

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 158

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 15 OCTOBER 2019

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. Speaker's Statement – Mr Tangata Vainerere, Clerk of the Cook Islands Parliament

The Speaker welcomed the Clerk of the Cook Islands Parliament, Mr Tangata Vainerere, who was visiting the Parliament for a professional development attachment. The Speaker advised that he had approved Mr Vainerere sitting at the Clerk's Table during the week in order to observe proceedings.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on Pregnancy and Infant Loss Remembrance Day.

The Minister for Road Safety congratulating the Constable Care Child Safety Foundation for being a finalist in the 3M-ACRS Diamond Road Safety Awards.

The Minister for Commerce on tabling a report, *Local government's four yearly inspections of private swimming pool safety barriers 2018–19*, outlining progress of local governments in their inspections of pool safety barriers.

Paper

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

By the Minister for Commerce –

Commerce, Minister for – Progress report, Local government's four yearly inspections of private swimming pool safety barriers 2018–19, Department of Mines, Industry Regulation and Safety (2925).

The Minister for Community Services on National Carers Week 2019.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 5577 to 5677 were asked.

Questions on Notice Nos 5347, 5403, 5411, 5413 to 5424, 5426 to 5431, 5433 to 5437, 5440, 5442, 5450 and 5451 were answered.

5. Unanswered Question on Notice

Mr D.T. Redman asked why no answer had been received in respect of his Questions on Notice Nos 5412, 5438 and 5439.

6. Additional Information

The Minister representing the Minister for Education and Training provided additional information relating to Question on Notice No. 5320 from Mr D.C. Nalder.

Paper

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

By the Minister representing the Minister for Education and Training –

Education and Training, Minister representing the Minister for – Amended answer to Question on Notice No. 5320 (2926).

7. Suspension of Standing Orders

Mr A. Krsticevic, 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 calls on the McGowan Labor Government to provide immediate emergency funding to address the homelessness crisis plaguing Perth and broader Western Australia.

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.

”.

Amendment put and passed.

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

Question put.

The 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.

8. Homelessness

Mr A. Krsticevic, pursuant to the foregoing motion, moved,

That this House calls on the McGowan Labor Government to provide immediate emergency funding to address the homelessness crisis plaguing Perth and broader Western Australia.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Mr I.C. Blayney
 Mr V.A. Catania
 Mrs L.M. Harvey
 Dr D.J. Honey
 Mr P.A. Katsambanis
 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
 Ms L. Mettam

Dr M.D. Nahan
 Mr D.C. Nalder
 Mr K.M. O'Donnell
 Mr D.T. Redman
 Mrs A.K. Hayden (*Teller*)

Noes (35)

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

Mr M. McGowan
 Ms S.F. McGurk
 Mr S.A. Millman
 Mr Y. Mubarakai
 Mr M.P. Murray
 Mrs L.M. O'Malley
 Mr P. Papalia
 Mr S.J. Price
 Mr D.T. Punch
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts

Ms C.M. Rowe
 Ms R. Saffioti
 Ms A. Sanderson
 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 negated.

9. Suspension of Standing Orders

Mr D.T. Redman, 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 calls on the McGowan Government to honour the commitment given by the Minister for Regional Development that should an airline service be secured for Busselton, funding previously committed to build the new terminal would be released.

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

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

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

Question put.

The Speaker having counted the House, and there being no absolute majority present, declared the motion, as amended, to be negated.

10. Petitions

Rushmore Avenue in Canning Vale – Mr T.J. Healy presented a petition from 31 people asking the Legislative Assembly to request the City of Gosnells install lighting at Rushmore Avenue Reserve in Canning Vale (P. 147).

Permanent Doctor in Denham – Mr V.A. Catania presented a petition from 548 people asking the Legislative Assembly to call on the Minister for Health to support regional families and instate a permanent doctor in Denham (Shark Bay) (P. 148).

11. Message from the Governor

Message No. 19 from His Excellency the Governor was reported assenting to the following bills –
 Terrorism (Preventative Detention) Amendment Bill 2019, Act No. 23 of 2019.
 Reserves (Marmion Marine Park) Bill 2019, Act No. 24 of 2019.

12. Messages from the Governor

Messages from His Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –
 Railway (METRONET) Amendment Bill 2019 (Message No. 20).
 Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019 (Message No. 21).

13. Papers

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

By the Speaker –

Register of Members' Financial Interests – Annual Returns as at 30 June 2019 and Additional Information of Members of the Legislative Assembly under the Members of Parliament (Financial Interests) Act 1992 (2893).

By the Clerk –

Auditor General, Office of the – An Analysis of the Department of Health's Data Relating to State-Managed Adult Mental Health Services from 2013 – 2017, Report No. 9, October 2019 (Received by the Clerk of the Legislative Assembly and deemed tabled on 9 October 2019) (2892).

Auditor General, Office of the – Opinions on Ministerial Notifications, Report No. 8, October 2019 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 October 2019) (2891).

Bank of Western Australia Act 1995 – 2019 Annual Certificate of Compliance (2894).

Chief Advocate for Residents of Declared Places under the Declared Places (Mentally Impaired Accused) Act 2015 – Annual Report 2018–2019 (2895).

Conservation and Land Management Act 1984 – Lease No. 2847/97 between the Department of Biodiversity, Conservation and Attractions and Mr Dean Rodney Ryan of Quin nip for the purpose of a commercial purposes dam site in State Forest No. 39 near Northcliffe (2896).

Criminal Investigation (Covert Powers) Act 2012 – Australian Crime Commission Assumed Identities Annual Report 2018–2019 under section 76 of the Act (2924).

Criminal Investigation (Covert Powers) Act 2012 – Western Australia Police report pursuant to section 103(1) of the Act – Witness Identity Protection Certificates 1 July 2018–30 June 2019 (2897).

Dog Act 1976 – Local Laws (City of Rockingham Dogs and Parking Amendment Local Law 2019 G.G. 11/10/2019) (2898).

Dog Act 1976 – Local Laws (Town of Victoria Park Amendment (Dogs) Local Law 2019 G.G. 27/09/2019) (2899).

Duties Act 2008 – Regulations (Duties Amendment Regulations 2019 G.G. 08/10/2019) (2900).

Environmental Protection Authority – Annual Report 2018–2019 (2901).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2019 G.G. 27/09/2019) (2902).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade to not provide a redacted copy of a report requested by Hon Martin Aldridge in Legislative Council Question on Notice 2187 (2903).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2019 G.G. 04/10/2019) (2904).

Government of Western Australia – Annual Report on State Finances 2018–2019 (2905).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 5) 2019 G.G. 27/09/2019) (2906).

Landgate – Annual Report 2018–2019 (2907).

Local Government Act 1995 – Local Laws (City of Kalamunda Parking and Parking Facilities Local Law 2019 G.G. 11/10/2019) (2908).

Local Government Act 1995 – Local Laws (City of Kalamunda Repeal Local Law 2019 (No. 2) G.G. 27/09/2019) (2909).

Local Government Act 1995 – Local Laws (Shire of Gingin Granting of Long Service Leave to Employees Repeal Local Law 2019 G.G. 24/09/2019) (2910).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations 2019 G.G. 08/10/2019) (2911).

National Environment Protection Council – Annual Report 2017–2018 (2912).

Police Act 1892 – Regulations (Police Force Amendment Regulations 2019 G.G. 01/10/2019) (2913).

Retirement Villages Act 1992 – Regulations (Retirement Villages Amendment Regulations (No. 2) 2019 G.G. 27/09/2019) (2914).

Rights in Water and Irrigation Act 1914 – Regulations (Rights in Water and Irrigation Amendment Regulations 2019 G.G. 08/10/2019) (2915).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 2) 2019 G.G. 27/09/2019) (2916).

Surveillance Devices Act 1998 – Australian Criminal Intelligence Commission Annual Report 2018–2019 under section 43 of the Act (2918).

Surveillance Devices Act 1998 – WA Police Force Annual Report 2018–2019 (2917).

Terrorism (Preventative Detention) Act 2006 – WA Police Force Quarterly Report under section 54(2) of the Act for the Quarter Ended 30 September 2019 (2919).

Treasury, Department of – Annual Report 2018–2019 (2920).

Waste Authority – Annual Report 2018–2019 (2921).

Western Australian Industrial Relations Commission, Chief Commissioner of – Annual Report 2018–2019 (2922).

Western Australian Jobs Act 2017 – Regulations (Western Australian Jobs Amendment Regulations 2019 G.G. 08/10/2019) (2923).

14. Speaker's Statement – Correction to Explanatory Memorandum

The Acting Speaker advised members that the explanatory memorandum for the Public Works Amendment (WA Building Management Authority Abolition) Bill 2019, tabled on 26 September 2019, contained omissions and small clerical errors, and that the Speaker had authorised the explanatory memorandum for the bill to be replaced with the correct document and for the website to be updated accordingly.

15. Notice of Motion Lapsed

The Acting Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

16. Removal of Order of the Day

The Acting Speaker advised that Private Members' Business Order of the Day, Health Portfolio, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

17. Notice of Motion**18. Consumer Protection Legislation Amendment Bill 2018**

Message No. 98 dated 26 September 2019 from the Legislative Council was reported as follows –
 The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Consumer Protection Legislation 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 Consumer Protection Legislation Amendment Bill 2018

No. 1

Clause 67, page 38, after line 28 — To insert:

(1A) Before section 47(1) insert:

(1A) In this section —

disability means a disability —

- (a) which is attributable to an intellectual, psychiatric, cognitive, neurological, sensory, or physical impairment or a combination of those impairments; and
- (b) which is permanent or likely to be permanent; and
- (c) which may or may not be of a chronic or episodic nature; and
- (d) which results in a substantially reduced capacity of the person for communication, social interaction, learning or mobility.

No. 2

Clause 67, page 39, line 8 — To delete “child,” and insert:

child or a person with a disability,

No. 3

Clause 67, page 39, line 26 to page 40, line 10 — To delete the lines and insert:

- (c) unless the lessor agrees otherwise in writing, the tenant must remove the item from the wall when the tenant vacates the premises and either —
 - (i) restore the wall to its original condition; or
 - (ii) compensate the lessor for any reasonable expenses incurred by the lessor in doing that restoration;
 and
- (d) the cost of affixing the item to the wall, removing it and restoring the wall to its original condition must be borne by the tenant; and
- (e) if the tenant causes damage to the premises when affixing or removing the item or restoring the wall to its original condition —

- (i) the tenant must notify the lessor in writing that damage has been caused to the premises; and
- (ii) the lessor may require the tenant to repair the damage and restore the premises to their original condition or compensate the lessor for the reasonable expenses incurred in doing the repair and restoration.

No. 4

Clause 67, page 40, lines 13 to 18 — To delete the lines and insert:

subsection (2A)(a) if, and only if —

- (a) the tenant has given the lessor a request, in a form approved by the Commissioner, seeking the lessor's consent to affix the item to the wall; and
- (b) the lessor has not refused consent under subsection (2A)(b) within 14 days after the day on which the lessor receives the request.

Ordered, by leave, That Legislative Council Message No. 98 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Leader of the House, on behalf of the Minister for Commerce, moved, That amendment No. 1 be agreed to.

Amendment agreed to.

The Leader of the House, on behalf of the Minister for Commerce, moved, That amendment No. 2 be agreed to.

Amendment agreed to.

The Leader of the House, on behalf of the Minister for Commerce, moved, That amendment No. 3 be agreed to.

Amendment agreed to.

The Leader of the House, on behalf of the Minister for Commerce, moved, That amendment No. 4 be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

19. Suspension of Standing Orders

Mr D.T. Redman, 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 showing little interest in airline services to the Busselton Margaret River Airport and particularly breaking a commitment given by the Minister for Regional Development that should an airline be secured then she would fund the new terminal building.

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

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

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.

20. Busselton Margaret River Airport

Mr D.T. Redman, pursuant to the foregoing motion, moved,

That this House condemns the McGowan Government for showing little interest in airline services to the Busselton Margaret River Airport and particularly breaking a commitment given by the Minister for Regional Development that should an airline be secured then she would fund the new terminal building.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Mr I.C. Blayney
Mr V.A. Catania
Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis
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
Ms L. Mettam

Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell
Mr D.T. Redman
Mrs A.K. Hayden (*Teller*)

Noes (34)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms J. Farrer
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 S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe

Ms R. Saffioti
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.

21. Notice of Motion after the Time Prescribed

Mr D.C. Nalder was granted leave to present a late notice of motion.

22. Criminal Law Amendment (Uncertain Dates) Bill 2019

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 7 agreed to.

New Parts 4 and 5.
The Attorney General moved,
Page 8, after line 4 – To insert:

“

Part 4 — *Evidence Act 1906* amended

8. Act amended

This Part amends the *Evidence Act 1906*.

9. Section 106A amended

In section 106A in the definition of *child* delete paragraph (c) and insert:

- (c) in any proceeding in the Children’s Court, a person dealt with under the *Children’s Court of Western Australia Act 1988* section 19(2), (2AA) or (2AB);

Part 5 — *Magistrates Court Act 2004* amended

10. Act amended

This Part amends the *Magistrates Court Act 2004*.

11. Section 11 amended

In section 11(3)(c) delete “Part 3 where the accused, at the time of the alleged offence, was under 18 years of age;” and insert:

Part 3;

”.

New Parts 4 and 5 agreed to.
Long title.
The Attorney General moved,
Page 1 – To delete “**uncertain.**” and substitute:

“

uncertain and to make consequential amendments to the *Evidence Act 1906* and the *Magistrates Court Act 2004*.

”.

Amendment put and passed.
Long title, as amended, 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.

23. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

24. Fair Trading Amendment Bill 2018

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 Commerce moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

25. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.38 pm until Wednesday, 16 October 2019 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms M.J. Davies, Ms J.M. Freeman, Mr K.J.J. Michel and Mr P.J. Rundle.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly