

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 235

FIRST SESSION OF THE FORTIETH PARLIAMENT

FRIDAY, 4 DECEMBER 2020

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. Opposition Office Holders

Mr Z.R.F. Kirkup advised the House that on 24 November 2020 he was appointed Leader of the Opposition and the member for Vasse was appointed Deputy Leader of the Opposition. He also advised that the member for Hillarys was appointed Manager of Opposition Business and the member for Carine remains the Opposition whip.

3. Speaker's Statement – Amended Seating Plan

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

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the release of the final report of the Climate Health WA Inquiry.

Paper

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

By the Minister for Health –

Minister for Health – Climate Health WA Inquiry Final Report (4043).

The Minister for Emergency Services on the launch of the My Bushfire Plan app.

The Minister for Prevention of Family and Domestic Violence on the 16 Days in WA to Stop Violence Against Women campaign.

5. Speaker's Statement – Joint Sitting to Fill a Vacancy in the Senate

The Speaker advised members that a Joint Sitting of both Houses was held on Wednesday, 25 November 2020 and that Benjamin John Small was duly elected as a Senator of the Commonwealth Parliament.

6. Speaker's Statement – Media Presence

The Speaker advised members that he had approved the presence of television cameras and photographers for the first twenty minutes of Question Time.

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 6518 to 6522 were asked.

Questions on Notice Nos 6413, 6439, 6445, 6446, 6448 to 6451, 6456, 6457, 6461, 6466, 6474, 6499, 6502, 6509 and 6512 to 6514 were answered.

Papers tabled by the Minister for Water; Forestry; Innovation and ICT; Science; Youth –

Question on Notice No. 6456 – List of New Industries Fund Unsolicited Bids for the financial years 2017 to 2020 (4041).

Question on Notice No. 6457 – New Industries Fund's Innovation Hubs Reports from December 2018 to June 2020 (4042).

8. Personal Explanation

Mr J.R. Quigley made a personal explanation in regard to remarks he made during debate in the Chamber on 8 September 2020.

9. Unanswered Question on Notice

Mr I.C. Blayney asked why no answer had been received in respect of his Question on Notice No. 6174.

10. Petitions

Odour Emissions from Ingham's Enterprises and Steggle's Factory Outlet in Osborne Park – Mr D.R. Michael presented a petition from 226 people asking the Legislative Assembly to consider having the relevant Government Departments investigate and encourage the landowners to move to a more appropriate location away from residential properties (P. 208).

Water Quality at Jurien Bay Marina – Mr R.S. Love presented a petition from 140 people asking the Legislative Assembly to call on the Government of Western Australia and the Minister for Transport to take immediate action and consider an engineering solution to prevent further fish kills at Jurien Bay Marina (P. 209).

11. Messages from the Governor

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

No. 41 – 19 November 2020

COVID-19 Response Legislation Amendment (Extension of Expiring Provisions) Bill 2020, Act No. 39 of 2020.

Environmental Protection Amendment Bill 2020, Act No. 40 of 2020.

Environmental Protection Amendment Bill (No. 2) 2020, Act No. 41 of 2020.

No. 42 – 30 November 2020

Appropriation (Recurrent 2020–21) Bill 2020, Act No. 42 of 2020.

Appropriation (Capital 2020–21) Bill 2020, Act No. 43 of 2020.

Mutual Recognition (Western Australia) Bill 2020, Act No. 44 of 2020.

12. Papers

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

By the Clerk –

Aboriginal Affairs Planning Authority Act 1972 – Report of the Aboriginal Affairs Authority, Version 2 (4031).

Auditor General, Office of the – Regulating Minor Pollutants, Report No. 8, November 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 November 2020) (4026).

Auditor General, Office of the – Western Australian Registry System – Application Controls Audit, Report No. 9, November 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 November 2020) (4027).

Australian Health Practitioner Regulation Agency – Annual Report 2019–2020 (4032).

Biodiversity, Conservation and Attractions, Department of – A review of the Conservation Legislation Amendment Act 2011: How are Western Australia's joint management arrangements working? July 2020 (4033).

Commissioner for Children and Young People, Joint Standing Committee on the – Discussion Paper, In their own voice – The participation of children and young people in parliamentary proceedings (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 November 2020) (4029).

Communities, Department of – Disability Access and Inclusion Plan: Minister's Progress Report 2019–2020 (4034).

Corruption and Crime Commission – Report on electorate allowances and management of electorate offices (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 November 2020) (4028).

Legal Contribution Trust – Annual Report 2019–2020 (4035).

National Health Practitioner Ombudsman and National Health Practitioner Privacy Commissioner – Annual Report 2019–2020 (4036).

Planning and Development Act 2005 – Decision of the Minister for Planning pursuant to section 246(2)(a) of the Act in relation to Application DR 166 of 2020 (4037).

Planning and Development Act 2005 – Determination of Applications for Review (DR 362 of 2013 and DR 444 of 2013) in accordance to section 246(2)(a) of the Act (4038).

Standing Committee on Public Administration – Government Response to Committee Report No. 33, Private property rights: the need for disclosure and fair compensation (4039).

Western Australian Treasury Corporation – Quarterly Report for the Quarter Ended 30 September 2020 (4040).

13. Corrections to Tabled Papers

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 26 November 2020 –

Corruption and Crime Commission – Report on electorate allowances and management of electorate offices (4028).

Paper

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

By the Speaker –

Corruption and Crime Commission – Report on electorate allowances and management of electorate offices, erratum (4044).

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 24 September 2020 –

Premier and Cabinet, Department of the – Annual Report 2019–20 (3768).

Paper

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

By the Speaker –

Premier and Cabinet, Department of the – Annual Report 2019–20, erratum (4045).

14. Removal of Order of the Day

The Speaker advised that Private Members' Business Order of the Day, *Job Creating Projects*, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

15. Matter of Public Interest – 2021 State Election

The Speaker informed the Assembly that he was in receipt of a notice from Mr Z.R.F. Kirkup that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr Z.R.F. Kirkup moved,

That this House notes the clear choice at the upcoming state election between a safer, smarter today for a better, brighter tomorrow under the Liberals as opposed to Labor's cynical business-as-usual politics.

Debate ensued.

Question put.

The Assembly divided.

Ayes (9)

Mrs L.M. Harvey
Dr D.J. Honey
Mr P.A. Katsambanis

Mr Z.R.F. Kirkup
Mr W.R. Marmion
Ms L. Mettam

Mr D.C. Nalder
Mr K.M. O'Donnell
Mr A. Krsticevic (*Teller*)

Noes (31)

Dr A.D. Buti
Mr J.N. Carey
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Mr M. Hughes
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk

Mr S.A. Millman
Mr Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe
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 R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

16. Suspension of Standing Orders

The Leader of the House, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the member for Mirrabooka and the member for Bateman to make valedictory speeches forthwith of not more than 30 minutes each.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

17. Valedictory Speeches

Ms J.M. Freeman and Mr D.C. Nalder made their valedictory speeches.

18. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –
24 November 2020

Appropriation (Recurrent 2020–21) Bill 2020 (Message No. 148).

Appropriation (Capital 2020–21) Bill 2020 (Message No. 149).

25 November 2020

Mutual Recognition (Western Australia) Bill 2020 (Message No. 150).

26 November 2020

Criminal Law Amendment (Uncertain Dates) Bill 2019 (Message No. 153).

19. Swan Valley Planning Bill 2020

Message No. 151 dated 26 November 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Swan Valley Planning 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 Swan Valley Planning Bill 2020

No. 1

Clause 2, page 3, after line 7 — To insert:

- (3) However, 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.

No. 2

Clause 3, page 5, after line 4 — To insert:

Swan Valley Statutory Planning Committee means the committee established under section 33(1);

No. 3

Clause 28, page 21, after line 15 — To insert:

- (3A) A person who is a member of the Swan Valley Statutory Planning Committee cannot be appointed under subsection (2).

No. 4

Clause 33, page 24, after line 29 — To insert:

- (4) A person who is a member of the Swan Valley Strategic Leadership Group cannot be appointed under subsection (2)(b), (c) or (d).

No. 5

New Clause 41A, page 30, after line 17 — To insert:

41A. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review —
 - (a) as soon as practicable after the 5th anniversary of the day on which this section comes into operation; and
 - (b) after that, at intervals of not more than 5 years.
- (2) The review must address the following —
 - (a) the effectiveness of —
 - (i) the operations of the Swan Valley Strategic Leadership Group and the Swan Valley Statutory Planning Committee; and
 - (ii) the Swan Valley Planning Scheme;
 - (b) the need for the continuation of —
 - (i) the functions of the Swan Valley Strategic Leadership Group and the Swan Valley Statutory Planning Committee; and
 - (ii) the Swan Valley Planning Scheme;
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Act.
- (3) 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 or the expiry of the period of 5 years, as the case may be.
- (4) If, in the Minister's opinion, a House of Parliament will not sit during the period of 21 days after finalisation of the report, the Minister must send the report to the Clerk of the House.
- (5) When the report is sent to the Clerk of a House it is taken to have been laid before the House.

- (6) The laying of the report that is taken to have occurred under subsection (5) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the Clerk receives the report.

CONSIDERATION IN DETAIL

The Minister for Planning moved, That amendment Nos 1 to 5 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018

Message No. 152 dated 26 November 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Births, Deaths and Marriages Registration Amendment (Change of Name) 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 Births, Deaths and Marriages Registration Amendment (Change of Name) Bill 2018

No. 1

Clause 2, page 2, lines 6 to 7 — To delete the lines and insert:

- (a) sections 1 to 3 — on the day on which this Act receives the Royal Assent (*assent day*);

No. 2

Clause 2, page 2, after line 9 — To insert:

- (2) However —
- (a) if no day is fixed under subsection (1)(b) 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.

No. 3

Clause 4, page 2, lines 22 to 24 — To delete the lines.

No. 4

Clause 4, page 2, after line 28 — To insert:

high risk serious offender means a person subject to —

- (a) a supervision order as defined in the *High Risk Serious Offenders Act 2020* section 27(1); or
- (b) an order under the *High Risk Serious Offenders Act 2020* section 58;

No. 5

Clause 4, page 3, line 11 — To delete “dangerous sexual” and insert:

high risk serious

No. 6

Clause 13, page 11, line 10 — To delete “dangerous sexual” and insert:

high risk serious

No. 7

Clause 13, page 11, line 21 — To delete “dangerous sexual” and insert:

high risk serious

No. 8

Clause 13, page 11, lines 23 and 24 — To delete “*Dangerous Sexual Offenders Act 2006 Part 2 Division 1; or*” and insert:

High Risk Serious Offenders Act 2020 Part 4 Division 2; or

No. 9

Clause 13, page 14, lines 13 and 14 — To delete “*Dangerous Sexual Offenders Act 2006;*” and insert:

High Risk Serious Offenders Act 2020;

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment Nos 1 to 9 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. National Disability Insurance Scheme (Worker Screening) Bill 2020

Message No. 154 dated 26 November 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *National Disability Insurance Scheme (Worker Screening) 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 National Disability Insurance Scheme (Worker Screening) Bill 2020

No. 1

Clause 2, page 2, line 8 — To insert after “Assent”:

(assent day)

No. 2

Clause 2, page 2, after line 10 — To insert:

- (2) However —
- (a) if no day is fixed under subsection (1)(b) 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.

No. 3

Clause 39, page 46, lines 29 and 30 — To delete “*Dangerous Sexual Offenders Act 2006*,” and insert:

High Risk Serious Offenders Act 2020,

No. 4

Clause 89, page 80, line 22 — To delete “*Dangerous Sexual Offenders Act 2006*,” and insert:

High Risk Serious Offenders Act 2020,

CONSIDERATION IN DETAIL

The Parliamentary Secretary to the Minister for Disability Services moved, That amendment Nos 1 to 4 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

22. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Debate ensued.

Question put and passed.

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.25 pm until a date and time to be fixed by the Speaker.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Mr V.A. Catania, Ms M.J. Davies, Ms J. Farrer, Ms E.L. Hamilton, Mrs A.K. Hayden, Mr T.J. Healy, Mr J.E. McGrath, Mr K.J.J. Michel, Mr D.T. Punch, Mr D.T. Redman and Mr P.J. Rundle.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly