

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 76

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 28 JUNE 2018

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Petitions

Battery Cages for Egg Production – Mr J.N. Carey presented a petition from 195 persons requesting that the Legislative Assembly act to phase out the practice of caged hens for egg production (P. 94).

Save Maddington Homestead – Mr C.J. Tallentire presented a petition from 32 persons requesting that the Legislative Assembly strengthen the powers available to government in heritage matters and to press the government to seek owner action in accordance with the current Conservation Order (P. 95).

Meadowlands Drive, Wanneroo – Ms R. Saffioti presented a petition from 158 persons requesting that the Legislative Assembly make Meadowlands Drive a local road only (P. 96).

3. Papers

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

By the Clerk –

Government Employees Superannuation Board – Statement of Corporate Intent 2018–2019 (1449).

Insurance Commission of Western Australia – Statement of Corporate Intent 2018–2019 (1450).

Metropolitan Redevelopment Authority – Operational Plan 2017–2018 (1453).

Official Travel – Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business for the Three Months Ended 31 December 2017 (1451).

Premier and Cabinet, Department of – Reports on Consultants Engaged by Government for the Six Months Ended 31 December 2017 (1452).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the launching of a teddy bear called “Nugget” into space by the Museum of the Goldfields.

Paper

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

By the Minister for Culture and the Arts –

Culture and the Arts, Minister for – Picture of Nugget the teddy bear in space! (1454).

The Minister for Commerce and Industrial Relations on the imminent release, by a Ministerial Advisory Panel, of its recommendations regarding a new Work Health and Safety Act.

The Minister for Asian Engagement on the East Java Persebaya Under-19 Soccer Team’s visit to Perth.

The Minister for Housing on the Affordable Housing Action Plan.

Paper

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

By the Minister for Housing –

Housing, Minister for – Affordable Housing Action Plan 2017–18 to 2019–20 (1455).

5. Grievances

The Speaker called for grievances which were then made.

6. Public Accounts Committee

Dr A.D. Buti, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Budget Briefing 2018–19, Report No. 4 (1456).

7. Education and Health Standing Committee

Mr W.R. Marmion, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Education and Health Standing Committee – Oral Health: facts and friction, Issues Paper, Report No. 4 (1457).

8. Criminal Law Amendment (Intimate Images) Bill 2018

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *The Criminal Code* to introduce offences of distributing an intimate image and threatening to distribute an intimate image and to make consequential and other amendments to the *Restraining Orders Act 1997* and the *Working with Children (Criminal Record Checking) Act 2004*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Mr Z.R.F. Kirkup moved, That the debate be adjourned.

Question put and passed.

9. **Strata Titles Amendment Bill 2018**

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act –

- to amend the *Strata Titles Act 1985*; and
- to make consequential and related amendments to other Acts; and
- for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Lands presented an explanatory memorandum and bill read a first time.

The Minister for Lands moved, That the bill be now read a second time.

Mr Z.R.F. Kirkup moved, That the debate be adjourned.

Question put and passed.

10. **Community Titles Bill 2018**

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act –

- to provide for the subdivision of land by community schemes, the creation of community titles, and the governance and operation of community schemes; and
- to make consequential and related amendments to other Acts; and
- for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Lands presented an explanatory memorandum and bill read a first time.

The Minister for Lands moved, That the bill be now read a second time.

Mr Z.R.F. Kirkup moved, That the debate be adjourned.

Question put and passed.

11. **Community Titles Amendment (Consistency of Charging) Bill 2018**

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to amend the *Community Titles Act 2018* to impose certain fees prescribed under that Act to the extent that those fees are a tax.” be introduced and read a first time.

Question put and passed.

The Minister for Lands presented an explanatory memorandum and bill read a first time.

The Minister for Lands moved, That the bill be now read a second time.

Mr Z.R.F. Kirkup moved, That the debate be adjourned.

Question put and passed.

12. **Liquor Control Amendment Bill 2018**

Message No. 36 dated 27 June 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Liquor Control Amendment Bill 2018* 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 Liquor Control Amendment Bill 2018

No. 1

Clause 11, page 7, after line 19 — To insert:

- (2) Delete section 25(6)(a).

No. 2

Clause 19, page 12, after line 26 — To insert:

- (d) the status of the licence that applies to the premises (for example, whether the licence is conditionally granted or suspended);
- (e) the name of the licensee of the premises.

No. 3

Clause 28, page 21, after line 14 — To insert:

- (4) In section 55(3) delete “corporate which produces wine or spirits, wine or spirits” and insert:

corporate, liquor

No. 4

Clause 32, page 23, after line 25 — To insert:

- (ba) in paragraph (e) delete “a Sunday,”;

No. 5

New Clause 43A, page 30, after line 22 — To insert:

43A. Section 75 amended

Delete section 75(2)(b) and insert:

- (b) if not required to be advertised is not subject to objection, but may be made the subject of a submission or an intervention under section 69; and

No. 6

Clause 52, page 35, lines 25 to 26 — To delete “a fine of \$10 000, but the minimum penalty is a fine of \$1 000.” and substitute:

a fine of \$10 000.

No. 7

New Clause 64A, page 42, after line 17 — To insert:

64A. Section 174B inserted

After section 174A insert:

174B. Liquor accords: authorisation for purposes of *Competition and Consumer Act 2010* and Competition Code

- (1) In this section —
liquor accord has the meaning given in section 64(1b).
- (2) For the purposes of the *Competition and Consumer Act 2010* (Commonwealth) and the Competition Code, the following conduct is authorised by this Act, to the extent that it would otherwise contravene that Act or that Code —
 - (a) the entry by any person into a liquor accord;
 - (b) conduct engaged in by any person for the purpose of promoting or giving effect to the terms of a liquor accord.

No. 8

Clause 65, page 42, line 27 to page 43, line 13 — To delete the lines.

No. 9

New Clause 67, page 43, lines 24 and 25 — To delete the lines and insert:

67. Section 178 amended

In section 178(1) delete “section 95 of the *Liquor Licensing Amendment Act 1998*,” and insert:

the *Liquor Control Amendment Act 2018* section 67,

Ordered by leave, That Legislative Council Message No. 36 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Minister for Racing and Gaming moved, That amendment No. 1 be agreed to.
Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 2 be agreed to.
Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 3 be agreed to.
Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 4 be agreed to.
Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 5 be agreed to.

Paper

The following paper was presented and ordered to lie upon the Table of the House —
By the Minister for Racing and Gaming —

Racing and Gaming, Minister for — Department of Local Government, Sport and Cultural Industries — Policy: Temporary Bars (1458).

Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 6 be agreed to.

Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 7 be agreed to.

Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 8 be agreed to.

Amendment put and passed.

The Minister for Racing and Gaming moved, That amendment No. 9 be agreed to.

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

13. Ports Legislation Amendment Bill 2017

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 Transport 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.

14. Appropriation (Recurrent 2016–17) Supplementary Bill 2017

Appropriation (Capital 2016–17) Supplementary Bill 2017

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

Cognate Debate

Leave was granted to debate the Appropriation (Capital 2016–17) Supplementary Bill 2017 in conjunction with the Appropriation (Recurrent 2016–17) Supplementary Bill 2017.

Debate resumed.

Debate interrupted by the Chair (Mr D.C. Nalder speaking) and adjourned until a later stage of the sitting.

15. Members' Statements

The Acting Speaker called for members' statements which were then made.

16. Questions

Questions without Notice were taken.

Questions on Notice Nos 3315 to 3449 were asked.

17. Paper

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

By the Speaker –

Speaker – Report of the Speaker's Parliamentary Delegation to China, April 2018 (1459).

18. Suspension of Standing Orders

Dr M.D. Nahan, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House condemns the McGowan Government for its deceitful privatisation of Landgate, for breaking a key election promise of no privatisations and the complete lack of transparency on its intention, including its plan to sell the private and confidential data of hundreds of thousands of Western Australians without their consent.

The Leader of the House moved, To add to the motion –

“

, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members.

”.

Debate ensued.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Acting Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

19. Landgate

Dr M.D. Nahan, pursuant to the foregoing motion, moved,

That this House condemns the McGowan Government for its deceitful privatisation of Landgate, for breaking a key election promise of no privatisations and the complete lack of transparency on its intention, including its plan to sell the private and confidential data of hundreds of thousands of Western Australians without their consent.

Debate ensued.

Question put.

The Assembly divided.

Ayes (14)

Mr I.C. Blayney
Mrs L.M. Harvey
Dr D.J. Honey
Mr Z.R.F. Kirkup
Mr A. Krsticevic

Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath
Dr M.D. Nahan

Mr D.C. Nalder
Mr D.T. Redman
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (35)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly

Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe

Ms R. Saffioti
Ms A. Sanderson
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

20. Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017

Message No. 37 dated 28 June 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017* 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 Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017

No. 1

New Clause 24A, page 14, after line 21 — To insert:

24A. Section 226A inserted

After section 226 insert:

226A. Review of 2018 amendments to Act

- (1) The Minister must carry out a review of the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as is practicable after every 5th anniversary of the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 8 comes into operation.
- (2) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —
 - (a) as soon as practicable after the review is completed; but
 - (b) not later than 1 year after each 5 year anniversary.

No. 2

New Clause 76A, page 36, after line 23 — To insert:

76A. Section 140A inserted

After section 140 insert:

140A. Review of 2018 amendments to Act

- (1) The Minister must carry out a review of the operation and effectiveness of the amendments made to this Act by the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* as soon as is practicable after every 5th anniversary of the date on which the *Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Act 2017* section 27 comes into operation.
- (2) The Minister must prepare a report based on each review and cause it to be laid before each House of Parliament —

- (a) as soon as practicable after the review is completed; but
- (b) not later than 1 year after each 5 year anniversary.

Ordered by leave, That Legislative Council Message No. 37 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House, on behalf of the Attorney General, moved, That amendment Nos 1 and 2 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be resumed.

22. Appropriation (Recurrent 2016–17) Supplementary Bill 2017

Appropriation (Capital 2016–17) Supplementary Bill 2017

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

Debate resumed.

Question put and passed.

Appropriation (Recurrent 2016–17) Supplementary Bill 2017 read a second time.

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

The Treasurer 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.

23. Appropriation (Capital 2016–17) Supplementary Bill 2017

The Order of the Day for 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 Treasurer 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.

24. Terrorism (Extraordinary Powers) Amendment Bill 2018

Message No. 38 dated 28 June 2018 from the Legislative Council was reported agreeing to the bill without amendment.

25. Special Adjournment

The Minister for Police moved, That the House at its rising adjourn until Tuesday, 14 August 2018 at 2.00 pm.

Question put and passed.

26. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.36 pm until Tuesday, 14 August 2018 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Ms M.J. Davies, Ms J. Farrer, Mr Y. Mubarakai and Mr K.M. O'Donnell.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly