

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 28

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 14 SEPTEMBER 2017

1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Agency relocations to Joondalup – Mr J.N. Carey presented a petition from 401 persons requesting that the Legislative Assembly revisit the decision to relocate 1,000 public sector staff from the CBD to Joondalup (P. 21).

3. Papers

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

By the Clerk –

Aboriginal Affairs Planning Authority – Annual Report 2016–2017 (638).

Aboriginal Affairs, Department of – Annual Report 2016–2017 (639).

Botanic Gardens and Parks Authority – Annual Report 2016–2017 (640).

Burswood Park Board – Annual Report 2016–2017 (641).

Coal Miners' Welfare Board of Western Australia, The – Annual Report 2016–2017 (642).

Construction Industry Long Service Leave Scheme – Annual Report 2016–2017 (643).

Country Housing Authority – Annual Report 2016–2017 (644).

Disability Services Commission – Annual Report 2016–2017 (645).

Education and Health Standing Committee – Government Response to Report No. 1: Clearing the Air on E-Cigarettes (646).

Finance, Department of – Annual Report 2016–2017 (647).

Gaming and Wagering Commission of Western Australia – Annual Report 2016–2017 (648).

Governor's Establishment Western Australia – Annual Report 2016–2017 (649).

Insurance Commission of Western Australia – Annual Report 2016–2017 (650).

Keep Australia Beautiful Council – Annual Report 2016–2017 (651).

Liquor Commission of Western Australia – Annual Report 2016–2017 (652).

Minerals Research Institute of Western Australia – Annual Report 2016–2017 (653).

Mines and Petroleum, Department of – Annual Report 2016–2017 (654).
 National Environment Protection Council – Annual Report 2016–2017 (655).
 Ombudsman Western Australia – Annual Report 2016–2017 (656).
 Racing Penalties Appeal Tribunal – Annual Report 2016–2017 (657).
 Small Business Development Corporation – Annual Report 2016–2017 (658).
 State Library of Western Australia – Annual Report 2016–2017 (659).
 Swan River Trust – Annual Report 2016–2017 (660).
 Technology and Industry Advisory Council – Annual Report 2016–2017 (661).
 Tourism WA – Annual Report 2016–2017 (662).
 Treasury, Department of – Annual Report 2016–2017 (663).
 WA Industrial Relations Commission, Department of the Registrar – Annual Report 2016–2017 (664).
 Western Australian Electoral Commission – Annual Report 2016–2017 (665).
 WorkCover WA – Annual Report 2016–2017 (666).
 Zoological Parks Authority – Annual Report 2016–2017 (667).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on Government support to MATES in Construction on R U OK? Day.

The Minister for Emergency Services acknowledging the work and achievements of retiring DFES Commissioner, Wayne Gregson APM.

The Minister for Tourism on the Public Sector governance enhancement initiative for the Rottnest Island Authority.

Papers

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

By the Minister for Tourism –

Public Sector Commission – Governance enhancement initiative: Rottnest Island Authority (668).

Rottnest Island Authority governance enhancement initiative – Master action plan: 12 September 2017 (669).

The Minister for Mines and Petroleum on the IGO Nova nickel-copper mine opening.

The Minister for Housing on the success of the Department of Communities award winning Housing Direct Call Centre.

5. Grievances

The Speaker called for grievances which were then made.

6. Dangerous Sexual Offenders Legislation Amendment Bill 2017

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

Urgent Bill

The Attorney General moved, That the Dangerous Sexual Offenders Legislation Amendment Bill 2017 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 8 agreed to.

Clause 9.

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

7. Members' Statements

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

8. Questions

Questions without Notice were taken.

Question on Notice No. 1657 was answered.

9. 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 2017 (670).

Legislative Assembly, Department of the – Annual Report 2016–2017 (671).

Legislative Council, Department of the – Annual Report 2016–2017 (672).

Parliamentary Services Department – Annual Report 2016–2017 (673).

By the Minister for Energy –

Western Australian Energy Disputes Arbitrator – Annual Report 2016–2017 (703).

By the Clerk –

Aqwest – Annual Report 2016–2017 (674).

Art Gallery of Western Australia – Annual Report 2016–2017 (675).

Busselton Water – Annual Report 2016–2017 (676).

ChemCentre – Annual Report 2016–2017 (677).

Combat Sports Commission – Annual Report 2016–2017 (678).

Commissioner for Children and Young People – Annual Report 2016–2017 (679).

Criminal Injuries Compensation, Office of – Annual Report 2016–2017 (680).

Financial Management Act 2006 – Section 65 Notice from the Minister for Seniors and Ageing; Volunteering; Sport and Recreation informing the House of the late tabling of the 2016–2017 Annual Report from the Western Australian Sports Centre Trust (VenuesWest) (681).

Financial Management Act 2006 – Section 65 Notice from the Minister for Health; Mental Health informing the House of the late tabling of the 2016–2017 Annual Reports from Western Australian Health Promotion Foundation; Post Graduate Medical Council of WA; Australian Health Practitioner Regulation Agency; Animal Resources Authority; WA Centre for Pathology and Medical Research; Mental Health Commission; Quadriplegic Centre Board; Queen Elizabeth Trust; and the Chief Psychiatrist of Western Australia (682).

Forest Products Commission – Annual Report 2016–2017 (683).

Government Chief Information Officer, Office of the – Annual Report 2016–2017 (684).

Horizon Power – Annual Report 2016–2017 (685).

Horizon Power – Financial Report 2016–2017 (686).

Housing Authority – Annual Report 2016–2017 (687).

Housing, Department of – Annual Report 2016–2017 (688).

Law Reform Commission – Annual Report 2016–2017 (689).

Legal Cost Committee – Annual Report 2016–2017 (690).

Metropolitan Redevelopment Authority – Annual Report 2016–2017 (691).

Perth Theatre Trust – Annual Report 2016–2017 (692).

Public Advocate, Office of the – Annual Report 2016–2017 (693).

Rural Business Development Corporation – Annual Report 2016–2017 (694).

Synergy – Annual Report 2016–2017 (695).

Training and Workforce Development, Department of – Annual Report 2016–2017 (696).

Water Corporation – Annual Report 2016–2017 (697).

Water, Department of – Annual Report 2016–2017 (698).

Western Australia Museum – Annual Report 2016–2017 (699).

Western Australia Police Service – Annual Report 2016–2017 (700).

Western Australian Reproductive Technology Council – Annual Report 2016–2017 (701).

Western Power – Annual Report 2016–2017 (702).

10. Leader of the House Statement – Committee Reports

The Leader of the House advised that as time needed to be devoted to a number of bills, he had asked the Chairs of Committees to table their reports today and defer their speeches until the week the House next met. The Chairs had agreed, so Standing Orders would be suspended in the week the House next met to enable speeches to be delivered by the Chairs and members of the Committees.

11. Education and Health Standing Committee

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

Education and Health Standing Committee – Report No. 2: Annual Report 2016–2017 (704).

12. Joint Standing Committee on the Corruption and Crime Commission

Ms M.M. Quirk, as Chair, presented the following reports which were ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – Report No. 1: The efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the CCC (705).

Corruption and Crime Commission, Joint Standing Committee on the – Report No. 2: The ability of the Corruption and Crime Commission to charge and prosecute (706).

Corruption and Crime Commission, Joint Standing Committee on the – Report No. 3: Annual Report 2016–17 (707).

13. Joint Standing Committee on Delegated Legislation

Ms E. Hamilton, as Chair, presented the following reports which were ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Report No. 1: Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015 (708).

Delegated Legislation, Joint Standing Committee on – Report No. 2: Town of Cambridge Local Government and Public Property Local Law 2016 (709).

14. Speaker's Statement – Railway (BBI Rail Aus Pty Ltd) Agreement Bill 2017

The Speaker advised members that the Railway (BBI Rail Aus Pty Ltd) Agreement Bill 2017 was introduced yesterday into the Assembly, read a first time and the second reading moved. A number of clerical errors in the numbering of the clauses of the Bill had since been discovered. Pursuant to a direction from the Clerk, the bill has been reprinted with the errors corrected. The incorrect copies of the Bill have been replaced with the corrected version. It is this corrected version that Members should now rely upon as the version before the House.

15. Estimates Management Committee

The Leader of the House presented the Report of the Management Committee for the Estimates Committees 2017.

Paper

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

By the Leader of the House –

Estimates Committees 2017, Management Committee for the – Report of the Management Committee for the Estimated Committees (710).

Debate ensued.

Question proposed, That the report be adopted.

Question put and passed.

16. Variation to the Order of Business

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

17. Dangerous Sexual Offenders Legislation Amendment Bill 2017

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

CONSIDERATION IN DETAIL

Clause 9.

Mr P.A. Katsambanis moved,

Page 5, line 4 to page 6, line 7 – To delete the lines and substitute:

“ jurisdiction is vested must refuse to grant bail. ”.

Amendment put.

The Assembly divided.

Ayes (16)

Mr C.J. Barnett
Mr I.C. Blayney
Ms M.J. Davies
Mrs L.M. Harvey
Mr P. 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. O'Donnell
Mr D.T. Redman
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. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr F.M. Logan

Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
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Ms R. Saffioti
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 10 to 15 agreed to.

Clause 16.

Mr P.A. Katsambanis moved,

Page 9, lines 15 to 20 – To delete the lines and substitute:

“

- (3) A court cannot make an order under subsection (1)(b) unless it is satisfied that the offender will comply with the conditions of the order.
- (4) The offender has the onus of satisfying the court as described in subsection (3), and the court must be satisfied –
 - (a) by acceptable and cogent evidence; and
 - (b) to a high degree of probability.

”

Amendment put.

The Assembly divided.

Ayes (16)

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Mr I.C. Blayney
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 Ms S.E. Winton
 Mr B.S. Wyatt
 Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 17.

Mr P.A. Katsambanis moved,

Page 10, lines 6 and 7 – To delete “substantially comply with the standard conditions” and substitute:

“ comply with the conditions ”.

Amendment put.

The Assembly divided.

Ayes (15)

Mr C.J. Barnett
 Ms M.J. Davies
 Mrs L.M. Harvey
 Mr P. Katsambanis
 Mr Z.R.F. Kirkup

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 Mr P.C. Tinley
 Mr B. Urban
 Mr R.R. Whitby
 Ms S.E. Winton
 Mr B.S. Wyatt
 Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 18.

Mr P.A. Katsambanis moved,

Page 10, after line 27 – To insert:

“

(3) At the end of section 21 insert:

(6) Despite anything in the *Bail Act 1982*, a person who is arrested under a warrant issued under subsection (2) in respect of a suspected contravention must not be granted bail but must be detained in custody until brought before the Supreme Court.

”.

Amendment put and negatived.

Clause agreed to.

Clause 19.

Mr P.A. Katsambanis moved,

Page 11, lines 17 and 18 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (15)

Mr C.J. Barnett
Mr I.C. Blayney
Ms M.J. Davies
Mrs L.M. Harvey
Mr P. Katsambanis

Mr Z.R.F. Kirkup
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Mr P.C. Tinley
Mr B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 20 to 22 agreed to.

Clause 23.

Mr P.A. Katsambanis moved,

Page 15, line 14 – To delete “substantially comply with the standard conditions” and substitute:

“ comply with the conditions ”.

Amendment put.

The Assembly divided.

Ayes (14)

Mr C.J. Barnett
Mr I.C. Blayney
Mrs L.M. Harvey
Mr P. Katsambanis
Mr Z.R.F. Kirkup

Mr A. Krsticevic
Mr S.K. L'Estrange
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Mr B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Clause agreed to.

Title agreed to.

Consideration in detail concluded.

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.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

18. Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017

The Order of the Day for the third reading of the bill having been read, the Attorney General moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

19. Appropriation (Recurrent 2017–18) Bill 2017
Appropriation (Capital 2017–18) Bill 2017

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

Debate resumed.

Question put and passed.

Appropriation (Recurrent 2017–18) Bill 2017 read a second time and the Bill and Estimates were referred to Estimates Committees A and B.

20. Appropriation (Capital 2017–18) Bill 2017

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

Question put and passed.

Bill read a second time and the Bill and Estimates were referred to the Estimates Committees A and B.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 10 October 2017 at 2.00 pm.

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 8.06 pm until Tuesday, 10 October 2017 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Mr D.J. Kelly and Mr P.J. Rundle.

KIRSTEN M. ROBINSON
 Clerk of the Legislative Assembly

HON. PETER WATSON
 Speaker of the Legislative Assembly