

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 158

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 28 NOVEMBER 2023

1. Meeting of Assembly

The Assembly met at 1.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Speaker's Statement – Media Presence

The Speaker advised that she had approved media requests for photography and filming to take place during the first 10 minutes of the Stolen Wages Apology from the Press Gallery.

3. Stolen Wages Apology

The Premier, pursuant to notice, moved,

That this House formally acknowledges and apologises to Aboriginal and Torres Strait Islander people who worked in Western Australia, between 1936 and 1972, for little or no wages.

Dr A.D. Buti, Ms D.G. D'Anna, Mr R.S. Love and Ms L. Mettam spoke on the motion.

Question put and passed.

4. Message from the Governor

Message No. 32 from His Excellency the Governor was reported assenting to the following bills –

Main Roads Amendment Bill 2023, Act No. 26 of 2023.

Mining Amendment Bill 2023, Act No. 27 of 2023.

5. Duties Amendment (Off-the-Plan Concession and Foreign Persons Exemptions) Bill 2023

Message No. 117 dated 16 November 2023 from the Legislative Council was reported agreeing to the bill without amendment.

6. Paper

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

By the Speaker –

Inspector of Custodial Services, Office of the – People in custody with a hearing impairment (Received by the Speaker of the Legislative Assembly on 26 October 2023 and held for a period of 30 days) (2529).

By the Clerk –

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations (No. 4) 2023) (2530).

Conservation and Parks Commission – Annual Report 2022–2023 (2531).

Economics and Industry Standing Committee – Government Response to Report No. 5 – A Long-term Partnership: Developing Stronger Ties with Indonesia (2532).

Edith Cowan University Act 1984 – Statutes (Edith Cowan University Amending Statute No. 4 of 2023 G.G. 14/11/2023) (2533).

Financial Management Act 2006 – Notice given under 82 of the Act by the Attorney General in relation to Legislative Council Standing Committee on Estimates and Financial Operations Hearing on 11 October 2023 – Answers to Supplementary Information relating to the Department of Justice and State Solicitor's Office (2534).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2023) (2535).

Land Administration Act 1997 – Proposal: Submission No. 7/2023 under the Act for the amendment to Class A Reserve 1167 for the purpose of the Reserve to be changed to Conservation of Flora and Fauna, Shire of Capel (2536).

Local Government Act 1995 – Local Laws (Shire of Ashburton Public Places and Local Government Property Amendment Local Law 2023 G.G. 21/11/2023) (2537).

Local Government Act 1995 – Local Laws (Shire of Dowerin Repeal Local Law 2022 (No. 2) G.G. 24/11/2023) (2538).

Local Government Act 1995 – Local Laws (Shire of Kent Animals, Environment and Nuisance Local Law 2023 G.G. 20/11/2023) (2539).

Local Government Act 1995 – Local Laws (Shire of Kent Bush Fire Brigades Local Law 2023 G.G. 20/11/2023) (2540).

Local Government Act 1995 – Local Laws (Shire of Kent Cemeteries Local Law 2023 G.G. 20/11/2023) (2541).

Local Government Act 1995 – Local Laws (Shire of Kent Dogs Local Law 2023 G.G. 20/11/2023) (2542).

Local Government Act 1995 – Local Laws (Shire of Kent Fencing Local Law 2023 G.G. 20/11/2023) (2543).

Local Government Act 1995 – Local Laws (Shire of Kent Public Places and Local Government Property Local Law 2023 G.G. 20/11/2023) (2544).

Motor Vehicle Drivers Instructors Act 1963 – Regulations (Motor Vehicle Drivers Instructors Amendment Regulations 2023) (2545).

Parliamentary Inspector of the Corruption and Crime Commission – Corrigendum: The Corruption and Crime Commission’s 2019 Report on the WA Commissioner in Japan (2546).

Professional Standards Council of Western Australia – Annual Report 2022–2023 (2547).

Public Sector Commission – State of the WA Government Sector Workforce 2022–2023 (2548).

Water Efficiency Labelling and Standards (WELS) – Annual Report 2022–2023 (2549).

Western Australian Electoral Commission – Political Finance Annual Report – Report on the operation of Part IV of the Electoral Act 1907 for the period ended 30 June 2022 (2550).

7. Removal of Orders of the Day

The Speaker advised that Private Members’ Business Orders of the Day, Referral to the Public Accounts Committee, Western Australia’s Education System and Management of the Heath System had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

8. Notices of Motion

9. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the recent Mariginiup bushfire impacting the community of Wanneroo and surrounds.

The Premier on the recent Trade Mission Travel to China, 20 to 23 October 2023.

Paper

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

By the Premier –

Trade Mission Travel – Trade Mission to China, Itinerary – 20 to 23 October 2023 (2552).

The Attorney General on the potential legislative responses to coercive control in Western Australia.

Paper

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

By the Attorney General –

Attorney General – Legislative responses to coercive control in Western Australia – Consultation outcomes report (2553).

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

The Order of the Day for the consideration in detail of Legislative Council Message No. 115 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electoral Amendment (Finance and Other Matters) Bill 2023* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Electoral Amendment (Finance and Other Matters) Bill 2023

No. 1

Clause 61, Page 71, line 21 — To delete “Friday” and insert:

Thursday

No. 2

Clause 78, Page 97, lines 1 to 6 — To delete the lines and insert:

- (j) in paragraph (c) delete “or deputy returning officer, who shall forthwith,” and insert:

for the whole of State electorate or returning officer for a district who must,

No. 3

Clause 128, Page 244, after line 20 — To insert:

eligible SCA nominee, in relation to a political entity, means —

- (a) for an endorsed candidate — the political party that endorsed the candidate; or
- (b) for a candidate included in a group — the group; or
- (c) for an elected member —
 - (i) if the elected member is a member of a political party — the political party; or
 - (ii) if the member is a member of a group — the group;
- or
- (d) for an associated entity — a political party, or the party group of a political party, to which the associated entity relates;

No. 4

Clause 128, Page 245, line 25 — To delete the line and insert:

Penalty for this subsection:

No. 5

Clause 128, Page 245, after line 28 — To insert:

- (2) Subsection (1) does not apply if —
- (a) a political entity (the *relevant political entity*) who or which is not a group, political party or third-party campaigner, does not have a State campaign account because the relevant political entity intends to make use of the State campaign account of another political entity; and
 - (b) the other political entity is an eligible SCA nominee in relation to the relevant political entity; and
 - (c) the other political entity consents to make payments for electoral expenditure on behalf of the relevant political entity out of the other political entity's State campaign account; and
 - (d) the responsible person for the relevant political entity lodges a notice under section 175LN(1).

No. 6

Clause 128, Page 246, lines 5 and 6 — To delete the lines and insert:

- (a) that the political entity —
- (i) has a State campaign account; or
 - (ii) intends to make use of the State campaign account of another political entity named in the notice that is an eligible SCA nominee in relation to the political entity and has given the consent mentioned in section 175LM(2)(c);
- and

No. 7

Clause 128, Page 246, line 12 — To delete “subsection (1)(b) or (c)” and insert:

this section

No. 8

Clause 128, Page 246, lines 16 to 18 — To delete “stating the changes within the period of 5 business days after the day on which the change occurs.” and insert:

stating, within the period of 5 business days after the day on which the change occurs, details about the changes to the information, including —

- (a) if the change is that a new State campaign account is established — the information about that State campaign account mentioned in subsection (1)(b) and (c); and
- (b) if the change is that the political entity intends to make use of the State campaign account of another political entity — that the other political entity is an eligible SCA nominee in relation to the relevant political entity and has given the consent mentioned in section 175LM(2)(c).

No. 9

Clause 180, Page 352, after line 11 — To insert:

- (2A) For the purposes of sections 175LM, 175LN and 175U(1) and this section, the first participation day of a person who is, on commencement day, an elected member is the day on which the elected member was nominated for election at the most recent election for which they were a candidate.

No. 10

Clause 180, Page 352, after line 31 — To insert:

- (aa) the responsible person for the political entity complies with section 175LM(2) by the end of the period of 5 business days after commencement day; or

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment No. 1 be agreed to.

Amendment put and passed.

The Attorney General moved, That amendment No. 2 be agreed to.

Amendment put and passed.

The Attorney General moved, That amendment No. 3 be agreed to.

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

11. Questions

Questions without Notice were taken.

Question on Notice No's 936 to 939, 941, 943 and 944 were answered.

Paper tabled by the Minister for Mines and Petroleum –

Question on Notice No. 936 – Assessments under the Mining Act 1978 (2551).

12. Unanswered Question on Notice

Mr R.S. Love asked why no answer had been received in respect of his Question on Notice Nos 940 and 942.

13. Personal Explanation

The Minister for Health clarified her remarks about the number of babies' deaths in Western Australia, in response to a question from Ms L. Mettam, during consideration in detail of the Health Practitioner Regulation National Law Application Bill 2023.

14. Matter of Public Interest – Sustainable Fishing Industry

The Speaker informed the Assembly that she was in receipt of a notice from Mr P.J. Rundle that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr P.J. Rundle moved,

That this House condemns the shortsighted and reckless approach to the formation of Marine Parks through poor planning and the lack of consultation, attacking our sustainable fishing industry.

Debate ensued.

Question put.

The Assembly divided.

Ayes (5)

Ms M. Beard
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle

Ms M.J. Davies (*Teller*)

Noes (44)

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 R.H. Cook
Ms D.G. D'Anna
Mr M.J. Folkard
Ms E.L. Hamilton
Ms M.J. Hammat
Ms J.L. Hanns
Mr T.J. Healy
Mr M. Hughes

Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms E.J. Kelsbie
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mrs M.R. Marshall
Ms S.F. McGurk
Mr D.R. Michael
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mrs L.M. O'Malley
Mr P. Papalia

Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

15. Variation to the Order of Business

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

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

The Order of the Day for the further consideration in detail of Legislative Council Message No. 115 was read.

CONSIDERATION IN DETAIL

The Attorney General had moved, That amendment No. 3 be agreed to.

Amendment put and passed.

The Attorney General moved, That amendment No. 4 be agreed to.

Amendment put and passed.

The Attorney General moved, That amendments Nos 5 to 10 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

17. Health Practitioner Regulation National Law Application Bill 2023

The Order of the Day for the third reading of the bill having been read, the Minister for Health moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

18. Western Australian Marine Amendment Bill 2023

Message No. 118 dated 28 November 2023 from the Legislative Council was reported agreeing to the bill without amendment.

19. Vocational Education and Training Amendment Bill 2023

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Training moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

20. Adjournment

The Minister for Ports moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.02 pm until Wednesday, 29 November 2023 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms H.M. Beazley, Ms L. Dalton, Dr D.J. Honey, Ms M.M. Quirk, Ms J.J. Shaw and Ms R.S. Stephens.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly

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