

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 112

FIRST SESSION OF THE FORTIETH PARLIAMENT

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THURSDAY, 21 FEBRUARY 2019

### 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 –

Attorney General; Minister for Commerce – Energy Safety Business Plan 2019–2020 and Explanatory Memorandum (2240).

Australian Children’s Education and Care Quality Authority – Annual Report 2017–2018 (2236).

Electronic Conveyancing Act 2014 – WA Operating Requirements Version 5 (2237).

Electronic Conveyancing Act 2014 – WA Participation Rules Version 5 (2238).

Minister for Housing; Veterans Issues; Youth; Asian Engagement – Report of Official Visit to Belgium, France and England 6 – 17 November 2018 (2239).

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Emergency Services on the new purpose-built Volunteer Bushfire Brigade sheds in the Great Southern region.

The Minister for Finance on ethical procurement for government.

The Minister for Citizenship and Multicultural Interests on International Mother Language Day.

The Minister for Defence Issues on the six Western Australian companies listed in the 2019 Australian Military Sales Catalogue.

### 4. Grievances

The Speaker called for grievances which were then made.

## 5. Variation to the Order of Business

Ordered, That Business of the Assembly Notice of Motion No. 1 be postponed to a later stage of the sitting.

## 6. Suspension of Standing Orders – Bills to Proceed Without Delay

The Minister for Police, on behalf of the Leader of the House, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to allow the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018* and the *Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2) 2018* to proceed through all remaining stages without delay between the stages.

Question put and passed.

## 7. Suspension of Standing Orders

Mrs L.M. Harvey, 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 –

1. condemns the Premier for:
  - a. using taxpayers money to travel to NSW for the primary purpose of attending a fundraising dinner for the NSW Labor Party; and
  - b. his attempts to cover up the trip by refusing to answer specific questions about his trip; and
2. calls on the Premier to pay Western Australian taxpayers back.

The Minister for Police moved, To add to the motion –

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Acting 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.

## 8. Premier's Travel

Mrs L.M. Harvey, pursuant to the foregoing motion, moved,

That this House –

1. condemns the Premier for:
  - a. using taxpayers money to travel to NSW for the primary purpose of attending a fundraising dinner for the NSW Labor Party; and
  - b. his attempts to cover up the trip by refusing to answer specific questions about his trip; and
2. calls on the Premier to pay Western Australian taxpayers back.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (17)

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 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.M. O'Donnell  
 Mr P.J. Rundle  
 Ms L. Mettam (*Teller*)

## Noes (31)

Ms L.L. Baker  
 Dr A.D. Buti  
 Mr J.N. Carey  
 Mrs R.M.J. Clarke  
 Mr R.H. Cook  
 Ms J.M. Freeman  
 Ms E.L. Hamilton  
 Mr T.J. Healy  
 Mr M. Hughes  
 Mr W.J. Johnston  
 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 D.T. Punch  
 Mrs M.H. Roberts  
 Ms R. Saffioti

Ms A. Sanderson  
 Ms J.J. Shaw  
 Mrs J.M.C. Stojkovski  
 Mr C.J. Tallentire  
 Mr P.C. Tinley  
 Mr R.R. Whitby  
 Ms S.E. Winton  
 Mr B.S. Wyatt  
 Mr D.R. Michael (*Teller*)

Question thus negatived.

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

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.

Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill 2018 read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 5 agreed to.

Clause 6.

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

**10. Members' Statements**

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

**11. Questions**

Questions without Notice were taken.

Questions on Notice Nos 4836 to 4841 were asked.

**12. 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 condemns the McGowan Government for its failure to deliver jobs, as promised, resulting in the highest unemployment rate in the nation and more Western Australians out of work than at any other time in our State's history.

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.

### 13. Unemployment Rate in Western Australia

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

That this House condemns the McGowan Government for its failure to deliver jobs, as promised, resulting in the highest unemployment rate in the nation and more Western Australians out of work than at any other time in our State's history.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (16)

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

#### Noes (34)

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

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 D.T. Punch  
Mr J.R. Quigley  
Mrs M.H. Roberts  
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.

### 14. Personal Explanation

The Attorney General made a personal explanation providing further information in respect of the Criminal Law Amendment (Intimate Images) Bill 2018.

## 15. Variation to the Order of Business

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

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

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

### *CONSIDERATION IN DETAIL*

Clause 6.

The Parliamentary Secretary to the Minister for Environment moved,

Page 16, lines 20 to 27 — To delete the lines and substitute:

“

- (2) The Minister may direct the Coordinator to act as a refund point operator in respect of a refund point —
  - (a) if —
    - (i) persons in part of the community do not have reasonable access to a refund point; and
    - (ii) the Coordinator has not identified another person with whom to enter into a refund point agreement to operate the refund point;
  - or
  - (b) if the achievement of the objects of this Part may be materially adversely affected without the provision of the refund point.

”.

Page 16, lines 28 to 30 — To delete the lines.

Page 30, after line 1 — To insert:

“

- (4) Regulations may deal with any matter in relation to the Minister’s approval under subsection (3)(a)(iv) and (e)(iv) and may (without limitation) deal with the grounds on which the Minister may refuse to approve a person.

”.

Page 31, after line 8 — To insert:

“

- (3) Regulations may deal with any matter in relation to the Minister’s power to attach conditions under subsection (1) or amend or revoke or attach new conditions under section 47ZQ(1)(a) and may (without limitation) deal with the content of a condition or amendment.

”.

Page 44, lines 10 to 17 — To delete the lines and substitute:

“

- (1) The Minister may —

- (a) give written directions to the Coordinator with respect to the performance of its functions under this or any other Act, either generally or in relation to a particular matter; and
  - (b) amend or revoke a direction given under paragraph (a).
- (2) Regulations may deal with any matter in relation to a power of the Minister under subsection (1) and may (without limitation) deal with —
- (a) the grounds on which the Minister may give, amend or revoke a direction; and
  - (b) the process that must be followed in relation to the giving, amending or revoking of a direction; and
  - (c) the content of a direction or amendment.

”.

Amendments put and passed.

Clause 6, as amended, agreed to.

Clauses 7 and 8 agreed to.

Title agreed to.

Consideration in detail concluded.

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

Question put and passed.

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

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

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

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

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

## **18. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 12 March 2019 at 2.00 pm.

Debate ensued.

Question put and passed.

**19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 4.47 pm until Tuesday, 12 March 2019 at 2.00 pm.

*Members present during any part of the day's proceedings* – All the members except Mr V.A. Catania, Ms M.M. Quirk, Mr D.T. Redman and Ms C.M. Rowe.

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

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