

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 145

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 15 AUGUST 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. Death of Hon George Strickland – a former Speaker of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret at the death of Hon George Strickland and tenders its deep sympathy to his family.

The motion was supported by Mrs L.M. Harvey, Mr D.T. Redman, Mrs M.H. Roberts, Mr A. Krsticevic, Ms M.M. Quirk, Mr J.E. McGrath, Mr J.R. Quigley, Mr D.R. Michael and the Speaker.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Economics and Industry Standing Committee– Terms of Reference

The Speaker advised that the Economics and Industry Standing Committee had resolved to inquire into matters relating to Western Australia's economic relationship with the Republic of India and will report by 27 August 2020.

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 – Fraud Prevention in Local Government, Report No. 5, August 2019 (2651).

Carers Advisory Council – Compliance Report 2017–2018 (2652).

Synergy – Statement of Corporate Intent 2019–2020 (2653).

5. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 20 September 2018 –

Busselton Water – Annual Report 2017–2018 (1775).

Paper

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

By the Speaker –

Busselton Water – Annual Report 2017–18, Version 2 (2654).

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the 70th Anniversary of the Geneva Convention.

The Minister for Corrective Services on the NAIDOC Male Elder of the Year, Greg Little.

The Minister for Sport and Recreation on the death of Graham ‘Polly’ Farmer.

The Minister for Aboriginal Affairs on the death of Ningali Lawford-Wolf.

The Minister for Energy on the establishment of Energy Policy WA, a new energy sub-department within the Department of Mines, Industry Regulation and Safety.

The Minister for Youth on International Youth Day 2019.

7. Grievances

The Speaker called for grievances which were then made.

8. 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 – Annual Report 2018–19, Report No. 6 (2655).

Mr S.K. L’Estrange and Mr D.T. Redman spoke on the report.

Sitting suspended from 12.02 pm to 12.39 pm.

Mr D.T. Redman concluded his remarks on the report.

9. Variation to the Order of Business

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

10. Suspension of Standing Orders – Small Business Development Corporation Amendment Bill 2019

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

That so much of the Standing Orders be suspended as is necessary to enable the *Small Business Development Corporation Amendment Bill 2019* to proceed forthwith to the third reading following consideration in detail.

Question put and passed.

11. Small Business Development Corporation Amendment Bill 2019

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

CONSIDERATION IN DETAIL

New Clause 4A.

Ms J.J. Shaw had moved,

Page 3, after line 17 – To insert:

“

4A. Section 11 amended

In section 11(2):

- (a) in paragraph (fc) delete “bodies —” and insert:
bodies and government entities —
- (b) in paragraph (fe) after “Minister” insert:
or any government entity

”.

Amendment withdrawn, by leave.

Clause 5.

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

12. Members' Statements

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

13. Speaker's Statement – Dr David Worth

The Speaker advised members that Dr David Worth, Principal Research Officer in the committee office, was retiring and thanked him for his more than 10 years of service with the Legislative Assembly.

14. Questions

Questions without Notice were taken.

Question on Notice No. 5197 was answered.

15. Matter of Public Interest – Communities of the Goldfields

The Speaker informed the Assembly that he was in receipt of a notice from Ms M.J. Davies that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Ms M.J. Davies moved,

That this House condemns the McGowan Government for its failure to support communities of the Goldfields, noting growing concerns about fly-in, fly-out work practices, workforce shortages and the lack of a comprehensive regional development plan for the region.

Debate ensued.

Question put.

The Assembly divided.

Ayes (15)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Mrs L.M. Harvey
Dr D.J. Honey

Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr J.E. McGrath

Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder
Mr D.T. Redman
Mrs A.K. Hayden (*Teller*)

Noes (35)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms J. Farrer
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 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 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 D.R. Michael (*Teller*)

Question thus negatived.

16. Economics and Industry Standing Committee – Extension of Reporting Date

The Acting Speaker advised that the Economics and Industry Standing Committee had resolved to extend its reporting date to the House on its inquiry into microgrids and associated technologies to 26 September 2019.

17. Variation to the Order of Business

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

18. Small Business Development Corporation Amendment Bill 2019

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

CONSIDERATION IN DETAIL

Clause 5.

Papers

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

By the Minister for Small Business –

Small Business, Minister for – Small Business Development Corporation Amendment Bill 2019, Policy Manual: dealing with complaints without merit (2656).

Small Business, Minister for – Small Business Development Corporation Amendment Bill 2019, Policy Manual: non-disclosure policy (2657).

Mrs A.K. Hayden moved,

Page 4, after line 20 – To insert:

“

(3) In performing the functions (the *investigatory functions*) referred

to in subsection (1)(b)(i) and (ea), the Commissioner must —

- (a) avoid duplicating the operations of any department of the Public Service that performs a function that wholly or partly overlaps with the investigatory functions; and
- (b) work cooperatively, as far as is possible, with departments of the Public Service to perform the investigatory functions.

”.

Amendment put and passed.

Clause 5, as amended, agreed to.

Clause 6.

Mrs A.K. Hayden moved,

Page 5, line 13 – To delete “copy.” and substitute:

“

copy, and, in any event, within 7 business days of the document or thing being produced to the Commissioner.

”.

Amendment put and passed.

Mrs A.K. Hayden moved,

Page 5, after line 13 – To insert:

“

(2A) In subsection (2) —

business day means a day other than —

- (a) a Saturday or Sunday; or
- (b) a public holiday throughout the State.

”.

Amendment put and passed.

Mrs A.K. Hayden moved,

Page 5, after line 25 – To insert:

“

(4A) Subsection (4) does not apply to —

- (a) a person appointed under the *Public Sector Management Act 1994* section 68 as a ministerial officer; and
- (b) a person occupying a special office created under the *Public Sector Management Act 1994* section 75(1); and
- (c) a person engaged under a contract for services under the *Public Sector Management Act 1994* section 100(1) to assist a political office holder (as defined in that Act).

”.

Amendment put.

The Assembly divided.

Ayes (12)

Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Dr D.J. Honey

Mr P.A. Katsambanis
Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr S.K. L'Estrange

Ms L. Mettam
Dr M.D. Nahan
Mr D.C. Nalder
Mrs A.K. Hayden (*Teller*)

Noes (32)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Ms J. Farrer
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 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 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
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Amendment thus negatived.

Mrs A.K. Hayden moved,

Page 6, after line 9 – To insert:

“

- (7) A prosecution for an offence against this section may not be commenced without the authorisation of the Commissioner.

”.

Amendment put and passed.

Clause 6, as amended, agreed to.

New Clause 6A.

Mrs A.K. Hayden moved,

Page 6, after line 26 – To insert:

“

6A. Section 14C amended

In section 14C(1) after “provision of this Act” insert:

(other than the power of the Commissioner to authorise the commencement of prosecutions under section 14BA(7))

”.

New Clause 6A agreed to.

Clauses 7 to 11 agreed to.

New Clause 12.

Mrs A.K. Hayden moved,

Page 9, after line 3 – To insert:

“

12. Part 6 heading replaced

Delete the heading to Part 6 and insert:

Part 6 — Miscellaneous

”.

New Clause 12 agreed to.

New Clause 13.

Mrs A.K. Hayden moved,

Page 9, after line 3 – To insert:

“

13. Section 24A inserted

After section 24 insert:

24A. Review of amendments made by *Small Business Development Corporation Amendment Act 2019*

- (1) The Minister must review the operation and effectiveness of the amendments made to this Act by the *Small Business Development Corporation Amendment Act 2019*, and prepare a report based on the review, as soon as practicable after the 2nd anniversary of the day on which the *Small Business Development Corporation Amendment Act 2019* section 3 comes into operation.
- (2) 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 2nd anniversary.

”.

New Clause 13 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Small Business 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.

19. Variation to the Order of Business

Ordered, That Business of the Assembly Order of the Day No. 1 be next considered.

20. 2019 Temporary Orders

The Order of the Day having been read for the resumption of debate on the amendment moved by Mr S.K. L'Estrange to the motion moved by the Leader of the House,

That the following temporary orders be adopted and commence from 19 March 2019 to the end of 2019 –

“

- (1) Standing Order 40 be amended by inserting the following sentence at the end of the Standing Order: “A stranger does not include a member’s baby being breastfed by that member.”

- (2) (a) The sections on ‘Motions’ and ‘Other Bills’ in Standing Order 101 be amended by –

(i) deleting “60” as the allocated time for the ‘Mover’, the ‘Premier or one member deputed’ and the ‘Leader of the Opposition or one member deputed’ and substituting “45”; and

- (b) The section on ‘Third reading’ under ‘Other Bills’ in Standing Order 101 be amended by deleting the words of the section and substituting the following –

“

Third reading —

Mover 30 minutes

Premier or one member deputed †30 minutes

Leader of the Opposition or one member deputed #30 minutes

Any other member 15 minutes

Mover in reply 30 minutes

† If not a Government bill

If not an Opposition bill

”.

- (3) (a) Standing Order 146 be amended by –

- (i) deleting “Four” and substituting “Five”; and
(ii) inserting the following sentence at the end of the Standing Order: “The fifth grievance will alternate between government and opposition each week.”; and

- (b) Standing Order 101 be amended by deleting “7” and substituting “6” in the section ‘Grievance debate (S.O. 146)’.

- (4) (a) Standing Order 147 be amended by deleting “Once” and substituting “Twice”, by deleting “six” and substituting “five”, and by deleting “90 seconds” and substituting “two minutes”; and

- (b) Standing Order 101 be amended by –

- (i) deleting “90 seconds” and substituting “2 minutes” in the section ‘Members’ statements (S.O. 147)’; and
(ii) deleting “Maximum of 6 members.” and substituting “Maximum of 5 members, twice weekly.”.

”.

Mr S.K. L’Estrange had moved,

In paragraph (3)(a)(ii), To delete the words “alternate between government and opposition each week” and substitute:

“ be allocated to the opposition each week ”.

The Leader of the House moved, That the Order of the Day be discharged.

Debate ensued.

Question put and passed.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 27 August 2019 at 2.00 pm.

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.55 pm until Tuesday, 27 August 2019 at 2.00 pm.

Members present during any part of the day's proceedings – All the members except Mr R.S. Love, Mr W.R. Marmion, Mr K.J.J. Michel, Mr D.T. Punch and Mr P.J. Rundle.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly