

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 83

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 11 SEPTEMBER 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on National Blood Donation Week.

The Minister for Tourism; Defence Issues on his visit to Singapore.

The Minister for Child Protection on National Child Protection Week and White Balloon Day.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 3995 to 4015 were asked.

Questions on Notice Nos 3315 and 3346 were answered.

4. Petition

Duke Street Footbridge, Toodyay – Mr R.S. Love presented a petition from 18 persons requesting that the Legislative Assembly requests the Minister for Transport to order the immediate re-opening and ongoing maintenance of the Duke Street footbridge (P. 102).

5. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 18 – 21 August 2018

Natural Gas (Canning Basin Joint Venture) Agreement (Termination) Bill 2017, Act No. 12 of 2018.

No. 19 – 24 August 2018

Appropriation (Recurrent 2018–19) Bill 2018, Act No. 13 of 2018.

Appropriation (Capital 2018–19) Bill 2018, Act No. 14 of 2018.

No. 22 – 7 September 2018

Occupational Safety and Health Amendment Bill 2017, Act No. 16 of 2018.

Mines Safety and Inspection Amendment Bill 2017, Act No. 17 of 2018.

Education and Care Services National Law (WA) Amendment Bill 2018, Act No. 18 of 2018.

Road Traffic Amendment (Driving Offences) Bill 2018, Act No. 19 of 2018.

6. Message from the Lieutenant Governor

Message No. 20 from His Excellency the Lieutenant Governor and Administrator was reported assenting to the Industrial Hemp Amendment Bill 2018, Act No. 15 of 2018.

7. Message from the Governor

Message No. 21 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018.

8. Papers

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

By the Clerk –

Acacia Prison Services Agreement – Deed of Variation and Agreement (1598).

Animal Resources Authority – Annual Report 2017–2018 (1599).

Aqwest – Statement of Corporate Intent 2018–2019 (1600).

Auditor General, Office of the – Implementation of the GovNext-ICT Program, Report No. 3, 2018–2019 (1601).

Auditor General, Office of the – Opinions on Ministerial Notifications, Report No. 4, 2018–2019 (1602).

Betting Control Act 1954, Casino Control Act 1984, Gaming and Wagering Commission Act 1987, Liquor Control Act 1988, Racing and Wagering Western Australia Act 2003, Racing Penalties (Appeals) Act 1990 – Regulations (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 07/09/2018) (1603).

Bush Fires Act 1954 – Local Laws (Shire of Victoria Plains Bush Fire Brigades Amendment Local Law 2018 Correction Notice 2018 G.G. 07/09/2018) (1604).

Bush Fires Act 1954 – Local Laws (Shire of Victoria Plains Bush Fire Brigades Amendment Local Laws 2018 G.G. 04/09/2018) (1605).

Busselton Water – Statement of Corporate Intent 2018–2019 (1606).

Cemeteries Act 1986 – Local Laws (City of Mandurah Cemeteries Amendment Local Law 2018 G.G. 07/09/2018) (1607).

Cemeteries Act 1986 – Local Laws (Shire of Victoria Plains Cemeteries Local Law 2018 G.G. 04/09/2018) (1608).

ChemCentre – Statement of Corporate Intent 2018–2019 (1609).

Chief Psychiatrist – Annual Report 2017–2018 (1610).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2018 G.G. 28/08/2018) (1611).

Corruption and Crime Commission – Report into how conflicts of interest undermine good governance (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 August 2018) (1597).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2018 G.G. 31/08/2018) (1612).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules (No. 2) 2018 G.G. 07/09/2018) (1613).

Environmental Protection Act 1986 – Regulations (Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018 G.G. 31/08/2018) (1614).

Family Court Act 1997 – Regulations (Family Court Amendment Regulations 2018 G.G. 24/08/2018) (1615).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Regional Development to not provide information in relation to Question on Notice 1407 (1616).

Forest Products Commission – Statement of Corporate Intent 2018–2019 (1617).

Gender Reassignment Board – Annual Report 2017–2018 (1618).

Independent Market Operator – Final Report 1 July 2017 to 27 April 2018 (1619).

Local Government Act 1995 – Local Laws (City of South Perth Standing Orders Amendment Local Law 2018 G.G. 24/08/2018) (1620).

Local Government Act 1995 – Local Laws (Shire of Victoria Plains Extractive Industries Local Law 2018 G.G. 04/09/2018) (1621).

Local Government Act 1995 – Local Laws (Shire of Victoria Plains Public Places and Local Government Property Local Law 2018 G.G. 04/09/2018) (1622).

Local Government Standards Panel – Annual Report 2017–2018 (1623).

Lotterywest – Annual Report 2017–2018 (1624).

Misuse of Drugs Act 1981 – Orders (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2018 G.G. 29/08/2018) (1625).

National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Act 2018 – House of Representatives Bill No. 46, 2018 (1631).

National Redress Scheme for Institutional Child Sexual Abuse Act 2018 – House of Representatives Bill No. 45, 2018 (1632).

National Redress Scheme for Institutional Child Sexual Abuse Bill 2018 and National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 – Explanatory Memorandum (1634).

National Redress Scheme for Institutional Child Sexual Abuse Bill – Second Reading Speech, House of Representatives 10 May 2018 (1633).

National Redress Scheme for Institutional Child Sexual Abuse – Assessment Framework 2018, Minister for Social Services Declaration 29 June 2018 (1627).

National Redress Scheme for Institutional Child Sexual Abuse – Assessment Framework 2018 Explanatory Statement, Minister for Social Services (1626).

National Redress Scheme for Institutional Child Sexual Abuse – Direct Personal Response Framework 2018, Minister for Social Services 29 June 2018 (1629).

National Redress Scheme for Institutional Child Sexual Abuse – Explanatory Statement by Minister for Social Services 29 June 2018 (1628).

National Redress Scheme for Institutional Child Sexual Abuse – National Redress Scheme for Institutional Child Sexual Abuse (Consequential Amendments) Bill 2018 Second Reading Speech, House of Representatives, 10 May 2018 (1630).

National Redress Scheme for Institutional Scheme for Institutional Child Sexual Abuse Declaration 2018 – Minister for Social Services 29 June 2018 (1635).

Premier and Cabinet, Department of – Ministerial Resourcing Report as at 26 July 2018 (1636).

State Trading Concerns Act 1916 – Regulations (State Trading Concerns (Authorisation) Amendment Regulations 2018 G.G. 31/08/2018) (1637).

Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules (No. 3) 2018 G.G. 28/08/2018) (1638).

Technology and Industry Advisory Council – Annual Activity Report 2017–2018 (1639).

Transport Co-ordination Act 1966 – Regulations (Transport (Country Taxi-cars Fares) Amendment Regulations 2018 G.G. 21/08/2018) (1640).

Water Corporation – Statement of Corporate Intent 2018–2019 (1641).

9. Expiration of Notices of Motion

The Speaker advised members that Private Members' Business Notices of Motion Nos 1 to 3, notice of which was given on 13 March 2018, would be removed and would not appear on the next Notice Paper unless notification to continue the notices were provided to the Clerk.

10. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Referral to the Economics and Industry Standing Committee, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Notices of Motion

12. Matter of Public Interest – Education Sector

The Speaker informed the Assembly that he was in receipt of a notice from Dr M.D. Nahan that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Dr M.D. Nahan moved,

That this House condemns the McGowan Government's ongoing cuts and uncertainty in the education sector and calls on the McGowan Government to immediately commit to reversing all its mean-spirited education cuts without increasing any taxes.

Debate ensued.

Question put and negatived.

13. Historical Homosexual Convictions Expungement Bill 2017

Message No. 44 dated 23 August 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Historical Homosexual Convictions Expungement 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 Historical Homosexual Convictions Expungement Bill 2017

No. 1

New Clause 29A, page 23, after line 15 — To insert:

29A. Annual Report

- (1) The CEO must prepare and submit to the Minister, not later than 30 September in each year, a report for the previous financial year that contains details of the following —
 - (a) the number of applications made under section 5;
 - (b) for applications determined under section 11 —
 - (i) the number of applications approved under section 11(2);
 - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
 - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;

- (iv) the average amount of time taken to determine an application;
 - (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations;
 - (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;
 - (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.
- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

No. 2

New Clause 29B, page 23, after line 15 — To insert:

29B. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

Ordered, That consideration in detail of Legislative Council Message No. 44 be made an Order of the Day for a later stage of the sitting.

14. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –
28 August 2018

Occupational Safety and Health Amendment Bill 2017 (Message No. 45).

Mines Safety and Inspection Amendment Bill 2017 (Message No. 46).

29 August 2018

Education and Care Services National Law (WA) Amendment Bill 2018 (Message No. 47).

30 August 2018

Road Traffic Amendment (Driving Offences) Bill 2018 (Message No. 48).

15. Courts Legislation Amendment Bill 2017

Message No. 49 dated 30 August 2018 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend –

- the *Civil Judgments Enforcement Act 2004*; and
- the *Magistrates Court Act 2004*; and
- the *Supreme Court Act 1935*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

16. Public and Health Sector Legislation Amendment (Right of Return) 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.

CONSIDERATION IN DETAIL

Clauses 1 to 13 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Premier 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.

17. Variation to the Order of Business

Ordered, That Government Business Order of the Day relating to Legislative Council Message No. 44 be next considered.

18. Historical Homosexual Convictions Expungement Bill 2017

The Order of the Day for the consideration in detail of Legislative Council Message No. 44 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Historical Homosexual Convictions Expungement 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 Historical Homosexual Convictions Expungement Bill 2017.

No. 1

New Clause 29A, page 23, after line 15 — To insert:

29A. Annual Report

- (1) The CEO must prepare and submit to the Minister, not later than 30 September in each year, a report for the previous financial year that contains details of the following —
 - (a) the number of applications made under section 5;
 - (b) for applications determined under section 11 —
 - (i) the number of applications approved under section 11(2);
 - (ii) the number of applications refused under section 11(2) and a summary of the grounds for refusal;
 - (iii) the number of convictions expunged under section 11(3) and a summary of the offences to which the expunged convictions relate;
 - (iv) the average amount of time taken to determine an application;
 - (c) the number of determinations that a conviction is no longer an expunged conviction under section 12(1) and a summary of the grounds for the determinations;
 - (d) the number of review applications made to the State Administrative Tribunal under section 18 and the outcomes of such applications, if available;

- (e) any other matters that are, in the CEO's opinion, of such significance as to require reporting.
- (2) The Minister must cause a copy of the annual report to be laid before each House of Parliament within 14 sitting days after the report is received by the Minister.

No. 2

New Clause 29B, page 23, after line 15 — To insert:

29B. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which this section comes into operation.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 5th anniversary.

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.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

19. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 6 and 7 be next considered.

20. Suitors' Fund Amendment Bill 2017

Suitors' Fund Amendment (Levy) Bill 2017

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

Cognate Debate

Leave was granted to debate the Suitors' Fund Amendment (Levy) Bill 2017 in conjunction with the Suitors' Fund Amendment Bill 2017.

Debate resumed.

Question put and passed.

Suitors' Fund Amendment Bill 2017 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.

21. Suitors' Fund Amendment (Levy) Bill 2017

The Order of the Day for the 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 Attorney General 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.

22. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

23. Tobacco Products Control 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 Health moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.06 pm until Wednesday, 12 September 2018 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms E.L. Hamilton.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly