

**LEGISLATIVE COUNCIL****TUESDAY, 10 OCTOBER 2023****1.00pm****1. Meeting of Council**

The Council assembled at 1.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

**2. Statement by President — Filling of Casual Vacancy — Hon Louise Kingston**

The President made the following Statement —

I advise that I have received correspondence from the Electoral Commissioner, Mr Robert Kennedy, stating that he has declared Ms Louise Kingston to be elected as a Member of the Legislative Council to fill the vacancy in the South West Region.

I advise the Council that on Thursday, 28 September I presided over the swearing-in of Hon Louise Kingston as a Member of the Legislative Council.

I take this opportunity to congratulate and welcome the new Member to the Chamber.

The President tabled correspondence from the Electoral Commissioner Mr Robert Kennedy, advising that there is a vacancy in the South West region and that Ms Louise Kingston has been elected to fill that vacancy. (Tabled Paper 2684).

**3. Statement by President — Non-Government Business and Motions on Notice**

The President made the following Statement —

I advise that following the election of Hon Louise Kingston, The Nationals WA representation in the Chamber has increased by one Member.

Consequently, the allocations of Non-Government Business and Motions on Notice were recalculated and The Nationals WA have received a further quota for each type of business.

The further quotas have been assigned to the vacant dates on Thursday, 19 October and Wednesday, 8 November respectively.

The President tabled an amended Schedule of Allocation of Motions on Notice 2023. (Tabled Paper 2685).

The President tabled an amended Non-Government Business Schedule 2023. (Tabled Paper 2686).

**4. Message from His Excellency the Governor — Assent to Bill**

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill —

**27 September 2023 — Message No. 25**

Abortion Legislation Reform Bill 2023

**Act No.**

20 of 2023

## 5. Petition

Hon Ben Dawkins presented an E-Petition from 76 petitioners requesting the Legislative Council to make recommendations to the Minister for Planning regarding the enforcement of the Statutory Planning Scheme for Binningup Golf Course and community land. (Tabled Paper 2687).

## 6. Ministerial Statement — Buy West Eat Best 15<sup>th</sup> Anniversary

The Minister for Agriculture and Food made a Ministerial Statement with respect to the State's Buy West Eat Best program, celebrating 15 years of operation.

## 7. Papers

The following Papers were laid on the Table by —

### President

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**Parliamentary Secretary to the Minister for Regional Development***Addendums —*

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## **Parliamentary Secretary to the Minister for Training**

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### **8. Non-Government Business — Schedule**

The Leader of the House moved, without notice —

That, pursuant to Standing Order 111(4), the schedule for Non-Government Business tabled by the President be adopted.

Question — put and passed.

### **9. Order of Business**

Ordered — That Orders of the Day Nos 1, *Aboriginal Cultural Heritage Amendment Regulations (No. 2) 2023 — Disallowance*, 2, *Shire of Westonia Fencing Local Law 2023 — Disallowance*, 3, *Shire of Westonia Westonia Historical Precinct Local Law 2023 — Disallowance*, 4, *Shire of Westonia Shipping and/or Sea Container Local Law 2023 — Disallowance*, 5, *Shire of Chittering Keeping and Control of Cats Local Law 2023 — Disallowance*, 6, *City of Gosnells Bush Fire Brigade Local Law 2023 — Disallowance*, and 7, *Shire of Waroona Cat Local Law 2023 — Disallowance*, be taken after Order of the Day No. 12, *School Education Amendment Bill 2023*. (Leader of the House).

### **10. Workers Compensation and Injury Management Bill 2023 and Workers Compensation and Injury Management Amendment Bill 2023**

The Orders of the Day having been read for the adjourned debate on the third reading of these Bills.

Question — That the *Workers Compensation and Injury Management Bill 2023* be read a third time.

Debate resumed.

*Point of Order*

The Leader of the House raised the following Point of Order —

I think it would be helpful for the Member to understand what a third reading contribution is meant to do, which is address the Bill as it has come through the Committee process, not to reflect on his view of the politics in the Labor Party or anywhere else. A third reading contribution is quite specific. It is about summarising the Bill as it has come through the Committee stage and articulating why a Member does or does not want to support it.

*President's Ruling*

The President ruled as follows —

I remind the Honourable Member of the limited scope of third reading debates, and that, in particular, contributions should be limited to the contents of the Bill as agreed by the Council in the Committee of the Whole stage, and not venture outside those very tight confines.

Debate resumed.

Question — That the *Workers Compensation and Injury Management Bill 2023* be read a third time — put.

The Council divided.

**Ayes (29)**

Hon Martin Aldridge  
 Hon Klara Andric  
 Hon Dan Caddy  
 Hon Sandra Carr  
 Hon Peter Collier  
 Hon Colin de Grussa  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Donna Faragher  
 Hon Lorna Harper  
 Hon Jackie Jarvis  
 Hon Louise Kingston  
 Hon Ayor Makur Chuot  
 Hon Steve Martin  
 Hon Sophia Moermond

Hon Shelley Payne  
 Hon Dr Brad Pettitt  
 Hon Stephen Pratt  
 Hon Martin Pritchard  
 Hon Samantha Rowe  
 Hon Tjorn Sibma  
 Hon Matthew Swinbourn  
 Hon Dr Sally Talbot  
 Hon Dr Steve Thomas  
 Hon Neil Thomson  
 Hon Dr Brian Walker  
 Hon Darren West  
 Hon Pierre Yang  
 Hon Peter Foster (*Teller*)

**Noes (1)**

Hon Ben Dawkins (*Teller*)

Question thus passed.

Bill read a third time and passed.

The Parliamentary Secretary to the Minister for Industrial Relations moved, That the *Workers Compensation and Injury Management Amendment Bill 2023* be read a third time.

The President announced that the Deputy Chair of Committees had certified that this was a true copy of the Bill as agreed to in Committee of the Whole House and reported.

Question — put and passed.

Bill read a third time and passed.

**11. Aboriginal Heritage Legislation Amendment and Repeal Bill 2023**

The Order of the Day having been read for the adjourned debate on the second reading of this Bill. Debate ensued.

**12. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Education tabled a response to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2688).

The Leader of the House representing the Minister for Education, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Donna Faragher.

The Leader of the House representing the Minister for Education, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Brian Walker.

The Leader of the House representing the Minister for Health; Mental Health, in accordance with Standing Order 108(2), advised that an answer to question on notice 1569 asked by Hon Dr Brad Pettitt will be provided on 17 October 2023.

The Leader of the House representing the Minister for Health, in accordance with Standing Order 108(2), advised that answers to questions on notice 1584 and 1588 asked by Hon Donna Faragher will be provided on 17 October 2023.

The Leader of the House representing the Minister for Education tabled a response to question on notice 1587 asked by Hon Donna Faragher. (Tabled Paper 2689).

The Minister for Emergency Services representing the Minister for Corrective Services tabled a response to a question without notice asked by Hon Nick Goiran. (Tabled Paper 2690).

The Minister for Agriculture and Food representing the Minister for Housing tabled a response to a question without notice asked by Hon Colin de Grussa. (Tabled Paper 2691).

The Parliamentary Secretary to the Minister for Environment; Climate Action, in accordance with Standing Order 108(2), advised that an answer to question on notice 1600 asked by Hon Steve Martin will be provided on 17 October 2023.

### 13. **Aboriginal Heritage Legislation Amendment and Repeal Bill 2023**

Debate resumed on the second reading of this Bill (*see item 11 above*).

Question — put and passed.

Bill read a second time.

Hon Neil Thomson moved, without notice —

- (1) That it be an Instruction to the Committee of the Whole to divide the *Aboriginal Heritage Legislation Amendment and Repeal Bill 2023* into two separate Bills —
  - (a) the first to have the title of the *Aboriginal Heritage Legislation Repeal Bill 2023* and is to consist of —
    - (i) Long Title — “An Act to repeal the *Aboriginal Cultural Heritage Act 2021* and regulations under that Act.”; and
    - (ii) the following clauses —
      - Clause 1, Short Title — “This is the *Aboriginal Heritage Legislation Repeal Act 2023*.”
      - Clause 2, Commencement — “This Act comes into operation on a day fixed by proclamation.”; and
      - Clause 3 as printed.
  - (b) the second Bill to have the title of the *Aboriginal Heritage Legislation Amendment Bill 2023* and is to consist of —
    - (i) Long Title — “An Act —
      - to amend the *Aboriginal Heritage Act 1972*; and
      - to make consequential and related amendments to other written laws.”; and
    - (ii) the following clauses —
      - Clause 1, Short Title — “This is the *Aboriginal Heritage Legislation Amendment Act 2023*.”; and
      - Clause 2, Commencement — “This Act comes into operation as follows —
        - (a) Sections 1 and 2 — on the day on which this Act receives the Royal Assent (assent day);
        - (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.”;
        - (c) Clauses 4 to 34 as printed,

- (c) and to do such things as may be necessary to achieve that purpose, and thereafter report the Bills separately to the House.

Debate ensued.

Question — put.

The Council divided.

#### **Ayes (9)**

Hon Peter Collier  
Hon Nick Goiran  
Hon Louise Kingston  
Hon Steve Martin  
Hon Dr Brad Pettitt

Hon Dr Steve Thomas  
Hon Neil Thomson  
Hon Wilson Tucker  
Hon Colin de Grussa (*Teller*)

#### **Noes (17)**

Hon Klara Andric  
Hon Dan Caddy  
Hon Sandra Carr  
Hon Stephen Dawson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Lorna Harper  
Hon Jackie Jarvis  
Hon Shelley Payne

Hon Stephen Pratt  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

Question thus negated.

Ordered — That consideration of the Bill, in Committee of the Whole House, be made an Order of the Day for the next sitting.

#### **14. Members' Statements**

Statements were taken.

#### **15. Adjournment**

The Council adjourned at 9.21pm until Wednesday, 11 October 2023 at 1.00pm.

#### **Members present during the day's proceedings**

Attendance: Present all Members except Hon Kyle McGinn and Hon Rosetta Sahanna.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council