

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 45

FIRST SESSION OF THE FORTIETH PARLIAMENT

WEDNESDAY, 29 NOVEMBER 2017

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Procedure and Privileges Committee – Member Survey

The Speaker advised that the Procedure and Privileges Committee was conducting a short survey examining ways to enhance the functioning of the Legislative Assembly and requested Members to complete and return the survey to the Sergeant-at-Arms.

3. Petitions

Helena and Aurora Range – Mr S.A. Millman presented a petition from 1,253 persons requesting that the Legislative Assembly grant full and secure protection to the Helena and Aurora Range through gazettal of the area as an A Class National Park (P. 39).

Community Resource Centres – Petitions requesting that the Legislative Assembly call upon the Premier Mark McGowan to ensure adequate funding to support the ongoing operation of all Community Resource Centres, without reducing service delivery were presented by –

Ms M.J. Davies from 367 persons (P. 40);

Mr P.J. Rundle from 257 persons (P. 48); and

Mr R.S. Love from 198 persons (P. 49).

Aged Care Facility at Carnarvon Hospital – Mr V.A. Catania presented a petition from 604 persons requesting that the Legislative Assembly inquire into the reduced funding allocated to the construction of an Aged Care Facility at Carnarvon Hospital and the two year delay in delivering this essential service (P. 41).

Gnowangerup District High School Principal – Mr P.J. Rundle presented a petition from 229 persons requesting that the Legislative Assembly listen to the School Board, the P&C and the local community and act upon the overwhelming concerns regarding the substantive Principal position (P. 42).

Subiaco East Development – Mr W.R. Marmion presented a petition from 413 persons requesting that the Legislative Assembly calls upon the Minister for Planning, Minister for Local Government and

Minister for Education and Training to intervene and prevent further decisions pertaining to this site being made by the City of Subiaco, pending the outcome of the State Administrative Tribunal (SAT) and related Supreme Court writ (P. 43).

Subiaco East Development – Mr W.R. Marmion presented a petition from 29 persons requesting that the Legislative Assembly calls upon the Minister for Planning, Minister for Local Government and Minister for Education and Training to intervene and prevent further decisions pertaining to this site being made by the City of Subiaco, pending the outcome of the State Administrative Tribunal (SAT) and related Supreme Court writ (P. 44).

Transportation of Firearms – Mr I.C. Blayney presented a petition from 22 persons requesting that the Legislative Assembly reinstates Australia Post's status as an approved commercial carrier for the transportation of firearms in uniformity with other States and Territories of Australia (P. 45).

Geraldton Sobering Up Centre – Mr I.C. Blayney presented a petition from 52 persons requesting that the Legislative Assembly call upon the Premier Mark McGowan to keep the centre open (P. 46).

Boarding Away from Home Allowance – Mr I.C. Blayney presented a petition from 193 persons requesting that the Legislative Assembly reverse the decision to remove the Royalties for Regions contribution to the Boarding Away from Home Allowance (P. 47).

4. Papers

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

By the Clerk –

Auditor General, Office of the – Planning and Management of Bus Services: Report No. 23, November 2017 (992).

Conservation and Land Management Act – Lease No. 2254/100 between the Department of Biodiversity, Conservation and Attractions and Aeromodellers WA Inc. for the purpose of model aircraft flying and quarter scale speedway racing within Beeliar Regional Park (Reserve 36584) (993).

Criminal Investigation (Covert Powers) Act 2012 – Annual Report 2016–2017 by the Corruption and Crime Commission regarding the Australian Crime Commission: Report for the Minister for Police (994).

Economic Regulation Authority – 2016 Report to the Minister on the Effectiveness of the Electricity Generation and Retail Corporation Regulatory Scheme, September 2017 (995).

Land Information Authority Act 2006 – 2017 Review of the Act for the Minister for Lands (996).

Public Sector Commission – Investigation Report: PathWest's Management of a Complaint about Disclosure of Confidential Personal Information (997).

Surveillance Devices Act 1998 – Australian Criminal Intelligence Commission Annual Report 2016–2017 under section 43 of the Act (998).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 30 September 2017 (999).

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Emergency Services on the 2017 Emergency Preparedness Report prepared by the Office of Emergency Management.

The Minister for Local Government on the announcement of an inquiry into the City of Melville.

The Minister for Asian Engagement on his recent trip to address the Gas Asia Summit in Singapore.

Paper

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

By the Minister for Asian Engagement –

Minister for Asian Engagement – Gas Asia Summit Singapore: Report, Speech and Presentation (1000).

The Minister for Housing on the upcoming release of the 2017–2018 report from the Housing Industry Forecasting Group.

6. Acknowledgement of Country and Changes to Standing Orders

The Leader of the House, pursuant to notice, moved,

That recommendations 1, 2 and 3 of the Procedure and Privileges Committee Report No. 1, Acknowledgement of Country, tabled on 21 November 2017, be agreed to.

Debate ensued.

Question put and passed.

7. Natural Gas (Canning Basin Joint Venture) Agreement (Termination) Bill 2017

The Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Natural Gas (Canning Basin Joint Venture) Agreement Act 2013* to provide for the ratification of an agreement for the termination of the Natural Gas (Canning Basin Joint Venture) Agreement and for related purposes.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier moved, That the bill be now read a second time.

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

Question put and passed.

8. Suitors' Fund Amendment Bill 2017

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Suitors' Fund Act 1964*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

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

Question put and passed.

9. Suitors' Fund Amendment (Levy) Bill 2017

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Suitors' Fund Act 1964*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

Ms L. Mettam moved, That the debate be adjourned.
Question put and passed.

10. Appropriation (Recurrent 2016–17) Supplementary Bill 2017

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for recurrent payments made during the year ended 30 June 2017 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

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

Question put and passed.

11. Appropriation (Capital 2016–17) Supplementary Bill 2017

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for capital payments made during the year ended 30 June 2017 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

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

Question put and passed.

12. Ports Legislation Amendment Bill 2017

The Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Jetties Act 1926*; and
- the *Lights (Navigation Protection) Act 1938*; and
- the *Marine and Harbours Act 1981*; and
- the *Marine Navigational Aids Act 1973*; and
- the *Port Authorities Act 1999*; and
- the *Shipping and Pilotage Act 1967*; and
- the *Western Australian Marine Act 1982*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

13. First Home Owner Grant Amendment Bill 2017

The Order of the Day for the consideration in detail of Legislative Council Message No. 19 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the First Home Owner Grant Amendment Bill 2017 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 First Home Owner Grant Amendment Bill 2017

No. 1

New Clause 11A, page 5, after line 30 — To insert:

11A. Section 26 amended

In section 26 in the definition of *decision on the application*:

(a) in paragraph (d) delete “(3);” and insert:

(3); and

(b) after paragraph (d) insert:

(e) a requirement under section 52A(1) to pay an amount of legal costs incurred by the Commissioner.

No. 2

New Clause 12A, page 6, after line 17 — To insert:

12A. Section 30 amended

After section 30(5) insert:

(6) If, as the result of a decision on an objection, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —

(a) the amount of legal costs to be repaid;

(b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);

(c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 3

New Clause 12B, page 6, after line 17 — To insert:

12B. Section 32 amended

After section 32(4) insert:

(5) If, as the result of an application for a review of a decision, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —

(a) the amount of legal costs to be repaid;

- (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
- (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 4

Clause 15, page 8, line 15 — To insert after “pay the”:

reasonable

No. 5

Clause 15, page 8, after line 22 — To insert:

- (3) If the notice covers legal costs as defined in the *Legal Profession Act 2008* section 3 —
 - (a) the notice must include or be accompanied by a written statement setting out the applicant’s right under the *Legal Profession Act 2008* to apply for an assessment of those costs; and
 - (b) the Commissioner must not commence proceedings to recover those costs until at least 30 days after the date on which the notice is given to the applicant.

CONSIDERATION IN DETAIL

The Minister for Finance moved, That amendments Nos 1 to 5 be agreed to.

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

14. Questions

Questions without Notice were taken.

Questions on Notice Nos 2360 and 2361 were asked.

Questions on Notice Nos 2094, 2133, 2217, 2221, 2234, 2245, 2249, 2279, 2296, 2313 and 2354 were answered.

15. Speaker's Statement – Acknowledgement of the Chair

The Speaker reminded members about Standing Order 38, which states that members will acknowledge the Chair when entering and leaving the Chamber, and must not pass between the Chair and any member who is speaking unless it is unavoidable.

16. Additional Information

The Minister for Corrective Services provided additional information relating to Question on Notice No. 1972 from Mr Z.R.F. Kirkup.

Paper

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

By the Minister for Corrective Services –

Question on Notice No. 1972 – Additional Information to the question (1001).

17. Suspension of Standing Orders

Dr M.D. Nahan, 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 calls on the Procedure and Privileges Committee to investigate whether claims made by the Member for Darling Range regarding his education and service record amount to a contempt of Parliament.

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

“

, subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members

”.

Amendment put and passed.

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.

18. Member for Darling Range

Dr M.D. Nahan, pursuant to the foregoing motion, moved,

That this House calls on the Procedure and Privileges Committee to investigate whether claims made by the Member for Darling Range regarding his education and service record amount to a contempt of Parliament.

Debate ensued.

Question put.

The Assembly divided.

Ayes (12)

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

Mr A. Krsticevic
Mr S.K. L'Estrange
Mr W.R. Marmion
Mr J.E. McGrath

Dr M.D. Nahan
Mr D.C. Nalder
Mr K. O'Donnell
Ms L. Mettam (*Teller*)

Noes (38)

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 D.J. Kelly

Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
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
Ms M.M. Quirk

Mrs M.H. Roberts
Ms C.M. Rowe
Ms R. Saffioti
Ms A. Sanderson
Ms J.J. Shaw
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.

19. Variation to the Order of Business

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

20. First Home Owner Grant Amendment Bill 2017

The Order of the Day for further consideration in detail of Legislative Council Message No. 19 was read.

CONSIDERATION IN DETAIL

The Minister for Finance had moved, That amendments Nos 1 to 5 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Historical Homosexual Convictions Expungement Bill 2017

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 C.M. Rowe speaking) and adjourned until a later stage of the sitting.

22. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 17 be next considered.

23. First Parliamentary Year of the McGowan Government

Dr M.D. Nahan, pursuant to notice, moved,

That this House expresses concern over the failures of the McGowan Government in its first parliamentary year.

Debate ensued.

Debate interrupted by the Chair (Mr I.C. Blayney speaking) and adjourned until a later stage of the sitting.

24. Speaker's Statement – Correction to Explanatory Memorandum

The Acting Speaker advised members that the Explanatory Memoranda for the Ports Legislation Amendment Bill 2017, tabled on 29 November 2017, was in draft form. The Speaker authorised the Explanatory Memorandum for the bill to be replaced with the correct version of the document and for the website to be updated accordingly.

25. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.01 pm until Thursday, 30 November 2017 at 9.00 am.

Members present during any part of the day's proceedings – All the members except Mr P.A. Katsambanis, Mr D.T. Redman and Mr B. Urban.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly