

# LEGISLATIVE ASSEMBLY

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## NOTICES AND ORDERS OF THE DAY

No. 230

THURSDAY, 12 NOVEMBER 2020, 9.00 am

|                                       |   |                                 |
|---------------------------------------|---|---------------------------------|
| <b>Prayers</b> *                      |   |                                 |
| <b>Petitions</b>                      |   |                                 |
| <b>Papers</b>                         |   |                                 |
| <b>Giving Notices of Motion</b>       |   |                                 |
| <b>Brief Ministerial Statements</b> * |   |                                 |
| <b>Questions Without Notice</b> *     | – | approximately 2.00 pm each day  |
| <b>Matter of Public Interest</b>      | – | one per week on any day         |
| <b>Private Members' Business</b>      | – | 4.00 pm to 7.00 pm Wednesdays   |
| <b>Grievances</b>                     | – | approximately 9.00 am Thursdays |
| <b>Private Members' Statements</b>    | – | 12.50 pm Thursdays              |

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\* *Note:* On days when the Assembly meets at 2.00 pm Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.

*Memorandum:* An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at [www.parliament.wa.gov.au](http://www.parliament.wa.gov.au).

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### GOVERNMENT BUSINESS – ORDERS OF THE DAY

- \*Environmental Protection Amendment Bill 2020** (Parliamentary Secretary to the Minister for Environment) (No. 181, 2r. – 16/4/20)  
Consideration in detail of Legislative Council Message No. 145.
- Conservation and Land Management Amendment Bill 2020**  
(Parliamentary Secretary to the Minister for Environment) (No. 195, 2r. – 24/6/20)  
Second reading. Adjourned debate (Ms L. Mettam – continuation of remarks).
- Appropriation (Recurrent 2017-18) Supplementary Bill 2018** (Treasurer)  
(No. 104, 2r. – 31/10/18) (last debated – 23/9/20)  
‡**Appropriation (Capital 2017-18) Supplementary Bill 2018** (Treasurer)  
(No. 105, 2r. – 31/10/18)  
Second reading. Adjourned debate (Mr D.T. Redman – continuation of remarks).
- Railway (BBI Rail Aus Pty Ltd) Agreement Amendment Bill 2020**  
(Minister for State Development, Jobs and Trade)  
(No. 206, 2r. – 23/9/20)  
Second reading. Adjourned debate (Mr A. Krsticevic).
- Appropriation (Recurrent 2018-19) Supplementary Bill 2020** (Treasurer)  
(No. 165, 2r. – 11/3/20)  
Second reading. Adjourned debate (Mr A. Krsticevic).
- Appropriation (Capital 2018-19) Supplementary Bill 2020** (Treasurer)  
(No. 164, 2r. – 11/3/20)  
Second reading. Adjourned debate (Mr A. Krsticevic).

7. **\*Corruption, Crime and Misconduct Amendment Bill 2020** (Attorney General)  
(No. 189, 2r. – 16/4/20)

Consideration in detail.

8. **Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

9. **Commercial Tenancies (COVID-19 Response (Early Termination)) Bill 2020**  
(Minister for Commerce) (No. 188, 2r. – 16/4/20)

Second reading. Adjourned debate (Mr A. Krsticevic).

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**PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION**

1. **The Community Services Sector** (Notice given – 18/2/20, renewed – 11/8/20)

Mr A. Krsticevic: To move –

That this House condemns the McGowan Labor Government for abandoning the community services sector and causing economic and social vandalism for struggling Western Australians.

2. **Homelessness and Social Housing Waitlists** (Notice given – 18/2/20, renewed – 11/8/20)

Mr A. Krsticevic: To move –

That this House condemns the McGowan Labor Government for allowing homelessness and social housing waitlists to get out of control.

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**PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**

1. **South West Tourism – Job Opportunities** (Moved – 13/11/19)

Adjourned debate (Leader of the House) on the motion moved by Mr D.T. Redman –

That this House condemns the McGowan Government for risking job opportunities in the South West tourism and small business sectors by actively opposing the development of a new terminal building at the Busselton-Margaret River Airport.

2. **Glyphosate – Western Australia's Agricultural Sector** (Moved – 13/11/19)

Adjourned debate (Mr D.R. Michael) on the motion moved by Mr P.J. Rundle –

That this House calls on the State Government to support Australian and global science backing the safe use of glyphosate for Western Australia's agriculture sector.

3. **Mid West Communities – Standard of Health Services** (Moved – 13/11/19)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Mr R.S. Love –

That this House calls on the McGowan Government to deliver an acceptable standard of health services to Mid West communities such as Leeman, Greenhead, Mullewa and Dongara.

4. **Job Creating Projects** (Moved – 27/11/19)

Adjourned debate (Mr S.A. Millman – continuation of remarks) on the motion moved by Mrs L.M. Harvey –

That this House condemns the do-nothing McGowan Labor Government for failing to start any major job-creating projects by the end of three years in government, leading to lost jobs and ongoing domestic recession.

5. **Metronet – Stage 1 Costing and Status** (Moved – 19/2/20)

Adjourned debate (Mr S.J. Price – continuation of remarks) on the motion moved by Ms L. Mettam –

That this House calls on the McGowan Labor Government in its fourth parliamentary year, to finally outline the total cost of the Stage 1 Metronet, including taxpayer operating subsidies, and to outline to the House when Stage 1 will be fully operational.

**6. Regional Health and Mental Health Services** (Moved – 11/3/20)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House condemns the Labor McGowan Government's failure to prioritise and address regional health and mental health services including its response to the growing threat of COVID-19.

**7. The Impacts of Covid-19** (Moved – 18/3/20)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr Z.R.F. Kirkup –

That this House calls on the McGowan Government to update the House on the health, economic and other impacts of Covid-19.

**8. Support for Small Businesses, Regional Communities and Households**

(Moved – 13/5/20)

Adjourned debate (Dr D.J. Honey – continuation of remarks) on the motion moved by Mrs L.M. Harvey –

That this House calls on the McGowan Government to provide greater support to small businesses, regional communities and struggling households to weather the Covid-19 crisis.

**9. West Australian Small Businesses and Industries** (Moved – 20/5/20)

Adjourned debate (Minister for Industrial Relations – continuation of remarks) on the motion moved by Mr V.A. Catania –

That this House calls upon the Labor Government to immediately address the shortfall in support for West Australian small businesses and industries suffering because they are unable to access relief and recovery measures.

**10. Lifting of COVID Restrictions** (Moved – 27/5/20)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Mrs L.M. Harvey –

That this House condemns the McGowan Labor Government for its handling of the lifting of Covid restrictions and causing unnecessary economic harm, small business closures and job losses.

**11. The Local Government Sector** (Moved – 17/6/20)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr W.R. Marmion –

That this House notes a range of concerning issues in the local government sector mostly perpetuated from mismanagement by the McGowan Labor Government.

**12. The Community Services Sector – Funding and Capacity** (Moved – 24/6/20)

Adjourned debate (Minister for Community Services – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House notes the increase in homelessness and vulnerable members of the community seeking assistance in regional Western Australia and calls on the McGowan Government to deliver an immediate funding increase to provide the community services sector with the capacity to respond appropriately to the additional pressures of COVID-19.

**13. Western Australia's Preparedness – COVID-19 Outbreak** (Moved – 12/8/20)

Adjourned debate (Minister for Emergency Services – continuation of remarks) on the motion moved by Mr Z.R.F. Kirkup –

That this House urges the government to commit to immediately establish a public and independent expert review to investigate, assess and report back to this House on Western Australia's preparedness to prevent and respond to a COVID-19 outbreak in Western Australia and, in particular, inquire into:

- (a) effectiveness of hotel quarantine processes and security protocols;
- (b) the exemption arrangements and associated restrictions and track and tracing for travellers and essential workers coming into WA;

- (c) the effectiveness of protocols and safeguards to protect aged care facilities, remote communities and other vulnerable Western Australians;
- (d) the capacity for an effective rapid response to a COVID-19 outbreak similar to that which has occurred in Victoria;
- (e) a comprehensive review of the hospital system and the capacity to manage an increase flow of COVID-19 patients;
- (f) any other matters that the inquiry sees fit to look into.

**14. Western Australian Small Businesses – COVID-19 Assistance** (Moved – 19/8/20)

Adjourned debate (Mr S.K. L'Estrange – continuation of remarks) on the motion moved by Mrs A.K. Hayden –

That this House calls on the McGowan Labor Government to stop neglecting our hardworking Western Australian small and family-run businesses by immediately providing a COVID-19 assistance grant to COVID-19 affected small businesses of up to \$10,000 like all other governments have done across Australia, because behind every small business is a family.

**15. City of Melville Council – Establishment of Inquiry** (Moved – 9/9/20)

Adjourned debate (Mr D.R. Michael) on the motion moved by Dr M.D. Nahan –

That this House calls on the Minister for Local Government to establish an inquiry into the City of Melville Council regarding conflicts of interest, and improper leasing and use of council property.

**16. G2G Pass Approval Process** (Moved – 9/9/20)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Mr P.A. Katsambanis –

That this House notes that the lack of transparency and consistency of the G2G Pass approval process has caused significant stress, anxiety and distress to Western Australians who are trying to legally return home; and calls on the government to create a clearer, simpler and more consistent process to allow local residents to return to Western Australia whilst continuing to protect our State from COVID-19.

**17. Difficulties Facing Regional Western Australia** (Moved – 16/9/20)

Adjourned debate on the motion moved by Ms M.J. Davies –

That this House acknowledges difficulties faced by industry, business, and not-for-profits and community organisations in accessing workers and volunteers, and calls on the State Government to outline a plan to ensure regional Western Australia is given the support it needs to recover from the COVID-19 pandemic.

**18. Impact of McGowan Government Policies** (Moved – 23/9/20)

Adjourned debate (Minister for Small Business – continuation of remarks) on the motion moved by Mr D.C. Nalder –

That this House condemns the McGowan Government for its handling of the domestic economy and local jobs, and the impact its policies have had on households and small businesses resulting in high unemployment, record levels of mortgage stress and mortgage defaults, and a raft of social issues including a spike in crime and ambulance ramping.

**19. Vital Frontline Services** (Moved – 14/10/20)

Adjourned debate (Minister for Health – continuation of remarks) on the motion moved by Mr Z.R.F. Kirkup –

That this House condemns the McGowan Labor Government for its continued failures over almost four years, to invest in vital frontline services

**20. Service Delivery and Major Project Construction** (Moved – 4/11/20)

Adjourned debate (Mr K.M. O'Donnell – continuation of remarks) on the motion moved by Mrs L.M. Harvey –

That this House condemns the WA Labor Government for its failures in service delivery and major project construction in its four years of government.

**21. Management of the Royalties for Regions Program** (Moved – 11/11/20)

Adjourned debate (Minister for Tourism – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House condemns the McGowan Government for its mismanagement of Royalties for Regions over the past four years, which has led to a fundamental loss of confidence in the program by regional communities.

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\* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

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**COMMITTEES TO REPORT**

| <b>Committee</b>  | <b>Date Due</b>  |
|---|------------------|
| <b>Public Accounts Committee:</b><br>Inquiry into the use of State funding by the Western Australian Football Commission.               | 12 November 2020 |
| <b>Economics and Industry Standing Committee:</b><br>Inquiry into Western Australia's economic relationship with the Republic of India. | 19 November 2020 |
| <b>Joint Select Committee on Palliative Care in Western Australia:</b><br>Inquiry into Palliative Care in Western Australia.            | 19 November 2020 |
| <b>Procedure and Privileges Committee:</b><br>Inquiry into the Legislative Assembly's response to the COVID-19 pandemic.                | 19 November 2020 |

**GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS**

| <b>Committee</b>   | <b>Ministers to Respond</b>  | <b>Date Due</b>  |
|--|--|------------------|
| Community Development and Justice Standing Committee: Report 8: Opening Doors to Justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia                             | Premier; Attorney General; Minister for Police; Minister for Prevention of Family and Domestic Violence; Minister for Community Services; Minister for Mental Health; Minister for Citizenship and Multicultural Interests | 13 November 2020 |
| Joint Standing Committee on the Commissioner for Children and Young People: Report 5: From Words to Action: Fulfilling the obligation to be child safe   | Premier  | 13 November 2020 |
| Joint Standing Committee on the Corruption and Crime Commission: Report No 15: If not the CCC...then where? An examination of the Corruption and Crime Commission's oversight of excessive use of force allegations against members of the WA Police Force | Attorney General; Minister for Police  | 24 December 2020 |

## NOTICES AND AMENDMENTS

### *Corruption, Crime and Misconduct Amendment Bill 2020 (No. 189-1)*

The Attorney General: To move –

That the scope of the Corruption, Crime and Misconduct Amendment Bill 2020 be extended to allow an amendment to be moved by the Attorney General to substitute a new Clause 4 relating to the process for reappointing a Commissioner of the Corruption and Crime Commission.

#### **Clause 4**

**Attorney General** – To oppose the clause with a view to inserting the following new clause.

#### **New Clause 4**

**Attorney General** — To move:

Page 2, after line 17 — To insert:

#### **4. Section 9 amended**

- (1) In section 9(3a) delete “Except in the case of the first appointment,” and insert:

Except as provided in subsection (4A),

- (2) In section 9(4) delete “Except in the case of the first appointment,” and insert:

Except as provided in subsection (4A),

- (3) Delete section 9(4a) and insert:

- (4A) The Premier may, without consultation under subsection (4), recommend the reappointment of a person —
- (a) who —
    - (i) holds the office of Commissioner; or
    - (ii) if no person holds the office of Commissioner — was the person to most recently hold the office of Commissioner;
  - and
  - (b) who has the support of the Premier and the Leader of the Opposition.

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***Environmental Protection Amendment Bill 2020 (No. 181-1)***

Legislative Council Message No. 145

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Environmental Protection Amendment Bill 2020* 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 Environmental Protection Amendment Bill 2020*

**No. 1**

Clause 2, page 2, lines 4 to 11 — To delete the clause.

**No. 2**

Clause 2, page 2, after line 11 — To insert:

**2. Commencement**

- (1) This Act comes into operation as follows —
  - (a) Part 1 — on the day on which this Act receives the Royal Assent (***assent day***);
  - (b) section 4(3A) — on the later of the following —
    - (i) the day on which the *Planning and Development Amendment Act 2020* section 64 comes into operation;
    - (ii) immediately after section 4(2) comes into operation;
  - (c) section 59 — on the day on which section 83 comes into operation;
  - (d) section 116A — on the day after assent day;
  - (e) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.
- (2) However —



- (a) if no day is fixed under subsection (1)(e) before the end of the period of 10 years beginning on assent day, this Act is repealed on the day after that period ends; or
  - (b) if paragraph (a) does not apply, and a provision of this Act does not come into operation before the end of the period of 10 years beginning on assent day, that provision is repealed on the day after that period ends.
- (3) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 68(2) comes into operation, the 2<sup>nd</sup> row in the Table to section 112 —
- (a) does not come into operation; and
  - (b) is deleted on that day.
- (4) Despite subsection (1), if section 112 has not come into operation before the day on which the *Planning and Development Amendment Act 2020* section 70 comes into operation, the 4<sup>th</sup> row in the Table to section 112 —
- (a) does not come into operation; and
  - (b) is deleted on that day.

**No. 3**

Clause 4, page 3, lines 5 to 15 — To delete the lines and insert:

- (1) In section 3(1) delete the definitions of:
- bilateral agreement*
  - Chairman*
  - Deputy Chairman*
  - implementation agreement or decision*
  - implementation conditions*
  - proposal*
- (1A) In section 3(1) delete the definitions of:
- applicant*
  - licensee*
  - prescribed premises*
  - works approval*

**No. 4**

Clause 4, page 5, lines 4 and 5 — To delete the lines.

**No. 5**

Clause 4, page 6, after line 6 — To insert:

(2A) In section 3(1) insert in alphabetical order:

*prescribed activity* means an activity prescribed as a prescribed activity for the purposes of Part V;

**No. 6**

Clause 4, page 6, after line 31 — To insert:

(3A) In section 3(1) in the definition of *planning instrument* paragraph (b) delete “section 29 and published in the *Gazette*; or” and insert:

Part 3; or

**No. 7**

Clause 16, page 24, lines 24 to 27 — To delete the lines and insert:

The Authority must keep a public record of each referred proposal, and shall in that public record set out —

- (a) whether or not that proposal is to be assessed under this Part; and
- (b) if the proposal is to be assessed under this Part, the level of assessment.

**No. 8**

Clause 18, page 25, after line 1 — To insert:

(1A) In section 40(3) delete “subsection (2)(b).” and insert:

subsection (2)(b) and publish an indicative outline of the timing of the environmental review.

**No. 9**

Clause 28, page 33, lines 25 to 27 — To delete the lines and insert:

under section 45(2).

**No. 10**

Clause 28, page 33, line 34 to page 34, line 3 — To delete “has a role, or have roles, in making major decisions in relation to matters in the proposal that may have significant effects on the environment.” and insert:

the Minister considers to be a key decision-making authority.

**No. 11**

Clause 28, page 35, line 4 — To delete “must — ” and insert:

must within 30 days of the agreement or decision being made —

**No. 12**

Clause 28, page 36, line 29 — To insert after “must”:

within 30 days of the agreement or decision being made

**No. 13**

Clause 31, page 47, line 10 — To insert after “Minister”:

and the proponent of the proposal

**No. 14**

Clause 32, page 51, line 28 — To delete “prescribing” and insert:

prescribing, or providing for the determination of,

**No. 15**

Clause 44, page 59, after line 28 — To insert:

- (2) Before regulations are made declaring an area of the State as an environmentally sensitive area for the purposes of this Part —
  - (a) the CEO must, in a prescribed manner, notify each owner or occupier of land in that area of the State of the proposed regulations and invite comments about the proposed regulations to be made within the period specified in the notification; and
  - (b) the Minister must take into account any comments about the proposed regulations made by an owner or occupier of land in that area of the State pursuant to an invitation under paragraph (a).
- (3) Subsection (1) does not apply to regulations proposing to declare an area of the State as an environmentally sensitive area if a declaration of that area as an environmentally sensitive area already has effect under subsection (1).
- (4) The CEO must notify the agency (as defined in the *Public Sector Management Act 1994* section 3(1)) principally assisting the Minister administering the *Transfer of Land Act 1893* in its administration of the declaration or amendment of an environmentally sensitive area with a view to that agency including information as to the environmentally sensitive area in information disseminated by it as to property interests in land.

**No. 16**

Clause 60, page 82, line 18 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 17**

Clause 60, page 84, line 3 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 18**

Clause 60, page 89, line 12 — To insert after “application”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 19**

Clause 60, page 90, line 5 — To insert after “licence”:

and payment of the application fee prescribed by or determined under the regulations,

**No. 20**

Clause 104, page 165, lines 14 to 16 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

|   |        |          |          |
|---|--------|----------|----------|
| 2 | 53A(1) | \$62 500 | \$12 500 |
| 3 | 53B(1) | \$62 500 | \$12 500 |
| 4 | 62     | \$62 500 | \$12 500 |
| 5 | 63(3)  | \$62 500 | \$12 500 |

(4) In Schedule 1 Part 2 Division 1 insert in alphanumerical order:

|     |        |          |          |
|-----|--------|----------|----------|
| 11B | 86O(1) | \$62 500 | \$12 500 |
| 11C | 86P(2) | \$62 500 | \$12 500 |

**No. 21**

Clause 105, page 166, lines 3 to 5 — To delete the lines and insert:

(3) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

|   |        |           |          |
|---|--------|-----------|----------|
| 2 | 53A(1) | \$125 000 | \$25 000 |
| 3 | 53B(1) | \$125 000 | \$25 000 |
| 4 | 62     | \$125 000 | \$25 000 |
| 5 | 63(3)  | \$125 000 | \$25 000 |

(4) In Schedule 1 Part 2 Division 2 insert in alphanumerical order:

|     |        |           |          |
|-----|--------|-----------|----------|
| 11B | 86O(1) | \$125 000 | \$25 000 |
| 11C | 86P(2) | \$125 000 | \$25 000 |

**No. 22**

Clause 108, page 167, after line 15 — To insert:

(1A) In Schedule 2 item 1 insert in alphabetical order:

*fee* includes charge;

**No. 23**

Clause 108, page 168, after line 5 — To insert:

(3A) In Schedule 2 item 2A:

(a) in paragraph (b) delete “regulations.” and insert:

regulations;

(b) after paragraph (b) insert:

(c) prescribing fees that are payable before or when the authorisation is amended, transferred or surrendered.

**No. 24**

Clause 108, page 169, after line 5 — To insert:

36C. Specifying timelines for steps in processes contained in Part V.

**No. 25**

New Clause 116A, page 180, after line 11 — To insert:

**116A. *Planning and Development Amendment Act 2020* amended**

(1) In this section —

*section 71* means the *Planning and Development Amendment Act 2020* section 71.

(2) Despite the *Planning and Development Amendment Act 2020* section 2, if section 71 has not come into operation before the day on which section 55(1) of this Act comes into operation, section 71 —

- (a) does not come into operation; and
- (b) is deleted on that day.

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**KIRSTEN M. ROBINSON**

Clerk of the Legislative Assembly