

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 201

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 16 JUNE 2020

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 Minister for Health providing an update on COVID-19 testing and active cases.

The Minister for Corrective Services on the resumption of prison services and operations.

The Attorney General paying tribute to the Hon Michael Murray QC AM on his retirement from public life.

The Minister for Seniors and Ageing on World Elder Abuse Awareness Day.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 6210 to 6243 were asked.

Questions on Notice Nos 6056, 6057, 6069, 6081, 6086 to 6090, 6103, 6104, 6106, 6109 to 6111, 6113 and 6115 to 6118 were answered.

Papers tabled by the Minister for Housing; Fisheries; Veterans Issues; Asian Engagement –

Question on Notice No. 6057 – List detailing total percentages of social housing in each metropolitan local government region from 2015 to 2019 (3443).

Question on Notice No. 6087 – List of social housing properties leased by the Department of Communities by accommodation type and region from 2015 to 2019 (3444).

4. Speaker's Statement – Member Surveys

The Speaker advised members that surveys seeking feedback on the performance of both the Legislative Assembly and the Parliamentary Services departments had been made available and that the results of

these surveys would appear in the departmental annual reports. The Legislative Assembly department had also added a one-page survey seeking feedback about its response to measures to COVID-19.

5. Petitions

Tourism Recovery Program – Mr D.T. Redman presented a petition from 91 people asking the Legislative Assembly to call on the Premier and the Minister for Tourism to amend the eligibility criteria of the Tourism Recovery Program to ensure small tourism businesses affected by COVID-19 are eligible to apply for the \$6,500 payment (P. 177).

Town of Cambridge Council – Mr S.K. L'Estrange presented a petition from 723 people asking the Legislative Assembly to order an independent review of the Department of Local Government's conduct of the Authorised Inquiry into the Town of Cambridge and require the Minister for Local Government to immediately table the Authorised Inquiry Report and to provide particulars of any allegations not addressed, and to extend the due date for the Council's response to the Show Cause Notice (P. 178).

Town of Cambridge Council – Mr S.K. L'Estrange presented a petition from 28 people asking the Legislative Assembly to order an independent review of the Department of Local Government's conduct of the Authorised Inquiry into the Town of Cambridge and require the Minister for Local Government to immediately table the Authorised Inquiry Report (P. 179).

6. Papers

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

By the Clerk –

Auditor General, Office of the – Opinion on Ministerial Notification, Report No. 23, May 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 May 2020) (3420).

Auditor General, Office of the – Opinion on Ministerial Notification, Report No. 24, June 2020 (3421).

Carers Advisory Council – Compliance Report 2018–2019 (3422).

Cat Act 2011 – Regulations (Cat Amendment Regulations (No. 3) 2020 G.G. 5/06/2020) (3423).

Commercial Tenancies (COVID-19 Response) Act 2020 – Regulations (Commercial Tenancies (COVID-19 Response) Regulations 2020 G.G. 29/05/2020) (3424).

Dog Act 1976 – Regulations (Dog Amendment Regulations (No. 2) 2020 G.G. 5/06/2020) (3425).

Energy Coordination Act 1994 – Regulations (Energy Coordination (Gas Tariffs) Amendment Regulations 2020 G.G. 12/06/2020) (3426).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2020 G.G. 09/06/2020) (3427).

Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2020 G.G. 09/06/2020) (3428).

Environmental Protection Act 1986 – Regulations (Environmental Protection (Controlled Waste) Amendment Regulations 2020 G.G. 09/06/2020) (3429).

Evidence Act 1906 – Regulations (Evidence (Prescribed Persons) Amendment Regulations 2020 G.G. 09/06/2020) (3430).

Financial Management Act 2006 – Financial Management (Net Appropriation) Strategic Alliance Fund Determination 2020 (3431).

First Home Owner Grant Act 2000; Taxation Administration Act 2003 – Regulations (Finance Regulations Amendment (Interest Rates) Regulations 2020 G.G. 09/06/2020) (3432).

Home Building Contracts Act 1991 – Regulations (Home Building Contracts Amendment Regulations 2020 G.G. 26/05/2020) (3433).

Local Government Act 1995 – Local Laws (City of Fremantle Cat Management Local Law 2020 G.G. 25/05/2020) (3434).

Local Government Act 1995 – Local Laws (City of Vincent Parking and Parking Facilities Amendment Local Law 2020 G.G. 5/06/2020) (3435).

Local Government Act 1995 – Local Laws (Shire of Northam Waste Local Law 2020 G.G. 2/06/2020) (3436).

Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court Rules Amendment Rules 2020 G.G. 28/05/2020) (3437).

Rail Safety National Law (WA) Act 2015 – Regulations (Rail Safety National Law (WA) Amendment Regulations 2020 G.G. 09/06/2020) (3438).

Registration of Deeds Act 1856; Strata Titles Act 1985; Transfer of Land Act 1893; Valuation of Land Act 1978 – Regulations (Lands Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 09/06/2020) (3439).

Road Traffic (Administration) Act 2008; Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012; Western Australian Marine Act 1982; Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2020 G.G. 09/06/2020) (3440).

Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic (Vehicles) Amendment Regulations (No. 3) 2020 G.G. 09/06/2020) (3441).

Western Australian Electoral Commission – Political Finance Annual Report – Report on the operation of Part VI of the Electoral Act 1907 for the period ended 30 June 2019 (3442).

7. Message from the Governor

Message No. 24 from His Excellency the Governor was reported assenting to the following bills –

Western Australian Future Fund Amendment (Future Health Research and Innovation Fund) Bill 2019, Act No. 22 of 2020.

Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020, Act No. 23 of 2020.

8. Notices of Motion

9. Suspension of Standing Orders

Mr Z.R.F. Kirkup, 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 requests the Procedure and Privileges Committee to inquire into and report to the House at the earliest opportunity:

- (a) whether the Attorney General, during his second reading reply speech on the Corruption, Crime and Misconduct Amendment Bill on 28 May 2020, made false and misleading statements to the Legislative Assembly relating to a laptop and other matters which are part of a Corruption and Crime Commission investigation;
- (b) whether the Attorney General revealed a covert Western Australia Police Force investigation in the course of his speech; and
- (c) whether such statements and disclosures amount to a breach of privilege or contempt of Parliament and, if so, what action should be taken.

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

“

, subject to the debate being limited to 30 minutes for government members and 30 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.

10. Referral to the Procedure and Privileges Committee

Mr Z.R.F. Kirkup, pursuant to the foregoing motion, moved,

That this House requests the Procedure and Privileges Committee to inquire into and report to the House at the earliest opportunity:

- (a) whether the Attorney General, during his second reading reply speech on the Corruption, Crime and Misconduct Amendment Bill on 28 May 2020, made false and misleading statements to the Legislative Assembly relating to a laptop and other matters which are part of a Corruption and Crime Commission investigation;
- (b) whether the Attorney General revealed a covert Western Australia Police Force investigation in the course of his speech; and
- (c) whether such statements and disclosures amount to a breach of privilege or contempt of Parliament and, if so, what action should be taken.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Mr I.C. Blayney
Mr V.A. Catania
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 J.E. McGrath
Ms L. Mettam

Dr M.D. Nahan
Mr D.C. Nalder
Mr K.M. O'Donnell
Mr D.T. Redman
Mr P.J. Rundle
Mr A. Krsticevic (*Teller*)

Noes (31)

Ms L.L. Baker
Dr A.D. Buti
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 K.J.J. Michel
Mr S.A. Millman
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 J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negatived.

11. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 26 September 2019 –

WA Country Health Service – Annual Report 2018–2019 (2861).

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Health –

12. Removal of Order of the Day

The Speaker advised that Private Members' Business Order of the Day, Election of the Morrison Government, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

13. Procurement Bill 2020

Message No. 125 dated 9 June 2020 from the Legislative Council was reported as follows –

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

No. 1

Clause 2, page 2, line 8 — To delete “proclamation.” and insert:

proclamation, and different days may be fixed for different provisions.

No. 2

Clause 14, page 10, after line 24 — To insert:

(1A) The Department CEO must, in connection with the management of the State's vehicle fleet under subsection (1)(e) —

- (a) minimise, so far as practicable, the net greenhouse gas emissions associated with the use of the vehicles in the fleet by maximising, so far as practicable, the fuel efficiency of those vehicles and offsetting the greenhouse gas emissions of those vehicles; and
- (b) report annually on the greenhouse gas emissions associated with the use of the vehicles in the fleet.

No. 3

Clause 40, page 32, line 31 — To delete “this Part” and insert:

section 41

No. 4

Clause 52, page 38, line 9 — To delete “transition day,” and insert:

the day on which this section comes into operation,

Ordered by leave, That Legislative Council Message No. 125 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Minister for Finance moved, That amendment Nos 1 to 4 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Legal Profession Uniform Law Application Bill 2020

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

Cognate Debate

Leave was granted to debate the Legal Profession Uniform Law Application (Levy) Bill 2020 in conjunction with the Legal Profession Uniform Law Application Bill 2020.

Debate resumed.

Question put and passed.

Legal Profession Uniform Law Application Bill 2020 read a second time.

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

The Attorney General 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.

15. Legal Profession Uniform Law Application (Levy) Bill 2020

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 Attorney General 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.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

17. Transport Legislation Amendment (Identity Matching Services) Bill 2020

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 26 agreed to.

Title agreed to.

Consideration in detail concluded.

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

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

Debate ensued.

Question put and passed.

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

18. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019

Message No. 126 dated 16 June 2020 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019* 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 Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2019.

No. 1

Clause 2, page 2, lines 9 to 12 — To delete the lines and insert:

- (b) Part 2 — on the day after assent day, but only the following provisions —
 - (i) Divisions 1 and 2;
 - (ii) Division 3 (but only section 87);
 - (iii) Division 4 (but only section 103);
- (c) sections 9 to 86, 88 and 89 and Part 3 — on a day fixed by proclamation;

No. 2

Clause 2, page 2, after line 14 — To insert:

- (2) However, if a provision of this Act does not come into operation before the end of the period of 10 years beginning on the assent day, the provision is repealed on the day after that period ends.

No. 3

Clause 8, page 5, lines 13 and 14 — To delete “Part 2 Division 3 comes” and insert:

sections 9 to 86, 88 and 89 come

No. 4

Clause 56, page 53, line 22 — To delete “Part 2 Division 3” and insert:

section 56

No. 5

Clause 87, page 120, line 12 — To insert after “report”:

under subsection (1)

No. 6

Clause 87, page 120, after line 15 — To insert:

- (3) The Minister must also review the operation and effectiveness of the amendments referred to in subsection (1), and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which section 87 of the amending Act comes into operation.
- (4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.
- (5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —
 - (a) the report has been prepared; and
 - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.
- (7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

No. 7

Clause 103, page 140, line 12 — To insert after “report”:

under subsection (1)

No. 8

Clause 103, page 140, after line 15 — To insert:

- (3) The Minister must also review the operation and effectiveness of Part 4 Division 3C Subdivision 2, and prepare a report based on the review, as soon as practicable after the 7th anniversary of the day on which the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2019* section 103 comes into operation.
- (4) The Minister must cause the report under subsection (3) to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 7th anniversary.
- (5) The Minister must transmit a copy of a report under subsection (1) or (3) to a Clerk of a House of Parliament if —
 - (a) the report has been prepared; and
 - (b) the Minister is of the opinion that the House will not sit during the period of 21 days after the finalisation of the report.
- (6) A copy of a report transmitted to the Clerk of a House is taken to have been laid before that House.

- (7) The laying of a copy of a report that is taken to have occurred under subsection (6) must be recorded in the Minutes, or Votes and Proceedings, of the House on the first sitting day of the House after the receipt of the copy by the Clerk.

No. 9

Clause 104, page 140, line 22 — To delete “Part 2 Division 4 comes” and insert:

sections 90 to 102, 104 and 105 come

Ordered by leave, That Legislative Council Message No. 126 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment Nos 1 to 9 be agreed to.

Amendments agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.54 pm until Wednesday, 17 June 2020 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr J.N. Carey, Ms M.J. Davies, Ms E.L. Hamilton, Mr Y. Mubarakai and Mr P.C. Tinley.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly