

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 89

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 9 OCTOBER 2018

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. Speaker's Statement – Western Cape Provincial Parliament Delegation

The Speaker advised members that the Western Australian Parliament was hosting a delegation from the Western Cape Provincial Parliament. The delegation was led by the Speaker of the Western Cape Provincial Parliament, the Hon Sharna Fernandez, and comprised three other Members of Parliament and four staff.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the passing of John “JJ” Wade.

The Premier on the review of the Public Sector Commission.

Paper

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

By the Premier –

Government of Western Australia – Independent Review of the Public Sector Commission (1905).

The Minister for Police on Police Remembrance Day 2018.

The Minister for Transport on the Forrestfield-Airport Link.

The Minister for Commerce and Industrial Relations on a new building standard to prevent the use of combustible cladding on external walls of high risk buildings.

4. Speaker's Statement – Media Presence at Question Time

The Speaker advised members that he had approved the presence of up to three photographers and/or camera operators in the press and public galleries for the first twenty minutes of Question Time on each sitting Tuesday and Thursday.

5. Questions

Questions without Notice were taken.

Questions on Notice Nos 4093 to 4193 were asked.

Questions on Notice Nos 3511, 3517, 3531, 3548, 3563, 3623, 3627, 3629, 3630, 3638 to 3640, 3665, 3669, 3674, 3682, 3720, 3737, 3771, 3773, 3784, 3801, 3875, 3881, 3888, 3889, 3895, 3897, 3907, 3911, 3918 to 3934, 3939, 3940, 3942 to 3955, 3957 to 3961, 3963 to 3989, 3991 to 3994, 3997 to 4006 and 4009 were answered.

Paper tabled by the Deputy Premier; Minister for Health; Mental Health –

Question on Notice No. 3531 – List of devices reported as lost or stolen in the years 2016 to 2018 within departments, agencies and government trading enterprises under the Minister's portfolio of responsibilities (1896).

Papers tabled by the Minister for Local Government; Heritage; Culture and the Arts –

Question on Notice No. 3923 – List of internal audits conducted within the Department of Local Government; Sport and Cultural Industries since April 2017 (1897).

Question on Notice No. 3926 – List of visiting Schools to the Art Gallery of WA's Education Program from January to July 2018 (1898).

Question on Notice No. 3927 – List of visiting Schools to the Art Gallery of WA's Education Program and schools scheduled to visit in second semester 2018 (1899).

Question on Notice No. 3953 – Code of conduct policy for the Department of Local Government, Sport and Cultural Industries (1900).

Question on Notice No. 3954 – Minutes of the Caravan Parks and Camping Grounds Advisory Committee meeting held on 28 October 2009 (1901).

Question on Notice No. 3955 – Minutes of the Control of Vehicles Advisory Committee meeting held on 30 November 2016 (1902).

6. Speaker's Statement – Drafting Services for Private Members' Bills

The Speaker advised members that he had recently written to the Attorney General regarding legislative drafting services by the Office of Parliamentary Counsel for Private Members' Bills. The Attorney General advised that due to current pressures on the Parliamentary Counsel's Office it would be unable to provide assistance for a Private Member's Bill where extensive drafting work is required. Assistance would continue to be provided in drafting amendments to Bills, and for uncomplicated Private Members' Bills.

Papers

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

By the Speaker –

Attorney General – Correspondence to the Speaker from the Attorney General regarding legislative drafting services for Private Members, the Opposition and minor parties, dated 17 September 2018 (1906).

Speaker – Correspondence from the Speaker to the Attorney General regarding legislative drafting services for Private Members, the Opposition, and minor parties, dated 16 August 2018 (1907).

7. Additional Information

The Minister for Science provided additional information relating to Questions without Notice Nos 694 and 695 from Mr W.R. Marmion.

8. Petitions

Save Maddington Homestead – Mr C.J. Tallentire presented a petition from 20 persons requesting that the Legislative Assembly strengthen the powers available to government in heritage matters and to press the government to seek owner action in accordance with the current Conservation Order (P. 104).

Southern Forest Irrigation Scheme – Dr D.J. Honey presented a petition from 322 persons requesting that the Legislative Assembly recommend a moratorium be put on the Southern Forest Irrigation Scheme (P. 105).

Speaker's Statement – Petition presented by Member for Cottesloe

The Speaker advised members that the petition presented by the member for Cottesloe was addressed to the “President and Members of the Legislative Assembly”. While the Standing Orders require that the petition be addressed to the Speaker and the Legislative Assembly, the Speaker had accepted the petition as it was compliant in all other respects.

9. Message from the Governor

Message No. 25 from His Excellency the Governor was reported assenting to the Coroners Amendment Bill 2017, Act No. 23 of 2018.

10. Papers

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

By the Speaker –

Register of Members' Financial Interests – Annual Returns as at 30 June 2018 and Additional Information for returns from the year 2017–2018 and Primary Returns of Members of the Legislative Assembly under the Members of Parliament (Financial Interests) Act 1992 (1830).
State Records Commission – Annual Report 2017–2018 (1831).

By the Clerk –

Acacia Prison Services Agreement – Annual Report 2017–2018 (1832).
Biodiversity Conservation Act 2016 – Regulations (Biodiversity Conservation Amendment Regulations 2018 G.G. 17/09/2018) (1833).
Building Act 2011 – Regulations (Building Amendment Regulations (No. 2) 2018 G.G. 05/10/2018) (1834).
Building and Construction Industry Training Fund and Levy Collection Act 1990 – Regulations (Building and Construction Industry Training Fund and Levy Collection Amendment Regulations 2018 G.G. 28/09/2018) (1835).
Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations 2018 G.G. 21/09/2018) (1836).
Bush Fires Act 1954 – Regulations (Bush Fires (Infringements) Amendment Regulations 2018 G.G. 18/09/2018) (1837).
Cat Act 2011 – Local Laws (Shire of Mount Magnet Cats Local Law 2018 G.G. 03/10/2018) (1838).
CBD Courts Project Contract – Annual Report 2017–2018 (1839).
Cemeteries Act 1986 – Local Laws (Shire of Mount Magnet Cemeteries Local Law 2018 G.G. 03/10/2018) (1840).

ChemCentre – Annual Report 2017–2018 (1841).

Conservation and Land Management Act 1984 – Lease No. 2968/100 between the Department of Biodiversity, Conservation and Attractions and Five E's Pty Ltd for S.(5)(1)(H) Reserve No. 50273 Northam (1903).

Court Security and Custodial Services Contract – Annual Report 2017–2018 (1842).

Dangerous Sexual Offenders Act 2006 – Regulations (Dangerous Sexual Offenders Regulations 2018 G.G. 02/10/2018) (1843).

Debt Collectors Licensing Act 1964, Employment Agents Act 1976, Street Collections (Regulation) Act 1940 – Regulations (Commerce and Industrial Relations Regulations Amendment (Administration) Regulations 2018 G.G. 02/10/2018) (1844).

Director of Public Prosecutions, Office of the – Annual Report 2017–2018 (1845).

Dog Act 1976 – Local Laws (Shire of Mount Magnet Dogs Local Law 2018 G.G. 03/10/2018) (1846).

Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Amendment Regulations (No. 3) 2018 G.G. 28/09/2018) (1847).

Electricity Act 1945 – Regulations (Electricity Amendment Regulations 2018 G.G. 02/10/2018) (1848).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2018 G.G. 28/09/2018) (1849).

Fish Resources Management Act 1994 – Management Plans (Pilbara Crab Managed Fishery Management Plan 2018 [1314] G.G. 21/09/2018) (1850).

Forest Products Commission – Annual Report 2017–2018 (1851).

Gas Standards Act 1972 – Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2018 G.G. 02/10/2018) (1852).

Gas Standards Act 1972 – Regulations (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2018 G.G. 02/10/2018) (1853).

Gascoyne Development Commission – Annual Report 2017–2018 (1854).

Goldfields-Esperance Development Commission – Annual Report 2017–2018 (1855).

Government of Western Australia – Annual Report on State Finances 2017–2018 (1856).

Great Southern Development Commission – Annual Report 2017–2018 (1857).

Health (Miscellaneous Provisions) Act 1911 – Local Laws (Shire of Kondinin Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 05/10/2018) (1858).

Health (Miscellaneous Provisions) Act 1911 – Local Laws (Shire of Narembeen Animals, Environment and Nuisance Amendment Local Law 2018 G.G. 28/09/2018) (1859).

Housing Authority – Annual Report 2017–2018 (1860).

Human Reproductive Technology Act 1991 – Regulations (Human Reproductive Technology (Licences and Registers) Amendment Regulations 2018 G.G. 18/09/2018) (1861).

Justice, Department of – Annual Report 2017–2018 (1862).

Legal Costs Committee – Annual Report 2017–2018 (1904).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 3) 2018 G.G. 02/10/2018) (1863).

Local Government Act 1995 – Local Laws (City of Armadale Street Numbering Amendment Local Law 2018 G.G. 25/09/2018) (1864).

Local Government Act 1995 – Local Laws (Shire of Collie Standing Orders Amendment Local Law 2018 G.G. 02/10/2018) (1865).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Activities in Thoroughfares and Public Places and Trading Local Law 2018 G.G. 03/10/2018) (1866).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Animals, Environment and Nuisance Local Law 2018 G.G. 03/10/2018) (1867).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Extractive Industries Local Law 2018 G.G. 03/10/2018) (1868).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Fencing Local Law 2018 G.G. 03/10/2018) (1869).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Health Local Law 2018 G.G. 03/10/2018) (1870).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Repeal Local Law 2018 G.G. 03/10/2018) (1871).

Local Government Act 1995 – Local Laws (Shire of Mount Magnet Standing Orders Local Law 2018 G.G. 03/10/2018) (1872).

Local Government Act 1995 – Local Laws (Shire of Northam Activities In Thoroughfares and Public Places and Trading 2nd Amendment Local Law 2018 G.G. 28/09/2018) (1873).

Local Government, Sport and Cultural Industries, Department of – Annual Report 2017–2018 (1874).

Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court Rules Amendment Rules 2018 G.G. 18/09/2018) (1875).

Malaleuca Remand and Reintegration Facility Services Agreement – Annual Report 2017–2018 (1876).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 3) 2018 G.G. 18/09/2018) (1877).

Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests – Report of Official Visit to India 5 to 9 August 2018 (1878).

Owner-Drivers (Contracts and Disputes) Act 2007 – Regulations (Owner-Drivers (Contracts and Disputes) (Code of Conduct) Amendment Regulations 2018 G.G. 02/10/2018) (1879).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2017–2018 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2018) (1829).

Parliamentary Inspector of the Corruption and Crime Commission – Annual Report 2017–2018 (1880).

Premier and Cabinet, Department of – Annual Report 2017–2018 (1881).

Primary Industries and Regional Development, Department of – Annual Report 2017–2018 (1882).

Retirement Villages Act 1992 – Regulations (Retirement Villages Amendment Regulations (No. 2) 2018 G.G. 28/09/2018) (1883).

Rural Business Development Corporation – Annual Report 2017–2018 (1884).

South West Development Commission – Annual Report 2017–2018 (1885).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 2) 2018 G.G. 28/09/2018) (1887).

State Administrative Tribunal – Annual Report 2017–2018 (1886).

State Coroner for Western Australia, Office of the – Annual Report 2017–2018 (1888).

Training Accreditation Council – Annual Report 2017–2018 (1889).

Water and Environmental Regulation, Department of – Annual Report 2017–2018 (1890).

Western Australia Police Force – Annual Report 2017–2018 (1891).

Western Australian Jobs Act 2017 – Regulations (Western Australian Jobs Regulations 2018 G.G. 25/09/2018) (1892).

Western Australian Meat Industry Authority – Annual Report 2017–2018 (1893).

Western Australian Treasury Corporation – Statement of Corporate Intent 2018–2019 (1894).

Young Adult Facility Contract (Wandoo Reintegration Facility) – Annual Report 2017–2018 (1895).

11. Notices of Motion

12. Expiration of Notices of Motion

The Speaker advised members that Private Members' Business Notices of Motion Nos 1 and 2, notices of which were given on 10 October 2017 and renewed for a further 30 sitting days on 10 April 2018, would be removed and would not appear on the next Notice Paper.

13. Matter of Public Interest – Albany Wave Farm Project

The Speaker informed the Assembly that he was in receipt of a notice from Mr D.T. Redman that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr D.T. Redman moved,

That this House condemns the McGowan Government for its mishandling of the Albany Wave Farm Project and calls on the Premier to remove the Minister for Regional Development from project oversight.

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 A. Krsticevic
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath
Dr M.D. Nahan

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

Noes (34)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Mr M.J. Folkard
Ms J.M. Freeman
Ms E.L. Hamilton
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
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
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 negatived.

14. Duties Amendment (Additional Duty for Foreign Persons) Bill 2018

Message No. 52 dated 9 October 2018 from the Legislative Council was reported agreeing to the bill without amendment.

15. Human Reproductive Technology and Surrogacy Legislation Amendment 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.

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

The Minister for Health 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.

16. Financial Transaction Reports Amendment Bill 2018

Message No. 53 dated 9 October 2018 from the Legislative Council was reported agreeing to the bill without amendment.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.38 pm until Wednesday, 10 October 2018 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer, Mr T.J. Healy, Mr K.J.J. Michel, Ms M.M. Quirk and Ms J.J. Shaw.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly