

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 41

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 21 NOVEMBER 2017

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Death of David Donald Reid - a former Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret at the death of Mr David Donald Reid and tenders its deep sympathy to his family.

The motion was supported by Dr M.D. Nahan, Ms M.J. Davies, Mr D.T. Redman, Ms L. Mettam and Mr W.R. Marmion.

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

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the Public Sector Commission's review into the Forensic Biology Department of PathWest.

Paper

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

By the Minister for Health –

Public Sector Commission – Review of the PathWest Forensic Biology Department (966).

The Minister for Road Safety on the Road Ribbon for Road Safety Campaign.

The Minister for Emergency Services on the recent rescue of a young boy by the Department of Fire and Emergency Services.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 2357 and 2358 were asked.

Questions on Notice Nos 1824, 2095 to 2101, 2103, 2104, 2106, 2108 to 2111, 2117, 2120 to 2122, 2125, 2126, 2128 to 2132, 2134, 2139 to 2141, 2145 to 2149, 2151 to 2154, 2167, 2173, 2187, 2189 to 2193, 2196 to 2198, 2200 to 2202, 2204 to 2206, 2208 to 2210, 2212, 2214 to 2216, 2218, 2223 to 2230, 2232, 2236 to 2238, 2240, 2242 to 2244, 2246, 2251 to 2255, 2257, 2259 to 2261, 2263, 2266, 2268 to 2272, 2274, 2276 to 2278, 2280, 2283, 2285 to 2289, 2291, 2293 to 2295, 2297, 2300, 2302 to 2306, 2310 to 2312, 2314, 2317 and 2319 to 2321 were answered.

Paper tabled by the Treasurer –

Question on Notice No. 2101 – Table detailing Treasury Corporation accounts which hold previously approved Royalties for Regions Funds on behalf of regional proponents (963).

Paper tabled by the Minister for Fisheries –

Question on Notice No. 2197 – Breakdown of the Shark Deterrent Rebate Scheme by postcode (964).

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

Question on Notice No. 2201 – Breakdown of projects funded under the Local Projects Local Jobs program by suburb in the metropolitan area under the Minister's portfolio of responsibilities (965).

5. Unanswered Questions on Notice

The following members asked why no answer had been received in respect of their Questions on Notice –

Mrs L.M. Harvey – Questions on Notice Nos 2102, 2105, 2107, 2112 to 2116, 2118, 2119, 2123, 2124 and 2142 to 2144.

Mr V.A. Catania – Question on Notice No. 2150.

6. Procedure and Privileges Committee

Ms L.L. Baker, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Report No. 1: Acknowledgement of Country (967).

7. Petitions

Western Australian Cemeteries – Petitions requesting that the Legislative Assembly move to halt the redevelopment of Western Australian cemeteries, to restrict the further removal of funerary monuments at those cemeteries and press the government to take urgent steps to establish new cemeteries to meet the needs for future interments were presented by –

Mr W.R. Marmion from 30 persons (P. 28); and

Mr W.R. Marmion from 1,568 persons (P. 30).

Lemnos Street Bushland – Mr W.R. Marmion presented a petition from 53 persons requesting that the Legislative Assembly call on the Minister for Transport; Planning; Lands to direct Landcorp to desist from clearing the Lemnos Street Bushland and to develop an alternative proposal for that site that retains and rehabilitates the bushland and to request the Western Australian Planning Commission to amend the approved plan to reflect the new proposal (P. 29).

8. Papers

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

By the Clerk –

- Administrator National Health Funding Pool – Annual Report 2016–2017 (948).
- Australian Health Practitioner Regulation Agency – Annual Report 2016–2017 (949).
- Betting Control Act 1954 – Regulations (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2017 G.G. 10/11/2017) (950).
- Conservation and Parks Commission – Annual Report 2016–2017 (951).
- Disability Services Commission – Progress Report 2016–2017 (952).
- Electricity Act 1945 – Regulations (Electricity (Licensing) Amendment Regulations (No. 2) 2017 G.G. 14/11/2017) (953).
- Government Employees Superannuation Board – Statement of Corporate Intent 2017–2018 (954).
- Horizon Power – Statement of Corporate Intent 2017–2018 (955).
- Insurance Commission of Western Australia – Statement of Corporate Intent 2017–2018 (956).
- Local Government Act 1995 – Local Laws (City of Cockburn (Local Government Act) Amendment Local Law 2017 G.G. 07/11/2017) (957).
- Local Government Act 1995 – Local Laws (City of Cockburn Parking and Parking Facilities Amendment No. 2 Local Law 2017 G.G. 07/11/2017) (958).
- Local Government Act 1995 – Local Laws (Town of Cottesloe Local Government Property Amendment Local Law 2017 G.G. 14/11/2017) (959).
- National Health Funding Body – Annual Report 2016–2017 (960).
- National Health Practitioner Ombudsman and Privacy Commissioner – Annual Report 2016–2017 (961).
- Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations 2017 G.G. 14/11/2017) (962).

9. Notices of Motion

10. Message from the Governor

Message No. 22 from Her Excellency the Governor was reported assenting to the following bills –

- Appropriation (Recurrent 2017–18) Act 2017, Act No. 11 of 2017.
- Appropriation (Capital 2017–18) Bill 2017, Act No. 12 of 2017.

11. First Home Owner Grant Amendment Bill 2017

Message No. 19 dated 9 November 2017 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *First Home Owner Grant Amendment Bill 2017* 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 First Home Owner Grant Amendment Bill 2017

No. 1

New Clause 11A, page 5, after line 30 — To insert:

11A. Section 26 amended

In section 26 in the definition of *decision on the application*:

- (a) in paragraph (d) delete “(3);” and insert:

(3); and

- (b) after paragraph (d) insert:

- (e) a requirement under section 52A(1) to pay an amount of legal costs incurred by the Commissioner.

No. 2

New Clause 12A, page 6, after line 17 — To insert:

12A. Section 30 amended

After section 30(5) insert:

- (6) If, as the result of a decision on an objection, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
 - (a) the amount of legal costs to be repaid;
 - (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
 - (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 3

New Clause 12B, page 6, after line 17 — To insert:

12B. Section 32 amended

After section 32(4) insert:

- (5) If, as the result of an application for a review of a decision, an amount of legal costs paid by an applicant is to be repaid to the applicant, the following amounts are payable to the applicant —
 - (a) the amount of legal costs to be repaid;

- (b) any interest paid by the applicant in respect of a written arrangement approved by the Commissioner under section 52 that relates to an amount referred to in paragraph (a);
- (c) interest at the prescribed rate on the amounts payable to the applicant under paragraphs (a) and (b) from the date the amount was paid by the applicant to the date approved for the repayment.

No. 4

Clause 15, page 8, line 15 — To insert after “pay the”:

reasonable

No. 5

Clause 15, page 8, after line 22 — To insert:

- (3) If the notice covers legal costs as defined in the *Legal Profession Act 2008* section 3 —
 - (a) the notice must include or be accompanied by a written statement setting out the applicant’s right under the *Legal Profession Act 2008* to apply for an assessment of those costs; and
 - (b) the Commissioner must not commence proceedings to recover those costs until at least 30 days after the date on which the notice is given to the applicant.

Ordered, That consideration in detail of Legislative Council Message No. 19 be made an Order of the Day for the next sitting of the Assembly.

12. School Curriculum and Standards Authority Amendment Bill 2017

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

Urgent Bill

The Minister for Tourism moved, That the School Curriculum and Standards Authority Amendment Bill 2017 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 7 agreed to.

Clause 8.

The Minister for Tourism moved,

Page 7, lines 19 to 21 — To delete the lines and substitute:

“

- (6) The regulations may prescribe procedures relating to the disclosure of information under this section that the Board must comply with.

”

Amendment put and passed.

Clause, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

13. Adjournment

The Deputy Premier moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 10.22 pm until Wednesday, 22 November 2017 at 12 noon.

Members present during any part of the day's proceedings – All the members except Ms S. McGurk, Ms A. Sanderson and Mr B. Urban.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly