

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 142

TUESDAY, 19 SEPTEMBER 2023, 1.00 pm

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 – ORDERS OF THE DAY

1. *Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

(Minister for Aboriginal Affairs) (No. 125, 2r. – 9/8/23)

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

2. Electricity Industry Amendment (Distributed Energy Resources) Bill 2023

(Minister for Energy) (No. 127, 2r. – 30/8/23)

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

3. 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).

4. Legal Deposit Amendment Bill 2023 (Minister for Culture and the Arts)

(LC No. 104, 2r. – 22/6/23)

Second reading. Adjourned debate (Ms M. Beard).

5. 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).

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. 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).

8. Vocational Education and Training Amendment Bill 2023 (Minister for Training)
(No. 129, 2r. – 30/8/23)

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

9. Mining Amendment Bill 2023 (Minister for Mines and Petroleum)
(LC No. 107, 2r. – 22/6/23)

Second reading. Adjourned debate (Ms M. Beard).

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

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

11. 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. METRONET Projects (Moved – 21/9/22)

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

That this House calls on the McGowan Labor Government to take responsibility for the cost blow-outs and lengthy delays besieging the METRONET projects.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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.

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- * 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.
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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
Economics and Industry Standing Committee: Inquiry into matters relating to the WA Domestic Gas Policy.	30 November 2023
Education and Health Standing Committee: Inquiry into support for autistic children and young people in schools.	21 March 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
Joint Standing Committee on the Commissioner for Children and Young People: Report No. 6: Hungry for Change: Addressing food insecurity for children and young people affected by poverty	Premier; Minister for Health; Minister for Education; Minister for Early Childhood Education; Minister for Planning	22 September 2023
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

NOTICES AND AMENDMENTS

Aboriginal Heritage Legislation Amendment and Repeal Bill 2023 (No. 125 – 1)

At the conclusion of the second reading

Ms M.J. Davies: To move –

“

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.

”.

Consideration in detail

New Clause 12A

Minister for Aboriginal Affairs — To move:

Page 10, after line 17 — To insert:

12A. Section 17 amended

In section 17 delete “the consent of the Minister under section 18.” and insert:

under a consent given under section 18(3)(a).

Clause 13

Minister for Aboriginal Affairs — To move:

Page 10, after line 21 — To insert:

approved determination of native title has the meaning given in the Native Title Act section 253;

claim area, in relation to a registered native title claim, means the area registered on the Register of Native Title Claims under the Native Title Act section 186(1)(e) as covered by the registered native title claim;

determination area, in relation to an approved determination of native title, means the area registered on the National Native Title Register under the Native Title Act section 193(2)(c) as covered by the approved determination of native title;

Minister for Aboriginal Affairs — To move:

Page 10, after line 25 — To insert:

National Native Title Register has the meaning given in the Native Title Act section 253;

native title has the meaning given in the Native Title Act section 223;

Minister for Aboriginal Affairs — To move:

Page 11, lines 1 to 20 — To delete the lines and substitute:

native title party, in relation to land, means the following —

- (a) if the land is the subject of a settlement ILUA — a regional corporation in relation to that land;
- (b) if the land is not the subject of a settlement ILUA and is within the external boundary of the determination area of an approved determination of native title (the *relevant determination*), regardless of whether native title in relation to the land has been extinguished or surrendered — a registered native title body corporate in relation to the relevant determination;
- (c) if the land is not the subject of a settlement ILUA and is within the external boundary of the claim area of a registered native title claim (the *registered claim*), regardless of whether native title in relation to the land has been extinguished or surrendered — a registered native title claimant in relation to the registered claim;
- (d) a prescribed person or a person of a prescribed class;

Minister for Aboriginal Affairs — To move:

Page 12, after line 16 — To insert:

registered native title claim means a claim (within the meaning of the Native Title Act section 184) details of which are contained in the Register of Native Title Claims;

Minister for Aboriginal Affairs — To move:

Page 12, after line 18 — To insert:

Register of Native Title Claims has the meaning given in the Native Title Act section 253;

Minister for Aboriginal Affairs — To move:

Page 12, after line 28 — To insert:

(1A) In section 18(2) delete “shall, as soon as it is reasonably able,” and insert:

must

Minister for Aboriginal Affairs — To move:

Page 14, line 10 — To delete “the owner” and substitute:

an owner of the land the subject of the consent

Minister for Aboriginal Affairs — To move:

Page 14, line 19 — To delete “the owner” and substitute:

an owner of the land the subject of the consent

Minister for Aboriginal Affairs — To move:

Page 14, line 25 — To delete “the owner” and substitute:

an owner of the land the subject of the consent

Minister for Aboriginal Affairs — To move:

Page 15, line 17 — To delete “consent.” and substitute:

consent in whole or in part.

Minister for Aboriginal Affairs — To move:

Page 15, after line 24 — To insert:

(5A) In section 18(8):

(a) delete “this section to a person” and insert:

subsection (3)(a)

(b) delete “by or on behalf of that person”.

Clause 14

Minister for Aboriginal Affairs — To move:

Page 20, after line 12 — To insert:

18B. Change in ownership of land subject of s. 18 consent

(1) In this section —

owner, in relation to land, has a meaning affected by section 18(1) and (1a).

(2) If there is a change in ownership of land the subject of a consent under section 18(3)(a), an owner of the land must give notice in writing to the Minister within the period prescribed by the regulations.

Penalty for this subsection: a fine of \$1 000.

(3) If, on receipt of a notice under subsection (2), the Minister is satisfied that the consent, or a condition to which the consent is subject, does not, because of the change in ownership, have its intended effect, the Minister may amend the consent accordingly.

(4) As soon as practicable after making a decision under subsection (3), the Minister must —

(a) give written notice of the decision to the person who gave notice under subsection (2); and

(b) publish notice of the decision on a website maintained by, or on behalf of, the Department.

(5) If there is a change in ownership of land the subject of a consent under section 18(3)(a), the Minister may, on written application by an owner of the land, revoke the consent.

- (6) Regulations may provide for and in relation to notices for the purposes of this section, including the following —
 - (a) additional notice requirements to be imposed on an owner of land or other persons;
 - (b) the information that must be included in a notice;
 - (c) the period within which a notice must be given.

New Clause 16A

Minister for Aboriginal Affairs — To move:

Page 23, after line 6 — To insert:

16A. Section 55 amended

In section 55 delete “the giving of”.

New Clause 16B

Minister for Aboriginal Affairs — To move:

Page 23, after line 6 — To insert:

16B. Section 58 amended

In section 58 delete the Table and insert:

Table

s. 17	s. 18B(2)
s. 43(7)	s. 55

New Clause 17A

Minister for Aboriginal Affairs — To move:

Page 23, after line 28 — To insert:

17A. Section 68 amended

- (1) In section 68 delete “The Governor” and insert:

- (1) The Governor

(2) At the end of section 68 insert:

- (2) The regulations may provide —
 - (a) that contravention of a regulation is an offence; and
 - (b) for the offence to be punishable on conviction by a penalty not exceeding a fine of \$20 000.
- (3) Section 57(1) does not apply to offences against the regulations.

Clause 19

Minister for Aboriginal Affairs — To move:

Page 25, line 15 — To delete “appointment” and substitute:

office

Minister for Aboriginal Affairs — To move:

Page 25, line 21 — To insert after “if”:

it

Minister for Aboriginal Affairs — To move:

Page 34, line 4 — To delete “an” and substitute:

the

Minister for Aboriginal Affairs — To move:

Page 38, line 16 — To insert after “Act”:

(including regulations made under that Act)

Minister for Aboriginal Affairs — To move:

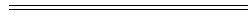
Page 38, line 17 — To insert after “Act”:

(including regulations made under that Act)

Minister for Aboriginal Affairs — To move:

Page 38, line 23 — To insert after “Act”:

(including regulations made under that Act)



KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly