

**LEGISLATIVE COUNCIL****WEDNESDAY, 21 JUNE 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. Petition**

Hon Neil Thomson presented an E-Petition from 29,714 petitioners requesting the Legislative Council to urge the Government to delay the promulgation of the *Aboriginal Cultural Heritage Act 2021*. (Tabled Paper 2318).

**3. E-Petitions — Disparaging remarks of the Premier**

Hon Nick Goiran: To move on the next day of sitting —

That this House —

- (a) expresses its concern with the disparaging remarks of the Premier on 20 June 2023 regarding official parliamentary petitions hosted on the portal established through the Parliament of Western Australia's website;
- (b) has considered and had particular regard for the recommendations contained in a number of reports from the Standing Committee on Procedure and Privileges in the period 2016 to 2023, which were the genesis to the establishment of official parliamentary e-petitions:
  - (i) Report 40, E-Petitions, 28 June 2016;
  - (ii) Report 45, Outstanding Matters from the 39th Parliament, 24 August 2017; and
  - (iii) Report 64, Review of the Standing Orders, 2 September 2021;
- (c) thanks the Members and staff of the Standing Committee for their subsequent review of e-petitions which manifested in Report 69 being tabled in February 2023;
- (d) notes the Standing Committee was satisfied that the process was operating effectively;
- (e) acknowledges and affirms the right to petition;
- (f) encourages the Premier to familiarise himself with that right, which was established in 1215 under the *Magna Carta*;
- (g) further encourages the Premier to read Article 5 of the *Bill of Rights 1689* which reaffirmed that right;

- (h) recommends that the Premier obtain a briefing from the Attorney General or the Solicitor General to ensure he is clear on this right held by all Western Australians; and
- (i) calls on the Premier to listen to the grievances and requests of Western Australian petitioners and desist from treating those concerns with disdain.

#### **4. Implementation of Aboriginal Cultural Heritage Act Regulations**

Motion No. 13 having been called, Hon Neil Thomson, pursuant to notice, moved —

That this House —

- (a) shares the extraordinary level of concern expressed by the community about how unprepared the State is in the implementation of the Aboriginal Cultural Heritage Act regulations with a record number of signatures received on an electronic petition in a very short time frame;
- (b) notes the expression of anxiety and concern of landowners and small and medium businesses sector, including pastoralists and graziers, farmers and any contractors or individuals who might need to carry out ground disturbing activity after 1 July 2023 regarding their ability to comply with the new regulations;
- (c) notes the deep concern that the Department of Planning, Lands and Heritage's Permit System will only be operational on 1 July, meaning applicants will need to cease work while they wait for approvals to be processed after 1 July 2023;
- (d) notes the concern that no Local Aboriginal Cultural Heritage Services (LACHS) are yet registered and the associated concerns expressed by traditional owners about implementation of the new laws and challenges establishing LACHS;
- (e) notes that many in the community, including landowners in the metropolitan area, have not been aware of the changes and their obligations under the new Act and this cohort are only now just becoming aware of how the new laws might impact on them; and
- (f) calls on the Cook Government to delay the promulgation of the regulations by at least six months to alleviate anxiety in the community, reduce the risk of business disruption, establish functioning and tested systems, ensure LACHS are properly resourced and functioning, and provide better advice to all parties that are affected, including residential land owners who have blocks greater than 1,100m<sup>2</sup>.

Debate ensued.

Hon Colin de Grussa, by leave, tabled a statement by the Esperance Tjaltjraak Native Title Aboriginal Corporation on the *New Aboriginal Cultural Heritage Act 2021* (WA). (Tabled Paper 2319).

Debate resumed.

Question — put.  
The Council divided.

**Ayes (12)**

Hon Martin Aldridge  
Hon Peter Collier  
Hon Ben Dawkins  
Hon Nick Goiran  
Hon James Hayward  
Hon Steve Martin

Hon Tjorn Sibma  
Hon Dr Steve Thomas  
Hon Neil Thomson  
Hon Wilson Tucker  
Hon Dr Brian Walker  
Hon Colin de Grussa (*Teller*)

**Noes (19)**

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 Ayor Makur Chuot  
Hon Kyle McGinn

Hon Shelley Payne  
Hon Martin Pritchard  
Hon Samantha Rowe  
Hon Rosie Sahanna  
Hon Matthew Swinbourn  
Hon Dr Sally Talbot  
Hon Darren West  
Hon Pierre Yang  
Hon Peter Foster (*Teller*)

Motion thus negatived.

**5. Consideration of Committee Reports**

Pursuant to order for the consideration of Committee Reports.

**In Committee**

(Hon Dr Brian Walker in the Chair)

**Standing Committee on Environment and Public Affairs — Report 60 — Petition No. 020 — Dog Act 1976**

Hon Peter Foster moved, That the Report be noted.

Debate ensued.

*Debate interrupted and postponed pursuant to SO 110(2A).*

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

Standing Committee on Environment and Public Affairs — Report 60 — *Petition No. 020 — Dog Act 1976*, made progress, and postponed further consideration until the next sitting.

Report adopted.

**6. Order of Business**

Ordered — That Order of the Day Nos 1, *Shire of Esperance Cat Local Law 2022 — Disallowance*, and 2, *Shire of Esperance Dog Local Law 2022 — Disallowance*, be taken after Order of the Day No. 6, *Workers Compensation and Injury Management Bill 2023*. (Leader of the House).

## **7. Estimates of Revenue and Expenditure — Consolidated Account Estimates 2023–2024**

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Emergency Services representing the Treasurer as follows —

That pursuant to Standing Order 69(1) the Legislative Council take note of Tabled Paper 2203A-E (2023–2024 Budget Statements), laid upon the Table of the House on 11 May 2023.

On the motion of Hon Colin de Grussa the debate was adjourned to the next sitting.

## **8. Referral to Procedure and Privileges Committee — Hours of Sitting**

The Order of the Day No. 11 having been called, the Leader of the House, pursuant to notice, moved —

That the Standing Committee on Procedure and Privileges be required to inquire and report into whether the Council should amend its sitting hours to meet and adjourn one hour earlier on each sitting Tuesday

Debate ensued.

## **9. Questions Without Notice**

Questions without notice were taken.

The Minister for Innovation and the Digital Economy, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Tjorn Sibma.

The Parliamentary Secretary to the Minister for Sport and Recreation, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

The Minister for Emergency Services tabled a response to a question without notice asked by Hon Martin Aldridge. (Tabled Paper 2320).

The Minister for Emergency Services representing the Minister for Corrective Services, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Peter Collier.

The Minister for Emergency Services representing the Minister for Transport tabled a response to question on notice No. 1436 asked by Hon Tjorn Sibma. (Tabled Paper 2321).

## **10. Referral to Procedure and Privileges Committee — Hours of Sitting**

Debate resumed on the Motion of the Leader of the House (*see item 8 above*).

Question — put and passed.

## **11. Misuse of Drugs Amendment Bill 2023**

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

Debate resumed.

Question — put and passed.

Bill read a second time.

The Acting President left the Chair.

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### **In Committee**

(Hon Stephen Pratt in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 17 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Emergency Services representing the Minister for Police moved, That the Bill be read a third time.

The Acting 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.

**12. Cognate Debate — Workers Compensation and Injury Management Bill 2023 and Workers Compensation and Injury Management Amendment Bill 2023**

The Parliamentary Secretary to the Minister for Industrial Relations sought leave of the Council to debate Order of the Day No. 5, *Workers Compensation and Injury Management Bill 2023*, and Order of the Day No. 6, *Workers Compensation and Injury Management Amendment Bill 2023*, cognately [SO 127].

Leave granted.

**13. 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 second reading of these Bills cognately.

Debate ensued.

Hon Martin Aldridge sought leave to continue his remarks at the next sitting.

Leave granted.

*Interruption pursuant to order.*

**14. Members' Statements**

Statements were taken.

**15. Adjournment**

The Council adjourned at 6.52pm until Thursday, 22 June 2023 at 10.00am.

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

Attendance: Present all Members except Hon Donna Faragher and Hon Sophia Moermond.

**SAM HASTINGS**  
Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**  
President of the Legislative Council