

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 104

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 27 NOVEMBER 2018

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledge of Country and Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the Government's response to the Report of the Joint Select Committee on End of Life Choices, *My Life, My Choice*.

Paper

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

By the Minister for Health –

Health, Minister for – Western Australian Government Response, Joint Select Committee on End of Life Choices Report, *My Life, My Choice* (2077).

The Attorney General on the appointment of an expert panel on Advance Health Directives.

The Minister for Sport and Recreation on his recent trip to Malaysia.

Paper

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

By the Minister for Sport and Recreation –

Sport and Recreation, Minister for – Report of Official Visit to Malaysia, Friday 2 November 2018 to Thursday 8 November 2018 (2078).

The Minister for Water on the retirement of the Water Corporation's Chief Executive Officer Sue Murphy.

3. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Health –

Health, Minister for – Methamphetamine Action Plan Taskforce Final Report (2079).

Questions on Notice Nos 4396 to 4399 were asked.

Questions on Notice Nos 4107, 4123, 4153, 4190, 4240, 4241, 4252 to 4254 and 4278 were answered.

Paper tabled by the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science –

Question on Notice No. 4190 – List of reviews and charges of each agency, department and Government Trading Enterprise under the Minister's portfolio of responsibilities undertaken since 17 March 2017 (2076).

4. Petitions

Euthanasia and Assisted Suicide – Dr A.D. Buti presented a petition from 4,230 persons requesting that the Parliament not legalise euthanasia and/or assisted suicide in Western Australia (P. 119).

Mine Continuation Proposals – Mr K.J.J. Michel presented a petition from 1,511 persons requesting that the Legislative Assembly take all necessary action to enable the urgent consideration of Sino Iron's Mine Continuation Proposals (P. 120).

Dog Act 1976 – Mr A. Krsticevic presented a petition from 194 persons requesting that the Dog Act 1976 be amended to include provisions relating to dog attacks and dangerous dogs (P. 121).

Picabar – Mr A. Krsticevic presented a petition from 851 persons requesting that the Legislative Assembly call on the Premier and Minister for Culture and the Arts to take action to reverse the eviction of Picabar and grant the long-term tenure promised in previous lease arrangements to ensure the long-term viability of the area (P. 122).

5. 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 – Prisoner Access to Secure Mental Health Treatment (received by the Clerk of the Legislative Assembly on 25 October 2018 and held for a period of 30 days) (2071).

By the Clerk –

Conservation and Parks Commission – Annual Report 2017–2018 (2072).

Health (Miscellaneous Provisions) Act 1911 – Local Laws (Shire of Kulin Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 23/11/2018) (2073).

Planning and Development Act 2005 – Ministerial Direction to the State Administrative Tribunal on application for Review (DR 279 of 2018) in accordance with section 246(2)(A) of the Act (2074).

Police Act 1892 – Regulations (Police Force Amendment Regulations (No. 3) 2018 G.G. 23/11/2018) (2075).

6. Suspension of Standing Orders

Dr M.D. Nahan, 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 McGowan Government to immediately reverse its cuts to retail shopping hours over the Christmas period to provide jobs and to allow West Australian businesses to compete against the increasing disruption from online retailing.

The Leader of the House moved, To add to the motion –

“

, subject to the debate being limited to 15 minutes for government members, 15 minutes for Liberal members, and up to 5 minutes for National Party members.

”

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

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

7. Retail Trading Hours

Dr M.D. Nahan, pursuant to the foregoing motion, moved,

That this House calls on the McGowan Government to immediately reverse its cuts to retail shopping hours over the Christmas period to provide jobs and to allow West Australian businesses to compete against the increasing disruption from online retailing.

Debate ensued.

Question put.

The Assembly divided.

Ayes (12)

Mr I.C. Blayney
Mrs A.K. Hayden
Dr D.J. Honey
Mr P.A. Katsambanis

Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr W.R. Marmion
Mr J.E. McGrath

Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell
Ms L. Mettam (*Teller*)

Noes (40)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mr V.A. Catania
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms M.J. Davies
Ms J. Farrer
Mr M.J. Folkard
Ms E.L. Hamilton
Mr T.J. Healy
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Mr R.S. Love
Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Mr M.P. Murray
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Mr D.T. Redman
Mrs M.H. Roberts

Ms C.M. Rowe
Mr P.J. Rundle
Ms R. Saffioti
Ms A. Sanderson
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

8. Correction to Tabled Paper

The Acting Speaker announced that the Speaker had authorised corrections to the following Tabled Paper tabled on 20 September 2018 –

Fire and Emergency Services, Department of – Annual Report 2017–2018 (1781).

Paper

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

By the Speaker –

Fire and Emergency Services, Department of – Annual Report 2017–2018, Erratum (2080).

9. Notices of Motion

10. Removal of Order of the Day

The Acting Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Financial Election Commitments, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Child Support (Commonwealth Powers) 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 9 agreed to.

Title agreed to.

Consideration in detail concluded.

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.

12. Births, Deaths and Marriages Registration Amendment (Change of Name) 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 14 agreed to.

Title agreed to.

Consideration in detail concluded.

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.

13. Legal Profession Amendment (Professional Indemnity Insurance Management Committee) 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.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 9 be next considered.

15. Premier's Statement

The Order of the Day for the resumption of debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

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

Message No. 64 dated 27 November 2018 from the Legislative Council was reported 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**

Ordered, That consideration in detail of Legislative Council Message No. 64 be made an Order of the Day for the next sitting of the Assembly.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.54 pm until Wednesday, 28 November 2018 at 12.00 noon.

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

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly