

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 207

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 11 AUGUST 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 Premier on the tabling of the Public Sector Commission's review into the Housing Authority.

Paper

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

By the Premier –

Premier – Department of Communities: Housing Authority Review, Public Sector Commission, June 2020 (3548).

The Minister for Corrective Services on the review of the post-sentence arrangements of Nicholas Faulkner.

Paper

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

By the Minister for Corrective Services –

Corrective Services, Minister for – Dangerous Sexual Offenders Review Committee Case Review: Mr Nicholas Rodney Troy Faulkner (alias McDonald), Department of Justice, June 2020 (3549).

The Minister for Local Government on the Report of the Inquiry into the City of Perth.

Paper

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

By the Minister for Local Government –

Local Government, Minister for – Report of the Inquiry into the City of Perth: An Inquiry under Part 8, Division 2 Local Government Act 1995, Government of Western Australia, June 2020 (3550).

The Attorney General recognising the legal representation of the State in its defence of Clive Palmer's border challenge.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 6325 to 6359 were asked.

Questions on Notice Nos 6014, 6126, 6130, 6134, 6152, 6175, 6177 to 6182, 6186 to 6192, 6194 to 6199, 6201, 6202, 6204, 6207, 6208, 6211 to 6215, 6217 to 6219, 6221, 6222, 6224 to 6246, 6250, 6251, 6254, 6256 to 6259, 6261, 6262, 6264, 6266 to 6268, 6270, 6271, 6273 to 6275, 6277 to 6282, 6284 to 6297, 6299 to 6301, 6303, 6305, 6306 and 6322 to 6324 were answered.

Papers tabled by the Minister for Mines and Petroleum; Energy –

Question on Notice No. 6196 – List detailing Family and Domestic Violence leave usage for the Western Australian Public Sector from 2018 to 2020 (3543).

Question on Notice No. 6261 – List detailing total supporting external and internal research expenditures for each department and agency under the Minister's portfolio of responsibilities from 2017 to 2021 (3544).

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

Question on Notice No. 6175 – List detailing the Public Housing wait list by dwelling need and status as at 31 May 2020 (3545).

Question on Notice No. 6284 – List detailing total number of staff within the Department of Fisheries from 13 March 2017 (3546).

Paper tabled by the Minister representing the Minister for Education and Training –

Question on Notice No. 6134 – List detailing staffing arrangements within each department and agency under the Minister's portfolio of responsibilities from 13 March 2017 (3547).

4. Joint Standing Committee on the Corruption and Crime Commission – Extension of Reporting Date

The Speaker advised that the Joint Standing Committee on the Corruption and Crime Commission had resolved to extend its reporting date to the House on its inquiry into the Western Australian Corruption and Crime Commission's oversight of police misconduct investigations to 24 September 2020.

5. Unanswered Questions on Notice

Mr V.A. Catania asked why no answers had been received in respect of his Questions on Notice Nos 6283, 6302, 6304, 6307 and 6308.

6. Petitions

Tourism Recovery Program – Mr D.T. Redman presented a petition from 100 people asking the Legislative Assembly to call on the Premier and Minister for Tourism to expand 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. 182).

Road Signage in Regional Western Australia – Mr V.A. Catania presented a petition from 2,585 people asking the Legislative Assembly to examine a range of road signage safety concerns, particularly in regional and remote WA, by way of a bi-partisan parliamentary committee (P. 183).

7. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 26 – 7 July 2020

Planning and Development Amendment Bill 2020, Act No. 26 of 2020.

No. 27 – 9 July 2020

Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019, Act No. 27 of 2020.

Residential Parks (Long-stay Tenants) Amendment Bill 2018, Act No. 28 of 2020.

High Risk Offenders Bill 2019, Act No. 29 of 2020.

Family Violence Legislation Reform Bill 2019, Act No. 30 of 2020.

8. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – 2019 Inspection of Wandoo Rehabilitation Prison (Received by the Speaker of the Legislative Assembly on 10 June 2020. Deemed tabled by the Acting Clerk of the Legislative Assembly on 13 July 2020) (3487).

By the Clerk –

Auditor General, Office of the – Opinion on Ministerial Notification – Agriculture Digital Connectivity, Report 2, July 2020 (Received by the Acting Clerk of the Legislative Assembly and deemed tabled on 30 July 2020) (3490).

Auditor General, Office of the – Regulation of Consumer Food Safety by Local Government Entities, Report No. 28, June 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 June 2020) (3486).

Auditor General, Office of the – Working with Children Checks – Managing Compliance, Report 1, July 2020 (Received by the Acting Clerk of the Legislative Assembly and deemed tabled on 15 July 2020) (3489).

Biosecurity and Agriculture Management Act 2007 – Determinations (Biosecurity and Agriculture Management Determination under s. 130 – Determined Rates 2020 G.G. 24/07/2020) (3491).

Caravan Parks and Camping Grounds Act 1995; Cat Act 2011; Dog Act 1976 – Regulations (Local Government Regulations Amendment (Payment Method) Regulations 2020 G.G. 30/06/2020) (3492).

Charitable Collections Act 1946 – Regulations (Charitable Collections Amendment Regulations 2020 G.G. 21/07/2020) (3493).

Children's Court of Western Australia Act 1988; Civil Judgments Enforcement Act 2004; Coroners Act 1996; District Court of Western Australia Act 1969; Evidence Act 1906; Fines, Penalties and Infringement Notices Enforcement Act 1994; Magistrates Court Act 2004; State Administrative Tribunal Act 2004; Supreme Court Act 1935 – Regulations (Attorney General Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 31/07/2020) (3494).

Combat Sports Act 1987 – Regulations (Combat Sports Amendment Regulations 2020 G.G. 03/07/2020) (3495).

Conservation and Land Management Act 1984 – Lease No. 2170/97 between the Department of Biodiversity Conservation and Attractions and Mr Duncan and Mrs Lylie Goldfinch for the purpose of a Waterhole in State Forest No. 21 near Ferndale Plantation 20 kilometres west of Greenbushes (3496).

Construction Industry Portable Paid Long Service Leave Act 1985 – Regulations (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2020 G.G. 30/06/2020) (3497).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to the recommendations of the Joint Standing Committee on the Corruption and Crime Commission’s Report No. 14: Red flags...red faces. Corruption risk in public procurement in Western Australia (3498).

Criminal Code Act Compilation Act 1913 – Regulations (Criminal Code (Infringement Notices) Amendment Regulations 2020 G.G. 03/07/2020) (3499).

Criminal Investigation (Covert Powers) Act 2012 – Annual Report pursuant to Section 76(1) under the Act by the Department of Primary Industries and Regional Development – Assumed Identities 1 July 2019 to 30 June 2020 (3500).

Criminal Investigation (Covert Powers) Act 2012 – Report pursuant to section 103(1) under the Act by the Department of Primary Industries and Regional Development – Witness Identity Protection Certificates 1 July 2019 to 30 June 2020 (3501).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations 2020 G.G. 30/06/2020) (3502).

Curtin University Act 1966 – By-laws (Land and Traffic By-laws 2020 G.G. 24/07/2020) (3503).

Curtin University Act 1966 – Notices (Statute No. 12 – Admission and Enrolment G.G. 24/07/2020) (3504).

Curtin University Act 1966 – Notices (Statute No. 5 – Election of Council Members G.G. 24/07/2020) (3505).

Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994 – Regulations (Mines and Petroleum Regulations Amendment (COVID-19 Response) Regulations 2020 G.G. 29/06/2020) (3506).

Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994 – Regulations (Mines and Petroleum Regulations Amendment (COVID-19 Response) Repeal Regulations 2020 G.G. 29/06/2020) (3507).

Dangerous Goods Safety Act 2004; Mines Safety and Inspection Act 1994; Mining Act 1978; Offshore Minerals Act 2003; Petroleum (Submerged Lands) Act 1982; Petroleum (Submerged Lands) Registration Fees Act 1982; Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967; Petroleum and Geothermal Energy Resources Act 1967; Petroleum Pipelines Act 1969 – Regulations (Mines and Petroleum Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020) (3508).

Dog Act 1976 – Local Laws (Shire of Collie Dogs Local Law 2020 G.G. 04/08/2020) (3509).

Dog Act 1976 – Regulations (Dog Amendment Regulations (No. 3) 2020 G.G. 30/06/2020) (3510).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments 2020 G.G. 26/06/2020) (3511).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations (No. 2) 2020 G.G. 07/07/2020) (3512).

Fair Trading Act 2010 – Notices (Treasury Laws Amendment (Acquisition as Consumer – Financial Thresholds) Regulations 2020 G.G. 17/07/2020) (3513).

Fair Trading Act 2010 – Regulations (Fair Trading (Fitness Industry Interim Code) Regulations 2020 G.G. 23/06/2020) (3514).

Financial Management Act 2006 – Section 82 Notice from the Minister for Forestry in relation to not providing an answer to question (2)(b) of Legislative Council Question Without Notice 586 (Received by the Acting Clerk of the Legislative Assembly and deemed tabled on 14 July 2020) (3488).

Food Act 2008; Health (Miscellaneous Provisions) Act 1911; Human Reproductive Technology Act 1991; Radiation Safety Act 1975; Tobacco Products Control Act 2006 – Regulations (Health Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020) (3515).

Government Employees Superannuation Board – Statement of Corporate Intent 2020–2021 (3516).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 4) 2020 G.G. 30/06/2020) (3517).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations (No. 2) 2020 G.G. 26/06/2020) (3518).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2020 G.G. 31/07/2020) (3519).

Land Surveyors Licensing Board of Western Australia – Annual Report 2019 (3520).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 2) 2020 G.G. 07/07/2020) (3521).

Mining Act 1978 – Regulations (Mining Amendment (COVID-19 Response) Regulations 2020 G.G. 30/06/2020) (3522).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 2) 2020 G.G. 17/07/2020) (3523).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 4) 2020 G.G. 17/07/2020) (3524).

Motor Vehicle Repairers Act 2003 – Regulations (Motor Vehicle Repairers Amendment Regulations 2020 G.G. 21/07/2020) (3525).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment (COVID-19 Response) Regulations 2020 G.G. 29/06/2020) (3526).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment (COVID-19 Response) Repeal Regulations 2020 G.G. 29/06/2020) (3527).

Official Travel – Report of Overseas Air Travel undertaken by Ministers, Parliamentary Secretaries and Government Officers on Official Business for the Three Months Ended 31 March 2020 (3528).

Private Hospitals and Health Services Act 1927 – Regulations (Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2020 G.G. 10/07/2020) (3529).

Professional Standards Act 1997 – Schemes (The Association of Consulting Surveyors National Professional Standards Scheme (2020) G.G. 26/06/2020) (3530).

Road Traffic (Administration) Act 2008; Road Traffic (Authorisation to Drive) Act 2008; Road Traffic (Vehicles) Act 2012 – Regulations (Transport Regulations Amendment (Road Passenger Services) Regulations 2020 G.G. 24/06/2020) (3531).

Road Traffic (Authorisation to Drive) Act 2008; Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Document Replacement) Regulations 2020 G.G. 28/07/2020) (3532).

Road Traffic Act 1974 – Regulations (Road Traffic (Events on Roads) Amendment Regulations 2020 G.G. 23/06/2020) (3533).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations 2020 G.G. 26/06/2020) (3534).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations 2020 G.G. 17/07/2020) (3535).

School Education Act 1999 – Regulations (School Education Amendment Regulations (No. 2) 2020 G.G. 30/06/2020) (3536).

Supreme Court Act 1935 – Notices (Rule of Court 2021 – Sittings and Winter Vacation for 2021 G.G. 28/07/2020) (3537).

Transport (Road Passenger Services) Act 2018 – Regulations (Transport (Road Passenger Services) Regulations 2020 G.G. 24/06/2020) (3538).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2020 G.G. 30/06/2020) (3539).

Water Services Act 2012 – Regulations (Water Services Regulations Amendment (Fees and Charges) Regulations 2020 G.G. 26/06/2020) (3540).

Western Australian Meat Industry Authority Act 1976 – Regulations (Western Australian Meat Industry Authority Amendment Regulations 2020 G.G. 07/07/2020) (3541).

Western Australian Planning Commission – Improvement Plan No. 51: Ocean Reef Marina, December 2019 (3542).

9. Notices of Motion

10. Notices of Motion Lapsed

The Deputy Speaker advised that Private Members' Business Notices of Motion Nos 11 and 12 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

11. Removal of Orders of the Day

The Deputy Speaker advised that Private Members' Business Orders of the Day, Government Fees and Expenditure and Western Australia Country Medical Services, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

12. Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020

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

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.
Question put and passed.

13. Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable an urgent bill that is very much in the State's interest to be introduced into the Parliament without notice, first read, and for the Attorney General to make his second reading speech.

The Minister for Mines and Petroleum moved, That the question be now put.

Question put and passed.

On the question, That the motion 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 to be carried with the concurrence of an absolute majority of the whole number of members of the House.

14. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020

The Attorney General, pursuant to the foregoing motion, moved,

That a bill for "An Act to amend the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002*." be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

15. Variation to the Order of Business

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

16. Workers' Compensation and Injury Management Amendment (COVID-19 Response) 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 7 agreed to.

Clause 8 put and negatived.

New Clause 8.

The Minister for Industrial Relations moved,

Page 6, after line 28 – To insert:

“

8. Section 93M deleted

Delete section 93M.

”.

New Clause 8 agreed to.

New Clause 8A.

The Minister for Industrial Relations moved,

Page 6, after line 28 – To insert:

“

8A. Section 93N amended

- (1) In section 93N(1) delete “6 months after the day that would have been the termination day had there been no extension under section 93M(4),” and insert:

18 months after the day on which a claim for compensation by way of weekly payments is made by a worker,

- (2) After section 93N(1) insert:

- (1A) In subsection (1) —

claim for compensation by way of weekly payments means a claim for compensation by way of weekly payments for total or partial incapacity that has been made on an employer in accordance with section 178(1)(b).

- (3) In section 93N(4) delete “not later than 8 weeks before the termination day”.

”.

New Clause 8A agreed to.

New Clause 8B.

The Minister for Industrial Relations moved,

Page 6, after line 28 – To insert:

“

8B. Section 93O deleted

Delete section 93O.

”.

New Clause 8B agreed to.

Clauses 9 to 11 agreed to.

Clause 12.

The Minister for Industrial Relations moved,

Page 8, lines 1 and 2 – To delete the lines.

Amendment put and passed.

Clause 12, as amended, agreed to.

Clauses 13 to 15 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Industrial Relations 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.

17. Public Health Amendment (COVID-19 Response) Bill 2020

The Minister for Health, pursuant to the COVID-19 Temporary Order, moved,

That a bill for “An Act to amend the *Public Health Act 2016* in response to the COVID-19 pandemic.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 16 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Health 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. Messages from the Governor

Messages from His Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –

Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020 (Message No. 29).

COVID-19 Response and Economic Recovery Omnibus Bill 2020 (Message No. 28).

19. COVID-19 Response and Economic Recovery Omnibus Bill 2020

The Minister for Planning, pursuant to the COVID-19 Temporary Order, moved,

That a bill for “An Act –

- to provide for the amelioration of problems and impediments arising from the emergency response to the COVID-19 pandemic; and
- to facilitate aspects of the economic recovery from the emergency response to the pandemic; and

- to make related amendments to various Acts; and
- to validate certain actions taken immediately before, during or following the state of emergency declared in relation to the pandemic on 16 March 2020; and
- for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

20. Notice of Motion after the Time Prescribed

The Leader of the House was granted leave to give a late notice of motion.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Wednesday, 12 August 2020 at 1.00 pm.

Debate ensued.

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 11.37 pm until Wednesday, 12 August 2020 at 1.00 pm.

All Members present during part of the day's proceedings.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly