

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 127

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 9 MAY 2019

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

2. Speaker's Statement – Budget Arrangements

The Speaker advised members that the budget would be presented at 2.00 pm. Members' 90-second statements would occur at 12.20 pm and Questions without Notice would be at 12.30 pm.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the implementation of recommendations of the Report of the School-aged Health Service Review.

The Minister for Emergency Services on the International Firefighters' Day Memorial Service.

The Minister for Citizenship and Multicultural Interests on the Chung Wah Perth Chinese Cultural Festival 2019.

The Minister for Mines and Petroleum on the Minerals Research Institute of Western Australia's acceptance into a Hybrid and Electric Vehicle Technology Collaboration programme run by the International Energy Agency.

The Minister for Energy on the new Badgingarra Wind Farm in Hill River.

The Minister for Community Services on the appointment of Michelle Andrews as Director General of the Department of Communities.

4. Grievances

The Acting Speaker called for grievances which were then made.

5. 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.

6. Variation to the Order of Business

Ordered, That Bills Notices of Motion Nos 1 and 2 be postponed to a later stage of the sitting.

7. Bail Amendment (Persons Linked to Terrorism) Bill 2018

The Order of the Day for the consideration in detail of Legislative Council Message No. 79 was read.

The Message was as follows –

Legislative Council Message No. 79.

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 3rd 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 3rd anniversary or the expiry of the period of 3 years, as the case may be.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment No. 1 be disagreed to and the following amendment be substituted.

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

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

- (1) In this section —
- accountable authority*** means the accountable authority, as defined in the *Financial Management Act 2006* section 3, of the department of the Public Service principally assisting in the administration of this Act;
- protected information*** means information the disclosure of which would contravene a written law or an order of a court;
- sensitive information*** means information the disclosure of which could reasonably be expected —
- (a) to prejudice national security; or
 - (b) to endanger a person's life or physical safety; or
 - (c) to threaten significant damage to infrastructure or property; or
 - (d) to prejudice a criminal investigation; or
 - (e) to reveal intelligence-gathering methodologies, investigative techniques or technologies or covert practices; or
 - (f) to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement.
- (2) Subject to subsections (7) and (8), the accountable authority must, in each annual report submitted under the *Financial Management Act 2006* Part 5 Division 2, 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 (***reportable information***).
- (3) Reportable information 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.
- (4) Prior to submitting an annual report, the accountable authority must give a copy of the reportable information they propose to include in the annual report to the Attorney General and the Commissioner of Police.
- (5) The Commissioner of Police must advise the Attorney General whether any of the reportable information, in the Commissioner's opinion, is or is likely to be sensitive information.
- (6) A judicial officer may advise the Attorney General of any reportable information that, in the judicial officer's opinion, is or is likely to be protected information.
- (7) If the Attorney General is, on advice provided under subsection (5) or (6), satisfied that some or all of the reportable information is sensitive information or protected information, the Attorney General must direct the accountable authority to —
 - (a) exclude the information from the annual report; and
 - (b) insert a statement in the annual report to the effect that information has been excluded from the report under this section.
- (8) The accountable authority must comply with a direction under subsection (7).

Paper

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

By the Attorney General –

Attorney General – Letter to Dr Adam Tomison, Director General, Department of Justice from Chris Dawson, Commissioner of Police, Western Australia Police Force (2415).

Question put and passed.

The Attorney General moved, That the amendment No. 2 be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

8. Ticket Scalping Bill 2018

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 3.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

9. Members' Statements

The Speaker called for members' statements which were then made.

10. Speaker's Statement – Media Presence for State Budget

The Speaker advised members that he had approved the presence of television cameras and photographers from 2.00 pm to enable coverage of the handing down of the State budget.

11. Questions

Questions without Notice were taken.

Questions on Notice Nos 5163 and 5164 were asked.

Questions on Notice Nos 4839, 4909, 4917, 4946, 4952, 4957, 4963, 4964, 4988 and 5056 were answered.

Paper tabled by the Minister representing the Minister for Regional Development; Agriculture and Food; Ports; Minister Assisting the Minister for State Development, Jobs and Trade –

Question on Notice No. 4946 – Details of grant program activity under the Minister for Regional Development’s portfolios (2416).

Paper tabled by the Minister for Emergency Services; Corrective Services –

Question on Notice No. 4952 – Breakdown of prisoners to prison staff for all Western Australian prisons from 2017 to date (2417).

12. Additional Information

The Minister for Transport provided additional information relating to Question without Notice No. 346 from Mr R.S. Love.

13. Variation to the Order of Business

Ordered, That Bills Notices of Motion Nos 1 and 2 be next considered.

14. Appropriation (Recurrent 2019-20) Bill 2019

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2020.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

15. Appropriation (Capital 2019-20) Bill 2019

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2020.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

Papers

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

By the Treasurer –

Budget 2019–20 – Budget Paper No. 1: Budget Speech (2418).

Budget 2019–20 – Budget Paper No. 2: Budget Statements Volume 1 (2419).

Budget 2019–20 – Budget Paper No. 2: Budget Statements Volume 2 (2420).

Budget 2019–20 – Budget Paper No. 3: Economic and Fiscal Outlook (2421).

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 10 be next considered.

17. Premier's Statement

The Order of the Day for the resumption of the 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.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 4.26 pm until Tuesday, 14 May 2019 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Mrs A.K. Hayden and Mr J.E. McGrath.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly