

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 106

FIRST SESSION OF THE FORTIETH PARLIAMENT

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THURSDAY, 29 NOVEMBER 2018

### 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 –

Criminal Investigations (Covert Powers) Act 2012 – Western Australian Police – Report Pursuant to section 76(1) of the Act – Assumed Identities Annual Report 1 July 2017 to 30 June 2018 (2087).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Health to not provide information in relation to Legislative Council Questions on Notice 1189 and 1438 by the Hon Martin Aldridge MLC regarding Geraldton Regional Hospital (2088).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Health to not provide information in relation to Legislative Council Standing Committee on Estimates and Financial Operations Question 1(B) and 9(D) by the Hon Martin Aldridge MLC regarding Geraldton Regional Hospital and Valley View Residential Aged Care Facility (2089).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Health to not provide redacted information in relation to Legislative Council Question without Notice 745 by the Hon Tjorn Sibma MLC (2090).

Government of Western Australia – 2018–2019 Quarterly Financial Results Report – September 2018 (2091).

Land Administration Act 1997 – Proposal: Submission No. 4/2018 under section 42(4)(A) of the Act to amend Class A Reserve 885 for inclusion into a new Crown Reserve for the purpose of recreation, museum, cultural community centre, carpark and café to facilitate the Claremont Museum Redevelopment (2093).

Land Administration Act 1997 – Submission No. 3/2018 under Schedule 2, sections 14(5) and 6 of the Act for the cancellation of Class B Reserve 5659 to create a new reserve for the purpose of recreation, museum, cultural community centre, carpark and café to facilitate the Claremont Museum Redevelopment (2092).

Official Travel – Report of Overseas Air Travel Undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business for the Three Months Ended 30 June 2018 (2094).

Premier and Cabinet, Department of – Report on Consultants engaged by Government for the Six Months Ended 30 June 2018 (2095).

Public Sector Commission – State of the Sector 2018 (2096).

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

Brief Ministerial Statements were made by –

The Minister for Police on the Government's response to the Joint Standing Committee on the Corruption and Crime Commission's Report No. 8 – The More Things Change.

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#### *Paper*

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

By the Minister for Police –

Corruption and Crime Commission, Joint Standing Committee on the – Report No. 8: The More Things Change, Government Response (2097).

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The Minister for Emergency Services on new Commonwealth disaster recovery funding arrangements.

The Minister for Emergency Services on bushfire preparedness.

The Minister for Culture and the Arts on the Arts and Culture monitor survey.

The Minister for Citizenship and Multicultural Interests on the Leadership and Governance Programme for culturally and linguistically diverse Western Australians.

The Minister for Tourism on his recent visit to India.

The Minister for Asian Engagement on the release of the Government's Asian Engagement Strategy Consultation Paper.

The Minister for Lands providing an update on the sale of the Government's shareholding in Property Exchange Australia Ltd.

The Minister for Transport on reform to the Taxi Users' Subsidy Scheme.

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#### *Paper*

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

By the Minister for Transport –

Transport, Minister for – Reform to the Taxi Users' Subsidy Scheme: Future State Report (2098).

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### **4. Grievances**

The Speaker called for grievances which were then made.

### **5. Joint Standing Committee on the Corruption and Crime Commission**

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

Corruption and Crime Commission, Joint Standing Committee on the – Annual Report 2017–2018, Report No. 9 (2099).

## 6. 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 – Setting the Stage for Improvement: Department of Education's management of student attendance, Report No. 8 (2100).

Mr D.C. Nalder, Mrs L.M. O'Malley, Mr V.A. Catania, Mr S.A. Millman and, by leave, Mr I.C. Blayney spoke on the report.

## 7. 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 – Western Australia's Smash Repair Industry: Structural Challenges, Report No. 4 (2101).

Economics and Industry Standing Committee – Western Australia's Smash Repair Industry: Structural Challenges, Report No. 4 Submissions (2102).

Mr Y. Mubarakai spoke on the report.

## 8. Withdrawal of Notice of Motion

The Leader of the House withdrew Business of the Assembly Notice of Motion No. 1.

## 9. Revenue Laws Amendment Bill 2018

The Minister for Finance, pursuant to notice, moved,

That a bill for "An Act to amend –

- the *Duties Act 2008*; and
- the *Land Tax Assessment Act 2002*; and
- the *Pay-roll Tax Assessment Act 2002*." be introduced and read a first time.

Question put and passed.

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

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

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

## 10. Taxation Administration Amendment Bill 2018

The Minister for Finance, pursuant to notice, moved,

That a bill for "An Act to amend the *Taxation Administration Act 2003* and for related purposes." be introduced and read a first time.

Question put and passed.

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

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

Ms L. Mettam moved, That the debate be adjourn

Question put and passed.

## 11. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018

The Parliamentary Secretary to the Minister for Environment, pursuant to notice, moved,

That a bill for "An Act to amend the *Waste Avoidance and Resource Recovery Act 2007*." be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Environment presented an explanatory memorandum and bill read a first time.

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

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

## **12. Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018**

The Parliamentary Secretary to the Minister for Environment, pursuant to notice, moved,

That a bill for “An Act to amend the *Waste Avoidance and Resource Recovery Act 2007*.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Environment presented an explanatory memorandum and bill read a first time.

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

Ms L. Mettam moved, That the debate be adjourned.

Question put and passed.

## **13. Consumer Protection 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.

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

## **14. Members’ Statements**

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

## **15. Questions**

Questions without Notice were taken.

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### *Speaker's Statement – Media Presence*

The Speaker advised members that he had approved the presence of a camera operator in the public gallery for the first fifteen minutes of Question Time to video file footage of proceedings in the Chamber.

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Questions on Notice Nos 4408 to 4414 were asked.

Questions on Notice Nos 4275, 4276, 4302, 4303 and 4305 were answered.

## **16. Joint Standing Committee on the Corruption and Crime Commission – Extension of Reporting Date**

The Speaker advised the House that he had received advice that the Joint Standing Committee on the Corruption and Crime Commission had resolved to extend its reporting date on its inquiry into public sector procurement to 16 May 2019.

### 17. Additional Information

The Minister for Transport provided additional information relating to Question on Notice No. 4241 from Mrs L.M. Harvey.

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#### *Paper*

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

By the Minister for Transport –

Transport, Minister for – Additional information in relation to Question on Notice No. 4241 (2103).

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### 18. Matter of Public Interest – West Australian Households

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

At least five members having risen in support,

Dr M.D. Nahan moved,

That this House condemns the McGowan Government for leaving West Australian households worse off in the lead up to Christmas than they were a year ago.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (17)

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 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 P.J. Rundle  
Ms L. Mettam (*Teller*)

#### Noes (33)

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  
Ms E.L. Hamilton  
Mr T.J. Healy  
Mr W.J. Johnston  
Mr D.J. Kelly

Mr F.M. Logan  
Mr M. McGowan  
Ms S.F. McGurk  
Mr K.J.J. Michel  
Mr S.A. Millman  
Mr M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr J.R. Quigley  
Ms M.M. Quirk

Mrs M.H. Roberts  
Ms C.M. Rowe  
Ms R. Saffioti  
Ms A. Sanderson  
Ms J.J. Shaw  
Mrs J.M.C. Stojkovski  
Mr D.A. Templeman  
Mr P.C. Tinley  
Ms S.E. Winton  
Mr B.S. Wyatt  
Mr D.R. Michael (*Teller*)

Question thus negatived.

### 19. Public Accounts Committee – Terms of Reference

The Speaker advised members that the Public Accounts Committee, had resolved to inquire into public sector contract management practices. The Committee will report by 28 November 2019.

**20. Joint Standing Committee on the Commissioner for Children and Young People – Terms of Reference**

The Speaker advised members that the Joint Standing Committee on the Commissioner for Children and Young People, had resolved to inquire into the role of the Commissioner in ensuring Western Australia's independent oversight mechanisms operate in a way that makes the interests of children and young people the paramount consideration. The Committee will report by 28 November 2019.

**21. Message from the Governor**

Message No. 34 from His Excellency the Governor was reported assenting to the Animal Welfare Amendment Bill 2017, Act No. 35 of 2018.

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

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

**23. Consumer Protection 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

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

Ordered, That Government Business Order of the Day No. 5 be next considered.

**25. Premier's Statement**

The Order of the Day for the resumption of debate upon the question, That the Premier's Statement be noted, was read.

Debate ensued.

Question put and passed.

**26. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018**

Message No. 65 dated 29 November 2018 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*

**No. 1**

Clause 5, page 4, line 24 — To delete “fundamental”.

**No. 2**

Clause 6, page 5, line 24 — To delete “person” and insert:

lessor

**No. 3**

Clause 6, page 5, line 26 — To delete “person — ” and insert:

lessor —

**No. 4**

Clause 10, page 8, line 21 — To insert after “lessor”:

in writing

**No. 5**

Clause 10, page 8, line 27 — To delete the line and insert:

Penalty for this subsection: a fine of \$5 000.

**No. 6**

Clause 12, page 10, after line 23 — To insert:

- (aa) the tenant must give written notice to the lessor of the tenant’s intention to make the prescribed alterations; and

**No. 7**

Clause 12, page 10, line 25 — To delete “tradesperson; and” and insert:

tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the alterations being completed; and

**No. 8**

Clause 12, page 11, line 2 — To delete “so.” and insert:

so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the lessor within 14 days of the restoration being completed.

**No. 9**

Clause 12, page 11, lines 3 to 7 — To delete the lines and insert:

- (6) Subsection (4) does not apply to premises entered into the Register as defined in the *Heritage of Western Australia Act 1990* section 3(1) or in the register as defined in the *Heritage Act 2018* section 4.

**No. 10**

Clause 18, page 17, line 13 — To delete “not less than” and insert:

within

**No. 11**

Clause 18, page 19, after line 10 — To insert:

**71AF. Review of Division**

- (1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which this Division comes into operation.
- (2) Without limiting the scope of the review, the review must address the following —
  - (a) the effect of this Division on lessors’ rights to recover debts owed by tenants;
  - (b) the effect of this Division on lessors’ insurance policies;
  - (c) the effect of this Division on contractual certainty;
  - (d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;
  - (e) such other matters as appear to the Minister to be relevant.
- (3) 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 3<sup>rd</sup> anniversary.

**No. 12**

New Clause 22A, page 20, after line 19 — To insert:

**22A. Section 88 amended**

After section 88(2) insert:

- (3) Regulations made under subsection (1) for the purposes of section 47(4) or 71AB(2)(d)(vi) cannot come into operation earlier than six months after they are published in the *Gazette*.



**No. 13**

Clause 29, page 26, line 4 — To delete “not less than” and insert:

within

**No. 14**

Clause 29, page 26, after line 10 — To insert:

**45C. Review of Division**

- (1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which this Division comes into operation.
- (2) Without limiting the scope of the review, the review must address the following —
  - (a) the effect of this Division on lessors’ rights to recover debts owed by tenants;
  - (b) the effect of this Division on lessors’ insurance policies;
  - (c) the effect of this Division on contractual certainty;
  - (d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;
  - (e) such other matters as appear to the Minister to be relevant.
- (3) 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 3<sup>rd</sup> anniversary.

**No. 15**

Clause 31, page 30, line 17 — To delete “fundamental”.

**No. 16**

Clause 31, page 31, after line 6 — To insert:

**74D. Review of Division**

- (1) The Minister must carry out a review of the operation and effectiveness of this Division, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which this Division comes into operation.
- (2) Without limiting the scope of the review, the review must address the following —
  - (a) the effect of this Division on lessors’ rights to recover debts owed by tenants;
  - (b) the effect of this Division on lessors’ insurance policies;
  - (c) the effect of this Division on contractual certainty;

- (d) the extent to which this Division affects contractual obligations upon lessors and co-tenants who are not perpetrators of family violence and the impact of those obligations;
  - (e) such other matters as appear to the Minister to be relevant.
- (3) 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 3<sup>rd</sup> anniversary.

**No. 17**

New Clause 32A, page 31, after line 18 — To insert:

**32A. Section 95 amended**

After section 95(3) insert:

- (4) Regulations made under subsection (1) for the purposes of section 45A(2)(d)(vi) or Schedule 1 clause 14(4) cannot come into operation earlier than 6 months after they are published in the *Gazette*.

**No. 18**

Clause 33, page 32, line 18 — To insert after “park operator”:

in writing

**No. 19**

Clause 33, page 32, line 24 — To delete the line and insert:

Penalty for this subclause: a fine of \$5 000.

**No. 20**

Clause 35, page 34, after line 23 — To insert:

- (aa) the long-stay tenant must give written notice to the park operator of the tenant’s intention to make the prescribed alterations; and

**No. 21**

Clause 35, page 34, line 25 — To delete “tradesperson; and” and insert:

tradesperson, a copy of whose invoice the long-stay tenant must provide to the park operator within 14 days of the alterations being completed; and

**No. 22**

Clause 35, page 34, line 32 — To delete “so.” and insert:

so and the restoration must be undertaken by a qualified tradesperson, a copy of whose invoice the tenant must provide to the park operator within 14 days of the restoration being completed.

**No. 23**

Clause 35, page 34, after line 32 — To insert:

- (6) The long-stay tenant must give notice of the prescribed alterations to the park operator within 14 days after the alterations have been completed.

**No. 24**

Clause 36, page 35, after line 8 — To insert:

*family violence* has the meaning given in the *Restraining Orders Act 1997* section 5A(1);

### *CONSIDERATION IN DETAIL*

The Minister for Commerce and Industrial Relations moved, That amendment No. 1 be disagreed to.

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*Suspension of Member*

The Speaker, having called Dr M.D. Nahan to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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*Suspension of Member*

The Speaker, having called Mr A. Krsticevic to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment Nos 2 to 6 be agreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment Nos 7 and 8 be disagreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment Nos 9 to 14 be agreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment No. 15 be disagreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment Nos 16 to 20 be agreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment Nos 21 to 23 be disagreed to.

Question put and passed.

The Minister for Commerce and Industrial Relations moved, That amendment No. 24 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

## **27. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Debate ensued.

Question put and passed.

## **28. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.19 pm until a date and time to be fixed by the Speaker.

*Members present during any part of the day's proceedings* – All the members except Mr M. Hughes, Mr S. K. L'Estrange, Mr D.T. Punch and Mr D.T. Redman.

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

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