

# LEGISLATIVE ASSEMBLY

---

---

## NOTICES AND ORDERS OF THE DAY

No. 132

THURSDAY, 13 JUNE 2019, 9.00 am

Acknowledgement of Country

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 Thursday  
12.50 pm Thursday

\* *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](http://www.parliament.wa.gov.au)

---

### BUSINESS OF THE ASSEMBLY – ORDERS OF THE DAY

1. \* 2019 Temporary Orders (Moved – 13/3/19)

Adjourned debate (Dr A.D. Buti) on the amendment moved by Mr S.K. L'Estrange to the motion, as amended by leave, moved by the Leader of the House –

That the following temporary orders be adopted and commence from 19 March 2019 to the end of 2019 –

“

- (1) Standing Order 40 be amended by inserting the following sentence at the end of the Standing Order: “A stranger does not include a member's baby being breastfed by that member.”
  
- (2) (a) The sections on ‘Motions’ and ‘Other Bills’ in Standing Order 101 be amended by –
  - (i) deleting “60” as the allocated time for the ‘Mover’, the ‘Premier or one member deputed’ and the ‘Leader of the Opposition or one member deputed’ and substituting “45”; and

- (b) The section on ‘Third reading’ under ‘Other Bills’ in Standing Order 101 be amended by deleting the words of the section and substituting the following –

“

Third reading —

Mover ..... 30 minutes

Premier or one member deputed ..... †30 minutes

Leader of the Opposition or one member deputed ..... #30 minutes

Any other member ..... 15 minutes

Mover in reply ..... 30 minutes

† If not a Government bill

# If not an Opposition bill

”.

- (3) (a) Standing Order 146 be amended by –
- (i) deleting “Four” and substituting “Five”; and
  - (ii) inserting the following sentence at the end of the Standing Order: “The fifth grievance will alternate between government and opposition each week.”; and
- (b) Standing Order 101 be amended by deleting “7” and substituting “6” in the section ‘Grievance debate (S.O. 146)’.
- (4) (a) Standing Order 147 be amended by deleting “Once” and substituting “Twice”, by deleting “six” and substituting “five”, and by deleting “90 seconds” and substituting “two minutes”; and
- (b) Standing Order 101 be amended by –
- (i) deleting “90 seconds” and substituting “2 minutes” in the section ‘Members’ statements (S.O. 147)’; and
  - (ii) deleting “Maximum of 6 members.” and substituting “Maximum of 5 members, twice weekly.”.

”.

---

## GOVERNMENT BUSINESS – NOTICES OF MOTION

### 1. Suspension of Standing Orders – TAB (Disposal) Bill 2019 (Notice given – 12/6/19)

The Leader of the House: To move –

That so much of the Standing Orders be suspended as is necessary to enable the *TAB (Disposal) Bill 2019* and the *Betting Control Amendment (Taxing) Bill 2019* to progress through all remaining stages without delay between the stages.

---

## GOVERNMENT BUSINESS – ORDERS OF THE DAY

### 1. TAB (Disposal) Bill 2019 (Treasurer) (No. 128, 2r. – 15/5/19)

Further consideration in detail – Clause 48.

2. ‡**Betting Control Amendment (Taxing) Bill 2019** (Treasurer) (No. 129, 2r. – 15/5/19)  
Second reading.
3. \***Infrastructure Western Australia Bill 2019** (Premier) (No. 118, 2r. – 20/2/19)  
Consideration in detail of Legislative Council Message No. 86.
4. \***Criminal Appeals Amendment Bill 2019** (Attorney General) (No. 103, 2r. – 20/2/19)  
Second reading. Adjourned debate (Ms L. Mettam).
5. **Ticket Scalping Bill 2018** (Minister for Commerce) (No. 110, 2r. – 28/11/18)  
Further consideration in detail – Clause 3.
6. **Transfer of Land Amendment Bill 2018** (Minister for Lands) (No. 111, 2r. – 21/11/18)  
Second reading. Adjourned debate (Mr P.A. Katsambanis).
7. **Premier’s Statement**  
Adjourned debate (Leader of the House) on the question, That the Premier’s Statement be noted.
8. **Police Amendment (Medical Retirement) Bill 2019** (Minister for Police)  
(No. 124, 2r. – 8/5/19)  
Second reading. Adjourned debate (Ms L. Mettam).
9. **Metropolitan Region Scheme (Beeliar Wetlands) Bill 2018** (Minister for Planning)  
(No. 108, 2r. – 7/11/18)  
Second reading. Adjourned debate (Ms L. Mettam).
10. **Wittenoom Closure Bill 2019** (Minister for Lands) (No. 120, 2r. – 21/3/19)  
Second reading. Adjourned debate (Ms L. Mettam).
11. **Fair Trading Amendment Bill 2018** (Minister for Commerce) (LC No. 75, 2r. – 2/4/19)  
Second reading. Adjourned debate (Ms L. Mettam).
12. **Appropriation (Recurrent 2017-18) Supplementary Bill 2018** (Treasurer)  
(No. 104, 2r. – 31/10/18)  
Second reading. Adjourned debate (Ms L. Mettam).
13. **Appropriation (Capital 2017-18) Supplementary Bill 2018** (Treasurer)  
(No. 105, 2r. – 31/10/18)  
Second reading. Adjourned debate (Ms L. Mettam).
14. **Mining Amendment (Procedures and Validation) Bill 2018**  
(Minister for Mines and Petroleum) (No. 83, 2r. – 28/11/18)  
Second reading. Adjourned debate (Ms L. Mettam).
15. **Small Business Development Corporation Amendment Bill 2019**  
(Minister for Small Business) (No. 130, 2r. – 12/6/19)  
Second reading. Adjourned debate (Ms L. Mettam).

---

## PRIVATE MEMBERS’ BUSINESS – NOTICES OF MOTION

1. **Corrections Portfolio** (Notice given – 27/11/18)  
Mr Z.R.F. Kirkup: To move –  
That this House condemns the Minister for Corrective Services for his failures in the Corrections portfolio.
2. **Government Transparency** (Notice given – 27/11/18)  
Mr Z.R.F. Kirkup: To move –  
That this House notes:
  1. The Premier’s commitment to gold standard transparency in Government; and
  2. The failure of Ministers in the McGowan Government to meet the Premier’s standard of gold standard transparency.

**3. Tourism Industry Delivery** (Notice given – 27/11/18)

Ms L. Mettam: To move –

That this House notes the poor performance of the McGowan Government for its failure to deliver for the tourism industry, evidenced by a decline in international visitor numbers, a reduction in international students and its failure to deliver additional direct flights to Western Australia.

**4. The Minister for Water; Fisheries; Forestry; Innovation and ICT; Science**

(Notice given – 19/2/19)

Dr M.D. Nahan: To move –

That this House condemns the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science for:

1. His bungling of the reforms to the cray fishing industry, for which he was required to backflip;
2. His opposition to a comprehensive shark mitigation strategy including SMART drumlines, for which he was required to backflip, and for his failure to implement a rigorous, scientific trial;
3. His failure to adequately lobby for Commonwealth support and funding for an Australian Space Agency Headquarters in Western Australia; and
4. His mismanagement of the water portfolio, including increases to water charges.

**5. Job Creation in Western Australia** (Notice given – 19/2/19)

Dr M.D. Nahan: To move –

That this House condemns the Premier and Minister for Jobs for his failure to diversify the economy and create jobs in Western Australia, which was his main promise to Western Australians at the 2017 election.

**6. Major Transport Projects** (Notice given – 19/2/19)

Mrs L.M. Harvey: To move –

That this House condemns the Minister for Transport for her bungling of major projects, including Metronet and the Huawei Radio Replacement Contract.

**7. Privatisation of Public Assets** (Notice given – 19/2/19)

Mr D.C. Nalder: To move –

That this House condemns the McGowan Government for its dishonesty prior to the State election by saying it opposed privatisation of public assets, and then subsequently selling a range of public assets following the election.

**8. Collie Coal Industry** (Notice given – 19/2/19)

Mr D.C. Nalder: To move –

That this House condemns the Minister for Energy for abandoning the people of Collie by closing down the coal industry.

**9. Tourism Industry Policies** (Notice given – 19/2/19)

Ms L. Mettam: To move –

That this House condemns the McGowan Government, and in particular the Minister for Tourism, for overseeing a collapse in the tourism sector which has been a direct consequence of the Government's failed policies.

**10. Minister for Correctives Services Performance** (Notice given – 19/2/19)

Mr Z.R.F. Kirkup: To move –

That this House notes the ongoing failures of the Minister for Corrective Services, which are reminiscent of his failures when he was a Minister in the Gallop/Carpenter Governments, and calls on the Minister to make way for someone from the Government backbench with more talent and integrity.

**11. Western Australia's Livestock Industry** (Notice given – 19/2/19)

Mr I.C. Blayney: To move –

That this House:

1. Expresses its unequivocal support for Western Australia's livestock industry and the other industries associated with and reliant on a successful and vibrant livestock industry.
2. Condemns the actions of activists interfering with and interrupting businesses going about their legitimate business activities, contributing to the economy, creating jobs and supporting their local communities.

**12. Outer Harbour Proposal** (Notice given – 11/9/18, renewed – 12/3/19)

Mrs L.M. Harvey: To move –

That this House condemns the McGowan Government for its ill-conceived Outer Harbour proposal that cannot be justified on economic, social or environmental grounds.

**13. Education Portfolio** (Notice given – 11/9/18, renewed – 12/3/19)

Mrs L.M. Harvey: To move –

- (1) That this House condemns the McGowan Government's bungles and backflips in the education portfolio including:
  - (a) the backflip on Moora Residential College;
  - (b) the backflip on Perth Modern School;
  - (c) the backflip on the high rise high school in Northbridge;
  - (d) the backflip on School of the Air;
  - (e) the backflip on the Gifted and Talented Program;
  - (f) the backflip on Northam Residential College;
  - (g) the backflip on freezing the intake of Level 3 teachers;
  - (h) the backflip on Bunbury Baptist College;
  - (i) the bungling of Canning and Tuart College;
  - (j) the bungling of Landsdale Farm School;
  - (k) the bungling of camp school funding; and
  - (l) other bungling and backflips.
- (2) That this House condemns the McGowan Government for its failure to properly fund:
  - (a) Trust funds for agriculture schools;
  - (b) Kidsport;
  - (c) Herdsman Wildlife Education Centre;
  - (d) Community Kindergartens; and
  - (e) its mean-spirited increases to VacSwim.

**14. First Responders** (Notice given – 11/9/18, renewed – 12/3/19)

Mr P.A. Katsambanis: To move –

That this House:

- (a) extends its support and gratitude to the officers of the Western Australian Police Force, our fire and emergency services personnel, our paramedics and all first responders for their ongoing support and protection of our community; and
- (b) in particular, acknowledges the many difficult and tragic incidents they must attend to on behalf of the community which would have a lasting toll on their mental health and wellbeing.

**15. Minister for Corrective Services** (Notice given – 11/9/18, renewed – 12/3/19)

Mr Z.R.F. Kirkup: To move –

That this House condemns the Minister for Corrective Services for his consistent failures in leadership and public accountability, in particular ongoing corruption issues, prison breakouts, drugs entering the prison system and prison officer misconduct, including allowing paedophiles to be unsupervised in public.

**16. Federal Labor Opposition Policies** (Notice given – 20/3/19)

Mr D.C. Nalder: To move –

That this House:

- (a) expresses its deep concern at the McGowan Government's support for the policies of the Federal Labor Opposition including their policies on negative gearing, franking credits, capital gains tax, a 50% renewable energy target and industrial relations; and
- (b) calls on the McGowan Government to explain the potential impact of these policies for Western Australians at a time of subdued housing, retail and employment sectors.

**17. Mortgage Stress and Negative Equity** (Notice given – 20/3/19)

Mr D.C. Nalder: To move –

That this House condemns the McGowan Government for its poor judgement and the impact their decisions are having on Western Australian households, including their decisions to remove the First Home Owners Grant Boost, their introduction of a Foreign Buyers Surcharge and their increases to the cost of living, all of which have contributed to mortgage stress and negative equity.

**18. Infrastructure Projects** (Notice given – 2/4/19)

Dr M.D. Nahan: To move –

That this House condemns the McGowan Government for failing to commence the various infrastructure projects which have received significant funding from the Federal Liberal National Government over recent years.

**19. Hospitality and Tourism Industry** (Notice given – 3/4/19)

Ms L. Mettam: To move –

That this House:

- (1) Notes the career opportunities presented by the hospitality and tourism industry;
- (2) Acknowledges the professionalism, politeness, friendliness and engaging qualities of Western Australia's tourism and hospitality workers;
- (3) Condemns the Minister for Tourism for his condescending remarks insinuating Western Australia's tourism and hospitality workers lack courtesy, decorum and friendliness.

**20. Federal Liberal-National Government GST** (Notice given – 7/5/19)

Dr M.D. Nahan: To move –

That the House congratulates the Federal Liberal-National Government for delivering the GST fix and record infrastructure funding, which has guaranteed WA more funding over future years, notwithstanding the record Iron Ore royalties, increased infrastructure spending and more jobs.

**21. Federal Liberal-National Government** (Notice given – 7/5/19)

Mr S.K. L'Estrange: To move –

That this House:

- (1) Congratulates the Federal Liberal-National Government for:
  - (a) increasing GP bulk billing rates from 82% under Labor to 86% now;
  - (b) ending Labor's Medicare freeze;
  - (c) increasing spending on health under a new five-year public hospital agreement with the states and territories delivering \$31 billion more funding for hospitals; and
  - (d) adding more than 2,000 medicine listings worth over \$10.6 billion to the Pharmaceutical Benefits Scheme. and
- (2) Condemns the McGowan Government for undermining these improvements by cutting \$200 million from the WA Health budget.

**22. State Budget Interests** (Notice given – 14/5/19)

Ms M.J. Davies: To move –

That this House condemns the McGowan Government for once again putting the interests of metropolitan Perth ahead of regional Western Australia in its latest State Budget.

---

**PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**
**1. Cost of Living and Frontline Services** (Moved – 13/6/18)

Adjourned debate (Mr S. L'Estrange – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House highlights the impact the McGowan Government is having on the people of Darling Range through massive increases to the cost of living, cuts to frontline services and for its failure to fund critical infrastructure.

**2. Regional Development Agenda** (Moved – 20/6/18)

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

That this House expresses its lack of confidence in the Minister for Regional Development for failing to stand up for regional WA, given the McGowan Government's continual undermining of the regional development agenda, including the demise of Royalties for Regions.

**3. Darling Range By-Election Result** (Moved – 27/6/18)

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

That this House calls on the McGowan Government to listen to the loud message sent by the people of Darling Range, including a commitment to lower the cost of living for struggling households, reverse the cuts to regional education and to commit to funding its infrastructure commitments, including Tonkin Highway Extension and the Byford Rail Line.

**4. Minister for Agriculture and Food** (Moved – 15/8/18)

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

That this House condemns the Premier for his continued support of the Minister for Agriculture and Food, despite her lack of knowledge of the industry and refusal to support WA's farmers.

**5. McGowan Government's Economic and Financial Policies** (Moved – 22/8/18)

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

That this House condemns the McGowan Government for their short-sighted economic and financial policies that have damaged the economy by undermining business and investment confidence, reducing consumer discretionary expenditure and hurting international education and tourism.

**6. Cost of Living in Western Australia** (Moved – 12/9/18)

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's crippling cost of living increases on struggling Western Australian households at a time of stagnant wages and for its failure to lower electricity prices through introducing retail competition and for using the Water Corporation as a taxing mechanism.

**7. Major Events (Ticket Scalping) Bill 2018** (Mr J.E. McGrath) (No. 97, 2r. – 19/9/18)

Second reading. Adjourned debate (Ms L. Mettam).

**8. Frontline Services and Critical Service Delivery** (Moved – 19/9/18)

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

That this House condemns the McGowan Government's budget cuts to frontline services and the associated impact on critical service delivery to the people of Western Australia.

**9. Health Portfolio** (Moved – 10/10/18)

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

That this House condemns the Health Minister's handling of the health portfolio, placing our health system on a trajectory of cost cutting that is stripping away frontline health and mental health services in a similar manner to that which led to the chaos experienced under the last State Labor Government.

**10. Fly-in Fly-out Work Practices** (Moved – 17/10/18)

Adjourned debate (Mr R.S. Love – continuation of remarks) on the motion moved by Ms M.J. Davies –

That this House recognises that fly in fly out work practices can be detrimental to regional communities through the reduction of economic and social opportunities for development and calls on the McGowan Government to:

- (1) acknowledge the positive impact the Liberal-National Government made in improving the liveability of the Pilbara through Royalties for Regions investment;
- (2) ensure that all fly-in fly-out work arrangements are limited to genuinely remote and temporary operations and that workers are provided with genuine choice over where they live; and
- (3) ensure that key stakeholders, including Local Government, are engaged where the project will be located to address social and community infrastructure requirements.

**11. Parliamentary Budget Officer Bill 2018** (Dr M.D. Nahan) (No. 106, 2r. – 31/10/18)

Second reading. Adjourned debate (Mr D.R. Michael).

**12. Trust in the McGowan Government** (Moved – 31/10/18)

Adjourned debate (Mr T.J. Healy – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House confirms the McGowan Government cannot be trusted because of its lack of accountability, broken promises, new taxes and failure to deliver on gold standard transparency.

**13. McGowan Government's Decision-Making** (Moved – 7/11/18)

Adjourned debate (Mr R.S. Love – continuation of remarks) on the motion moved by Mr V.A. Catania –

That this House condemns the Ministers of the McGowan Government whose inconsistent, mean-spirited, reactionary and politically-fuelled decision-making has undermined the trust and goodwill of Western Australians.

**14. Housing Industry in Western Australia** (Moved – 21/11/18)

Adjourned debate (Mr S. L'Estrange – continuation of remarks) on the motion moved by Mr D.C. Nalder –

That this House condemns the McGowan Government for its attack on the housing industry, home values and construction jobs, including reducing demand by introducing the foreign investment tax and cuts to the first home owner grant boost.



**15. McGowan Government's First Two Parliamentary Years** (Moved – 28/11/18)

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

That this House condemns the McGowan Government for its failures in delivering on its election promises, cuts to frontline services, cost of living increases and failure to be open and accountable to the people of Western Australia in its first two parliamentary years.

**16. Frontline Services and the Western Australia Community** (Moved – 20/2/19)

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

That this House condemns the McGowan Government for its cuts to frontline services, resulting in the WA community and frontline staff being put at risk.

**17. Decision Making Processes of the McGowan Government** (Moved – 13/3/19)

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

That this House condemns the McGowan Government for its disdain and neglect of regional Western Australia during its first two years in power through its metro-centric attitude and mean-spirited decision making processes.

**18. Impact of a Federal Labor Government on Western Australia** (Moved – 20/3/19)

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

That this House notes the damage that a Federal Labor Government will have on Western Australia, including increases to the cost of living, reduced income for seniors and damage to the housing and construction sector.

**19. Federal Labor's Policies and Western Australia** (Moved – 3/4/19)

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

That this House condemns the McGowan Government for its failure to stand up to Bill Shorten and Federal Labor who are advocating policies that will have a detrimental impact on Western Australia.

**20. Royalties for Regions** (Moved – 10/4/19)

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

That this House calls on the McGowan Government to restore the integrity of Royalties for Regions and to bring down a budget next month that will meet the real needs of people in regional Western Australia.

**21. Management of the Economy** (Moved – 8/5/19)

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

That this House condemns the McGowan Government's handling of the economy and its economy destroying policies that have seen a domestic economy in decline, a record number of Western Australians without jobs, record levels of mortgage stress, falling house prices, record levels of negative equity experienced by home owners, record levels of utility disconnections, a collapse in building approvals and falling retail trade.

**22. Live Sheep Export Industry** (Moved – 15/5/19)

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

That this House condemns Bill Shorten and the Federal Labor Party for its destructive plan to shut down WA's live sheep export industry and calls on the McGowan Government to stand up and fight to save an industry which generates hundreds of jobs in Western Australia.

**23. Election of the Morrison Government** (Moved – 12/6/19)

Adjourned debate (Mr W.R. Marmion – continuation of remarks) on the motion moved by Dr M.D. Nahan –

That this House notes the critical role the Premier had in the election of the Morrison Government, in particular, his failure to deliver jobs, his mean-spirited increases to cost of living, the small business crisis and falling house prices.

\* 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**

<b>Committee</b>	<b>Date Due</b>
<b>Joint Standing Committee on the Corruption and Crime Commission:</b> Inquiry into public sector procurement of goods and services and its vulnerability to corrupt practice.	15 August 2019
<b>Economics and Industry Standing Committee:</b> Inquiry into short-stay accommodation in Western Australia.	29 August 2019
<b>Economics and Industry Standing Committee:</b> Inquiry into the emergence and impact of electricity microgrids and associated technologies in Western Australia.	29 August 2019
<b>Public Accounts Committee:</b> Inquiry into public sector contract management practices.	28 November 2019
<b>Joint Standing Committee on the Commissioner for Children and Young People:</b> Inquiry into the monitoring and enforcing of Child Safe Standards.	28 November 2019

**GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS**

<b>Committee</b>	<b>Ministers to Respond</b>	<b>Date Due</b>
Community Development and Justice Standing Committee: Inquiry into the protection of crowded places in Western Australia from terrorist acts	Premier; Minister for Emergency Services; Minister for Police; Minister for Local Government; Minister for Health; Minister for Planning	21 June 2019
Public Accounts Committee: Report No. 9: Where to from here? The status of the Ord-East Kimberley Development Plan	Minister representing the Minister for Regional Development	21 June 2019
Education and Health Standing Committee: Report No.6: The Food Fix. The role of diet in type 2 diabetes prevention and management	Premier; Treasurer; Minister for Health; Minister for Housing	11 July 2019

## NOTICES AND AMENDMENTS

### *Criminal Appeals Amendment Bill 2019 (No. 103 – 1)*

Clause 4.

The Attorney General: To move –

Page 3, line 17 to page 4, line 14 – To delete the lines and substitute:

“

#### **35D. Terms relating to evidence**

- (1) For the purposes of this Part, evidence relating to an offence of which an offender was convicted is *fresh* —
  - (a) if, despite the exercise of reasonable diligence, the evidence was not and could not have been tendered at the trial of the offence or any previous appeal; or
  - (b) if —
    - (i) the evidence was not tendered at the trial of the offence or any previous appeal but, with the exercise of reasonable diligence, could have been tendered at the trial of the offence or any previous appeal; and
    - (ii) the failure to tender the evidence was due to the incompetence or negligence of a lawyer representing the offender.
- (2) For the purposes of this Part, evidence relating to an offence of which an offender was convicted is *new* if the evidence was not tendered at the trial of the offence or any previous appeal but, with the exercise of reasonable diligence, could have been tendered at the trial of the offence or any previous appeal.
- (3) Despite subsection (2), evidence is not new evidence if it is fresh evidence under subsection (1)(b).
- (4) For the purposes of this Part, evidence relating to an offence of which an offender was convicted is *compelling* if it is highly probative in the context of the issues in dispute at the trial of the offence.

”

The Attorney General: To move –

Page 5, lines 6 to 11 – To delete the lines and substitute:

“

- (2) The Court of Appeal may decide whether or not to give special leave to appeal with or without written or oral submissions from the parties to the appeal.
- (2A) Except as provided in subsection (3), the Court of Appeal must decide whether to give special leave to appeal before the hearing of the appeal.

”

The Attorney General: To move –

Page 6, line 31 to page 7, line 1 – To delete “satisfied that in light of all the evidence,” and substitute:

“ satisfied on the balance of probabilities that, in light of all the evidence, ”.

---

***Infrastructure Western Australia Bill 2019 (No. 118– 2)***

Legislative Council Message No. 86.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Infrastructure Western Australia Bill 2019* 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 Infrastructure Western Australia Bill 2019*

**No. 1**

Clause 10, page 9, line 19 — To delete “may” and insert:

must

**No. 2**

Clause 10, page 9, after line 20 — To insert:

- (6) Infrastructure WA may remove from an annual work programme any information that it considers to be confidential or otherwise not suitable to be made publicly available, prior to making the programme publicly available.

**No. 3**

Clause 21, page 16, line 26 — To delete “may” and insert:

must

**No. 4**

New Clause 43A, page 27, after line 12 — To insert:

**43A. Financial interest in a matter**

For the purposes of this Subdivision, a member of the Board or of a committee has a direct or indirect financial interest in a matter if it is reasonable to expect that the matter may, if dealt with by the Board or committee in a particular way, result in a financial gain, loss, benefit or detriment for the member or a person closely associated with the member.

**No. 5**

Clause 44, page 28, after line 6 — To insert:

- (6) Infrastructure WA must keep a record of each disclosure or determination under this section that relates to a direct or indirect financial interest in a matter, and make a summary of the record available, on request, for inspection.
- (7) Without limiting section 71, the regulations may provide for how the record is to be made available.

**No. 6**

Clause 46, page 29, lines 9 to 13 — To delete the lines.

**No. 7**

Clause 72, page 43, lines 13 to 20 — To delete the clause.

**No. 8**

New Clause 72, page 43, after line 20 — To insert:

**72. Review of Act**

- (1) The Premier must review the operation and effectiveness of this Act, and prepare a report based on the review —
  - (a) as soon as practicable after the 5<sup>th</sup> 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 obligation under subsection (1) is limited to 3 occasions.
- (3) The Premier must cause each report to be laid before each House of Parliament as soon as practicable after the report is prepared, but not later than 12 months after the 5<sup>th</sup> anniversary or the expiry of the period of 5 years (whichever is relevant).

**2019 Temporary Orders**

Mr S.K. L'Estrange has moved –

In paragraph (3)(a)(ii), To delete the words “alternate between government and opposition each week” and substitute:

“ be allocated to the opposition each week ”.

Ms L. Mettam: To move –

In paragraph (4)(b)(ii), To add after the word “weekly”:

“ and not during Private Members’ Business ”.

Mr Z.R.F. Kirkup: To move –  
To insert after paragraph (4):

“

(5) Standing Order 60 be amended by –

- (i) Inserting the following sentence at the end of the Standing Order: “The debate shall be a minimum of 120 minutes for non-government members and a maximum of 60 minutes for government members.”

”.

Mrs A.K. Hayden: To move –  
To add to the end of the motion –

“

, provided that, and only after, these temporary orders are referred back to the Procedure and Privileges Committee for further consideration and the Committee reports on the issues raised during debate on this motion.

”.

-----

If the motion, as amended by leave, moved by the Leader of the House is agreed to, the Temporary Standing Orders will read:

#### **Admittance of members of the Council and strangers to the Chamber**

**40.** Only the Speaker may admit strangers onto the floor of the Chamber. When a division is called, strangers will withdraw. Members of the Council will be admitted to the Chamber in the area behind the Chair and may remain there during divisions. A stranger does not include a member’s baby being breastfed by that member.

#### **Time limits on speeches**

**101.** A member may speak for the specified period on the following subjects —

...

#### **Motions**

Mover .....	45 minutes
Premier or one member deputed .....	†45 minutes
Leader of the Opposition or one member deputed .....	#45 minutes
Any other member .....	*20 minutes
On any amendment, each member .....	20 minutes
Mover in reply .....	45 minutes

† If not a Government motion

# If not an Opposition motion

\* If the member speaking so requests during or immediately upon the expiry of a speech, the time for the speech will be extended by a further 10 minutes. This does not preclude a further extension under Standing Order 102.

...

## Other Bills

Second reading —

Mover .....	45 minutes
Premier or one member deputed .....	†45 minutes
Leader of the Opposition or one member deputed .....	#45 minutes
Any other member .....	*20 minutes
Mover in reply .....	45 minutes

† If not a Government bill

# If not an Opposition bill

\* If the member speaking so requests during or immediately upon the expiry of a speech, the time for the speech will be extended by a further 10 minutes. This does not preclude a further extension under Standing Order 102.

Third reading —

Mover .....	30 minutes
Premier or one member deputed .....	†30 minutes
Leader of the Opposition or one member deputed .....	#30 minutes
Any other member .....	15 minutes
Mover in reply .....	30 minutes

† If not a Government bill

# If not an Opposition bill

## Grievances

**146.** At a time determined by the Speaker on each Thursday when the Address in Reply no longer has priority, the Speaker will call for grievances. Five members may speak on grievances and no member may speak more than once. A Minister or a member deputed will have the right to reply to each of the grievances. The fifth grievance will alternate between government and opposition each week.

### Time limits on speeches

**101.** A member may speak for the specified period on the following subjects –

...

### Grievance debate (S.O. 146)

Each member including a Minister or a member deputed to reply ..... 6 minutes

## Members' statements

**147.** Twice in each sitting week, at a time decided by the Speaker, the Speaker will call for statements by members, and up to five members, other than a Minister, may make a statement not exceeding two minutes each.

**Time limits on speeches**

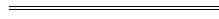
**101.** A member may speak for the specified period on the following subjects –

...

**Members' statements (S.O. 147)**

Member .....2 minutes

Maximum of 5 members, twice weekly.



**KIRSTEN M. ROBINSON**

Clerk of the Legislative Assembly