

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 44

WEDNESDAY, 29 NOVEMBER 2017, 12.00 noon

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

– approximately 2.00 pm each day
– one per week on any day
– 4.00 pm to 7.00 pm Wednesday
– approximately 9.00 am Thursdays
– 12.50 pm Thursdays

* *Note:* When the Assembly meets at 2.00 pm Brief Ministerial Statements and Questions Without Notice will follow Prayers.

Memorandum: The Assembly's Questions on Notice booklet is available at www.parliament.wa.gov.au.

BUSINESS OF THE ASSEMBLY – NOTICES OF MOTION

1. *Acknowledgement of Country and Changes to the Standing Orders (Notice given – 28/11/17)

The Leader of the House: To move –

That recommendations 1, 2 and 3 of the Procedure and Privileges Committee Report No. 1, Acknowledgement of Country, tabled on 21 November 2017, be agreed to.

BILLS – NOTICES OF MOTION

1. **Natural Gas (Canning Basin Joint Venture) Agreement (Termination) Bill 2017** (Notice given – 28/11/17)

The Premier: To move –

That a Bill for “An Act to amend the *Natural Gas (Canning Basin Joint Venture) Agreement Act 2013* to provide for the ratification of an agreement for the termination of the Natural Gas (Canning Basin Joint Venture) Agreement and for related purposes.” be introduced and read a first time.

2. **Suitors' Fund Amendment Bill 2017** (Notice given – 28/11/17)

The Attorney General: To move –

That a Bill for “An Act to amend the *Suitors' Fund Act 1964*.” be introduced and read a first time.

3. Suitors' Fund Amendment (Levy) Bill 2017 (Notice given – 28/11/17)

The Attorney General: To move –

That a Bill for “An Act to amend the *Suitors' Fund Act 1964*.” be introduced and read a first time.

4. Appropriation (Recurrent 2016-17) Supplementary Bill 2017 (Notice given – 28/11/17)

The Treasurer: To move –

That a Bill for “An Act to appropriate out of the Consolidated Account a sum for recurrent payments made during the year ended 30 June 2017 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

5. Appropriation (Capital 2016-17) Supplementary Bill 2017 (Notice given – 28/11/17)

The Treasurer: To move –

That a Bill for “An Act to appropriate out of the Consolidated Account a sum for capital payments made during the year ended 30 June 2017 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

6. Ports Legislation Amendment Bill 2017 (Notice given – 28/11/17)

The Minister for Transport: To move –

That a Bill for “An Act to amend –

- the *Jetties Act 1926*; and
- the *Lights (Navigation Protection) Act 1938*; and
- the *Marine and Harbours Act 1981*; and
- the *Marine Navigational Aids Act 1973*; and
- the *Port Authorities Act 1999*; and
- the *Shipping and Pilotage Act 1967*; and
- the *Western Australian Marine Act 1982*.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. *First Home Owner Grant Amendment Bill 2017 (Minister for Finance) (No. 16, 2r. – 28/6/17)

Consideration in detail of Legislative Council Message No. 19.

2. Historical Homosexual Convictions Expungement Bill 2017 (Attorney General) (No. 42, 2r. – 1/11/17)

Second reading. Adjourned debate (Leader of the House).

3. Land Tax Assessment Amendment Bill 2017 (Minister for Finance) (No. 46, 2r. – 8/11/17)

Second reading. Adjourned debate (Mr W.R. Marmion).

4. Heritage Bill 2017 (Minister for Heritage) (No. 47, 2r. – 8/11/17)

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

5. Appropriation (Recurrent 2010–11 to 2015–16) Supplementary Bill 2017 (Treasurer) (No. 30, 2r. – 13/9/17)

‡**Appropriation (Capital 2010–11 to 2015–16) Supplementary Bill 2017** (Treasurer) (No. 31, 2r. – 13/9/17)

Second reading. Adjourned debate (Leader of the House).

- 6. Workers' Compensation and Injury Management Amendment Bill 2017** (Minister for Commerce and Industrial Relations) (No. 45, 2r. – 1/11/17)

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

- 7. Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017** (Attorney General) (No. 53, 2r. – 22/11/17)

Second reading. Adjourned debate (Leader of the House).

- 8. Court Jurisdiction Legislation Amendment Bill 2017** (Attorney General) (No. 40, 2r. – 18/10/17)

Second reading. Adjourned debate (Leader of the House).

- 9. Address-in-Reply**

Adjourned debate (Minister for Child Protection).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Perth Stadium** (Notice given – 8/8/17)

Dr M.D. Nahan: To move –

That this House commits to maintaining the existing name at Perth Stadium, in the best interests of promoting Perth and Western Australia.

- 2. Western Australia's GST Share** (Notice given – 8/8/17)

Dr M.D. Nahan: To move –

That this House resolves to write to both the Prime Minister and Federal Opposition Leader Bill Shorten seeking a commitment to deliver a bipartisan resolution, by the Federal Parliamentary Liberal Party and Federal Parliamentary Labor Party, to Western Australia's woeful GST share.

- 3. Energy Sector in Western Australia** (Notice given – 8/8/17)

Mr D.C. Nalder: To move –

That this House calls on the Minister for Energy to outline his plan for the energy sector, including outlining how Western Australia will achieve its Large Scale Renewable Energy Target of 20 percent by 2020, and when Western Australian households will have choice in electricity retailers as they currently enjoy with residential gas.

- 4. Tourism Portfolio in Western Australia** (Notice given – 8/8/17)

Ms L. Mettam: To move –

That this House expresses its deep concern regarding the handling of the Tourism Portfolio and the McGowan Government's lack of leadership in promoting this great State.

- 5. Taxes in Western Australia** (Notice given – 10/10/17)

Dr M.D. Nahan: To move –

That this House notes:

- (1) the now Premier said before the election he would not increase taxes, nor introduce any new taxes on Western Australians;
- (2) that it was a clear and unambiguous promise;

and calls on the McGowan Government to keep their promises by not increasing any taxes, including royalties, or introducing new taxes.

6. State Debt (Notice given – 10/10/17)

Mr D.C. Nalder: To move –

That this House notes:

- (1) that in the Pre-election Financial Position Statement, the Under Treasurer stated “it is clear that: Western Australia is facing a significant debt challenge; and the incoming Government will need a clear and robust plan for addressing this challenge”;
- (2) despite the warning, the McGowan Government’s first budget:
 - (a) increases expenditure growth in excess of the Pre-election Financial Position Statement;
 - (b) increases the deficit in excess of the Pre-election Financial Position Statement;
 - (c) increases general government sector net debt in excess of the Pre-election Financial Position Statement;
- (3) the increased debt and deficit is the result of the McGowan Government not having a debt reduction plan at the last State election; and
- (4) Western Australian businesses and households are paying for the McGowan Government’s failure to fund its election promises through job destroying tax increases and higher fees and charges.

7. Regional Services and Infrastructure (Notice given – 17/10/17)

Ms M.J. Davies: To move –

That this House condemns the McGowan Government cuts to essential regional services and infrastructure, not for the purposes of budget repair but to fund extravagant election commitments like Metronet.

8. Western Australian Police (Notice given – 18/10/17)

Mr P.A. Katsambanis: To move –

That this House expresses its unequivocal support for Western Australian Police Commissioner, Mr Chris Dawson, and all Western Australian police officers protecting the Western Australian community.

9. Electricity Prices (Notice given – 31/10/17)

Mr D.C. Nalder: To move –

That this House notes the McGowan Government, through its doubling of the daily supply charge for electricity, is targeting pensioners, low income earners and vulnerable households to pay for their election commitments, and by kowtowing to the union movement, are refusing to provide choice to residential electricity customers.

10. Independent Public School Policy (Notice given – 31/10/17)

Mrs L.M. Harvey: To move –

That this House expresses its deep concern at the Government’s dismantling of the Independent Public School policy which has been embraced by parents, teachers and principals across the State.

11. Perth Freight Link (Notice given – 13/6/17, renewed 7/11/17)

Mrs L.M. Harvey: To move –

That this House condemns the McGowan Government for rejecting an offer from the Commonwealth Government for \$1.2 billion for the Perth Freight Link which would create nearly 10,000 direct and indirect jobs, while reducing congestion and making roads safer.

12. Job Creation (Notice given – 13/6/17, renewed 7/11/17)

Mr S. L'Estrange: To move –

That this House condemns the McGowan Government for campaigning throughout the election on a platform of creating 50,000 jobs but only delivering job cuts, wage cuts and policies that damage investment certainty.

13. Shark Policy (Notice given – 13/6/17, renewed 7/11/17)

Mr I.C. Blayney: To move –

That this House condemns the McGowan Government for failing to deliver a sensible policy approach that properly protects the people of Western Australia from dangerous shark species.

14. Law and Order (Notice given – 13/6/17, renewed 7/11/17)

Mr P.A. Katsambanis: To move –

That this House condemns the McGowan Government for being weak on law and order issues, its failure to fulfil its election commitment to introduce minimum mandatory sentencing for meth dealers and traffickers and its intention to let dangerous criminals back on the street.

15. Major Infrastructure Projects (Notice given – 7/11/17)

Dr M.D. Nahan: To move –

That this House notes the failure of the McGowan Government to properly plan for major infrastructure projects, highlighted by the lack of funding in the budget for infrastructure, the blowout in costs of projects, the lack of business cases and the failure to identify the ongoing costs to be imposed on Western Australian taxpayers.

16. Jobs and the Cost of Living in Western Australia (Notice given – 21/11/17)

Ms M.J. Davies: To move –

That this House condemns the McGowan Government for failing to deliver on jobs and increasing the cost of living because they refuse to pursue every available revenue source.

17. First Parliamentary Year of the McGowan Government (Notice given – 28/11/17)

Dr M.D. Nahan: To move –

That this House expresses concern over the failures of the McGowan Government in its first parliamentary year.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY
1. Trade Union Movement (Moved – 14/6/17)

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

Dr M.D. Nahan –

That this House:

- (a) notes the trade union movement represents just 9.4% of Australian workers;
- (b) expresses concern that despite the minimal representation of Western Australian workers by trade unions, the current state government is overly represented in its Cabinet by union members;
- (c) expresses concern at the vast sums of workers money contributed by Unions to supporting the election of the McGowan Government;
- (d) condemns the Community and Public Sector Union for its mute response to the massive cuts the McGowan Government is imposing on the public service.

2. Electoral Issues and Campaign Activities (Moved – 21/6/17)

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

That this House:

- (a) notes with concern the anomalies in enrolments in the district of Pilbara in the 2017 State Election;
- (b) expresses concern at the unprecedented and significant campaign activities of the Chamber of Minerals and Energy Western Australia;
- (c) notes the McGowan Government's intention to conduct an inquiry into third party fundraising bodies;
- (d) notes with concern that Parliament has no standing committee specifically tasked with oversight of electoral laws and practices in line with other jurisdictions including New South Wales and Victoria.

3. Financial Planning (Moved – 21/6/17)

Adjourned debate (Minister for Mines and Petroleum – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House condemns the McGowan Government for not having a credible financial plan to pay for \$5 billion of unaffordable election promises and now forcing households to pay for them through new taxes, increases in fees and charges and cuts to frontline services.

4. Increases to Household Fees and Charges (Moved – 28/6/17)

Adjourned debate (Ms L. Mettam) on the motion moved by Dr M.D. Nahan –

That this House condemns the McGowan Government for the impact its increases to household fees and charges and changes to concessions will have on seniors, self-funded retirees, low income earners and the 218,000 Western Australian households that have installed solar systems, just to pay for the Government's \$5 billion of election promises.

5. Royalties for Regions (Moved – 28/6/17)

Adjourned debate (Mr P.J. Rundle – continuation of remarks) on the motion moved by Mr D.T. Redman –

That this House condemns the McGowan Government for creating uncertainty and confusion in regional WA by refusing to confirm ongoing funding for Royalties for Regions projects.

6. Western Australia's Economy (Moved – 9/8/17)

Adjourned debate (Mr A. Krsticevic – continuation of remarks) on the motion moved by Mr D.C. Nalder –

That this House notes the constant negative commentary by the Premier and members of his Government regarding Western Australia's economy, which is hurting consumer and business confidence, and calls on the State Government to take a more considered approach to the economic narrative.

7. Testing at Public Health Facilities (Moved – 16/8/17)

Adjourned debate (Minister for Health in reply – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House calls on the McGowan Government, in the interests of public health and providing surety to the community, to immediately identify and begin testing across Western Australia for all thermostatic mixing valves installed at public facilities, similar to those installed at Perth Children's Hospital, and to conduct thorough visual and chemical testing of the Queen Elizabeth II Medical Centre ring main to rule it out as a source of lead.

8. Referral to the Economics and Industry Standing Committee (Moved – 6/9/17)

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

That this House refers to the Economics and Industry Standing Committee an inquiry into mining legacy State agreements struck prior to 1970, with the terms of reference including but not limited to:

- (a) the nature of past and current commitments and responsibilities between the companies and the State;
- (b) whether current commitments and responsibilities are contemporary in the context of modern State agreements, mining practices and topical issues such as environmental responsibility;
- (c) whether the agreements still represent a fair deal for the people of Western Australia as the owners of the resource;
- (d) the impact of sovereign risk should it be in the interests of the State to instigate changes to State agreements; and
- (e) the nature of any residual value-adding commitments in the State agreements and by extension assurances to the people of WA that such commitments are honoured.

9. State Budget (Moved – 13/9/17)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House notes the Government, in delivering its first budget since the election, has reneged on its promise to not increase taxes, to not introduce new taxes, to return the budget to surplus and to pay down debt like a mortgage, and in so doing, are destroying jobs and undermining confidence in the economy.

10. Mining and Resources Sector in Western Australia (Moved – 11/10/17)

Adjourned debate (Mr K.M. O'Donnell – continuation of remarks) on the amendment moved by Mr S.A. Millman –

That all the words after “community support” be deleted.

on the motion moved by Mr S. L'Estrange –

That this House:

- (1) acknowledges the contribution the mining and resources sector makes to the Western Australian economy in terms of investment, employment, research and development and community support;
- (2) notes the failure of the Minister for Mines and Petroleum to advocate for the mining and resources industry, given;
 - (a) the Labor Government has put a stop to uranium mining and the associated jobs it would create;
 - (b) the Labor Government has placed a moratorium on hydraulic fracture stimulation, putting at risk the onshore oil and gas sector and associated jobs; and
 - (c) the Labor Government has sought to impose a \$400 million impost on the gold mining sector, which would jeopardise thousands of jobs and investment; and
- (3) calls on the Minister to apologise to the many thousands of workers in the mining and resources sector for failing to represent their interests in Cabinet.

11. The Ministry (Moved – 18/10/17)

Adjourned debate (Minister for Transport – continuation of remarks) on the motion moved by Mr D.T. Redman –

That this House condemns the Premier for appointing Ministers that have demonstrated a lack of public accountability and transparency.

12. Perth Children’s Hospital (Moved – 1/11/17)

Adjourned debate (Treasurer – continuation of remarks) on the motion moved by Mr W.R. Marmion –

That this House expresses its deep concern at the premature acceptance of practical completion of the Perth Children’s Hospital by the McGowan Government, and the inability of the McGowan Government to resolve the outstanding issues to open the hospital.

13. Victims of Child Sex Abuse (Moved – 8/11/17)

Adjourned debate (Attorney General – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House:

- notes the failure of the McGowan Government to introduce legislation to remove the statute of limitations for victims of child sex abuse, which it said was a priority; and
- calls on the Attorney General to apologise for raising the expectations of victims of child sex abuse when he was in Opposition, and failing to deliver now that he is in Government.

14. Financial Election Commitments (Moved – 22/11/17)

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

That this House condemns the McGowan Government for misleading the people of Western Australia during the March 2017 State Election, specifically:

- having no plan for financial management;
- increasing taxes;
- privatising assets;
- increasing household fees and charges; and
- cutting Royalties for Regions.

* 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.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<i>Economics and Industry Standing Committee:</i> Inquiry into Regional Airfares.	30 November 2017
<i>Education and Health Standing Committee:</i> Inquiry into the delivery of the Vocational Education and Training in Schools Program.	30 November 2017
<i>Community Development and Justice Standing Committee:</i> Inquiry into the Administration and Management of the 2017 State General Election.	15 February 2018
<i>Public Accounts Committee:</i> Inquiry into the management and oversight of the Perth Children's Hospital project.	22 March 2018
<i>Joint Select Committee on End of Life Choices:</i> Inquiry into the need for laws in Western Australia to allow citizens to make informed decisions regarding their own end of life choices.	23 August 2018
<i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice.	30 April 2019

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Report No. 1: The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC.	Premier; Attorney General	14 December 2017
Joint Standing Committee on the Corruption and Crime Commission – Report No. 2: The ability of the Corruption and Crime Commission to charge and prosecute.	Attorney General	14 December 2017

NOTICES AND AMENDMENTS

First Home Owner Grant Amendment Bill 2017 (No. 16–1B)

Legislative Council Message No. 19.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the First Home Owner Grant 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 First Home Owner Grant Amendment Bill 2017

No. 1

New Clause 11A, page 5, after line 30 — To insert:

11A. Section 26 amended

In section 26 in the definition of *decision on the application*:

- (a) in paragraph (d) delete “(3);” and insert:
 - (3); and
- (b) after paragraph (d) insert:
 - (e) a requirement under section 52A(1) to pay an amount of legal costs incurred by the Commissioner.

No. 2

New Clause 12A, page 6, after line 17 — To insert:

12A. Section 30 amended

After section 30(5) insert:

- (6) If, as the result of a decision on an objection, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
 - (a) the amount of legal costs to be repaid;
 - (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
 - (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 3

New Clause 12B, page 6, after line 17 — To insert:

12B. Section 32 amended

After section 32(4) insert:

- (5) If, as the result of an application for a review of a decision, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
- (a) the amount of legal costs to be repaid;
 - (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
 - (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 4

Clause 15, page 8, line 15 — To insert after “pay the”:

reasonable

No. 5

Clause 15, page 8, after line 22 — To insert:

- (3) If the notice covers legal costs as defined in the *Legal Profession Act 2008* section 3 —
- (a) the notice must include or be accompanied by a written statement setting out the applicant’s right under the *Legal Profession Act 2008* to apply for an assessment of those costs; and
 - (b) the Commissioner must not commence proceedings to recover those costs until at least 30 days after the date on which the notice is given to the applicant.

Procedure and Privileges Committee Report No. 1 – Recommendations for an Acknowledgement of Country

Recommendation 1

That the Legislative Assembly provide for an Acknowledgement of Country in the Standing Orders by deleting Standing Orders 20, 21 and 22 and substituting the following:

Acknowledgement of Country and Prayers

20. The Speaker will take the Chair on every day fixed for the meeting of the Assembly at the appointed time. The Speaker will say an Acknowledgement of Country to commence proceedings and will then say prayers.

Assembly adjourned for lack of quorum

21. If there is no quorum fifteen minutes after the commencement of proceedings, the Speaker may adjourn the Assembly to the next sitting day. The names of the members present are recorded in the Votes and Proceedings.

Lack of quorum

22. (1) If any member takes notice and the Speaker confirms that a quorum is not present—

- (a) The bells will be rung during which time the doors of the Chamber will remain unlocked.
- (b) The Speaker will count the Assembly and when a quorum is formed business will resume.
- (c) No member will leave the Chamber while the bells are ringing.
- (d) If there is no quorum within two minutes of the bells commencing, the Speaker will adjourn the Assembly, without a question put, until the next sitting day.
- (e) The members present will be recorded in the Votes and Proceedings.
- (f) Not less than fifteen minutes will elapse between calls for a quorum.

(2) If the Tellers' report of a division shows there is no quorum, the Speaker will adjourn the Assembly, without a question put, until the next sitting day and no decision of the Assembly will have been reached by that division.

Recommendation 2

That the Acknowledgement of Country take the following form:

The Legislative Assembly is honoured to be situated on the ancestral lands of the Whadjuk Noongar people. We acknowledge the First Australians as the traditional owners of the lands we represent and pay respect to their Elders both past and present.

Recommendation 3

That the Acknowledgement of Country be introduced for the first sitting day of the 2018 autumn session.

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly