



## LEGISLATIVE COUNCIL

**TUESDAY, 8 AUGUST 2023**

**2.00pm**

### 1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Alanna Clohesy, took the Chair.

Prayers and an Acknowledgement of Country were read.

### 2. Message from Deputy of the Governor — Assent to Bill

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

|  |                |
|--|----------------|
| <b>22 June 2023 — Message No. 18</b>     | <b>Act No.</b> |
| Government Trading Enterprises Bill 2022 | 13 of 2023     |

### 3. Messages from His Excellency the Governor — Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills —

|   |                |
|---|----------------|
| <b>26 June 2023 — Message No. 19</b>                | <b>Act No.</b> |
| Collie Coal (Griffin) Agreement Amendment Bill 2023 | 14 of 2023     |
| Young Offenders Amendment Bill 2023                 | 15 of 2023     |
| Misuse of Drugs Amendment Bill 2023                 | 16 of 2023     |

### 4. Statement by President — Courtesies and etiquette in the House

The President made the following Statement —

As we return from the Winter recess, I thought it timely to provide a brief refresher with respect to the courtesies and etiquette for this House. These are for the benefit of all Members and the efficient functioning of the Chamber. I draw your attention to the Procedural Notes relating to the conventions and courtesies of the House. It would be beneficial if all Members reacquainted themselves with this advice, particularly with regard to:

- movement about the Chamber; and
- the discreet use of electronic devices.

A summary of the usual courtesies is included in Members' Standing Orders.

## **5. Statement by President — Joint Standing Committee on Delegated Legislation — Resignation of Member**

The President made the following Statement —

I have a letter. It reads:

Dear President

Effective 22 June 2023 and pursuant to Standing Order 159(4), I tender my resignation as a Member of the Joint Standing Committee on Delegated Legislation.

With best wishes

Christine Tonkin

Member for Churchlands

## **6. Petitions**

Hon Nick Goiran presented an E-Petition from 3,023 petitioners requesting the Legislative Council to ensure amendment legislation enshrines the protection of unborn children suspected of having Down Syndrome. (Tabled Paper 2401).

Hon Martin Aldridge presented an E-Petition from 1,172 petitioners requesting the Legislative Council to support an upgrade of the East Road and Wanneroo Road intersection.

(Tabled Paper 2402).

Hon Peter Foster presented an E-Petition from 478 petitioners requesting the Legislative Council to make recommendations to the Government regarding the rapid industrialisation of Broome, which is affecting the lifestyle and livelihoods of residents. (Tabled Paper 2403).

Hon Dr Brian Walker presented an E-Petition from 85 petitioners requesting the Legislative Council to inquire into the provision of medically monitored injection rooms. (Tabled Paper 2404).

Hon Dr Brian Walker presented an E-Petition from 5,750 petitioners requesting the Legislative Council to consider proposals in relation to ongoing firearm reform. (Tabled Paper 2405).

## **7. Ministerial Statement — Sexual Violence Prevention and Response Strategy**

The Minister for Women's Interest's made a Ministerial Statement with respect to the launch of consultation for Western Australia's first sexual violence prevention and response strategy.

## **8. Ministerial Statement — Government Response — Select Committee into Cannabis and Hemp**

The Leader of the House made a Ministerial Statement with respect to an the expected tabling date for the Government Response to the Select Committee into Cannabis and Hemp's *Medical Cannabis and Industrial Hemp in Western Australia* report.

## **9. Ministerial Statement — Live Sheep Export**

The Minister for Agriculture and Food made a Ministerial Statement with respect to the Western Australian Government submission to the independent panel consulting on the phase out of live sheep exports by sea.

The Minister for Agriculture and Food tabled Western Australian Government submission and supporting documents to the Live Sheep Export Phase Out. (Tabled Paper 2406).

## 10. Papers

The following Papers were laid on the Table by —

### President

#### *Auditor General's Papers —*

|   |      |
|---|------|
| Better Practice Guide — Audit Readiness (Report No. 26) (June 2023)<br>(Deemed tabled 30/06/2023).....                                      | 2332 |
| Financial Audit Results — Universities and TAFEs 2022 (Report No. 27) (June 2023)<br>(Deemed tabled 30/06/2023).....                        | 2333 |
| Financial Audit Results — State Government (2021-22) — Part 3: Final Results<br>(Report No. 28) (June 2023) (Deemed tabled 30/06/2023)..... | 2334 |

#### *Reports —*

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| Corruption and Crime Commission — Serious misconduct risks in a Housing<br>Authority project (July 2023) (Deemed tabled 20/07/2023)..... | 2335 |
| Inspector of Custodial Services, Office of the — Inspection on Broome Regional<br>Prison (Report No. 149) (June 2023).....               | 2336 |

### Leader of the House

#### *Addendums —*

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| Child and Adolescent Health Service — Annual Report (2021-22) ..... | 2337 |
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#### *By-laws —*

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| Queen Elizabeth II Medical Centre Act 1966 (Queen Elizabeth II Medical Centre (Delegated<br>Site) Amendment By-laws 2023 G.G. 30/06/2023) ..... | 2338 |
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#### *Local Laws —*

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| Cat Act 2011 (Shire of Ashburton Cats Local Law 2023 G.G. 01/08/2023).....  | 2339 |
| Cemeteries Act 1986 (Shire of Esperance Cemeteries Local Law 2023 G.G. 11/07/2023).....   | 2340 |
| Dog Act 1976 (Shire of Waroona Dog Local Law 2023 G.G. 07/07/2023, Town of Claremont<br>Animal Local Law 2023 G.G. 28/07/2023 and Town of Cottesloe Dogs Local<br>Law 2023 G.G. 04/08/2023).....  | 2341 |
| Local Government Act 1995 (City of Bunbury Parking Local Law 2023 G.G. 19/06/2023, City<br>of Swan Parking Local Law 2023 G.G. 19/06/2023, Eastern Metropolitan Regional Council<br>Meeting Procedures Local Law 2023 G.G. 26/06/2023, Shire of Ashburton Repeal Local<br>Law 2023 G.G. 27/06/2023, Shire of Wyalkatchem Public Places and Local Government<br>Property Amendment Local Law 2023 G.G. 30/06/2023 and Shire of Wyalkatchem Cats<br>Local Law 2022 (2023) G.G. 30/06/2023 ..... | 2342 |
| Local Government Act 1995 (City of Fremantle Cat Management Amendment Local<br>Law 2023 G.G. 07/07/2023, City of Swan Meeting Procedures Local<br>Law 2023 G.G. 25/07/2023, Shire of Murray Health Amendment Local<br>Law 2023 G.G. 01/08/2023, Shire of Dumbleyung Health Amendment Local<br>Law 2023 G.G. 04/08/2023, and Shire of Dumbleyung Local Government Property and<br>Public Places Amendment Local Law 2023 G.G. 04/08/2023).....   | 2343 |

#### *Notices —*

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| Health (Miscellaneous Provisions) Act 1911 (Shire of Dardanup - Fee for Registration of a<br>Lodging House (2023) G.G. 21/07/2023 ..... | 2344 |
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*Orders —*

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| Health Services Act 2016 (Health Services (Fees and Charges) Amendment Order (No. 4) 2023 G.G. 30/06/2023 and Health Services (Fees and Charges) Amendment Order (No. 5) 2023 G.G. 30/06/2023) .....   | 2345 |
| Local Government Act 1995 (Local Government (Population Estimates) Order 2023 G.G. 20/06/2023, Local Government (Albany) Change Order 2023 G.G. 30/06/2023, Local Government (Bayswater) Change Order 2023 G.G. 30/06/2023, Local Government (Beverley) Change Order 2023 G.G. 30/06/2023, Local Government (Boyup Brook) Change Order 2023 G.G. 30/06/2023, Local Government (Bunbury) Change Order 2023 G.G. 30/06/2023, Local Government (Busselton) Change Order 2023 G.G. 30/06/2023, Local Government (Collie) Change Order 2023 G.G. 30/06/2023, Local Government (Cranbrook) Change Order 2023 G.G. 30/06/2023, Local Government (Derby-West Kimberley) Change Order 2023 G.G. 30/06/2023, Local Government (Fremantle) Change Order 2023 G.G. 30/06/2023, Local Government (Gnowangerup) Change Order 2023 G.G. 30/06/2023, Local Government (Greater Geraldton) Change Order 2023 G.G. 30/06/2023, Local Government (Harvey) Change Order 2023 G.G. 30/06/2023, Local Government (Kalgoorlie-Boulder) Change Order 2023 G.G. 30/06/2023, Local Government (Karratha) Change Order 2023 G.G. 30/06/2023, Local Government (Kent) Transitional Order 2023 G.G. 30/06/2023, Local Government (Kondinin) Change Order 2023 G.G. 30/06/2023, Local Government (Kulin) Change Order 2023 G.G. 30/06/2023, Local Government (Merredin) Change Order 2023 G.G. 30/06/2023, Local Government (Mukinbudin) Change Order 2023 G.G. 30/06/2023, Local Government (Narrogin) Change Order 2023 G.G. 30/06/2023, Local Government (Ngaanyatjarraku) Transitional Order 2023 G.G. 30/06/2023, Local Government (Northampton) Change Order 2023 G.G. 30/06/2023, Local Government (Quairading) Change Order 2023 G.G. 30/06/2023 and Local Government (Williams) Change Order 2023 G.G. 30/06/2023)..... | 2346 |

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| Aboriginal Cultural Heritage Act 2021 (Aboriginal Cultural Heritage Amendment Regulations (No. 3) 2023 G.G. 23/06/2023 and Aboriginal Cultural Heritage (Cost Recovery) Regulations 2023 G.G. 23/06/2023) .....  | 2347 |
| Finance Brokers Control Act 1975; Settlement Agents Act 1981 (Commerce Regulations Amendment (Transfer of Land) Regulations 2023) .....  | 2348 |
| Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Health Services Act 2016; Human Reproductive Technology Act 1991; Medicines and Poisons Act 2014; Private Hospitals and Health Services Act 1927; Radiation Safety Act 1975; Tobacco Products Control Act 2006 (Health Regulations Amendment (Fees and Charges) Regulations 2023 G.G. 30/06/2023) ..... | 2349 |
| Health (Miscellaneous Provisions) Act 1911 (Health (Notifications by Midwives) Amendment Regulations 2023 G.G. 30/06/2023).....  | 2350 |
| Health and Disability Services (Complaints) Act 1995 (Health and Disability Services (Complaints) Amendment Regulations 2023).....   | 2351 |
| Health Services Act 2016 (Health Services (General) Amendment Regulations 2023 G.G. 30/06/2023) .....  | 2352 |
| Local Government Act 1995 (Local Government Regulations Amendment Regulations (No. 2) 2023 G.G. 30/06/2023 and Local Government Regulations Amendment Regulations 2023 G.G. 30/06/2023).....   | 2353 |

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| Fremantle Ports Authority — Statement of Corporate Intent (2023-24) ..... | 2354 |
| Kimberley Ports Authority — Statement of Corporate Intent (2023-24) ..... | 2355 |
| Lotterywest — Statement of Corporate Intent (2023-24) .....               | 2356 |
| Mid West Ports Authority — Statement of Corporate Intent (2023-24) .....  | 2357 |
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| Southern Ports Authority — Statement of Corporate Intent (2023-24) .....  | 2359 |

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| Joint Standing Committee on the Corruption and Crime Commission — Unlawful<br>Detention in Public Hospitals — Parliamentary Inspectors Report<br>(Report No. 8) (March 2023) (Minister for Health) ..... | 2360 |
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**Minister for Emergency Services***By-laws —*

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| Government Railways Act 1904 (Government Railways (Trespass) By-law 2023) ..... | 2361 |
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*Local Laws —*

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| Bush Fires Act 1954 (Shire of Dumbleyung Bush Fire Brigades Local Law 2023 G.G. 04/08/2023)<br>..... | 2362 |
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| Government Trading Enterprises Act 2023; Western Australian Land Authority Act<br>1992 (Government Trading Enterprises Regulations 2023 G.G. 30/06/2023) ..... | 2364 |
| Major Events Act 2023 (Major Events Regulations 2023 G.G. 30/06/2023) .....  | 2365 |

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| ChemCentre — Statement of Corporate Intent (2023-24) .....  | 2366 |
| Insurance Commission of Western Australia — Statement of Corporate<br>Intent (2023-24) .....  | 2367 |
| Jobs, Tourism Science and Innovation, Department of — Report on Minister<br>Papalia's Mission to the UK and Ireland (24 February 2023 to 6 March 2023)<br>..... | 2368 |
| Western Australian Treasury Corporation — Statement of Corporate<br>Intent (2023-24) .....  | 2369 |

**Minister for Agriculture and Food***Proposals —*

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| Land Administration Act 1997 — Submission No. 02/2023 — Excisions from Class A<br>Reserve 47884 to rationalise the tenure over the constructed areas of<br>Brookton Highway which do not align with the existing road as it is<br>dedicated .....       | 2370 |
| Land Administration Act 1997 — Submission No. 04/2023 — Amendment of Class A<br>Reserve 23480 to rectify the encroachment of a house and shed due to a<br>misaligned boundary fence on Brockman Highway in the Shire of Augusta<br>Margaret River ..... | 2371 |
| Land Administration Act 1997 — Submission No. 05/2023 — Excision from Class A<br>Reserve 21036 for dedication as part of the Aberdare Road Reserve .....  | 2372 |

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| Adoption Act 1994; Children and Community Services Act 2004 (Child Protection Regulations Amendment (Fees and Payments) Regulations 2023 G.G. 30/06/2023) ..... | 2373 |
| Children and Community Services Act 2004 (Children and Community Services Amendment Regulations (No. 2) 2023) .....   | 2374 |
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| Metropolitan Redevelopment Authority Act 2011 (Metropolitan Redevelopment Authority Amendment Regulations 2023) .....   | 2376 |
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| Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2023) .....   | 2378 |
| Working with Children (Screening) Act 2004 (Working with Children (Criminal Record Checking) Amendment Regulations 2023 G.G. 30/06/2023) .....                  | 2379 |

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| Forest Products Commission — Statement of Corporate Intent (2023-24) ..... | 2380 |
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**Parliamentary Secretary to the Attorney General***By-laws —*

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| Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2023 G.G. 27/06/2023 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2023 G.G. 27/06/2023) ..... | 2381 |
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| Supreme Court Act 1935 (Rule of Court 2024 - Sittings and Winter Vacation for 2024 G.G. 21/07/2023) ..... | 2382 |
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| Administration Act 1903 (Administration (Intestacy Legacy Amounts) Order 2023 G.G. 01/08/2023) ..... | 2383 |
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|---|------|
| Births, Deaths and Marriages Registration Act 1998; Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; Classification (Publications, Films and Computer Games) Enforcement Act 1996; Coroners Act 1996; District Court of Western Australia Act 1969; Evidence Act 1906; Fines, Penalties and Infringement Notices Enforcement Act 1994; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 (Attorney General Regulations Amendment (Fees and Charges) Regulations 2023) ..... | 2384 |
| Electricity Corporations Act 2005 (Electricity Corporations (Areas of Operation) Amendment Regulations 2023 G.G. 20/06/2023 and Electricity Corporations (Electricity Generation and Retail Corporation) Amendment Regulations 2023 G.G. 30/06/2023) .....  | 2385 |
| Family Court Act 1997 (Family Court Amendment Regulations 2023 G.G. 30/06/2023) .....   | 2386 |
| Spent Convictions Act 1988 (Spent Convictions (Act Amendment) Regulations 2023 and Spent Convictions Amendment Regulations 2023) .....  | 2387 |
| Workers' Compensation and Injury Management Act 1981 (Workers' Compensation and Injury Management Amendment Regulations (No. 2) 2023) .....   | 2388 |

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| Gold Corporation — Statement of Corporate Intent (2023-24) .....                  | 2389 |
| Horizon Power — Statement of Corporate Intent (2023-24).....                      | 2390 |
| Synergy — Statement of Corporate Intent (2023-24) (Deemed tabled 5/07/2023) ..... | 2391 |
| Western Power — Statement of Corporate Intent (2023-2024).....                    | 2392 |

*Response to Reports —*

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|---|------|
| Joint Standing Committee on the Corruption and Crime Commission — A Need for Clarity — Parliamentary Inspector's report: Can the Corruption and Crime Commission decline to form an opinion that serious misconduct has occurred despite the definition being met? (Report No. 9) (March 2023) (Attorney General) ..... | 2393 |
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**Parliamentary Secretary to the Minister for Environment***Order —*

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| Biodiversity Conservation (Threatened Ecological Communities) Order 2023 ..... | 2394 |
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*Regulations —*

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|---|------|
| Contaminated Sites Act 2003 (Contaminated Sites Amendment Regulations 2023 G.G. 30/06/2023) .....                                 | 2395 |
| Liquor Control Act 1988 (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 2) 2023).....                  | 2396 |
| Liquor Control Act 1988 (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 3) 2023 G.G. 20/06/2023) ..... | 2397 |

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

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|--|------|
| Proposed South West Coast Marine Park Newsletter in response to Question without Notice No. 586 asked by Hon Colin de Grussa (13 June 2023)..... | 2398 |
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*Orders —*

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|---|------|
| Fish Resources Management Act 1994 (Prohibition on Fishing for Demersal Finfish from Charter Boats (West Coast Region) Order 2023 G.G. 23/06/2023)..... | 2399 |
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**Parliamentary Secretary to the Minister for Training***Reports —*

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|--|------|
| Water Corporation — Statement of Corporate Intent (2022-23)..... | 2400 |
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**11. Standing Committee on Uniform Legislation and Statutes Review — Report 143 — Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023**

Hon Donna Faragher presented Report 143 of the Standing Committee on Uniform Legislation and Statutes Review, *Marine Safety (Domestic Commercial Vessel National Law Application) Bill 2023*. (Tabled Paper 2407).

## 12. Order of Business

Ordered — That Orders of the Day Nos 1, *Shire of Esperance Cat Local Law 2022 — Disallowance*, 2, *Shire of Esperance Dog Local Law 2022 — Disallowance*, 3, *Shire of Wyalkatchem Bush Fire Brigades Local Law 2022 — Disallowance*, 4, *Shire of Wyalkatchem Cats Local Law 2022 — Disallowance*, 5, *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022 — Disallowance*, and 6, *City of Subiaco Waste Local Law 2022 — Disallowance*, be taken after Order of the Day No. 14, *School Education Amendment Bill 2023*. (Leader of the House).

## 13. 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.

Debate resumed.

Question — put and passed.

*The President left the Chair at 4.26pm.*

*The President resumed the Chair at 4.30pm*

## 14. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food representing the Minister for Housing tabled a response to a question without notice asked by Hon Dr Brad Pettitt. (Tabled Paper 2408).

The Leader of the House representing the Minister for Education tabled a correction to question on notice 1351 asked by Hon Donna Faragher. (Tabled Paper 2409).

The Leader of the House representing the Minister for Education tabled a correction to a question without notice asked by Hon Donna Faragher. (Tabled Paper 2410).

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 2411).

The Minister for Emergency Services representing the Minister for Corrective Services, in accordance with Standing Order 108(2), advised that an answer to question on notice 1473 asked by Hon Steve Martin will be provided on 17 August 2023.

The Parliamentary Secretary to the Minister for Environment tabled a response to question on notice 1457 asked by Hon Dr Brad Pettitt. (Tabled Paper 2412).

## 15. Statement by President — Artist in Residence

The President made the following Statement —

It is my pleasure to welcome Tony Windberg, the 2023 Parliament House, Edith Cowan University Artist-in-Residence to the President's Gallery today

The Art Residency is an annual initiative, which provides a Western Australian artist with the opportunity to investigate aspects of Western Australian life, culture, history and politics from within the context of Parliament. The artist then creates artwork that draws upon this frame of reference.

Tony Windberg is a multi-award and grant-winning artist and art educator who has been featured in numerous state and interstate solo and group exhibitions. Tony's art is represented widely in prestigious university, corporate, local government and private art collections.



You are welcome to the Legislative Council Tony and we wish you all the best with your residency.

**16. Workers Compensation and Injury Management Bill 2023 and Workers Compensation and Injury Management Amendment Bill 2023**

The Order of the Day having been read for the adjourned debate on the second reading of these Bills cognately.

Debate resumed.

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

Bill read a second time.

Question — That the *Workers Compensation and Injury Management Amendment Bill 2023* be read a second time — 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)

***Workers Compensation and Injury Management Bill 2023***

Clause 1.

Debate ensued.

The Parliamentary Secretary to the Minister for Industrial Relations tabled WorkCover WA Legislation changes costings (November 2022). (Tabled Paper 2413).

Debate resumed.

The Parliamentary Secretary to the Minister for Industrial Relations tabled a submission from Australian Lawyers Alliance to the Minister for Industrial Relations and the Shadow Minister for Industrial Relations, and the Ministerial response. (Tabled Paper 2414).

The Parliamentary Secretary to the Minister for Industrial Relations tabled a submission from Work Injury Consultancy to the Minister for Industrial Relations, and the Ministerial response. (Tabled Paper 2415).

The Parliamentary Secretary to the Minister for Industrial Relations tabled a submission from Chapmans Barristers and Solicitors to the Minister for Industrial Relations. (Tabled Paper 2416).

Debate resumed.

*Interruption pursuant to order.*

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The President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the Bill, made progress, and seeks to sit again.

Ordered — That the Committee of the Whole House sit again

**17. Members' Statements**

Statements were taken.

**18. Adjournment**

The Council adjourned at 9.53pm until Wednesday, 9 August 2023 at 1.00pm.

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

Attendance: Present all Members except Hon Samantha Rowe and Hon Rosetta Sahanna.

**SAM HASTINGS**

Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council