

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 119

FIRST SESSION OF THE FORTIETH PARLIAMENT

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TUESDAY, 2 APRIL 2019

### 1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

### 2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the *Tobacco Products Control Amendment Regulations 2019*.

The Minister for Emergency Services on the emergency services response to Cyclone Veronica.

The Minister for Local Government on the review of the *Local Government Act 1995*.

The Minister for Sport and Recreation on the death of Bruce Yardley.

The Minister for Mines and Petroleum on the release of the FIFO Mental Health Code of Practice.

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#### *Paper*

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

By the Minister for Mines and Petroleum –

Mines and Petroleum, Minister for – Code of Practice, Mentally healthy workplaces for fly-in fly-out (FIFO) workers in the resources and construction sectors (2349).

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The Minister for Science on the reappointment of WA Chief Scientist, Professor Peter Klinken AC.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4949 to 4975 were asked.

Questions on Notice Nos 4389, 4392, 4420, 4471, 4570, 4630, 4680, 4687, 4766, 4841 and 4851 were answered.

#### 4. 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 – 2018 Inspection of Hakea Prison, Report No. 121, February 2019 (2325).

By the Clerk –

Attorney General – Statement on the Report by the Parliamentary Commissioner for Administrative Investigations [Ombudsman] under section 158 of the Criminal Organisations Control Act 2012 for the whole monitoring period (2326).

Building Act 2011 – Regulations (Building Amendment Regulations 2019 G.G. 26/03/2019) (2327).

Curtin University – Annual Report 2018 (2328).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations 2019 G.G. 22/03/2019) (2329).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Tourism to not provide information in relation to Legislative Assembly Question on Notice 4492 by the Hon Dr Mike Nahan MLA (2331).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Tourism to not provide information in relation to Legislative Assembly Question on Notice 4833 by Ms Libby Mettam MLA (2332).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Tourism to not provide information in relation to the Legislative Assembly Question on Notice 4490 by the Hon. Dr Mike Nahan MLA (2330).

Land Administration Act 1997 – Submission No. 4/2019 under the Act for an excision from Class A Reserve 20253 to establish a national park over a portion of the Houtman Abrolhos Islands for conservation, tourism and fishing purposes (2333).

Legal Contribution Trust – Financial Statements for Six Months Ended 31 December 2018 (2334).

Liquor Control Act 1988 – Regulations (Racing and Gaming Regulations Amendment (Liquor Control) Regulations 2019 G.G. 22/03/2019) (2335).

Local Government Act 1995 – Local Laws (Shire of Moora General Amendment Local Law 2019 G.G. 26/03/2019) (2336).

Local Government Act 1995 – Local Laws (Shire of Narrogin Repeal and Amendment Local Law 2019 G.G. 26/03/2019) (2337).

Magistrates Court Act 2004 – Rules (Magistrates Court (General) Amendment Rules 2019 G.G. 26/03/2019) (2338).

Murdoch University – Annual Report 2018 (2339).

Mutual Recognition Act 1992 – Mutual Recognition Amendment (ACT Container Deposit Scheme) – Regulations 2018 (2340).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Report by the Commissioner under section 158 of the Criminal Organisations Control Act 2012 for the whole monitoring period (2341).

Retirement Villages Act 1992 – Regulations (Retirement Villages Amendment Regulations 2019 G.G. 22/03/2019) (2342).

Road Traffic (Administration) Act 2008 – Regulations (Transport Regulations Amendment (Information) Regulations 2019 G.G. 29/03/2019) (2343).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2019 G.G. 29/03/2019) (2344).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations 2019 G.G. 22/03/2019) (2345).

Trans-Tasman Mutual Recognition Act 1997 (Cth) – Trans-Tasman Mutual Recognition Amendment (Permanent Exemption for Emissions-controlled Products) Regulations 2019 (2347).

Trans-Tasman Mutual Recognition Act 1997 (Cth) – Trans-Tasman Mutual Recognition Amendment (ACT Container Deposit Scheme) Regulations 2018 (2346).

Western Australian Electoral Commission – Political Finance 2018 Annual Report (2348).

## 5. Removal of Order of the Day

The Speaker advised that Private Members' Business Order of the Day No. 1, Minister for Transport's Portfolios, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

## 6. Notices of Motion

### 7. Matter of Public Interest – Minister for Transport

The Speaker informed the Assembly that he was in receipt of a notice from Mrs L.M. Harvey that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mrs L.M. Harvey moved,

That this House condemns the Minister for Transport for her failure to release the Regulatory Impact Statement with respect to the Proposal for Industry Funded Voluntary Buy-Back Scheme of Perth Owned Taxi Plates, noting the cost of the levy to industry and consumers significantly exceeds the surcharge revenue.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (17)

Mr I.C. Blayney  
Mr V.A. Catania  
Ms M.J. Davies  
Mrs L.M. Harvey  
Mrs A.K. Hayden  
Mr P.A. Katsambanis

Mr Z.R.F. Kirkup  
Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr J.E. McGrath

Dr M.D. Nahan  
Mr K.M. O'Donnell  
Mr D.T. Redman  
Mr P.J. Rundle  
Ms L. Mettam (*Teller*)

#### Noes (37)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Ms J. Farrer  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. Hamilton  
Mr T.J. Healy  
Mr M. Hughes  
Mr W.J. Johnston  
Mr D.J. Kelly

Mr F.M. Logan  
Ms S.F. McGurk  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr Y. Mubarakai  
Mr M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
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 negated.

### 8. Fair Trading Amendment Bill 2018

Message No. 78 dated 21 March 2019 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Fair Trading Act 2010*.”

The Attorney General moved, That the bill be read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

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

The Attorney General moved, That the bill be now read a second time.

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

### 9. Variation to the Order of Business

Ordered, That Business of the Assembly Order of the Day No. 1 be postponed until the next sitting of the Assembly.

### 10. Ticket Scalping 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

### 11. Bail Amendment (Persons Linked to Terrorism) Bill 2018

Message No. 79 dated 2 April 2019 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Bail Amendment (Persons Linked to Terrorism) 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 Bail Amendment (Persons Linked to Terrorism) Bill 2018.*

#### No. 1

Clause 11, page 8, after line 6 — To insert:

#### 66D. Annual report to include information about application of s. 66C

- (1) The accountable authority, as defined in the *Financial Management Act 2006*, of the department of the Public Service principally assisting in the administration of this Act must, in each annual report submitted under the Financial Management Act 2006 Part 5, include information relating to action taken under section 66C(1) in proceedings on a case for bail in the financial year to which the annual report relates.
- (2) The information referred to in subsection (1) must, without disclosing terrorist intelligence information, specify —
  - (a) the number of proceedings in which action was taken under section 66C(1); and
  - (b) in each of those proceedings whether the accused had access to the terrorist intelligence information received by the judicial officer and whether —

- (i) evidence by or on behalf of the accused was received; and
- (ii) argument by or on behalf of the accused was heard.

## **No. 2**

New Clause 11A, page 8, after line 7 — To insert:

### **11A. Section 67A inserted**

After section 67 insert:

#### **67A. Review of amendments made by *Bail Amendment (Persons Linked to Terrorism) Act 2019***

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Bail Amendment (Persons Linked to Terrorism) Act 2019* and prepare a report based on the review —
  - (a) as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which the *Bail Amendment (Persons Linked to Terrorism) Act 2019* section 12 comes into operation; and
  - (b) after that, at intervals of not more than 3 years.
- (2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 90 days after the 3<sup>rd</sup> anniversary or the expiry of the period of 3 years, as the case may be.

Ordered, That consideration in detail of Legislative Council Message No. 79 be made an Order of the Day for the next sitting of the Assembly.

## **12. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 10.08 pm until Wednesday, 3 April 2019 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Dr D.J. Honey, Mr M. McGowan, Mr D.C. Nalder and Ms M.M. Quirk.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

**HON. PETER WATSON**  
Speaker of the Legislative Assembly