

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 193

FIRST SESSION OF THE FORTIETH PARLIAMENT

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WEDNESDAY, 13 MAY 2020

**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

**2. Paper**

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

By the Clerk –

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Police; Road Safety in relation to Legislative Council Question on Notice 2846 part (A), from Hon. Alison Xamon (3388).

**3. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier acknowledging the Police response to an incident in South Hedland.

The Minister for Emergency Services on amendments to the *Emergency Management Act 2005*.

The Minister for Citizenship and Multicultural Interests on the death of Mrs Olga Ramasamy OAM, a former CEO of the Australian Asian Association of Western Australia.

The Minister for Veterans Issues on ANZAC Day 2020.

The Minister for Fisheries on the extension of the SMART Drumline trial until May 2021.

The Minister for Community Services on early childhood educators during the COVID-19 pandemic.

**4. Leave of Absence – Member for Pilbara**

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

That the member for Pilbara be given leave of absence from the Legislative Assembly until 16 June 2020 on account of the current pandemic.

Debate ensued.

Question put and passed.

## **5. Procurement Bill 2020**

The Minister for Finance, pursuant to notice, moved,

That a bill for “An Act to modernise the processes for Government procurement of goods, services and works.” 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.

Mr A. Krsticevic moved, That the debate be adjourned.

Question put and passed.

## **6. Children and Community Services Amendment Bill 2019**

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 (Minister for Water speaking) and adjourned until a later stage of the sitting.

## **7. Questions**

Questions without Notice were taken.

Questions on Notice Nos 6113 to 6120 were asked.

Questions on Notice Nos 6072, 6073, 6079 and 6080 were answered.

## **8. Variation to the Order of Business**

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

## **9. Children and Community Services Amendment Bill 2019**

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.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 10 agreed to.

Clause 11.

The Minister for Child Protection moved,

Page 10, line 2 – To delete the line and substitute:

“

- (1) In section 12(1) delete “arrangements.” and insert:

arrangements or interim orders made under section 133(2)(c).

- (2) In section 12(2):

- (a) after “Islander child,” insert:

or in making an interim order under section 133(2)(c) in relation to an Aboriginal child or a Torres Strait Islander child or in varying such an order,

- (b) delete paragraphs (c) and (d) and insert:

”.

Amendment put and passed.

Clause 11, as amended, agreed to.

Clauses 12 and 13 agreed to.

Clause 14.

The Minister for Child Protection moved,

Page 12, lines 12 to 18 – To delete the lines and substitute:

“

- (4AB) If the relevant officer for a public authority to which subsection (4AA) applies forms the opinion that the public authority cannot comply with a request under subsection (3) consistently with its duties and responsibilities or so as to not unduly prejudice the performance of its functions, the relevant officer must, at the request of the CEO, give the CEO written reasons for the opinion.

- (4AC) In subsection (4AB) —

*relevant officer*, for a public authority, means —

- (a) if the public authority is an entity referred to in paragraph (a), (b) or (c) of the definition of *public authority* in section 3 — the principal officer (however described) of that entity; or
- (b) if the public authority is a body referred to in paragraph (d) of the definition of *public authority* in section 3 — the principal officer (however described) of that body; or
- (c) if the public authority is the holder of an office, post or position referred to in paragraph (d) of the definition of *public authority* in section 3 — that holder.

”.

Amendment put and passed.

Clause 14, as amended, agreed to.

Clauses 15 to 29 agreed to.

Clause 30.

The Minister for Child Protection moved,

Page 22, lines 27 and 28 – To delete “taken to be replaced by a protection order (until 18) for the child.” and substitute:

“

revoked and replaced by a protection order (time-limited) in respect of the child on the day (*notification day*) on which the CEO gives the notice.

”.

Amendment put and passed.

The Minister for Child Protection moved,

Page 23, lines 1 to 10 – To delete the lines and substitute:

“

- (3) The protection order (time-limited) —

- (a) comes into force on notification day; and

- (b) for the purposes of Subdivision 4, is taken to specify the shorter of the following periods —
  - (i) the period of 2 years beginning on notification day;
  - (ii) the period beginning on notification day and ending on the day before the day on which the child reaches 18 years of age.
- (4) As soon as practicable after notification day, the CEO must give written notice of the protection order (time-limited) to the following —
  - (a) the child;
  - (b) each other party to the initial proceedings (other than the special guardian);
  - (c) each other person considered by the CEO to have a direct and significant interest in the wellbeing of the child.

”.

Amendment put and passed.

Clause 30, as amended, agreed to.

Clause 31 agreed to.

Clause 32.

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

#### **10. Variation to the Order of Business**

Ordered, That Private Members’ Business Notices of Motion Nos 15 and 16 be next considered.

#### **11. Referral to the Procedure and Privileges Committee**

Mr Z.R.F. Kirkup, pursuant to notice, moved,

That:

1. this House requests the Procedure and Privileges Committee to investigate, consider and report to the House at the earliest opportunity:
  - (1) whether the member for Kalamunda, in publishing a Facebook post that appeared on his Facebook page (screen shots of which were tabled in the Legislative Council on Friday, 17 April 2020):
    - (a) disclosed confidential deliberations of the Joint Standing Committee on the Corruption and Crime Commission (“JSCCCC”) without the authority of the JSCCCC;
    - (b) in a manner inconsistent with his position as a member of the JSCCCC:
      - (i) criticized the processes of the JSCCCC;
      - (ii) criticized the decision of a member of the JSCCCC; and
      - (iii) engaged in commentary on the failure of the JSCCCC to recommend the re-appointment of John McKechnie as the Commissioner of the Corruption and Crime Commission;

- (2) whether such actions amounts to a breach of privilege or contempt of Parliament and, if so, what action should be taken.

2. The Legislative Council be acquainted of this resolution.

Debate ensued.

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*Papers*

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

By the Attorney General –

Attorney General – Correspondence in relation to the appointment of Commissioner of the Corruption and Crime Commission, from Ms M.M. Quirk, Chair of the Joint Standing Committee on the Corruption and Crime Commission to Hon Mark McGowan, Premier of Western Australia (3389).

Attorney General – Email from Michael Murray in relation to the retirement of the Parliamentary Inspector (3390).

Attorney General – Email from Michael Murray in relation to the retirement of the Parliamentary Inspector (3391).

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*Question put.*

The Assembly divided.

*Ayes (15)*

Mr I.C. Blayney  
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 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  
Mr P.J. Rundle  
Mr A. Krsticevic (*Teller*)

*Noes (31)*

Dr A.D. Buti  
Mr J.N. Carey  
Ms J.M. Freeman  
Ms E.L. 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 S.A. Millman  
Mr Y. Mubarakai  
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 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.

## **12. Support for Small Businesses, Regional Communities and Households**

Mrs L.M. Harvey, pursuant to notice, moved,

That this House calls on the McGowan Government to provide greater support to small businesses, regional communities and struggling households to weather the COVID-19 crisis.

Debate ensued.

Debate interrupted by the Chair (Dr D.J. Honey speaking) and adjourned until a later stage of the sitting.

**13. Prisons Amendment Bill 2020**

Message No. 120 dated 13 May 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Prisons Amendment Bill 2020* 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 Prisons Amendment Bill 2020*

**No. 1**

Page 4, line 23 — To insert after “**blood**”:

**or other body**

**No. 2**

Page 5, lines 6 and 7 — To delete the lines and insert:

the purpose of having a blood or other body sample taken to test the sample for the presence of an infectious

**No. 3**

Page 5, line 11 — To delete “blood”

**No. 4**

Page 5, line 13 — To delete “blood”

**No. 5**

Page 5, line 18 — To delete “blood sample; and” and insert:

sample taken; and

**No. 6**

Page 5, line 24 — To delete “blood sample.” and insert:

sample taken.

**No. 7**

Page 5, after line 24 — To insert:

**46B. Review of s. 46A**

- (1) The Inspector of Custodial Services must review compliance with, and the operation and effectiveness of, section 46A, and prepare a report based on the

review, as soon as practicable after the 5<sup>th</sup> anniversary of the day on which the *Prisons Amendment Act 2020* section 12 comes into operation.

- (2) The Inspector of Custodial Services must furnish a copy of the report to the Minister as soon as practicable after it is prepared.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after the Minister receives it, but not later than 12 months after the 5<sup>th</sup> anniversary.

Ordered, That consideration in detail of Legislative Council Message No. 120 be made an Order of the Day for the next sitting of the Assembly.

#### **14. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 7.01 pm until Thursday, 14 May 2020 at 9.00 am.

*Members present during any part of the day's proceedings* – All the members except Mrs R.M.J. Clarke, Ms J. Farrer, Mr K.J.J. Michel and Mr M.P. Murray.

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

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