

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 209

FIRST SESSION OF THE FORTIETH PARLIAMENT

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THURSDAY, 13 AUGUST 2020

### 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. Petition

Wavecrest Village and Tourist Park – Mr P.J. Rundle presented a petition from 62 people asking the Legislative Assembly to order the Department of Health's Environmental Health Directorate to investigate complaints about the offensive sewage odour around homes at Wavecrest Village and Tourist Park and to ensure the area is decontaminated and made safe (P. 185).

### 3. Papers

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

By the Clerk –

Land Administration Act 1997 – Proposal: Submission No. 7/2020 under the Act for the excision from Class A Reserve 1669 for inclusion into Kindergarten site and road dedication, City of Nedlands (3560).

Planning and Development Act 2005 – Ministerial Direction to the State Administrative Tribunal on application for Review (DR 166 of 2020) in accordance with section 246(2)(a) of the Act (3559).

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Leader of the House on the 2020 Budget and Estimates timetable.

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#### *Paper*

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

By the Leader of the House –

Leader of the House – 2020 Parliament of Western Australia Sitting Calendar, Revised (3561).

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The Minister for Heritage on the death of Hon Michael Murray AM QC.

The Minister for Small Business on the PIVOT Program designed by the Small Business Development Corporation to support the State's small business operators.

The Minister for Community Services on Homelessness Week 2020.

The Minister for Innovation and ICT on the draft Digital Inclusion Blueprint.

## **5. Grievances**

The Deputy Speaker called for grievances which were then made.

## **6. Community Development and Justice Standing Committee**

Mr P.A. Katsambanis, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – Opening doors to justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia, Report No. 8 (3562).

Community Development and Justice Standing Committee – Opening doors to justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia, Report No. 8, Submissions (3563).

Mr M.J. Folkard, Mr D.T. Punch, Mr S.K. L'Estrange and Ms L. Mettam spoke on the report.

## **7. Joint Standing Committee on the Commissioner for Children and Young People**

Mr K.M. O'Donnell, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Commissioner for Children and Young People, Joint Standing Committee on the – From words to action: Fulfilling the obligation to be child safe, Report No. 5 (3564).

Commissioner for Children and Young People – From words to action: Fulfilling the obligation to be child safe, Report No. 5, Submissions (3565).

Mrs J.M.C. Stojkovski spoke on the report.

## **8. Education and Health Standing Committee – Change of Membership**

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

That the member for Moore be discharged from the Education and Health Standing Committee and the member for Geraldton be appointed in his place.

Debate ensued.

Question put and passed.

## **9. Electoral Amendment Bill 2020**

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

That so much of the Standing Orders be suspended as is necessary to enable the *Electoral Amendment Bill 2020* to proceed through all remaining stages without delay between the stages.

Debate ensued.

Question put and passed.

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

The Order of the Day for the consideration in detail of Legislative Council Message No. 134 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) 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 Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020*

#### **No. 1**

Clause 2, page 2, after line 7 — To insert:

- (b) sections 3 and 15A – on the day after this Act receives the Royal Assent;

#### **No. 2**

Clause 2, page 2, after line 9 — 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 day on which this Act receives the Royal Assent, the provision is repealed on the day after that period ends.

#### **No. 3**

New Clause 15A, page 9, after line 25 — To insert:

#### **314B. Review of Act**

- (1) The Minister must review the operation and effectiveness of this Act, and prepare a report based on the review –
  - (a) as soon as practicable after the 5<sup>th</sup> anniversary of the day on which the *Workers' Compensation and Injury Management Amendment (COVID-19 Response) Bill 2020* section 15A comes into operation; and
  - (b) after that, at intervals of not more than 5 years.
- (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 5<sup>th</sup> anniversary or the expiry of the period of 5 years, as the case may be.
- (3) The Minister must transmit a copy of the report to the 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.
- (4) A copy of the report transmitted to the Clerk of a House is taken to have been laid before that House.
- (5) The laying of a copy of a report that is taken to have occurred under subsection (4) 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.

*CONSIDERATION IN DETAIL*

The Minister for Industrial Relations moved, That amendments No 1 to 3 be agreed to.  
 Amendments agreed to.  
 Consideration in detail concluded and the Legislative Council acquainted accordingly.

**11. Electoral Amendment Bill 2020**

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.  
 Debate resumed.  
 Debate interrupted by the Chair (Dr M.D. Nahan speaking) and adjourned until a later stage of the sitting.

**12. Members' Statements**

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

**13. Questions**

Questions without Notice were taken.

*Paper*

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

Premier – Letter dated 13 August 2020 from the State Solicitor in relation to the arbitration before Mr McHugh AC QC, Mineralogy Pty. Ltd. & Anor v State of Western Australia (3566).

Questions on Notice Nos 6362 and 6363 were asked.

Questions on Notice Nos 6167, 6168, 6223, 6276 and 6308 were answered.

**14. Procedure and Privileges Committee – Extension of Reporting Date**

The Speaker advised that the Procedure and Privileges Committee had extended its reporting date to the House on its inquiry into the Legislative Assembly's response to the COVID-19 pandemic to 19 November 2020 and invited members to make a submission to the inquiry.

**15. Matter of Public Interest – Worker Shortage in Regional Western Australia**

The Speaker informed the Assembly that he was in receipt of a notice from Mr V.A. Catania that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr V.A. Catania moved,

That this House notes the critical skilled and unskilled worker shortage affecting regional Western Australia and calls on the State Government to introduce immediate measures to address short-term challenges affecting businesses and key industries from operating.

Debate ensued.

Question put.

The Assembly divided.

*Ayes (15)*

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.T. Redman  
 Mr A. Krsticevic (*Teller*)

## Noes (32)

Ms L.L. Baker  
 Dr A.D. Buti  
 Mr J.N. Carey  
 Mr R.H. Cook  
 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 D.T. Punch

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 P.C. Tinley  
 Mr R.R. Whitby  
 Mr D.R. Michael (*Teller*)

Question thus negated.

## 16. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

## 17. Electoral Amendment Bill 2020

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

### *Paper*

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

By the Attorney General –

Attorney General – Explanation of the justification of the expenditure caps in the Electoral Amendment Bill 2020 (3567).

Question put.

The Assembly divided.

## Ayes (31)

Ms L.L. Baker  
 Dr A.D. Buti  
 Mr J.N. Carey  
 Mr R.H. Cook  
 Ms J. Farrer  
 Ms J.M. Freeman  
 Mr T.J. Healy  
 Mr M. Hughes  
 Mr W.J. Johnston  
 Mr D.J. Kelly  
 Mr F.M. Logan

Mr R.S. Love  
 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  
 Mr D.T. Redman  
 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 P.C. Tinley  
 Mr R.R. Whitby  
 Ms S.E. Winton  
 Mr D.R. Michael (*Teller*)

## Noes (8)

Dr D.J. Honey  
 Mr Z.R.F. Kirkup  
 Mr S.K. L'Estrange

Mr W.R. Marmion  
 Ms L. Mettam  
 Dr M.D. Nahan

Mr D.C. Nalder  
 Mr A. Krsticevic (*Teller*)

Question thus passed.

Bill read a second time.

## CONSIDERATION IN DETAIL

Clause 1 agreed to.

Clause 2.

Question put.

The Assembly divided.

## Ayes (29)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mr R.H. Cook  
Ms J. Farrer  
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 S.A. Millman  
Mr Y. Mubarakai  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr J.R. Quigley  
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 P.C. Tinley  
Mr R.R. Whitby  
Ms S.E. Winton  
Mr D.R. Michael (*Teller*)

## Noes (10)

Dr D.J. Honey  
Mr Z.R.F. Kirkup  
Mr S.K. L'Estrange  
Mr R.S. Love

Mr W.R. Marmion  
Ms L. Mettam  
Dr M.D. Nahan  
Mr D.C. Nalder

Mr D.T. Redman  
Mr A. Krsticevic (*Teller*)

Clause 2 thus agreed to.

Clauses 3 to 14 agreed to.

Clause 15.

Question put.

The Assembly divided.

## Ayes (27)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Ms J. Farrer  
Ms J.M. Freeman  
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 C.M. Rowe

Ms R. Saffioti  
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*)

## Noes (10)

Dr D.J. Honey  
Mr Z.R.F. Kirkup  
Mr S.K. L'Estrange  
Mr R.S. Love

Mr W.R. Marmion  
Ms L. Mettam  
Dr M.D. Nahan  
Mr D.C. Nalder

Mr D.T. Redman  
Mr A. Krsticevic (*Teller*)

Clause 15 thus agreed to.

Clauses 16 to 20 agreed to.

Clause 21 put and negatived.

New Clause 21.

The Attorney General moved,

Page 20, after line 16 – To insert:

“

**21. Section 175ZD amended**

- (1) In section 175ZD(1) delete “corporate, or in respect of any amount recoverable from such a party under section 175LH(4), 175LI(2) or 175R(5),” and insert:

corporate

- (2) Delete section 175ZD(2).

”.

New Clause 21 agreed to.

Clauses 22 to 25 agreed to.

Title agreed to.

Consideration in detail concluded.

The Attorney General 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. COVID-19 Response and Economic Recovery Omnibus 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*

Clause 1.

*Sitting suspended from 8.14 pm to 8.26 pm.*

Clauses 1 to 106 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Planning 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. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2020**

Message No. 135 dated 13 August 2020 from the Legislative Council was reported agreeing to the bill without amendment.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 10.38 pm until Tuesday, 18 August 2020 at 2.00 pm.

*Members present during any part of the day's proceedings* – All the members except Mrs R.M.J. Clarke, Ms M.J. Davies, Ms M.M. Quirk and Mr B.S. Wyatt.

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

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