

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 20

FIRST SESSION OF THE FORTY-FIRST PARLIAMENT

TUESDAY, 3 AUGUST 2021

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the announcement of the Agency Capability Review Program, a two-year trial program run by the Public Sector Commission.

The Premier on the tabling of the Perth Casino Royal Commission Interim Report.

Paper

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

By the Premier –

Premier – Perth Casino Royal Commission – Interim Report on the Regulatory Framework, 30 June 2021 (408).

The Minister for Mines and Petroleum on the Tesla BHP Nickel West agreement.

3. Speaker's Statement – Edith Cowan Theatrical Performance

The Speaker advised members that a theatrical performance would take place that evening in the Chamber to commemorate Edith Cowan taking her seat in the Legislative Assembly 100 years ago.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 46 to 206 were asked.

Questions on Notice Nos 1 to 5, 7, 11 to 13, 15, 17, 20, 22, 25, 32 and 34 to 38 were answered.

5. Speaker's Statement – Historical Legislative Assembly Photographs

The Speaker advised members that refurbished portraits of Western Australia's premiers had been put on display outside the Assembly Chamber, as had the 360-degree panorama of Legislative Assembly Members.

6. Unanswered Questions on Notice

The following member asked why no answer had been received in respect of his Questions on Notice –

Mr R.S. Love – Question on Notice Nos 31, 33 and 39 to 44.

7. Corruption, Crime and Misconduct Amendment Bill 2021

Message No. 12 dated 25 June 2021 from the Legislative Council was reported agreeing to the bill without amendment.

8. Message from the Governor

Message No. 11 from His Excellency the Governor was reported assenting to the following bills –

Building and Construction Industry (Security of Payment) Bill 2021, Act No. 4 of 2021.
Supply Bill 2021, Act No. 5 of 2021.

Sunday Entertainments Repeal Bill 2021, Act No. 6 of 2021.

Corruption, Crime and Misconduct Amendment Bill 2021, Act No. 7 of 2021.

9. Messages from the Governor

Messages from His Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –

Arts and Culture Trust Bill 2021 (Message No. 12).

Health Services Amendment Bill 2021 (Message No. 13).

Legal Profession Uniform Law Application Bill 2021 (Message No. 14).

10. Papers

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

Architects Act 2004; Associations Incorporation Act 2015; Auction Sales Act 1973; Building Act 2011; Building Services (Registration) Act 2011; Construction Contracts Act 2004; Co-operatives Act 2009; Debt Collectors Licensing Act 1964; Electricity Act 1945; Employment Agents Act 1976; Gas Standards Act 1972; Land Valuers Licensing Act 1978; Limited Partnerships Act 2016; Motor Vehicle Dealers Act 1973; Motor Vehicle Repairers Act 2003; Plumbers Licensing Act 1995; Real Estate and Business Agents Act 1978; Retirement Villages Act 1992; Settlement Agents Act 1981 – Regulations (Commerce Regulations Amendment (Fees and Charges) Regulations 2021 G.G. 21/06/2021) (335).

Auditor General, Office of the – Opinion on Ministerial Notification – FPC Arbitration Outcome, Report No. 1, July 2021 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 July 2021) (333).

Auditor General, Office of the – SafeWA – Application Audit, Report No. 2, August 2021 (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 August 2021) (334).

Auditor General, Office of the – Temporary Abbreviated State Procurement Control Requirements, Report No. 33, June 2021 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 June 2021) (330).

Biosecurity and Agriculture Management Act 2007 – Determinations (Biosecurity and Agriculture Management Determination under s. 130 – Blackwood Biosecurity Incorporated 2021 G.G. 09/07/2021) (336).

Biosecurity and Agriculture Management Act 2007 – Determinations (Biosecurity and Agriculture Management Determination under s. 130 – Determined Rates 2021 G.G. 02/07/2021) (337).

Biosecurity and Agriculture Management Act 2007 – Determinations (Biosecurity and Agriculture Management Determination under s. 130 – Rangeland Recognised Biosecurity Groups 2021 G.G. 09/07/2021) (338).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management Amendment Regulations 2021 G.G. 16/07/2021) (339).

Births, Deaths and Marriages Registration Act 1998; Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; 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 – Regulations (Attorney General Regulations Amendment (Fees and Charges) Regulations 2021 G.G. 29/06/2021) (340).

Building Act 2011; Residential Tenancies Act 1987 – Regulations (Commerce Regulations Amendment (Swan Valley Planning Scheme) Regulations 2021 G.G. 16/07/2021) (341).

Cat Act 2011 – Local Laws (Shire of Carnarvon Cats Local Law 2021 G.G. 15/07/2021) (342).

Cemeteries Act 1986 – Local Laws (Shire of Waroona Drakesbrook Cemetery Local Law 2021 G.G. 05/07/2021) (343).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations (No. 2) 2021 G.G. 30/07/2021) (344).

Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations (No. 2) 2021 G.G. 16/07/2021) (345).

Criminal Procedure Act 2004; Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Attorney General Regulations Amendment (Shipping and Pilotage) Regulations 2021 G.G. 30/07/2021) (346).

Criminal Procedure Act 2004; Fines, Penalties and Infringement Notices Enforcement Act 1994; Sentencing Act 1995 – Regulations (Attorney General Regulations Amendment (Sunday Entertainments) Regulations 2021 G.G. 30/07/2021) (347).

Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994; Mining Act 1978; Offshore Minerals Act 2003; Petroleum (Submerged Lands) Act 1982; Petroleum (Submerged Lands) Registration Fees Act 1982; Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967; Petroleum and Geothermal Energy Resources Act 1967; Petroleum and Geothermal Energy Safety Levies Act 2011; Petroleum Pipelines Act 1969 – Regulations (Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2021 G.G. 21/06/2021) (348).

Department of Justice – Review into Prosecutions arising from Corruption and Crime Commission Investigations – May 2020 (349).

Dog Act 1976 – Local Laws (Shire of Carnarvon Dogs Local Law 2021 G.G. 15/07/2021) (350).

Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Amendment Regulations (No. 2) 2021 G.G. 30/07/2021) (351).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments 2021 (No. 2) G.G. 30/07/2021) (353).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments 2021 G.G. 02/07/2021) (352).

Electricity Industry Act 2004 – Codes (Pilbara Networks Access Code 2021 G.G. 25/06/2021) (354).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2021 G.G. 22/06/2021) (355).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2021 G.G. 29/06/2021) (356).

Fair Trading Act 2010 – Notices (Consumer Goods (Quad Bikes) Amendment Safety Standard 2021 G.G. 23/07/2021) (357).

Fair Trading Act 2010 – Notices (Consumer Goods (Self-balancing Scooters) Amendment Safety Standard 2021 G.G. 23/07/2021) (358).

Family Court Act 1997 – Regulations (Family Court Amendment Regulations (No. 2) 2021 G.G. 30/07/2021) (359).

Fire and Emergency Services Act 1998 – Regulations (Fire and Emergency Services Amendment Regulations 2021 G.G. 02/07/2021) (360).

Firearms Act 1973; Pawnbrokers and Second-hand Dealers Act 1994; Police Act 1892; Security and Related Activities (Control) Act 1996 – Regulations (Police Regulations Amendment (Fees and Charges) Regulations 2021 G.G. 29/06/2021) (361).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2021 G.G. 02/07/2021) (362).

Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Human Reproductive Technology Act 1991; Radiation Safety Act 1975; Tobacco Products Control Act 2006 – Regulations (Health Regulations Amendment (Fees and Charges) Regulations 2021 G.G. 29/06/2021) (363).

Freedom of Information Act 1992; State Administrative Tribunal Act 2004 – Regulations (Attorney General Regulations Amendment (Swan Valley Planning Scheme) Regulations 2021 G.G. 16/07/2021) (364).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 4) 2021 G.G. 27/07/2021) (365).

Health Services Act 2016 – Regulations (Health Services (Conduct and Traffic) Amendment Regulations 2021 G.G. 29/06/2021) (366).

Land Administration Act 1997 – Proposal: Submission No. 04/2021 under the Act for the amendment to Class A Reserve 20091 to excise the golf course from the Reserve to create a new Class C Reserve for recreation, golf and community services (367).

Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2021 G.G. 29/06/2021) (368).

Land Surveyors Licensing Board of Western Australia – Annual Report 2020 (369).

Liquor Control Act 1988 – Regulations (Liquor Control (Parnngurr Restricted Area) Amendment Regulations 2021 G.G. 02/07/2021) (370).

Liquor Control Act 1988 – Regulations (Liquor Control (Transitional Housing and Support Program Restricted Areas) Amendment Regulations 2021 G.G. 02/07/2021) (371).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations 2021 G.G. 22/06/2021) (372).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations (No. 2) 2021 G.G. 30/07/2021) (373).

Local Government Act 1995 – Local Laws (Shire of Carnarvon Health Amendment Local Law 2021 G.G. 15/07/2021) (374).

Local Government Act 1995 – Local Laws (Shire of Carnarvon Parking Local Law 2021 G.G. 15/07/2021) (375).

Local Government Act 1995 – Local Laws (Shire of Corrigin War Memorial Swimming Pool Repeal Local Law 2021 G.G. 27/07/2021) (376).

Local Government Act 1995 – Local Laws (Shire of Leonora Bush Fire Brigades Local Law 2021 G.G. 30/07/2021) (377).

Local Government Act 1995 – Regulations (Local Government (Elections) Amendment Regulations 2021 G.G. 30/07/2021) (378).

Lotteries Commission Act 1990 – Rules (Lotteries Commission (Authorised Lotteries) Amendment (Saturday Lotto) Rules 2021 G.G. 23/07/2021) (379).

Magistrates Court (Civil Proceedings) Act 2004; Magistrates Court Act 2004 – Rules (Magistrates Court Rules Amendment Rules (No. 2) 2021 G.G. 23/07/2021) (380).

Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations 2021 G.G. 02/07/2021) (381).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 2) 2021 G.G. 21/06/2021) (382).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – An investigation into the Office of the Public Advocate’s role in notifying the families of Mrs Joyce Savage, Mr Robert Ayling and Mr Kenneth Hartley of the deaths of Mrs Savage, Mr Ayling and Mr Hartley (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 July 2021) (332).

Pay-roll Tax Assessment Act 2002 – Regulations (Pay-roll Tax Assessment Amendment Regulations 2021 G.G. 02/07/2021) (383).

Planning and Development Act 2005 – Regulations (Planning and Development (Development Assessment Panels) Amendment Regulations (No. 2) 2021 G.G. 29/06/2021) (384).

Planning and Development Act 2005 – Regulations (Planning and Development (Development Assessment Panels) Amendment Regulations 2021 G.G. 16/07/2021) (385).

Police Act 1892 – Regulations (Police Force (Member Testing) Amendment Regulations 2021 G.G. 25/06/2021) (386).

Professional Standards Act 1997 – Schemes (Law Institute of Victoria Professional Standards Scheme (Extension) G.G. 27/07/2021) (387).

Professional Standards Act 1997 – Schemes (Queensland Law Society Professional Standards Scheme (Extension) G.G. 29/06/2021) (388).

Professional Standards Act 1997 – Schemes (The Australian Institute of Building Surveyors Professional Standards Scheme (2021) G.G. 22/06/2021) (389).

Professional Standards Act 1997 – Schemes (The Australian Property Institute Valuers Limited Professional Standards Scheme (2021) G.G. 22/06/2021) (390).

Public Health Act 2016 – Regulations (Public Health Amendment Regulations (No. 2) 2021 G.G. 16/07/2021) (391).

Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic Regulations Amendment Regulations 2021 G.G. 22/06/2021) (392).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 7) 2021 G.G. 22/06/2021) (393).

Road Traffic Act 1974 – Regulations (Road Traffic (Events on Roads) Amendment Regulations 2021 G.G. 29/06/2021) (394).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations (No. 2) 2021 G.G. 22/06/2021) (395).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations 2021 G.G. 29/06/2021) (396).

Salaries and Allowances Tribunal – Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission – 24 June 2021 (397).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 2) 2021 G.G. 30/07/2021) (398).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 3) 2021 G.G. 29/06/2021) (399).

State Administrative Tribunal Act 2004 – Rules (State Administrative Tribunal Amendment Rules 2021 G.G. 16/07/2021) (400).

State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations (No. 2) 2021 G.G. 16/07/2021) (401).

Supreme Court Act 1935 – Rules (Supreme Court (Corporations) (WA) Amendment Rules 2021 G.G. 13/07/2021) (402).

Surrogacy Act 2008 – Regulations (Surrogacy Amendment Regulations 2021 G.G. 23/06/2021) (403).

Swan and Canning Rivers Management Act 2006 – Regulations (Swan and Canning Rivers Management Amendment Regulations 2021 G.G. 16/07/2021) (404).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2021 G.G. 02/07/2021) (405).

Water Services Act 2012 – Regulations (Water Services (Water Corporations Charges) Amendment Regulations 2021 G.G. 16/07/2021) (406).

Weapons Act 1999 – Regulations (Weapons Amendment Regulations 2021 G.G. 02/07/2021) (407).

Western Australian Future Health Research and Innovation Fund Act 2012 – Statement on the estimate of income for the 2021–22 financial year in accordance with section 9B of the Act (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 June 2021) (331).

11. Correction to Tabled Paper

The Speaker announced that she had authorised corrections to the following Tabled Paper tabled on 16 June 2021 –

Auditor General, Office of the – Audit Results Report – Annual 2019–20 Financial Audits of Local Government Entities, Report No. 30, June 2021 (279).

Paper

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

By the Speaker –

Auditor General, Office of the – Audit Results Report – Annual 2019–20 Financial Audits of Local Government Entities, Report No. 30, June 2021, Erratum (409).

12. Notices of Motion

13. Community Development and Justice Standing Committee – Terms of Reference

The Speaker advised members that the Community Development and Justice Standing Committee had resolved to inquire into sexual harassment against women in the FIFO mining industry. The Committee will report by 28 April 2022.

14. Economics and Industry Standing Committee – Terms of Reference

The Speaker advised members that the Economics and Industry Standing Committee had resolved to inquire into identified intergenerational challenges and opportunities for the Western Australian economy, out to 2041. The Committee will report by 28 February 2022.

15. Matter of Public Interest – Investment in WA Health System

The Speaker informed the Assembly that she was in receipt of a notice from Ms M.J. Davies that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Ms M.J. Davies moved,

That this House condemns the Labor Government for its failure to invest in our health system putting health workers under enormous pressure, the people of WA at risk and impacting key sectors in our economy.

Debate ensued.

Question put.

The Assembly divided.

Ayes (5)

Mr V.A. Catania
Ms M.J. Davies

Dr D.J. Honey
Mr R.S. Love

Mr P.J. Rundle (*Teller*)

Noes (47)

Mr S.N. Aubrey
Mr G. Baker
Ms H.M. Beazley
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 K.E. Giddens
Ms M.J. Hammat
Ms J.L. Hanns
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 M. McGowan
Ms S.F. McGurk
Mr D.R. Michael
Mr K.J.J. Michel
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 M.M. Quirk
Ms R. Saffioti
Ms A. Sanderson
Mr D.A.E. Scaife
Ms J.J. Shaw
Ms R.S. Stephens
Mrs J.M.C. Stojkovski
Dr K. Stratton
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Mr R.R. Whitby
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.

16. Courts Legislation Amendment (Magistrates) Bill 2021

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.

CONSIDERATION IN DETAIL

Clauses 1 to 12 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General 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.

17. Legal Profession Uniform Law Application Bill 2021

Legal Profession Uniform Law Application (Levy) Bill 2021

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

Cognate Debate

Leave was granted to debate the Legal Profession Uniform Law Application (Levy) Bill 2021 in conjunction with the Legal Profession Uniform Law Application Bill 2021.

Debate resumed.

Question put and passed.

Legal Profession Uniform Law Application Bill 2021 read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 223 agreed to.

Clause 224.

The Attorney General moved,

Page 119, line 28 — To insert after “subsection (1),”:

“ unless an order has been made under subsection (3) ”.

Page 120, after line 2 — To insert:

“

- (3) A court or tribunal that makes an order or finding that constitutes, or results or may result in, disciplinary action against a person may make an order prohibiting the disciplinary action from being publicised.
- (4) A court or tribunal cannot make an order under subsection (3) unless the court or tribunal considers that there are exceptional circumstances justifying the making of the order.
- (5) If an order has been made under subsection (3) —
 - (a) the name and other identifying particulars of the person against whom disciplinary action is taken, and the kind of disciplinary action taken, must be recorded in the register of disciplinary action in accordance with the requirements of this Division; but

- (b) that information must not be —
 - (i) made available for public inspection on the register or provided to members of the public under section 220; or
 - (ii) otherwise publicised under this Division; or
 - (iii) given to a corresponding authority unless the authority gives an undertaking to the Board that the information will remain confidential and will not be made available for public inspection or otherwise publicised.

”.

Amendments put and passed.

Clause 224, as amended, agreed to.

Clauses 225 to 421 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Legal Profession Uniform Law Application (Levy) Bill 2021

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

Question put and passed.

Bill read a second time.

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

The Attorney General 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.

19. Adjournment

The Leader of the House moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 8.24 pm until Wednesday, 4 August 2021 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Ms L. Dalton, Ms E.L. Hamilton, Mr T.J. Healy, Mr P. Lilburne and Ms L. Mettam.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHELLE H. ROBERTS
Speaker of the Legislative Assembly