

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 203

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 18 JUNE 2020

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. Petition

Lesmurdie Primary School – Mr M. Hughes presented a petition from 1,207 people asking the Legislative Assembly to call on the State Government to provide Lesmurdie Primary School with the infrastructure necessary to achieve positive learning outcomes for students (P. 181).

3. Papers

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

By the Clerk –

Auditor General, Office of the – WA's Transition to the NDIS, Report No. 25, June 2020 (3446).

Corruption and Crime Commission – Final review following an arrest incident by Western Australian Police at Hamilton Hill (3447).

4. Community Development and Justice Standing Committee – Extension of Reporting Date

The Speaker advised that the Community Development and Justice Standing Committee had resolved to extend its reporting date on its inquiry into the Magistrates Court of Western Australia's management of matters involving family and domestic violence to 13 August 2020.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the implementation of the *Voluntary Assisted Dying Act 2019*.

The Minister for Health on COVID-19 hotel quarantine figures.

The Minister for Emergency Services on the 2020 Queen's Birthday Honours List.

The Minister for Housing on Keystart's extension of increased income limits and promotion of renovation loans.

The Minister for Fisheries congratulating Ms Heather Brayford for receiving the Public Service Medal.

6. Grievances

The Acting Speaker called for grievances which were then made.

7. Public Accounts Committee

Dr A.D. Buti, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Building Slowly: Department of Mines, Industry Regulation and Safety’s regulation of builders and building surveyors, Report No. 14 (3448).

Mr S.A. Millman spoke on the report.

8. Joint Standing Committee on Delegated Legislation

Mrs R.M.J. Clarke, as a member of the committee, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Annual Report 2019, Report No. 17 (3449).

9. Criminal Law (Unlawful Consorting) Bill 2020

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.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

The Attorney General moved,

Page 3, line 2 – To delete “who has been convicted of” and substitute:

“ against whom a conviction has been recorded for ”.

Amendment put and passed.

Clause 3, as amended, agreed to.

Clauses 4 to 8 agreed to.

Clause 9.

Mr P.A. Katsambanis moved,

Page 8, lines 22 to 27 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (18)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Mrs L.M. Harvey
Mrs A.K. Hayden
Dr D.J. Honey

Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
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 K.M. O’Donnell
Mr D.T. Redman
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (30)

Ms L.L. Baker
 Dr A.D. Buti
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Ms J. Farrer
 Mr M.J. Folkard
 Ms J.M. Freeman
 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
 Mr J.R. Quigley
 Ms M.M. Quirk
 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*)

Amendment thus negatived.

Clause 9 agreed to.

Clauses 10 to 14 agreed to.

Clause 15.

The Attorney General moved,

Page 12, line 5 – To delete “an error” and substitute:

“ a mistake ”.

Amendment put and passed.

The Attorney General moved,

Page 12, line 16 – To delete “or error”.

Amendment put and passed.

Clause 15, as amended, agreed to.

Clause 16 agreed to.

New Clause 16A.

The Attorney General moved,

Page 13, after line 26 – To insert:

“

16A. Variation of unlawful consorting notice

- (1) A person (the *restricted person*) on whom an unlawful consorting notice is served may apply to the Commissioner of Police to vary the notice to remove the name of a person (a *specified person*) specified for the purposes of section 11(b) in the notice.
- (2) The application must be made —
 - (a) in writing; and
 - (b) during the period that the notice is in force.
- (3) The Commissioner of Police must determine the application within 60 days after the application is made.
- (4) The Commissioner of Police must, by written notice (the *variation notice*), vary an unlawful consorting notice to remove the name of a specified person if the Commissioner is, on an application under subsection (1) or on the Commissioner’s own initiative, satisfied that —
 - (a) the requirements for issuing the notice under section 10 are no longer met in respect of the specified person due to a change in the circumstances; and
 - (b) the unlawful consorting notice still specifies for the purposes of section 11(b) the name of at least 1 person who is a convicted offender.

- (5) The variation notice takes effect when it is made.
- (6) The variation notice must specify all of the following —
 - (a) the name and address of the restricted person;
 - (b) the name of the specified person;
 - (c) details that identify the unlawful consorting notice;
 - (d) the date on which the variation notice is made;
 - (e) that the variation notice takes effect when it is made;
 - (f) any other matters prescribed in the regulations.
- (7) The Commissioner of Police must, as soon as practicable after making a variation notice —
 - (a) serve or cause to be served, by a prescribed service method, the variation notice on the restricted person; and
 - (b) make a record of, or cause to be recorded, the particulars referred to in subsection (6) relating to the variation notice.

”.

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 condemns Premier Mark McGowan for his mismanagement of the economy resulting in a jobs crisis, the highest unemployment rate in the country and the highest number of unemployed Western Australians on record.

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

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Acting 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.

Unemployment Rate in Western Australia

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

That this House condemns Premier Mark McGowan for his mismanagement of the economy resulting in a jobs crisis, the highest unemployment rate in the country and the highest number of unemployed Western Australians on record.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

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

Mr Z.R.F. Kirkup
 Mr S.K. L'Estrange
 Mr R.S. Love
 Mr W.R. Marmion
 Mr J.E. McGrath
 Ms L. Mettam
 Dr M.D. Nahan

Mr D.C. Nalder
 Mr K.M. O'Donnell
 Mr D.T. Redman
 Mr P.J. Rundle
 Mr A. Krsticevic (*Teller*)

Noes (31)

Ms L.L. Baker
 Dr A.D. Buti
 Mrs R.M.J. Clarke
 Mr R.H. Cook
 Ms J. Farrer
 Mr M.J. Folkard
 Ms J.M. Freeman
 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
 Mr J.R. Quigley
 Ms M.M. Quirk
 Ms C.M. Rowe
 Ms R. Saffioti

Ms A. Sanderson
 Ms J.J. Shaw
 Mrs J.M.C. Stojkovski
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 Mr D.R. Michael (*Teller*)

Question thus negatived.

On the question, That New Clause 16A be agreed to,

New Clause 16A agreed to.

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

10. Members' Statements

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

11. Economics and Industry Standing Committee – Extension of Reporting Date

The Speaker advised that the Economics and Industry Standing Committee had resolved to extend its reporting date to the House on its inquiry into Western Australia's economic relationship with the Republic of India to 19 November 2020.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 6267 and 6268 were asked.

Questions on Notice Nos 6108, 6114, 6135, 6166 and 6205 were answered.

Paper tabled by the Parliamentary Secretary to the Minister for Environment; Disability Services; Electoral Affairs –

Question on Notice No. 6135 – List detailing staffing arrangements in relation to departments and agencies under the Minister's portfolio of responsibilities (3450).

13. Suspension of Standing Orders

Mr V.A. Catania, 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 condemns the Minister for Tourism and Small Business for his disparaging remarks towards tourism businesses struggling to survive through COVID-19 and his failure to prevent widespread damage to those in the tourism sector choked out of business by liability insurance issues.

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

“

, subject to the debate being limited to 10 minutes for government members and 10 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.

14. COVID-19 impacts on the Tourism Industry and Small Business

Mr V.A. Catania, pursuant to the foregoing motion, moved,

That this House condemns the Minister for Tourism and Small Business for his disparaging remarks towards tourism businesses struggling to survive through COVID-19 and his failure to prevent widespread damage to those in the tourism sector choked out of business by liability insurance issues.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

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

Mr Z.R.F. Kirkup
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath
Ms L. Mettam
Dr M.D. Nahan

Mr D.C. Nalder
Mr D.T. Redman
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (31)

Ms L.L. Baker
Dr A.D. Buti
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Ms J. Farrer
Mr M.J. Folkard
Ms J.M. Freeman
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 Y. Mubarakai
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk

Ms C.M. Rowe
Ms R. Saffioti
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr R.R. Whitby
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

15. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

16. Criminal Law (Unlawful Consorting) Bill 2020

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

CONSIDERATION IN DETAIL

Clauses 17 to 23 agreed to.

Clause 24.

The Attorney General moved,

Page 20, after line 29 – To insert:

“

- (1A) If, as a result of an inspection under this Part, the Parliamentary Commissioner is of the opinion that an unlawful consorting notice should be varied under section 16A(4), the Parliamentary Commissioner may recommend to the Commissioner of Police that the notice be varied under that provision.

”.

Page 21, line 5 – To delete “subsection (1)” and substitute:

“ subsection (1) or (1A) ”.

Amendments put and passed.

Clause 24, as amended, agreed to.

Clause 25.

The Attorney General moved,

Page 21, after line 19 – To insert:

“ (ba) any variation of an unlawful consorting notice under section 16A; ”.

Amendment put and passed.

Clause 25, as amended, agreed to.

Clause 26.

The Attorney General moved,

Page 22, line 17 – To delete “section 24(1)” and substitute:

“ section 24(1) or (1A) ”.

Amendment put and passed.

Clause 26, as amended, agreed to.

Clauses 27 and 28 agreed to.

Clause 29.

The Attorney General moved,

Page 24, line 16 – To delete “section 16 (*revocation functions*)” and substitute:

“ section 16 or 16A (*revocation or variation functions*) ”.

Page 24, line 21 – To insert after “revocation”:

“ or variation ”.

Page 24, line 22 – To insert after “revocation”:

“ or variation ”.

Page 25, line 1 – To delete “section 16(4),” and substitute:

“ sections 16(4) and 16A(4), ”.

Page 25, line 2 – To insert after “revoke”:

“ or vary ”.

Page 25, line 4 – To insert after “revoke”:

“ or vary ”.

Amendments put and passed.

Clause 29, as amended, agreed to.

Clauses 30 to 39 agreed to.

Schedule agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

17. Aquatic Resources Management Amendment Bill 2020

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.

CONSIDERATION IN DETAIL

Clauses 1 to 15 agreed to.

New Clause 16.

The Minister for Fisheries moved,

Page 7, after line 13 – To insert:

“

16. Section 266A inserted

At the end of Part 16 insert:

266A. Review of Act

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review, as soon as practicable after the 5th anniversary of the day on which section 268 comes into operation.
- (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 12 months after the 5th anniversary.

”.

New Clause 16 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Adjournment

Mr D.R. Michael moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 4.24 pm until Tuesday, 23 June 2020 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Mr J.N. Carey, Ms E.L. Hamilton and Mrs M.H. Roberts.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly