

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 105

FIRST SESSION OF THE FORTIETH PARLIAMENT

WEDNESDAY, 28 NOVEMBER 2018

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Petition

Royal George Hotel Site – Ms S.F. McGurk presented a petition from 520 persons requesting that the Minister for Planning and the Western Australian Planning Commission approves the Town of East Fremantle’s Local Planning Scheme No. 3 Amendment No. 15 in its current form relating to the Royal George Hotel Site at 34 Duke Street, East Fremantle (P. 123).

3. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 18 October 2018 –

Racing and Wagering Western Australia – Annual Report 2017–2018 (1944).

Paper

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

By the Speaker –

Racing and Wagering Western Australia – Annual Report 2017–2018, Erratum (2086).

4. Paper

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

By the Clerk –

State Emergency Management Committee – Emergency Preparedness Report 2018 (2081).

5. Notices of Motion

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –
The Premier on the Minister for Jobs' Annual Report 2018.

Paper

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

Jobs and Trade, Minister for – Minister for Jobs' Annual Report 2018 (2083).

The Premier on the death of Stan Perron.

The Minister for Corrective Services on the critical incident review into the events at Greenough Regional Prison on 24 and 25 July 2018.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Corrective Services –

Corrective Services, Minister for – Critical Incident Review into the events at Greenough Regional Prison on 24–25 July 2018 (2084).

The Minister for Health on the extension of the free meningococcal ACWY vaccine program.

The Minister for Commerce and Industrial Relations on the *Retirement Villages Act 1992* – Operational Report 2017–2018.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Commerce and Industrial Relations –

Commerce and Industrial Relations, Minister for – Report on the Operation of the Retirement Villages Act 1992 for the 2017–2018 Financial Year (2085).

The Minister for Prevention of Family and Domestic Violence on the 28th annual domestic violence silent march.

The Minister for Women's Interests on the Women in ICT Diversity and Inclusion Event 2018.

7. Bail Amendment (Persons Linked to Terrorism) Bill 2018

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Bail Act 1982* to provide for a presumption against bail being granted to persons linked to terrorism.” 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.

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

8. Ticket Scalping Bill 2018

The Minister for Commerce and Industrial Relations, pursuant to notice, moved,

That a bill for “An Act to restrict the resale of event tickets and to prohibit the use of software designed to circumvent security measures on ticket selling websites, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Commerce and Industrial Relations presented an explanatory memorandum and bill read a first time.

The Minister for Commerce and Industrial Relations moved, That the bill be now read a second time.

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

9. Mining Amendment (Procedures and Validation) Bill 2018

The Minister for Mines and Petroleum, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Mining Act 1978*; and
- the *Mining Legislation Amendment Act 2014*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Mines and Petroleum moved, That the bill be now read a second time.

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

10. Suspension of Standing Orders – Consideration of Legislative Council Messages

The Minister for Police, on behalf of the Leader of the House, pursuant to notice, moved,

That, for the remainder of 2018, so much of the Standing Orders be suspended as is necessary to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

Question put and passed.

11. Suspension of Standing Orders

Mr Z.R.F. Kirkup, 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 Minister for Corrective Services for his failure to adequately resource the Greenough Prison, for allowing tensions within the prison to build to such an extent that it precipitated a riot, and calls on him to be sacked.

The Minister for Police 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.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissenting 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.

12. Greenough Prison

Mr Z.R.F. Kirkup, pursuant to the foregoing motion, moved,

That this House condemns the Minister for Corrective Services for his failure to adequately resource the Greenough Prison, for allowing tensions within the prison to build to such an extent that it precipitated a riot, and calls on him to be sacked.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Mrs L.M. Harvey
Mrs A.K. Hayden
Dr D.J. Honey

Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath

Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell
Mr D.T. Redman
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (36)

Ms L.L. Baker
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms J. Farrer
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
Mr T.J. Healy
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 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
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

13. National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

The Order of the Day for the consideration in detail of Legislative Council Message No. 64 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) 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 National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018

No. 1

Clause 13, page 10, lines 16 to 19 — To delete the lines.

No. 2

Clause 14, page 10, lines 20 to 26 — To delete the clause.

No. 3

Clause 16, page 12, lines 6 to 8 — To delete the lines.

No. 4

New Part 6, page 13, after line 6 — To insert:

Part 6 — Tabling particular documents

18. Tabling documents relating to scheme reviews

(1) In this section —

intergovernmental agreement means the Intergovernmental Agreement on the National Redress Scheme for Institutional Child Sexual Abuse between the Commonwealth of Australia, the State of New South Wales, the State of Victoria, the State of Queensland, the State of Western Australia, the State of South Australia, the State of Tasmania, the Australian Capital Territory and the Northern Territory of Australia as in force from time to time;

scheme review means —

- (a) a review under the National Redress Act section 192(1) or (3); or
- (b) a review of the operation and objectives of the intergovernmental agreement carried out under clause 36 of that agreement.

(2) Subsection (3) applies if —

- (a) a scheme review is carried out; and
- (b) a report is prepared by the person carrying out the review; and
- (c) the Minister receives the report.

(3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives the report, but not later than 6 sitting days of the House after the Minister received it.

(4) If a report to which subsection (3) applies contains sensitive, confidential or personal information, the Minister may comply with subsection (3) by removing the sensitive, confidential or personal information from the report before causing the document to be laid before each House.

No. 5

New Part 7, page 13, after line 6 — To insert:

Part 7 — *Criminal Injuries Compensation Act 2003* amended

19. Act amended

This Part amends the *Criminal Injuries Compensation Act 2003*.

20. Section 42 amended

(1) In section 42(3) delete “received by way of compensation or damages, or under a contract of insurance,” and insert:

received, whether under a contract of insurance or otherwise,

- (2) In section 42(4) delete “amount by way of compensation or damages, or under a contract of insurance,” and insert:

amount, whether under a contract of insurance or otherwise,

No. 6

Long Title, page 1, after the 2nd bullet point — To insert:

- **to amend the *Criminal Injuries Compensation Act 2003*; and**

CONSIDERATION IN DETAIL

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

Question put and passed.

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

Question put and passed.

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

Question put and passed.

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

Question put and passed.

The Attorney General moved, That amendment Nos 5 and 6 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Questions

Questions without Notice were taken.

Questions on Notice Nos 4400 to 4407 were asked.

Questions on Notice Nos 3776, 4090, 4115, 4162, 4172, 4178 and 4249 were answered.

Paper tabled by the Deputy Premier; Minister for Health; Mental Health –

Question on Notice No. 4115 – List of debts written off for each department, agency or Government Trading Enterprise under the Minister’s portfolio of responsibilities (2082).

15. Criminal Code Amendment (Child Marriage) 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 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.

16. Consumer Protection Legislation 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.

Debate interrupted by the Chair (Mr P.A. Katsambanis speaking) and adjourned until a later stage of the sitting.

17. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 18 be next considered.

18. McGowan Government's First Two Parliamentary Years

Dr M.D. Nahan, pursuant to notice, moved,

That this House condemns the McGowan Government for its failures in delivering on its election promises, cuts to frontline services, cost of living increases and failure to be open and accountable to the people of Western Australia in its first two parliamentary years.

Debate ensued.

Debate interrupted by the Chair (Ms L. Mettam speaking) and adjourned until a later stage of the sitting.

19. Adjournment

Mr D.R. Michael moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 7.00 pm until Thursday, 29 November 2018 at 9.00 am.

Members present during any part of the day's proceedings – All the members except Mr M. Hughes, Mr S.K. L'Estrange and Mr P.C. Tinley.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly