



## LEGISLATIVE COUNCIL

### WEDNESDAY, 29 MARCH 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. Ministerial Statement — Fenix Newhaul Kickstart Training Academy

The Parliamentary Secretary to the Minister for Regional Development made a Ministerial Statement with respect to the official opening of the Fenix Newhaul Kickstart Training Academy.

#### 3. Papers

The following Papers were laid on the Table by —

##### President

*Auditor General's Papers* —

Information Systems Audit — Local Government 2021-22 (Report No. 19) (2022-23)  
 .....2122

##### Leader of the House

*Annual Reports* —

Curtin University (2022) (Date received 28/03/2023) .....2123

Edith Cowan University (2022) (Date received 28/03/2023) .....2124

Murdoch University (2022) (Date received 28/03/2023) .....2125

University of Western Australia (2022) (Date received 28/03/2023).....2126

#### 4. Investing in Sport

Hon Stephen Pratt: To move on the next day of sitting —

That the Legislative Council —

- (a) acknowledges the importance of female participation in sport ahead of the FIFA Women's World Cup; and
- (b) recognises the investment by the McGowan Government into the new State Football Centre, along with other sporting facilities across the State.

## 5. Plastic Waste in Western Australia

Hon Dr Sally Talbot: To move on the next day of sitting —

That the Legislative Council commends the McGowan Labor Government's ongoing commitment to innovation and leadership in management of plastics including the strategic reduction, reuse, and management of plastic waste in Western Australia.

## 6. Live-sheep Exports

Motion No. 14 having been called, Hon Steve Martin, pursuant to notice, moved —

That this House —

- (a) notes the repeated and enthusiastic comments from the Western Australian Minister for Agriculture and Food in support of the live-sheep trade, including her statement "I do support live sheep exports, it's an important part of the mix – I absolutely do."; and
- (b) calls on this House to endorse the policy position of the Minister.

Debate ensued.

Question — put and passed.

## 7. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

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### In Committee

(Hon Dr Sally Talbot in the Chair)

#### Joint Standing Committee on the Commissioner for Children and Young People — Report 4 — Annual Report 2021-2022

Hon Peter Foster moved, That the Report be noted.

Debate ensued.

Question — put and passed.

*Interruption pursuant to order.*

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The Acting President resumed the Chair.

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

Joint Standing Committee on the Commissioner for Children and Young People — Report 4 — *Annual Report 2021-2022* and had noted same.

Report adopted.

## 8. Order of Business

Ordered — That Bills for Introduction No. 2, *Mining Amendment Bill 2023*, be taken forthwith. (Minister for Emergency Services).

## 9. Mining Amendment Bill 2023

The Parliamentary Secretary representing the Minister for Mines and Petroleum, pursuant to notice, moved —

That a Bill for "An Act to amend the *Mining Act 1978*." be introduced and read a first time.

Question — put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the Bill be read a second time.

The Parliamentary Secretary representing the Minister for Mines and Petroleum tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 2127).

Debate stands adjourned.

#### **10. Order of Business**

Ordered — That Orders of the Day Nos 1, *Shire of Kojonup Cat Local Law 2022 — Disallowance*, 2, *Shire of Kojonup Parking Local Law 2022 — Disallowance*, 3, *Shire of Dumbleyung Bush Fire Brigades Local Law 2022 — Disallowance*, 4, *Shire of Dumbleyung Health Local Law 2022 — Disallowance*, 5, *Shire of Dumbleyung Local Government Property and Public Places Local Law 2022 — Disallowance*, and 6, *Shire of Kondinin Bush Fire Brigades Local Law 2022 — Disallowance*, be taken after Order of the Day No. 8, *Legal Deposit Amendment Bill 2023*. (Leader of the House).

#### **11. Criminal Law (Mental Impairment) Bill 2022**

The Order of the Day for the further consideration of this Bill, in Committee of the Whole House, having been read.

The Acting President left the Chair.

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#### **In Committee**

(Hon Dr Brian Walker in the Chair)

Clause 45.

Debate resumed.

Clause agreed to.

Clauses 46 to 57 agreed to.

Clause 58 agreed to.

Clause 59 agreed to.

Clause 60.

Debate ensued.

Clause agreed to.

Clause 61 agreed to.

Clause 62.

Debate ensued.

Clause agreed to.

Clauses 63 to 65 agreed to.

Clause 66.

Debate ensued.

Clause agreed to.

Clauses 67 and 68 agreed to.

Clause 69.

Debate ensued.

Clause agreed to.

Clauses 70 to 72 agreed to.

Clause 73.

Debate ensued.

Clause agreed to.

Clauses 74 to 76 agreed to.

Clause 77.

Debate ensued.

Clause agreed to.

## **12. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Transport tabled a response to a question without notice asked by Hon Tjorn Sibma. (Tabled Paper 2128).

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

The Minister for Agriculture and Food representing the Minister for Housing, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Steve Martin.

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 Minister for Agriculture and Food representing the Minister for Housing tabled a response to a question without notice asked by Hon Steve Martin. (Tabled Paper 2129).

The Parliamentary Secretary representing the Minister for Culture and the Arts on behalf of the Parliamentary Secretary representing the Minister for Energy, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Dr Steve Thomas.

The Parliamentary Secretary representing the Attorney General, by leave, incorporated into *Hansard* a response to a question without notice asked by Hon Tjorn Sibma.

## **13. Criminal Law (Mental Impairment) Bill 2022**

Resumption of consideration of this Bill in Committee of the Whole House (*see item 11 above*).

The President left the Chair.

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### **In Committee**

(Hon Sandra Carr in the Chair)

Clause 78.

Debate ensued.

Clause agreed to.

Clauses 79 to 99 agreed to.

Clause 100.

Debate ensued.

Clause agreed to.

Clauses 101 to 140 agreed to.

Clause 141.

Debate ensued.

The Parliamentary Secretary representing the Attorney General tabled a document providing a description of victim considerations provided for by the Mentally Impaired Accused Review Board. (Tabled Paper 2130).

Debate resumed.

Clause agreed to.

Clauses 142 to 170 agreed to.

Clause 171.

Debate ensued.

Parliamentary Secretary representing the Attorney General tabled a document containing the number of mentally impaired accused persons released. (Tabled Paper 2131).

Debate resumed.

Clause agreed to.

Clauses 172 to 198 agreed to.

Clause 199

Debate ensued.

Clause agreed to.

Clauses 200 to 225 agreed to.

Clause 226.

Debate ensued.

Clause agreed to.

Clauses 227 to 259 agreed to.

Clause 260.

Debate ensued.

Clause agreed to.

Clauses 261 to 279 agreed to.

Clause 280.

Debate ensued.

Clause agreed to.

Clauses 281 to 412 agreed to.

Schedule 1 agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Attorney General moved, That the Bill 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.

Debate ensued.

Question — put and passed.

Bill read a third time and passed.

#### **14. Order of Business**

Ordered — That Members' Statements be taken forthwith. (Minister for Emergency Services).

#### **15. Members' Statements**

Statements were taken.

**16. Message from the Deputy to the Governor — Assent to Bills**

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

<b>24 March 2023 — Message No. 8</b>	<b>Act No.</b>
Land and Public Works Legislation Amendment Bill 2022	4 of 2023
Animal Welfare and Trespass Legislation Amendment Bill 2021	5 of 2023
<b>29 March 2023 — Message No. 9</b>	<b>Act No.</b>
Road Traffic (Vehicles) Amendment (Offensive Advertising) Bill 2022	6 of 2023
Treasurer's Advance Authorisation Bill 2023	7 of 2023
Criminal Investigation Amendment (Validation) Bill 2023	8 of 2023

**17. Adjournment**

The Council adjourned at 6.28pm until Thursday, 30 March 2023 at 10.00am.

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

Attendance: Present all Members except Hon Peter Collier, Hon Ayor Makur Chuot (*leave*), and Hon Neil Thomson.

**PAUL GRANT**

Acting Clerk of the Legislative Council

**HON ALANNA CLOHESY MLC**

President of the Legislative Council