

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 110

FIRST SESSION OF THE FORTIETH PARLIAMENT

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TUESDAY, 19 FEBRUARY 2019

### 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 Police on 30 years of Constable Care.

The Minister for Culture and the Arts on the *Desert River Sea: Portraits of the Kimberley* exhibition at the Art Gallery of Western Australia.

The Minister for Veterans Issues on the restructure of the Veterans Advisory Council.

The Minister for Women's Interests on funding for Safer Venues WA.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4764 to 4827 were asked.

Question on Notice No. 4395 was answered.

### 4. 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 Premier and the McGowan Government for once again misleading the House and the people of Western Australia around the true nature of national security advice, or lack thereof, regarding the \$206 million Huawei Metronet contract.

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.

## 5. Huawei METRONET Contract

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

That this House condemns the Premier and the McGowan Government for once again misleading the House and the people of Western Australia around the true nature of national security advice, or lack thereof, regarding the \$206 million Huawei Metronet contract.

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 (34)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mr R.H. Cook  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. Hamilton  
Mr T.J. Healy  
Mr M. Hughes  
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 D.T. Punch  
Mr J.R. Quigley  
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.

## 6. Expiration of Notice of Motion

The Speaker advised members that Private Members' Business Notices of Motion Nos 1 to 6, notices of which were given on 20 February 2018 and renewed for a further 30 sitting days on 21 August 2018, have been removed and would not appear on the next Notice Paper.

## 7. Papers

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

Biosecurity Council of Western Australia – Annual Report 2017–2018 (2220).

Bush Fires Act 1954 – Local Laws (City of Mandurah Bush Fires Brigades Amendment Local Law 2018 G.G. 12/02/2019) (2221).

Cat Act 2011 – Local Laws (Shire of Bridgetown-Greenbushes Cats Local Law 2019 G.G. 12/02/2019) (2222).

Criminal Procedure Act 2004 – Regulations (Justice Regulations Amendment (Road Passenger Services) Regulations 2019 G.G. 12/02/2019) (2223).

Dangerous Sexual Offenders Act 2006 – Regulations (Dangerous Sexual Offenders Amendment Regulations 2019 G.G. 15/02/2019) (2224).

Fair Trading Act 2010 – Notices (Consumer Goods (Children's Nightwear and Limited Daywear and Paper Patterns for Children's Nightwear) Amendment Safety Standard 2019 G.G. 15/02/2019) (2225).

Fair Trading Act 2010 – Notices (Consumer Goods (Disposable Cigarette Lighters) Safety Standard 2019 G.G. 15/02/2019) (2226).

Fair Trading Act 2010 – Notices (Consumer Goods (Prams and Strollers) Amendment Safety Standard 2019 G.G. 15/02/2019) (2227).

Family Assistance and Child Support Legislation Amendment (Protecting Children) Act 2018 (Cth) – Annexure A (2228).

Professional Standards Act 1997 – Schemes (The Australian Computer Society Professional Standards Scheme (2019) G.G. 12/02/2019) (2229).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2019 G.G. 12/02/2019) (2230).

## **8. Notices of Motion**

### **9. Road Traffic Amendment (Blood Alcohol Content) Bill 2019**

The Minister for Road Safety, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* to remove the back calculation of blood alcohol content and to make minor amendments to —

- the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015*; and
- the *Road Traffic Legislation Amendment Act 2016*.” be introduced and read a first time.

Question put and passed.

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

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

Mr W.R. Marmion moved, That the debate be adjourned.

Question put and passed.

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

Ordered, That Government Business Order of the Day No. 3 be next considered.

### **11. Ports Legislation Amendment Bill 2017**

The Order of the Day for the consideration in detail of Legislative Council Message No. 75 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Ports Legislation Amendment Bill 2017* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendment made by the Legislative Council in the Ports Legislation Amendment Bill 2017.*

## **No. 1**

Clause 52, page 57, line 26 to page 63, line 10 — To delete the clause.

*CONSIDERATION IN DETAIL*

The Minister for Local Government moved, That amendment No. 1 be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**12. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018**

The Order of the Day for the consideration in detail of Legislative Council Message No. 72 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that in reply to Message No. 109 from the Legislative Assembly on the *Residential Tenancies Legislation Amendment (Family Violence) Bill 2018*, that the Legislative Council:

1. does not insist on its amendments Nos 1, 15 and 23;
2. insists on its amendments Nos 7 and 21; and
3. does not insist on, but has made alternative amendments in substitution for its amendments Nos 8 and 22, as set forth in the schedule annexed in which amendments the Legislative Council requests the concurrence of the Legislative Assembly.

*Schedule indicating the alternative amendments made in substitution for Legislative Council amendments Nos 8 and 22 in the Residential Tenancies Legislation Amendment (Family Violence) Bill 2018, in which amendments the Legislative Council requests the concurrence of the Legislative Assembly.*

**Amendment No. 8**

Amendment not insisted on, but substituted with the following amendment –

Clause 12, page 11, line 2 — To delete “so.” and insert:

so and, where restoration work has been undertaken by a tradesperson, must provide to the lessor a copy of that tradesperson’s invoice within 14 days of that work having been performed.

**Amendment No. 22**

Amendment not insisted on, but substituted with the following amendment –

Clause 35, page 34, line 32 — To delete “so.” and insert:

so and, where restoration work has been undertaken by a tradesperson, must provide to the park operator a copy of that tradesperson’s invoice within 14 days of that work having been performed.

*CONSIDERATION IN DETAIL*

The Minister for Prevention of Family and Domestic Violence moved, That amendment No. 7 be agreed to.

Amendment agreed to.

The Minister for Prevention of Family and Domestic Violence moved, That amendment No. 8, as substituted, be agreed to.

Amendment agreed to.

The Minister for Prevention of Family and Domestic Violence moved, That amendment No. 21 be agreed to.

Amendment agreed to.

The Minister for Prevention of Family and Domestic Violence moved, That amendment No. 22, as substituted, be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

### **13. Criminal Law Amendment (Intimate Images) Bill 2018**

The Order of the Day for the consideration in detail of Legislative Council Message No. 73 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Law Amendment (Intimate Images) Bill 2018* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendment made by the Legislative Council in the Criminal Law Amendment (Intimate Images) Bill 2018.*

#### **No. 1**

Clause 4, page 8, after line 29 — To insert:

#### **221BF. Review of amendments made by *Criminal Law Amendment (Intimate Images) Act 2018***

- (1) The Minister must review the operation and effectiveness of the amendments made to this Code, the *Restraining Orders Act 1997* and the *Working with Children (Criminal Record Checking) Act 2004* by the *Criminal Law Amendment (Intimate Images) Act 2018*, and prepare a report based on the review, as soon as practicable after the 3<sup>rd</sup> anniversary of the day on which the *Criminal Law Amendment (Intimate Images) Act 2018* section 4 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 3<sup>rd</sup> anniversary.

#### *CONSIDERATION IN DETAIL*

The Attorney General moved, That amendment No. 1 be agreed to.

Amendment agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

### **14. Bail Amendment (Persons Linked to Terrorism) Bill 2018**

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 12 agreed to.

Title agreed to.

Consideration in detail concluded.

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. Message from the Governor**

Message No. 2 from His Excellency the Governor was reported assenting to the Gender Reassignment Amendment Bill 2018, Act No. 1 of 2019.

**16. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.29 pm until Wednesday, 20 February 2019 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mrs R.M.J. Clarke, Mr W.J. Johnston, Ms M.M. Quirk and Mr D.T. Redman.

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

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