

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 119

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

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TUESDAY, 9 MAY 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 – Presence of Photographers**

The Speaker advised that she had approved the presence of photographers on the floor of the Chamber and in the public gallery to capture the commencement of the sitting day and Question Time.

**3. Message from the Governor**

Message No. 10 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Misuse of Drugs Amendment Bill 2023.

**4. Messages from the Governor**

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

No. 11 – 4 April 2023

Directors' Liability Reform Bill 2022, Act No. 9 of 2023.

No. 12 – 13 April 2023

Criminal Law (Mental Impairment) Bill 2022, Act No. 10 of 2023.

## 5. 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 – Directed Review into the Department of Justice’s performance in responding to recommendations arising from coronial inquiries into deaths in custody, March 2023 (Received by the Speaker of the Legislative Assembly on 17 March 2023 and held for a period of 30 days and deemed tabled by the Clerk of the Legislative Assembly on 17 April 2023) (1899).

Inspector of Custodial Services, Office of the – The transport of regional and remote prisoners, February 2023 (Received by the Speaker of the Legislative Assembly on 2 March 2023 and held for a period of 30 days and deemed tabled by the Clerk of the Legislative Assembly on 3 April 2023) (1898).

By the Clerk –

Aboriginal Cultural Heritage Act 2021 – Regulations (Aboriginal Cultural Heritage Amendment Regulations 2023 G.G. 05/04/2023) (1904).

Architects Act 2004; Associations Incorporation Act 2015; Building and Construction Industry (Security of Payment) Act 2021; Building Services (Registration) Act 2011; Co-operatives Act 2009; Debt Collectors Licensing Act 1964; Electricity Act 1945; Employment Agents Act 1976; Gas Standards Act 1972; Land Valuers Licensing Act 1978; Limited Partnerships Act 2016; Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003; Plumbers Licensing Act 1995; Real Estate and Business Agents Act 1978; Settlement Agents Act 1981 – Regulations (Commerce Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 05/05/2023) (1905).

Auditor General, Office of the – Performance Audit – Regulation of Air-handling and Water Systems, Report No. 20, 21 April 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 21 April 2023) (1901).

Auditor General, Office of the – Financial Audit Results – State Government 2021–22 – Part 2 COVID-19 Impacts, Report No. 21, 3 May 2023 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 May 2023) (1902).

Bush Fires Act 1954 – Local Laws (Shire of Quairading Bush Fire Brigades Local Law 2023 G.G. 03/05/2023) (1906).

Busselton Water – Annual Report 2022 (Received by the Clerk of the Legislative Assembly and deemed tabled on 18 April 2023) (1900).

Casino (Burswood Island) Agreement – Sixteenth Supplementary Agreement, 14 April 2023 (1907).

Conservation and Land Management Act 1984 – Orders (Yawuru Nagulagun / Roebuck Bay Marine Park (Alteration of Boundaries) Order 2023 G.G. 04/04/2023) (1908).

Corruption and Crime Commission – Excessive use of force by a police officer (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 May 2023) (1903).

Dangerous Goods Safety Act 2004; Mining Act 1978; Offshore Minerals Act 2003; Petroleum (Submerged Lands) Act 1982; Petroleum (Submerged Lands) Registration Fees Act 1982; Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967; Petroleum and Geothermal Energy Resources Act 1967; Petroleum Pipelines Act 1969 – Regulations (Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 05/05/2023) (1909).

Electricity Act 1945 – Regulations (Electricity (Licensing) Amendment Regulations 2023 G.G. 06/04/2023) (1910).

Electricity Industry Act 2004 – Rules (Wholesale Electricity Market Amendment (Tranche 6A Amendments) Rules 2003) (1911).

Electricity Industry Act 2004; Gas Services Information Act 2012 – Regulations (Energy Regulations Amendment Regulations 2023 G.G. 21/04/2023) (1912).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2023 G.G. 21/04/2023) (1913).

Food Act 2008 – 2022 Statutory Review of the Act (1914).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 2) 2023 G.G. 02/05/2023) (1915).

Juries Act 1957 – Regulations (Juries Amendment Regulations 2023 G.G. 21/04/2023) (1916).

Land Administration Act 1997 – Proposal: Submission No. 03/2023 under the Act to change the purpose of Class A Reserve 39621 and the transfer of management, Shire of Kojonup (1917).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2023 G.G. 06/04/2023) (1918).

Local Government Act 1995 – Local Laws (Shire of Ashburton Public Places and Local Government Property Local Law 2023 G.G. 28/04/2023) (1919).

Local Government Act 1995 – Local Laws (Shire of Boddington Extractive Industries Local Law 2023 G.G. 29/03/2023) (1920).

Local Government Act 1995 – Local Laws (Shire of Gingin Signs and Bill Posting Repeal Local Law 2023 G.G. 31/03/2023) (1921).

Local Government Act 1995 – Local Laws (Shire of Manjimup Cat Amendment Local Law 2022 G.G. 31/03/2023) (1922).

Local Government Act 1995 – Local Laws (Shire of Quairading Repeal Local Law 2023 G.G. 05/05/2023) (1923).

Local Government Act 1995 – Local Laws (Town of Cottesloe Parking and Parking Facilities Local Law 2023 G.G. 31/03/2023) (1924).

Lotteries Commission Act 1990 – Rules (Lotteries Commission (Authorised Lotteries) (Powerball) Amendment Rules 2023 G.G. 28/04/2023) (1925).

Owner-Drivers (Contracts and Disputes) Act 2007 – Regulations (Owner-Drivers (Contracts and Disputes) (Code of Conduct) Amendment Regulations 2023 G.G. 06/04/2023) (1926).

Public Health Act 2016 – Regulations (Public Health Amendment Regulations 2023 G.G. 05/05/2023) (1927).

WA Local Government Grants Commission – Annual Report 2021–2022 (1928).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Town of Mosman Park Waste Local Law 2023 G.G. 31/03/2023) (1929).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2023 G.G. 05/05/2023) (1930).

## 6. Corrections to Tabled Papers

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 30 March 2023 –

Primary Industries and Regional Development, Department of – Annual Report 2021–2022 (1889).

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### *Paper*

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

By the Speaker –

Primary Industries and Regional Development, Department of – Annual Report 2021–2022, Erratum (1933).

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The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 22 March 2023 –

Planning, Lands and Heritage, Department of; Western Australian Planning Commission; Aboriginal Affairs Planning Authority, and Heritage Council of Western Australia – Annual Report 2021–2022 (combined) (1873).

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### *Paper*

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

By the Speaker –

Planning, Lands and Heritage, Department of; Western Australian Planning Commission; Aboriginal Affairs Planning Authority, and Heritage Council of Western Australia – Annual Report 2021–2022 (combined), Erratum (1934).

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The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 20 September 2022 –

Southern Ports Authority – Annual Report 2021–2022 (1414).

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### *Paper*

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

By the Speaker –

Southern Ports Authority – Annual Report 2021–2022, Erratum (1935).

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The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 21 September 2022 –

Pilbara Ports Authority – Annual Report 2021–2022 (1459).

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*Paper*

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

By the Speaker –

Pilbara Ports Authority – Annual Report 2021–2022, Erratum (1936).

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The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 21 September 2022 –

Public Transport Authority – Annual Report 2021–2022 (1464).

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*Paper*

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

By the Speaker –

Public Transport Authority – Annual Report 2021–2022, Erratum (1937).

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**7. Notice of Motion**

**8. 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.

**9. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier on the recent Trade Mission to China.

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*Paper*

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

By the Premier –

Trade Mission Travel – Trade Mission to China, April 2023 (1938).

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The Minister for State Development, Jobs and Trade on the continuing support to stabilise Griffin Coal operations in Collie.

The Minister for Culture and the Arts on the launch of the Art Gallery of Western Australia's Pulse exhibition, showcasing talented artists across a variety of art forms.

The Minister for Sport and Recreation on the investment in and preparation for Western Australia hosting the FIFA Women's World Cup in July.

The Attorney General on the \$13 million provided by the McGowan Government towards fee relief for the Public Trustee's most vulnerable clients.

The Minister for Veterans Issues on the 2023 ANZAC Day commemorations across Western Australia.

The Minister for Veterans Issues on the announcement that Western Australia will officially recognise the 19<sup>th</sup> of October as War Widows Day.

The Minister for Youth on the success of Youth Week 2023.

The Minister for Health on the Government Response to the recommendations contained in the Voluntary Assisted Dying Board's Annual Report 2021–2022.

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*Paper*

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

By the Minister for Health –

Voluntary Assisted Dying Board – Government Response to the Recommendations of the Voluntary Assisted Dying Board's Annual Report 2021–2022 (1939).

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The Minister for Seniors and Ageing on the official launch of An Age Friendly WA: State Seniors Strategy 2023–2033.

**10. Misuse of Drugs 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.

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

**11. Speaker's Statement – Budget Presentation**

The Speaker advised that, in accordance with standard practice, the budget would be presented at 2.00 pm on Thursday, 11 May 2023. Accordingly, members' 90-second statements would occur at 12.20 pm, and Questions without Notice at 12.30 pm on that day.

**12. Questions**

Questions without Notice were taken.

Questions on Notice Nos 723 to 777 were asked.

Questions on Notice Nos 642, 643, 665, 689, 696 to 719, 721 and 722 were answered.

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Paper tabled by the Minister for Environment; Climate Action; Racing and Gaming –

Question on Notice No. 696 – Extract taken from the Department of Water and Environmental Regulation's electronic contaminated sites register on 23 March 2023 (1931).

Paper tabled by the Parliamentary Secretary to the Minister for Innovation and the Digital Economy –

Question on Notice No. 711 – Projects funded from the Digital Capability Fund up to and including the 2022–23 Mid-Year Review (1932).

### 13. Matter of Public Interest – Housing Crisis

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,

That this House condemns the McGowan Labor Government for their policy failures and lacklustre approach to addressing the housing crisis which has happened under their watch.

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 (45)

Mr S.N. Aubrey  
Mr G. Baker  
Ms L.L. 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 M. Hughes

Mr W.J. Johnston  
Mr H.T. Jones  
Mr D.J. Kelly  
Ms E.J. Kelsbie  
Ms A.E. Kent  
Mr P. Lilburne  
Ms S.F. McGurk  
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 D.T. Punch

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  
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. Misuse of Drugs 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 17 agreed to.

Title agreed to.

Consideration in detail concluded.

Ms L. Mettam moved, That clause 6 of the bill be reconsidered in detail.

Question put and passed.

*RECONSIDERATION IN DETAIL*

Clause 6 agreed to.

Reconsideration in detail concluded.

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.

**16. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 6.45 pm until Wednesday, 10 May 2023 at 12.00 noon.

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

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

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