

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 59

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 10 APRIL 2018

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. Electoral District of Cottesloe – Return of Writ and Member Sworn

The Clerk produced the certified copy of the returned writ for the Electoral District of Cottesloe and reported that it certified that David Honey had been duly elected to serve in the Legislative Assembly for that district.

Dr Honey took and subscribed the Oath of Office according to law.

3. Speaker's Statement – Amended Seating Plan

The Speaker advised members that he had approved an amended seating plan for Opposition members.

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on his recent visit to the United Kingdom and Germany.

The Minister for Culture and the Arts on the *Revealed: New and Emerging Western Australian Aboriginal Artists* exhibition at the Fremantle Arts Centre.

The Minister for Veterans Issues on the 100th birthday of World War Two veteran Ronald Cooper.

The Minister for Transport on the Government's response to the Economics and Industry Standing Committee's Report No. 2.

Paper

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

By the Minister for Transport –

Economics and Industry Standing Committee – Government Response to Report No. 2:
Perceptions and Realities of Regional Airfare Prices in WA (1255).

5. Questions

Questions without Notice were taken.

Questions on Notice Nos 2980 to 3029 were asked.

Questions on Notice Nos 2010, 2213, 2241, 2258, 2275, 2292, 2309, 2487, 2504, 2521, 2560, 2573, 2577 to 2584, 2586 to 2597, 2618, 2654, 2660, 2710, 2712, 2727, 2729, 2807, 2809, 2824 and 2826 were answered.

Paper tabled by the Minister for Police –

Question on Notice No. 2560 – Detectable Substances in Blood Samples Capable of identification by the ChemCentre WA as of March 2017 (1253).

Paper tabled by the Minister for Mines and Petroleum; Commerce and Industrial Relations; Electoral Affairs; Asian Engagement –

Question on Notice No. 2010 – Details of Conferences, Seminars or Workshops organised by a private organisation attended by departmental or agency staff under the Minister's portfolio of responsibilities (1254).

6. Message from the Governor

Message No. 4 from Her Excellency the Governor was reported assenting to the Sentence Administration Amendment Bill 2017, Act No. 2 of 2018.

7. Suspension of Standing Orders

Ms L. Mettam, 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 Minister for Tourism to justify his mismanagement of the tourism portfolio and to correct the record on the number of international visitors to WA in the last quarter of 2017.

Debate ensued.

The Minister for Mines and Petroleum moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (37)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
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 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 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 B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Noes (16)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
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 W.R. Marmion
Mr J.E. McGrath
Dr M.D. Nahan

Mr D.C. Nalder
Mr K.M. O'Donnell
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The motion requiring the concurrence of an absolute majority.

The Assembly divided.

Ayes (16)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
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 W.R. Marmion
Mr J.E. McGrath
Dr M.D. Nahan

Mr D.C. Nalder
Mr K.M. O'Donnell
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (38)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
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
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Mr M. McGowan

Ms S.F. McGurk
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Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

8. Speaker's Statement – Correction to Explanatory Memorandum

The Speaker advised members that he had authorised a correction to the Explanatory Memorandum for the Financial Transaction Reports Amendment Bill 2018.

9. Papers

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 – The Digital Divide: Access to Technology for People in Custody (1229).

By the Clerk –

ANZAC Day Trust – Annual Report 2017 (1230).

Cat Act 2011, Dog Act 1976 – Regulations (Local Government Regulations Amendment (Cat and Dog) Regulations 2018 G.G. 23/03/2018) (1231).

Corruption and Crime Commission – Report on Department of Transport Response to Commission Recommendations (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 April 2018) (1226).

Corruption and Crime Commission – The Implementation of Recommendations Arising from the Commission’s Investigation into Operation Aviemore – A Further Report (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 April 2018) (1227).

Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2018 G.G. 06/04/2018) (1232).

Curtin University – Annual Report 2017 (1233).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety Regulations Amendment Regulations 2018 G.G. 20/03/2018) (1234).

Edith Cowan University – Annual Report 2017 (1235).

Education and Health Standing Committee – Government Response to Committee Report No. 3 – Putting VET to the Test: An Assessment of the delivery of Vocational Education and Training in Schools (1236).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2018 G.G. 06/04/2018) (1237).

Fair Trading Act 2010 – Notices (Consumer Goods (Motor Vehicles With Affected Takata Airbag Inflators and Specified Spare Parts) Recall Notice 2018 G.G. 19/03/2018) (1238).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations 2018 G.G. 29/03/2018) (1239).

Forest Products Commission – Half Yearly Report to 31 December 2017 (1240).

Health (Miscellaneous Provisions) Act 1911 – Local Laws (Shire of Quairading Animals, Environment and Nuisance Local Law 2017 G.G. 26/03/2018) (1241).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2018 G.G. 20/03/2018) (1242).

Local Government Act 1995 – Local Laws (City of Belmont Standing Orders Amendment Local Law 2018 G.G. 20/03/2018) (1243).

Local Government Act 1995 – Local Laws (City of Busselton Standing Orders Local Law 2018 G.G. 04/04/2018) (1244).

Local Government Act 1995 – Local Laws (City of Karratha Bush Fire Brigades Amendment Local Law 2018 G.G. 03/04/2018) (1245).

Local Government Act 1995 – Local Laws (City of Karratha Fencing Local Law 2018 G.G. 03/04/2018) (1246).

Murdoch University – Annual Report 2017 (1247).

North Regional TAFE – Annual Report 2017 (1248).

Planning and Development Act 2005 – Ministerial Order to the City of Swan under section 76(1) of the Act in relation to draft Amendment No. 142 to Local Planning Scheme No. 17 (1249).

Road Safety Council Act 2002 – Direction given to the Chair of the Road Safety Council by the Minister for Police and Road Safety under section 6A of the Act (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2018) (1228).

South Regional TAFE – Annual Report 2017 (1250).

Synergy – Statement of Corporate Intent 2017–2018 (1251).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2018 G.G. 06/04/2018) (1252).

10. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper, tabled on 22 September 2016 –

Government Chief Information Officer, Office of the – Annual Report 2015–2016 (4613).

Paper

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

By the Speaker –

Government Chief Information Officer, Office of the – Annual Report 2015–2016 – Erratum (1256).

11. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper, tabled on 21 March 2018 –

Corruption and Crime Commission – Review of Police Response to an Incident in a Country Town where Excessive Force was used and an Arrested Person’s Details not Recorded (1213).

Paper

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

By the Speaker –

Corruption and Crime Commission – Review of Police Response to an Incident in a Country Town where Excessive Force was used and an Arrested Person’s Details not Recorded – Erratum (1257).

12. Notices of Motion

13. Expiration of Notices of Motion

The Speaker advised members that Private Members’ Business Notices of Motion Nos 1 and 2, notice of which was given on 10 October 2017, would be removed and would not appear on the next Notice Paper, unless notification to continue the notice was provided to the Clerk.

14. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017

Message No. 30 dated 29 March 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) 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 Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017

No. 1

Clause 5, page 14, after line 15 — to insert:

Division 5 — Review of Part 2A

15M. Review of Part

- (1) The Minister must carry out a review of the operation and effectiveness of this Part as soon as is practicable after the 3rd anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 5 comes into operation.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

No. 2

New Part 2A, page 14, after line 16 — To insert:

Part 2A — *Criminal Injuries Compensation Act 2003* amended

5A. Act amended

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

5B. Section 68 amended

After section 68(1) insert:

- (1A) Subsection (1) does not apply if the amount referred to in subsection (1)(b) was reduced to take into account the compensation award referred to in subsection (1)(a).

No. 3

Clause 8, page 16, after line 30 — To insert:

- (7) The Minister must carry out a review of the operation and effectiveness of this section and Part 7 as soon as is practicable after the 3rd anniversary of the day on which the *Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Act 2017* section 8 comes into operation.
- (8) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

No. 4

Long Title, page 1, after the first bullet point insert:

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

Ordered by leave, That consideration in detail of Legislative Council Message No. 30 be considered in detail forthwith.

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

Debate ensued.

Amendment put and passed.

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

Debate ensued.

Amendment put and passed.

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

Debate ensued.

Amendment put and passed.

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

Debate ensued.

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

15. Health Practitioner Regulation National Law (WA) Amendment Bill 2017

Message No. 31 dated 29 March 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Health Practitioner Regulation National Law (WA) 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 Health Practitioner Regulation National Law (WA) Amendment Bill 2017

No. 1

Clause 50, page 22, line 29 — To delete “practitioner; or” and insert:

practitioner or student; or

No. 2

New Clause 86A, page 42, after line 15 — To insert:

86A. Section 245 amended

After section 245(4) insert:

- (5) The amendment of the *Health Practitioner Regulation National Law (WA) Regulations 2010* by the *Health Practitioner Regulation National Law (WA) Amendment Act 2017* does not prevent the national regulations from being amended or repealed under this section.

No. 3

New Part 2A, page 55, after line 5 — To insert:

Part 2A — *Health Practitioner Regulation National Law (WA) Regulations 2010* amended

97A. Regulations amended

This Part amends the *Health Practitioner Regulation National Law (WA) Regulations 2010*.

97B. Regulation 4 amended

In regulation 4(1) delete “from time to time” and insert:

on 6 December 2017

No. 4

Long Title, page 1 — To insert after “**2010**”:

and the *Health Practitioner Regulation National Law (WA) Regulations 2010*

Ordered by leave, That consideration in detail of Legislative Council Message No. 31 be considered in detail forthwith.

The Minister for Health moved, That amendment No. 1 be agreed to.

Debate ensued.

Amendment put and passed.

The Minister for Health moved, That amendment No. 2 be agreed to.

Debate ensued.

Amendment put and passed.

The Minister for Health moved, That amendment No. 3 be agreed to.

Debate ensued.

Amendment put and passed.

The Minister for Health moved, That amendment No. 4 be agreed to.

Debate ensued.

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

16. Variation to the Order of Business

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

17. Liquor Control Amendment Bill 2018

The Order of the Day for the third reading of the bill having been read, the Minister for Racing and Gaming 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. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.10 pm until Wednesday, 11 April 2018 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr D.T. Redman.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly