

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 157

FIRST SESSION OF THE FORTIETH PARLIAMENT

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THURSDAY, 26 SEPTEMBER 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. Papers

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

By the Clerk –

Animal Resources Authority – Annual Report 2018–2019 (2818).

Art Gallery WA – Annual Report 2018–2019 (2819).

Auditor General, Office of the – Opinion on Ministerial Notification, Report No. 7, September 2019 (2820).

Biodiversity, Conservation and Attractions, Department of – Annual Report 2018–2019 (2821).

Botanic Gardens and Parks Authority – Annual Report 2018–2019 (2822).

Building and Construction Industry Training Board – Annual Report 2018–2019 (2827).

Burswood Park Board – Annual Report 2018–2019 (2823).

Chief Psychiatrist – Annual Report 2018–2019 (2824).

Child and Adolescent Health Service – Annual Report 2018–2019 (2825).

Communities, Department of – Annual Report 2018–2019 (2826).

Disability Services Commission – Annual Report 2018–2019 (2828).

East Metropolitan Health Service – Annual Report 2018–2019 (2829).

Education, Department of – Annual Report 2018–2019 (2830).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Disability Services to not provide information in response to Part (A) of Question on Notice 2381 from Hon Michael Mischin (2831).

Financial Management Act 2006 – Section 65 notice from the Minister for Mines and Petroleum; Energy; Industrial Relations informing the House of the late tabling of the Annual Report for the Office of Western Energy Disputes Arbitrator (2832).

Fire and Emergency Services, Department of – Annual Report 2018–2019 (2833).

Gaming and Wagering Commission of Western Australia – Annual Report 2018–2019 (2834).

Gascoyne Development Commission – Annual Report 2018–2019 (2835).  
Gold Corporation – Annual Report 2018–2019 (2836).  
Health Support Services – Annual Report 2018–2019 (2837).  
Health, Department of – Annual Report 2018–2019 (2838).  
Horizon Power – Annual Report 2018–2019 (2839).  
Keep Australia Beautiful Council (Western Australia) – Annual Report 2018–2019 (2840).  
Liquor Commission of Western Australia – Annual Report 2018–2019 (2841).  
Local Government, Sport and Cultural Activities, Department of – Annual Report 2018–2019 (2842).  
Mental Health Commission – Annual Report 2018–2019 (2843).  
Mid West Development Commission – Annual Report 2018–2019 (2844).  
North Metropolitan Health Service – Annual Report 2018–2019 (2845).  
Pathwest – Annual Report 2018–2019 (2846).  
Primary Industries and Regional Development, Department of – Annual Report 2018–2019 (2847).  
Public Education Endowment Trust – Annual Report 2018–2019 (2848).  
Quadriplegic Centre – Annual Report 2018–2019 (2849).  
Racing Penalties Appeal Tribunal – Annual Report 2018–2019 (2850).  
Rottnest Island Authority – Annual Report 2018–2019 (2851).  
School Curriculum and Standards Authority – Annual Report 2018–2019 (2852).  
Small Business Development Corporation – Annual Report 2018–2019 (2853).  
South Metropolitan Health Service – Annual Report 2018–2019 (2854).  
South West Development Commission – Annual Report 2018–2019 (2855).  
State Emergency Management Committee – Annual Report 2018–2019 (2856).  
State Training Board – Annual Report 2018–2019 (2857).  
Swan River Trust – Annual Report 2018–2019 (2858).  
Tourism Western Australia – Annual Report 2018–2019 (2859).  
Training and Workforce Development, Department of – Annual Report 2018–2019 (2860).  
WA Country Health Service – Annual Report 2018–2019 (2861).  
Western Australian Electoral Commission – Annual Report 2018–2019 (2862).  
Western Australia Police Force – Annual Report 2018–2019 (2863).  
Western Power – Annual Report 2018–2019 (2864).  
Zoological Parks Authority – Annual Report 2018–2019 (2865).

### **3. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Mental Health on Mental Health Week 2019.

The Minister for Culture and the Arts on the late tabling of the Western Australian Museum's 2018–19 Annual Report.

The Attorney General on the exercise of the royal prerogative of mercy to remit the remainder of Ms Jody Gore's sentence and on legislative reforms in relation to family and domestic violence.

The Attorney General on the late tabling of the Equal Opportunity Commission's 2018–19 Annual Report.

The Minister for Racing and Gaming on the Spring Racing Carnival.

The Minister for Energy on the Synergy 2018–19 Annual Report.

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*Paper*

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

By the Minister for Energy –

Energy, Minister for – Synergy Annual Report 2018–19 (2866).

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The Minister for Transport on actions the Government has taken with respect to regional airfares.

#### **4. Grievances**

The Acting Speaker called for grievances which were then made.

#### **5. Economics and Industry Standing Committee**

Ms J.J. Shaw, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Levelling the Playing Field: Managing the impact of the rapid increase of Short-Term Rentals in WA, Report No. 7 (2867).

Economics and Industry Standing Committee – Levelling the Playing Field: Managing the impact of the rapid increase of Short-Term Rentals in WA, Report No. 7, Submissions (2868).

Mr S.K. L'Estrange, Mr S.J. Price, Mr Y. Mubarakai and Mr D.T. Redman spoke on the report.

#### **6. Public Accounts Committee**

Mr D.C. Nalder, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Annual Report 2018–19, Report No. 12 (2869).

#### **7. Variation to the Order of Business**

Ordered, That Bills Notice of Motion No. 1 be postponed to a later stage of the sitting.

#### **8. Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019**

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to amend the *Western Australian Future Fund Act 2012*.” be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

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*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 FHRI Fund Governance Framework, Research Development Unit, Clinical Excellence Division, Department of Health, September 2019 (2870).

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Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**9. Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019**

The Minister for Road Safety, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* and to make consequential and other amendments to various Acts.” be introduced and read a first time.

Question put and passed.

The Minister for Road Safety presented an explanatory memorandum and bill read a first time.

The Minister for Road Safety moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**10. Variation to the Order of Business**

Ordered, That Bills Notice of Motion No. 1 be next considered.

**11. North West Gas Development (Woodside) Agreement Amendment Bill 2019**

The Minister for State Development, Jobs and Trade, pursuant to notice, moved,

That a bill for “An Act to amend the *North West Gas Development (Woodside) Agreement Act 1979*.” be introduced and read a first time.

Question put and passed.

The Minister for State Development, Jobs and Trade presented an explanatory memorandum and bill read a first time.

The Minister for State Development, Jobs and Trade moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**12. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Fines, Penalties and Infringement Notices Enforcement Act 1994*; and
- the *Sentence Administration Act 2003*; and
- the *Sentencing Act 1995*,

and to make consequential amendments to other Acts.” be introduced and read a first time.

Question put and passed.

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

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

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**13. Sunday Entertainments Repeal Bill 2019**

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to repeal the *Sunday Entertainments Act 1979*.” be introduced and read a first time.

Question put and passed.

The Minister for Commerce presented an explanatory memorandum and bill read a first time.

The Minister for Commerce moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**14. Public Works Amendment (WA Building Management Authority Abolition) Bill 2019**

The Attorney General, on behalf of the Minister for Finance, pursuant to notice, moved,

That a bill for “An Act to amend the *Public Works Act 1902* to abolish the Western Australian Building Management Authority.” be introduced and read a first time.

Question put and passed.

The Attorney General, on behalf of the Minister for Finance, presented an explanatory memorandum and bill read a first time.

The Attorney General, on behalf of the Minister for Finance, moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**15. Railway (METRONET) Amendment Bill 2019**

The Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend the *Railway (METRONET) Act 2018*.” be introduced and read a first time.

Question put and passed.

The Minister for Transport presented an explanatory memorandum and bill read a first time.

The Minister for Transport moved, That the bill be now read a second time.

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*Papers*

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

By the Minister for Transport –

Transport, Minister for – Railway (METRONET) Amendment Bill 2019: Report on the Planned Construction of the Morley-Ellenbrook Line Railway (2871).

Transport, Minister for – Railway (METRONET) Amendment Bill 2019: Map (2872).

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**16. Government Railways Amendment Bill 2019**

The Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend the *Government Railways Act 1904*.” be introduced and read a first time.

Question put and passed.

The Minister for Transport presented an explanatory memorandum and bill read a first time.

The Minister for Transport moved, That the bill be now read a second time.

Dr D.J. Honey moved, That the debate be adjourned.

Question put and passed.

**17. Civil Procedure (Representative Proceedings) Bill 2019**

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.

### **18. Reserves (Marmion Marine Park) Bill 2019**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Mr M.J. Folkard speaking) and adjourned until a later stage of the sitting.

### **19. Members' Statements**

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

### **20. Questions**

Questions without Notice were taken.

Questions on Notice Nos 5524 to 5576 were asked.

### **21. Papers**

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

By the Speaker –

Information Commissioner, Office of the – Annual Report 2018–2019 (2890).

Legislative Assembly, Department of the – Annual Report 2018–2019 (2873).

Legislative Council, Department of the – Annual Report 2018–2019 (2874).

Parliamentary Services Department – Annual Report 2018–2019 (2875).

By the Clerk –

Children and Young People, Commissioner for – Annual Report 2018–2019 (2876).

Corruption and Crime Commission – Annual Report 2018–2019 (2877).

Director of Public Prosecutions, Office of the – Annual Report 2018–2019 (2878).

Horizon Power – Financial Report 2018–2019 (2879).

Housing Authority – Annual Report 2018–2019 (2880).

Justice, Department of – Annual Report 2018–2019 (2881).

Law Reform Commission of Western Australia – Annual Report 2018–2019 (2882).

Legal Aid Commission – Annual Report 2018–2019 (2883).

Metropolitan Redevelopment Authority – Operational Plan 2019–2020 (2884).

National Trust (WA) – Annual Report 2018–2019 (2885).

Professional Standards Council of Western Australia – Annual Report 2018–2019 (2886).

Public Advocate – Annual Report 2018–2019 (2887).

Public Trustee – Annual Report 2018–2019 (2888).

State Administrative Tribunal – Annual Report 2018–2019 (2889).

### **22. Suspension of Standing Orders**

Mr D.C. Nalder, 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 notes the chaos and dysfunction occurring within the McGowan Labor Government, including Synergy's \$650 million loss in 2018–19, the single largest loss by a state-owned business in the history of the State.

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

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, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government 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.

### 23. Synergy Losses

Mr D.C. Nalder, pursuant to the foregoing motion, moved,

That this House notes the chaos and dysfunction occurring within the McGowan Labor Government, including Synergy’s \$650 million loss in 2018–19, the single largest loss by a state-owned business in the history of the State.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (15)

Mr I.C. Blayney  
Mrs L.M. Harvey  
Dr D.J. Honey  
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

Ms L. Mettam  
Mr D.C. Nalder  
Mr D.T. Redman  
Mr P.J. Rundle  
Mrs A.K. Hayden (*Teller*)

#### Noes (29)

Ms L.L. Baker  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
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  
Mr M. McGowan  
Ms S.F. McGurk  
Mr S.A. Millman  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Ms C.M. Rowe

Ms R. Saffioti  
Ms A. Sanderson  
Ms J.J. Shaw  
Mr C.J. Tallentire  
Mr D.A. Templeman  
Mr P.C. Tinley  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr D.R. Michael (*Teller*)

Question thus negatived.

### 24. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

### 25. Reserves (Marmion Marine Park) Bill 2019

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 Parliamentary Secretary to the Minister for Environment moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

**26. Appropriation (Recurrent 2017–18) Supplementary Bill 2018**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

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*Cognate Debate*

Leave was granted to debate the Appropriation (Capital 2017–18) Supplementary Bill 2018 in conjunction with the Appropriation (Recurrent 2017–18) Supplementary Bill 2018.

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Debate resumed.

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

Question put and passed.

**27. Terrorism (Preventative Detention) Amendment Bill 2019**

Message No. 97 dated 26 September 2019 from the Legislative Council was reported agreeing to the bill without amendment.

**28. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 15 October 2019 at 2.00 pm.

Question put and passed.

**29. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 4.58 pm until Tuesday, 15 October 2019 at 2.00 pm.

*Members present during any part of the day's proceedings* – All the members except Dr A.D. Buti, Ms J. Farrer, Mr M.P. Murray, Dr M.D. Nahan, Mrs L.M. O'Malley and Mr B.S. Wyatt.

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

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