

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 113

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 12 MARCH 2019

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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the Environmental Protection Authority guidelines on mitigating greenhouse gas emissions.

The Minister for Emergency Services on the recent bushfires in the Goldfields, the South East Coastal Region, the South West, Bullsbrook and Edgewater.

The Minister for Commerce on the Government's Response to the Economics and Industry Standing Committee's Report No. 4, Western Australia's Smash Repair Industry: Structural Challenges.

The Minister for Tourism on his recent visit to India.

The Premier on his regional travel costs.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4842 to 4882 were asked.

Questions on Notice Nos 4354, 4380, 4416, 4418, 4423, 4425 to 4431, 4433, 4435, 4438, 4440, 4442 to 4448, 4450, 4452, 4455, 4457, 4459 to 4465, 4467, 4469, 4472, 4474, 4476 to 4482, 4489 to 4491, 4493, 4498, 4500, 4502 to 4504, 4507, 4509, 4511 to 4517, 4520 to 4539, 4541 to 4548, 4550, 4551, 4553, 4554, 4556, 4558 to 4560, 4562 to 4564, 4566 to 4568, 4571, 4573, 4575 to 4581, 4583 to 4585, 4587, 4590, 4592 to 4598, 4600 to 4602, 4605, 4607, 4609 to 4615, 4617, 4619 to 4624, 4626, 4637, 4638, 4640, 4641, 4643, 4645, 4653 to 4658, 4660, 4662 to 4664, 4667, 4669, 4671 to 4677, 4681, 4683, 4684, 4693 to 4698, 4700 to 4702, 4704 to 4707, 4709 to 4713, 4716, 4718, 4720 to 4726, 4728, 4730 to 4738, 4744 to 4753, 4755, 4756, 4759, 4763, 4780, 4785, 4824, 4826 and 4834 were answered.

Papers tabled by the Premier; Minister for Public Sector Management; State Development, Jobs and Trade; Federal-State Relations; 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. 4737 – Report of the Department of the Premier and Cabinet’s review of the Constitutional Centre of Western Australia (2260).

Question on Notice No. 4744 – Table listing monthly cost of mobile phones utilised by each Ministerial Office from January 2018 to January 2019 (2261).

Question on Notice No. 4438 – List detailing money spent on video editing services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2262).

Question on Notice No. 4455 – List detailing money spent on professional photographer services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2263).

Question on Notice No. 4489 – Renewable Hydrogen Council terms of reference (2264).

Question on Notice No. 4619 – Chart detailing the Ports and Maritime organisational structure from 2018 to 2019 (2265).

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

Question on Notice No. 4423 – List detailing money spent on videography services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2266).

Question on Notice No. 4457 – List detailing money spent on professional photographer services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2267).

Paper tabled by the Minister for Seniors and Ageing; Volunteering; Sport and Recreation –

Question on Notice No. 4623 – Information detailing Optus Stadium’s lighting policy (2268).

Paper tabled by the Treasurer; Minister for Finance; Aboriginal Affairs; Lands –

Question on Notice No. 4763 – List detailing the number of RiskCover claims made by the Western Australia Police Force from 2013 to 13 February 2019 (2269).

Papers tabled by the Minister for Mines and Petroleum; Energy; Industrial Relations –

Question on Notice No. 4428 – List detailing money spent on videography services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2270).

Question on Notice No. 4445 – List detailing money spent on video editing services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2271).

Question on Notice No. 4462 – List detailing money spent on professional photographer services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2272).

Question on Notice No. 4479 – List detailing money spent on professional photo editing services for each department, agency, board, public owned corporation or Ministerial Office under the Minister’s portfolio of responsibilities since 17 March 2017 (2273).

Paper tabled by the Minister for Transport; Planning –

Question on Notice No. 4624 – Information detailing the Matagarup Bridge lighting policy (2274).

Paper tabled by the Minister for Child Protection; Women’s Interest; Prevention of Family and Domestic Violence; Community Services –

Question on Notice No. 4520 – Tables detailing aspects of the Empowering Communities Program procurement process, applicants and service agreements (2275).

4. Suspension of Standing Orders

Mr D.T. Redman, 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 McGowan Government for the failed Albany wave energy project and for wasting \$2.6 million of taxpayer funds that could have been better used to create jobs for the Albany community.

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

“

, 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.

5. Albany Wave Energy Project

Mr D.T. Redman, pursuant to the foregoing motion, moved,

That this House condemns the McGowan Government for the failed Albany wave energy project and for wasting \$2.6 million of taxpayer funds that could have been better used to create jobs for the Albany community.

Debate ensued.

Question put.

The Assembly divided.

Ayes (16)

Mr I.C. Blayney
Ms M.J. Davies
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 D.T. Redman
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (33)

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
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
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
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.

6. Additional Information

The Minister for Health provided additional information relating to Questions on Notice Nos 1249 and 2634 from Mr Z.R.F. Kirkup.

7. Message from the Governor

Message No. 3 from His Excellency the Governor was reported assenting to the following bills –

Ports Legislation Amendment Bill 2017, Act No. 2 of 2019.

Residential Tenancies Legislation Amendment (Family Violence) Bill 2018, Act No. 3 of 2019.

Criminal Law Amendment (Intimate Images) Bill 2018, Act No. 4 of 2019.

8. Message from the Governor

Message No. 4 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Infrastructure Western Australia Bill 2019.

9. Papers

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

By the Clerk –

Architects Act 2004 – Report of the Statutory Review of the Act, Decision Regulatory Impact Statement – December 2018 (2245).

Auditor General, Office of the – Audit Results Report – Annual 2017–2018 Financial Audits of Local Government Entities, Report 15, March 2019 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 March 2019) (2243).

Auditor General, Office of the – Management of Supplier Master Files, Report 16, March 2019 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 March 2019) (2244).

Conservation and Land Management Act 1984 – Lease No. 1900/100 between the Department of Biodiversity, Conservation and Attractions and Cojah Pty Ltd for the Coalmine Beach Holiday Park located in Walpole-Nornalup National Park (2246).

Corruption and Crime Commission – Report of an incident in the Fremantle Offender Management area 1 January 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 28 February 2019) (2241).

Corruption and Crime Commission – Report on the WA Commissioner in Japan (2247).

Gaming and Wagering Commission Act 1987 – Regulations (Gaming and Wagering Commission Amendment Regulations (No. 2) 2019 G.G. 22/02/2019) (2248).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order 2019 G.G. 26/02/2019) (2249).

Industrial Relations Act 1979 – Regulations (Industrial Relations Commission Amendment Regulations 2019 G.G. 05/03/2019) (2250).

Local Government Act 1995 – Local Laws (City of Rockingham Parking Local Law 2018 G.G. 22/02/2019) (2251).

Local Government Act 1995 – Local Laws (City of Swan Meeting Procedures Local Law 2019 G.G. 01/03/2019) (2252).

Public Accounts Committee – Government Response to Committee Report No. 8 – Setting the Stage for Improvement: Department of Education's Management of Student Attendance (2253).

Public Transport Authority Act 2003 – Regulations (Public Transport Authority Amendment Regulations 2019 G.G. 19/02/2019) (2254).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations (No. 2) 2019 G.G. 26/02/2019) (2255).

Taxi Act 1994 – Regulations (Transport Regulations Amendment (Road Passenger Services) Regulations 2019 G.G. 26/02/2019) (2256).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 31 December 2018 (2257).

Transport (Road Passenger Services) Act 2018 – Regulations (Transport (Road Passenger Services) Regulations 2019 G.G. 26/02/2019) (2258).

Western Australian Treasury Corporation – Quarterly Report for the Quarter Ended 31 December 2018 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 March 2019) (2242).

Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001 – Regulations (Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Amendment Regulations 2019 G.G. 22/02/2019) (2259).

10. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 27 November 2018 –

Health, Minister for – Western Australian Government Response, Joint Select Committee on End of Life Choices Report, My Life, My Choice (2077).

Paper

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

By the Speaker –

Health, Minister for – Western Australian Government Response, Joint Select Committee on End of Life Choices Report, My Life, My Choice, Erratum (2276).

11. Notices of Motion

12. Notices of Motion Lapsed

The Speaker advised that Private Members' Business Notices of Motion Nos 3 to 7 had lapsed and, unless the members indicated otherwise, would be removed from the Notice Paper.

13. Expiration of Notices of Motion

The Speaker advised that Private Members' Business Notices of Motion Nos 1 and 2, given on 13 March 2018 and renewed for a further 30 sitting days on 11 September 2018, would not appear on the next Notice Paper.

14. Matter of Public Interest – Public Hospitals

The Speaker informed the Assembly that he was in receipt of a notice from Mr S.K. L'Estrange that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr S. K. L'Estrange moved,

That this House condemns the McGowan Government for failing to properly resource and staff our public hospitals.

Debate ensued.

Question put.

The Assembly divided.

Ayes (15)

Mr I.C. Blayney
 Ms M.J. Davies
 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 D.C. Nalder
 Mr K.M. O'Donnell
 Mr D.T. Redman
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 Mr M.P. Murray
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 Mr P. Papalia
 Mr S.J. Price
 Mr J.R. Quigley
 Mrs M.H. Roberts

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 Ms R. Saffioti
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 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.

15. Variation to the Order of Business

Ordered, That Business of the Assembly Order of the Day No. 1 be postponed until the next day's sitting.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

17. Consumer Protection Legislation Amendment Bill 2018

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

CONSIDERATION IN DETAIL

Clauses 1 to 66 agreed to.

Clause 67.

The Minister for Commerce moved,

Page 38, lines 29 to 32 — To delete the lines and substitute:

“

(1) In section 47(1) delete “subsection (4),” and insert:

subsections (2A) and (4),

”.

Amendment put and passed.

The Minister for Commerce moved,

Page 40, after line 10 — To insert:

“

- (2B) The lessor is taken to have consented to affixing the furniture or thing to the wall of the premises under subsection (2A)(a) if —
- (a) the tenant has sought the lessor's consent to affix the item to the wall; and
 - (b) the lessor has not refused consent under subsection (2A)(b) within 7 days after the day the tenant sought the lessor's consent.

”.

Amendment put and passed.

Clause 67, as amended, agreed to.

Clauses 68 to 94 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

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

Question put and passed.

The Assembly adjourned accordingly at 9.24 pm until Wednesday, 13 March 2019 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Ms J. Farrer, Ms E.L. Hamilton, Mrs L.M. Harvey, Mr K.J.J. Michel, Mr D.T. Punch and Ms M.M. Quirk.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly