

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 144

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

WEDNESDAY, 20 SEPTEMBER 2023

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Death of Christopher Baker – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret at the death of Christopher Baker and tenders its deep sympathy to his family.

The motion was supported by Ms L. Mettam, Mr R.S. Love and Mr M.J. Folkard.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Papers

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

Agricultural Produce Commission – Annual Report 2022–2023 (2259).

Arts and Culture Trust – Annual Report 2022–2023 (2260).

Combat Sports Commission – Annual Report 2022–2023 (2261).

Disability Services Commission – Annual Report 2022–2023 (2262).

Finance, Department of – Annual Report 2022–2023 (2263).

Forest Products Commission – Annual Report 2022–2023 (2264).

Fremantle Ports Authority – Annual Report 2022–2023 (2265).

Health and Disability Services Complaints Office – Annual Report 2022–2023 (2266).

Health Support Services – Annual Report 2022–2023 (2267).

Kimberley Ports Authority – Annual Report 2022–2023 (2268).

Legal Aid Commission – Annual Report 2022–2023 (2269).
Legal Costs Committee – Annual Report 2022–2023 (2270).
Mental Health Tribunal – Annual Report 2022–2023 (2271).
Metropolitan Cemeteries Board – Annual Report 2022–2023 (2272).
Mid West Ports Authority – Annual Report 2022–2023 (2273).
Pilbara Ports Authority – Annual Report 2022–2023 (2274).
Public Education Endowment Trust – Annual Report 2022–2023 (2275).
Rural Business Development Corporation – Annual Report 2022–2023 (2276).
Small Business Development Corporation – Annual Report 2022–2023 (2277).
State Library of Western Australia – Annual Report 2022–2023 (2278).
State Training Board – Annual Report 2022–2023 (2279).
Swan Bells Foundation Inc. – Annual Report 2022–2023 (2280).
Training Accreditation Council – Annual Report 2022–2023 (2281).
Training and Workforce Development, Department of – Annual Report 2022–2023 (2282).
Venues West – Annual Report 2022–2023 (2283).
Veterinary Practice Board – Annual Report 2022–2023 (2284).
Water Corporation – Annual Report 2022–2023 (2285).
Western Australian Building Management Authority – Annual Report 2022–2023 (2286).
Western Australian Meat Industry Authority – Annual Report 2022–2023 (2287).
Western Australian Museum – Annual Report 2022–2023, Volume 1 (2288).
Western Australian Museum – Annual Report 2022–2023, Volume 2 (2289).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the Invest and Trade Western Australia missions to Indonesia and South Korea, September 2023.

Paper

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

By the Premier –

Trade Mission Travel – Premier – Trade Mission Travel Report – Indonesia and South Korea, September 2023 (2290).

The Minister for Culture and the Arts; Sport and Recreation; International Education on the Invest and Trade Western Australia mission to Indonesia.

Paper

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

By the Minister for Culture and the Arts; Sport and Recreation; International Education –

Trade Mission Travel – Minister for Culture and the Arts; Sport and Recreation; International Education – Trade Mission Travel Report – Indonesia, September 2023 (2291).

The Minister for Defence Industry on the recent trip to the UK to promote Western Australian defence businesses at the Defence and Security Equipment International Expo.

Paper

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

By the Minister for Defence Industry –

Trade Mission Travel – Minister for Defence Industry – Trade Mission Travel Report – United Kingdom, September 2023 (2292).

The Minister for Education on the development of the Western Australian Statement of Intent, a shared approach to respectful relationships and consent education in schools.

6. Suspension of Standing Orders – Precedence of Private Members’ Business

The Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have priority from 4.00 pm to 6.00 pm on Wednesday, 20 September 2023.

Question put and passed.

7. Electoral Amendment (Finance and Other Matters) Bill 2023

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Electoral Act 1907* and to make consequential amendments to the *Adoption Act 1994*, the *Local Government Act 1995* and the *Referendums Act 1983*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Paper

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

By the Attorney General –

Electoral Amendment (Finance and Other Matters) Bill 2023 – Justification of Proposed Caps Upon Electoral Expenditure (2293).

Mr P.J. Rundle moved, That the debate be adjourned.
Question put and passed.

8. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

The Order of the Day for the consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

9. Questions

Questions without Notice were taken.

Question on Notice No. 903 was asked.

Question on Notice No. 855 was answered.

10. Variation to the Order of Business

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

11. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 4 to 12 agreed to.

New Clause 12A.

The Minister for Aboriginal Affairs moved,

That consideration of the Minister's proposed new Clause 12A be postponed until after consideration of Clause 19.

Question put and passed.

Clause 13.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

12. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 1 be next considered.

13. Primary Industries in Western Australia

Mr P.J. Rundle, on behalf of Mr R.S. Love, pursuant to notice, moved,

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.

Debate ensued.

Debate interrupted by the Chair (Ms J.L. Hanns speaking) and adjourned until a later stage of the sitting.

14. Variation to the Order of Business

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

15. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 13.

The Minister for Aboriginal Affairs moved,

That further consideration of Clause 13 and the amendments proposed by the Minister and the amendment proposed by the Member for Vasse be postponed until after consideration of Clause 19.

Question put and passed.

Clause 14.

The Minister for Aboriginal Affairs moved,

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.

Amendment put and passed.

Clause 14, as amended, agreed to.

Clause 15 and 16 agreed to.

New Clause 16A.

The Minister for Aboriginal Affairs moved,

Page 23, after line 6 — To insert:

16A. Section 55 amended

In section 55 delete “the giving of”.

New Clause 16A agreed to.

New Clause 16B.

The Minister for Aboriginal Affairs moved,

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 16B agreed to.

Clause 17 agreed to.

New Clause 17A.

The Minister for Aboriginal Affairs moved,

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.

New Clause 17A agreed to.

Clause 18 agreed to.

Clause 19.

The Minister for Aboriginal Affairs moved,

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

office

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

it

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

the

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

(including regulations made under that Act)

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

(including regulations made under that Act)

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

(including regulations made under that Act)

Amendments put and passed.

Clause 19, as amended, agreed to.

Postponed new Clause 12A.

The Minister for Aboriginal Affairs moved,

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).

New Clause 12A agreed to.

Postponed Clause 13.

The Minister for Aboriginal Affairs moved,

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;

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;

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;

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;

Page 12, after line 18 — To insert:

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

Amendments put and passed.

The Minister for Aboriginal Affairs moved,

Page 12, after line 28 — To insert:

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

must

Amendment put and passed.

The Minister for Aboriginal Affairs moved,

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

an owner of the land the subject of the consent

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

an owner of the land the subject of the consent

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

an owner of the land the subject of the consent

Amendments put and passed.

Ms L. Mettam moved,

Page 14, line 34 — To insert after ‘the Minister may,’:

“ if the new information raises issues of State or regional importance and ”.

Question put.

The Assembly divided.

Ayes (5)

Ms M.J. Davies
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle

Ms M. Beard (*Teller*)

Noes (33)

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 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
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday

Mrs L.M. O’Malley
Mr S.J. Price
Mr D.A.E. Scaife
Ms J.J. Shaw
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms C.M. Rowe (*Teller*)

Amendment thus negatived.

The Minister for Aboriginal Affairs moved,

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

consent in whole or in part.

Amendment put and passed.

The Minister for Aboriginal Affairs moved,

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”.

Amendment put and passed.

Clause 13, as amended, agreed to.

Clauses 20 to 30 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

16. Abortion Legislation Reform Bill 2023

Message No. 108 dated 20 September 2023 from the Legislative Council was reported agreeing to the bill without amendment.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.20 pm until Thursday, 21 September 2023 at 9.00 am.

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, Dr D.J. Honey, Mr K.J.J. Michel, Ms M.M. Quirk, 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