/2023) (2091).

Health and Disability Services (Complaints) Act 1995 – Regulations (Health and Disability Services (Complaints) Amendment Regulations 2023) (2092).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 4) 2023 G.G. 30/06/2023) (2093).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 5) 2023 G.G. 30/06/2023) (2094).

Health Services Act 2016 – Regulations (Health Services (General) Amendment Regulations 2023 G.G. 30/06/2023) (2095).

Horizon Power – Statement of Corporate Intent 2023–2024 (2096).

Insurance Commission of Western Australia – Statement of Corporate Intent 2023–2024 (2097).

Kimberley Ports Authority – Statement of Corporate Intent 2023–2024 (2098).

Land Administration Act 1997 – Proposal: Submission No. 02/2023 under the Act for the excision from Class A Reserve 47884 for the purpose of a National Park managed by Conservation Commission of Western Australia, City of Armadale (2099).

Land Administration Act 1997 – Proposal: Submission No. 04/2023 under the Act for the amendments to Class A Reserve 23480 for the purpose of Camping and Public Utility in Alexandra Bridge, Shire of Augusta-Margaret River (2100).

Land Administration Act 1997 – Proposal: Submission No. 05/2023 under the Act for the excision from Class A Reserve 21036 for the purpose of Parklands, City of Subiaco (2101).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 2) 2023) (2102).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 3) 2023 G.G. 20/06/2023) (2103).

Local Government Act 1995 – Local Laws (City of Bunbury Parking Local Law 2023 G.G. 19/06/2023) (2104).

Local Government Act 1995 – Local Laws (City of Fremantle Cat Management Amendment Local Law 2023 G.G. 07/07/2023) (2105).

Local Government Act 1995 – Local Laws (City of Swan Meeting Procedures Local Law 2023 G.G. 25/07/2023) (2106).

Local Government Act 1995 – Local Laws (City of Swan Parking Local Law 2023 G.G. 19/06/2023) (2107).

Local Government Act 1995 – Local Laws (Eastern Metropolitan Regional Council Meeting Procedures Local Law 2023 G.G. 26/06/2023) (2108).

Local Government Act 1995 – Local Laws (Shire of Ashburton Repeal Local Law 2023 G.G. 27/06/2023) (2109).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Health Amendment Local Law 2023 G.G. 04/08/2023) (2110).

Local Government Act 1995 – Local Laws (Shire of Dumbleyung Local Government Property and Public Places Amendment Local Law 2023 G.G. 04/08/2023) (2111).

Local Government Act 1995 – Local Laws (Shire of Murray Health Amendment Local Law 2023 G.G. 01/08/2023) (2112).

Local Government Act 1995 – Local Laws (Shire of Wyalkatchem Cats Local Law 2022 (2023) G.G. 30/06/2023) (2113).

Local Government Act 1995 – Local Laws (Shire of Wyalkatchem Public Places and Local Government Property Amendment Local Law 2023 G.G. 30/06/2023) (2114).

Local Government Act 1995 – Orders (Local Government (Albany) Change Order 2023 G.G. 30/06/2023) (2115).

Local Government Act 1995 – Orders (Local Government (Bayswater) Change Order 2023 G.G. 30/06/2023) (2116).

Local Government Act 1995 – Orders (Local Government (Beverley) Change Order 2023 G.G. 30/06/2023) (2117).

Local Government Act 1995 – Orders (Local Government (Boyup Brook) Change Order 2023 G.G. 30/06/2023) (2118).

Local Government Act 1995 – Orders (Local Government (Bunbury) Change Order 2023 G.G. 30/06/2023) (2119).

Local Government Act 1995 – Orders (Local Government (Busselton) Change Order 2023 G.G. 30/06/2023) (2120).

Local Government Act 1995 – Orders (Local Government (Collie) Change Order 2023 G.G. 30/06/2023) (2121).

Local Government Act 1995 – Orders (Local Government (Cranbrook) Change Order 2023 G.G. 30/06/2023) (2122).

Local Government Act 1995 – Orders (Local Government (Derby-West Kimberley) Change Order 2023 G.G. 30/06/2023) (2123).

Local Government Act 1995 – Orders (Local Government (Fremantle) Change Order 2023 G.G. 30/06/2023) (2124).

Local Government Act 1995 – Orders (Local Government (Gnowangerup) Change Order 2023 G.G. 30/06/2023) (2125).

Local Government Act 1995 – Orders (Local Government (Greater Geraldton) Change Order 2023 G.G. 30/06/2023) (2126).

Local Government Act 1995 – Orders (Local Government (Harvey) Change Order 2023 G.G. 30/06/2023) (2127).

Local Government Act 1995 – Orders (Local Government (Kalgoorlie-Boulder) Change Order 2023 G.G. 30/06/2023) (2128).

Local Government Act 1995 – Orders (Local Government (Karratha) Change Order 2023 G.G. 30/06/2023) (2129).

Local Government Act 1995 – Orders (Local Government (Kent) Transitional Order 2023 G.G. 30/06/2023) (2130).

Local Government Act 1995 – Orders (Local Government (Kondinin) Change Order 2023 G.G. 30/06/2023) (2131).

Local Government Act 1995 – Orders (Local Government (Kulin) Change Order 2023 G.G. 30/06/2023) (2132).

Local Government Act 1995 – Orders (Local Government (Merredin) Change Order 2023 G.G. 30/06/2023) (2133).

Local Government Act 1995 – Orders (Local Government (Mukinbudin) Change Order 2023 G.G. 30/06/2023) (2134).

Local Government Act 1995 – Orders (Local Government (Narrogin) Change Order 2023 G.G. 30/06/2023) (2135).

Local Government Act 1995 – Orders (Local Government (Ngaanyatjarraku) Transitional Order 2023 G.G. 30/06/2023) (2136).

Local Government Act 1995 – Orders (Local Government (Northampton) Change Order 2023 G.G. 30/06/2023) (2137).

Local Government Act 1995 – Orders (Local Government (Population Estimates) Order 2023 G.G. 20/06/2023) (2138).

Local Government Act 1995 – Orders (Local Government (Quairading) Change Order 2023 G.G. 30/06/2023) (2139).

Local Government Act 1995 – Orders (Local Government (Williams) Change Order 2023 G.G. 30/06/2023) (2140).

Local Government Act 1995 – Regulations (Local Government Regulations Amendment Regulations (No. 2) 2023 G.G. 30/06/2023) (2141).

Local Government Act 1995 – Regulations (Local Government Regulations Amendment Regulations 2023 G.G. 30/06/2023) (2142).

Lotterywest – Statement of Corporate Intent 2023–2024 (2143).

Major Events Act 2023 – Regulations (Major Events Regulations 2023 G.G. 30/06/2023) (2144).

Metropolitan Redevelopment Authority Act 2011 – Regulations (Metropolitan Redevelopment Authority Amendment Regulations 2023) (2145).

Mid West Ports Authority – Statement of Corporate Intent 2023–2024 (2146).

Pilbara Ports Authority – Statement of Corporate Intent 2023–2024 (2147).

Planning and Development Act 2005 – Regulations (Planning and Development (Region Planning Schemes) Regulations 2023) (2148).

Queen Elizabeth II Medical Centre Act 1966 – By-laws (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws 2023 G.G. 30/06/2023) (2149).

Southern Ports Authority – Statement of Corporate Intent 2023–2024 (2150).

Spent Convictions Act 1988 – Regulations (Spent Convictions (Act Amendment) Regulations 2023) (2151).

Spent Convictions Act 1988 – Regulations (Spent Convictions Amendment Regulations 2023) (2152).

Supreme Court Act 1935 – Notices (Rule of Court 2024 – Sittings and Winter Vacation for 2024 G.G. 21/07/2023) (2153).

Synergy – Statement of Corporate Intent 2023–2024 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 July 2023) (2055).

Trade Mission Travel – Trade Mission to the UK and Ireland, 24 February to 6 March 2023 (2154).

Transfer of Land Act 1893 – Regulations (Transfer of Land Amendment Regulations 2023) (2155).

Water Corporation – Statement of Corporate Intent 2023–2024 (2156).

Western Australian Treasury Corporation – Statement of Corporate Intent 2023–2024 (2157).

Western Power – Statement of Corporate Intent 2023–2024 (2158).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations (No. 2) 2023) (2159).

Working with Children (Screening) Act 2004 – Regulations (Working with Children (Criminal Record Checking) Amendment Regulations 2023 G.G. 30/06/2023) (2160).

5. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 18 October 2022 –

Child and Adolescent Health Service – Annual Report 2021–2022 (1530).

Paper

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

By the Speaker –

Child and Adolescent Health Service – Annual Report 2021–2022, Erratum (2162).

6. Notices of Motion

7. Removal of Order of the Day

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

8. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Deputy Premier on an update on the Government's efforts to stabilise Griffin Coal operations.

The Attorney General on the Review of criminal justice system responses to sexual offending undertaken by the Commissioner for Victims of Crime.

The Minister for Veterans Issues on the unveiling of the Western Australian Korean War Memorial in Kings Park.

The Minister for Corrective Services on the fifth anniversary of Wandoo Rehabilitation Prison, Australia's first alcohol and other drugs rehabilitation prison.

The Minister for Industrial Relations on the Mining Industry Summit – Driving Respect, held on 1 August 2023.

The Minister for Water on the Water Corporation's Waterwise Greening Scheme.

The Minister for Youth on the opening of nominations for the 2023 WA Youth Awards.

The Minister for Local Government on the various forums and events being held encourage participation in the upcoming Local Government Ordinary Elections.

The Minister for Volunteering on National Student Volunteer Week 2023.

9. Abortion Legislation Reform Bill 2023

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 (Mr M.J. Folkard speaking) and adjourned until a later stage of the sitting.

10. Speaker's Statement – Artist-in-Residence

The Speaker advised members of the presence in the Speaker's Gallery of Mr Tony Windberg, the 2023 Parliament House–Edith Cowan University Artist-in-Residence. The Speaker noted that Tony Windberg is a multi-award and grant-winning artist and art educator whose work has been displayed in numerous state and national solo and group exhibitions.

11. Questions

Questions without Notice were taken.

Question on Notice Nos 831 to 846 were asked.

Question on Notice Nos 738, 739, 743 to 750, 755, 777, 817, 818 and 821 to 830 were answered.

Paper tabled by the Minister for Fisheries –

Question on Notice No. 826 – West Coast Demersal Scalefish Recovery Plan and staffing across regional Western Australia (2161).

12. Economics and Industry Standing Committee – Terms of Reference

The Speaker advised members that the Economics and Industry Standing Committee had resolved to inquire into matters relating to the WA Domestic Gas Policy. The Committee will report by 30 November 2023.

13. Speaker's Statement – Committee Membership

The Speaker advised members that the Member for Churchlands had resigned as a member of the Joint Standing Committee on Delegated Legislation, effective from 29 June 2023.

14. Matter of Public Interest – Implementation of the Aboriginal Cultural Heritage Act 2021

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 upon the Premier to explain how his WA Labor Government failed so significantly in developing and implementing the *Aboriginal Cultural Heritage Act 2021* and calls upon the Premier to detail just how he intends to undo the damage done across our State.

Debate ensued.

Question 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 (43)

Mr S.N. Aubrey
Mr G. Baker
Ms L.L. 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 J.L. Hanns
Mr T.J. Healy

Mr M. Hughes
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Ms S.F. McGurk
Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley

Ms M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
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*)

Question thus negatived.

15. Variation to the Order of Business

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

16. Abortion Legislation Reform Bill 2023

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

Debate resumed.

Ms C.M. Rowe moved, That the debate be adjourned.

Question put and passed.

17. Adjournment

Ms C.M. Rowe moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 6.49 pm until Wednesday, 9 August 2023 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Dr J. Krishnan, Mr P. Lilburne, Mrs L.M. O'Malley, Mr D.A.E. Scaife and Mr R.R. Whitby.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly

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