

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 143

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 19 SEPTEMBER 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. Papers

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

Botanic Gardens and Parks Authority – Annual Report 2022–2023 (2232).

Country Housing Authority – Annual Report 2022–2023 (2233).

Development WA – Annual Performance Statement 2023–2024 (2234).

Director of Public Prosecutions, Office of the – Annual Report 2022–2023 (2235).

Economic Regulation Authority – Annual Report 2022–2023 (2236).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments 2023 G.G. 12/09/2023) (2237).

Equal Opportunity Commission – Annual Report 2022–2023 (2238).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing for Greenlip Abalone (Busselton Jetty to Shoal Cape) Order 2023 G.G. 15/09/2023) (2239).

Gascoyne Development Commission – Annual Report 2022–2023 (2240).

Gender Reassignment Board of Western Australia – Annual Report 2022–2023 (2241).

Goldfields-Esperance Development Commission – Annual Report 2022–2023 (2242).

Government Employees Superannuation Board – Annual Report 2022–2023 (2243).

Great Southern Development Commission – Annual Report 2022–2023 (2244).

Historical Homosexual Convictions Expungement Act 2018 – Annual Report 2022–2023 (2245).

Insurance Commission of Western Australia – Annual Report 2022–2023 (2246).
Kimberley Development Commission – Annual Report 2022–2023 (2247).
Local Government Act 1995 – Local Laws (City of Vincent Parking Local Law 2023 G.G. 11/09/2023) (2248).
Main Roads Western Australia – Annual Report 2022–2023 (2249).
Mental Health Commission – Annual Report 2022–2023 (2250).
Mid West Development Commission – Annual Report 2022–2023 (2251).
Peel Development Commission – Annual Report 2022–2023 (2252).
Pilbara Development Commission – Annual Report 2022–2023 (2253).
South West Development Commission – Annual Report 2022–2023 (2254).
Western Australian Coastal Shipping Commission – Annual Report 2022–2023 (2255).
Western Australian Regional Development Trust – Annual Report 2022–2023 (2256).
Western Australian Treasury Corporation – Annual Report 2022–2023 (2257).
Wheatbelt Development Commission – Annual Report 2022–2023 (2258).

3. Personal Explanation

The Attorney General made a personal explanation regarding an answer he gave to a question the previous week about an accused person's bail application before the Geraldton Magistrates Court.

4. Notices of Motion

5. Aboriginal Heritage Legislation Amendment and Repeal 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 (Ms M.J. Davies speaking) and adjourned until a later stage of the sitting.

6. Questions

Questions without Notice were taken.

Question on Notice No. 854 was answered

7. Matter of Public Interest – Community Safety

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 WA Labor Government for putting the freedom of violent perpetrators ahead of keeping Western Australians safe.

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 (44)

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
Mr M.J. Folkard
Ms E.L. Hamilton
Ms M.J. Hammat
Ms J.L. Hanns
Mr T.J. Healy
Mr M. Hughes

Mr H.T. Jones
Mr D.J. Kelly
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mrs M.R. Marshall
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 S.J. Price
Mr D.T. Punch

Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti
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
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

8. Variation to the Order of Business

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

9. Aboriginal Heritage Legislation Amendment and Repeal 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.

Ms M.J. Davies moved,

“

That the Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 be divided into two separate Bills, being –

(1) The *Aboriginal Cultural Heritage Repeal Bill 2023* consisting of –

- (a) a Title “**A Bill for An Act to repeal the *Aboriginal Cultural Heritage Act 2021* and regulations made under that Act.**”;

- (b) new clauses 1 and 2 as follows –

Part 1 – Preliminary

1. Short title

This is the *Aboriginal Cultural Heritage Repeal Bill 2023*.

2. Commencement

This Act comes into operation as follows –

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) Part 2 — on the day after assent day.; and
- (c) Part 2.
- (2) The *Aboriginal Heritage Legislation Amendment Bill 2023* consisting of –
- (a) a Title “**A Bill for An Act –**
- **to amend the *Aboriginal Heritage Act 1972*; and**
 - **to make consequential and related amendments to other written laws.”;**
- (b) new clause 1 as follows –

Part 1 – Preliminary

1. Short title

This is the *Aboriginal Heritage Legislation Amendment Bill 2023*.;

- (c) Clause 2;
- (d) Part 3; and
- (e) Part 4.

”.

Debate ensued

Question put.

The Assembly divided.

	Ayes (6)	
Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle
Dr D.J. Honey	Ms L. Mettam	Ms M. Beard (<i>Teller</i>)

Noes (42)

Mr S.N. Aubrey
Mr G. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms C.M. Collins
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
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mrs M.R. Marshall
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 S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti
Ms J.J. Shaw
Ms R.S. Stephens
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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

10. Notice of Motion after the Time Prescribed

The Leader of the House was granted leave to present a late notice of motion.

11. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.17 pm until Wednesday, 20 September 2023 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms H.M. Beazley, Ms D.G. D'Anna, Ms K.E. Giddens, Mr P. Papalia, Ms A. Sanderson, and Mrs J.M.C. Stojkovski.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly