

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 192

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 12 MAY 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 release by the State Government of its ‘roadmap’ for reducing restrictions and building a COVID-19 safe economy for Western Australia.

The Premier on the State Government’s approach to leading and organising the recovery from the COVID-19 pandemic.

The Minister for Health providing an update on COVID-19 cases in Western Australia.

The Minister for Health on the International Year of the Nurse and Midwife.

The Minister for Aboriginal Affairs on his recent visit to the State Pandemic Coordination Centre to meet with members of the Complex Task Team established to respond to issues impacting remote Aboriginal communities during the COVID-19 pandemic.

The Minister for Police on the four Victorian Police Officers killed on duty.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 6106 to 6112 were asked.

Questions on Notice Nos 6015, 6042, 6045, 6059, 6065, 6068, 6070, 6071, 6074 and 6082 to 6085 were answered.

Paper tabled by the Deputy Premier; Minister for Health; Mental Health –

Question on Notice No. 6042 – Table listing contact between the Minister and Ministerial staff and CGM Communications since October 2017 (3383).

Paper tabled by the Minister for Energy –

Question on Notice No. 6083 – Table detailing total number of staff, contractors, consultants and relevant expenditures of the Government Trading Enterprises under the minister's portfolio of responsibilities for the years 2016 to 2019 (3384).

Paper tabled by the Minister for Transport –

Question on Notice No. 6070 – Former Liberal-National Government's Minister for Transport summary of information in relation to the Tonkin Highway extension (3385).

Paper tabled by the Minister for Water –

Question on Notice No. 6015 – Table listing Department of Water and Environmental Regulation Rural Water Planning projects and expenditures as at 4 May 2020 (3386).

4. Additional Information

The Premier provided additional information relating to Question on Notice No. 6024 from Mrs L.M. Harvey.

Paper

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

By the Premier –

Premier – Amended answer to Question on Notice No. 6024 (3387).

5. Petition

Lot 1 (16) Sunlander Drive Currambine – Mr M.J. Folkard presented a petition from 5,268 people asking the Legislative Assembly to review and overturn the decision of the City of Joondalup to rezone Lot 1 (16) Sunlander Drive Currambine from Residential to Commercial and Mixed Use (P. 175).

6. Messages from the Governor

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

No. 13 – 20 April 2020

Lotteries Commission Amendment (COVID-19 Response) Bill 2020, Act No. 15 of 2020

Pay-roll Tax Relief (COVID-19 Response) Bill 2020, Act No. 16 of 2020.

Local Government Amendment (COVID-19 Response) Bill 2020, Act No. 17 of 2020.

No. 14 – 23 April 2020

Residential Tenancies (COVID-19 Response) Bill 2020, Act No. 18 of 2020.

Commercial Tenancies (COVID-19 Response) Bill 2020, Act No. 19 of 2020.

7. 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 Casuarina Prison, Report 129, March 2020 (3352).

Inspector of Custodial Services, Office of the – 2019 Inspection of Roebourne Regional Prison, Report 128, March 2020 (3351).

By the Clerk –

Agricultural Produce Commission Act 1988 – Regulations (Agricultural Produce (Beekeeping Industry) Amendment Regulations 2020 G.G. 24/04/2020) (3353).

Auditor General, Office of the – Audit Results Report (3354).

Auditor General, Office of the – Control of Monies Held for Specific Purposes, Report No. 19, April 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 April 2020) (3348).

Auditor General, Office of the – Local Government Contract Extensions and Variations and Ministerial Notice Not Required, Report No. 20, May 2020 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 May 2020) (3349).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations 2020 G.G. 17/04/2020) (3355).

Building Act 2011 – Regulations (Building Amendment Regulations (No. 3) 2020 G.G. 24/04/2020) (3356).

Bush Fires Act 1954 – Local Laws (Shire of Plantagenet Bush Fire Brigade Local Law 2020 G.G. 22/04/2020) (3357).

Cemeteries Act 1986 – Local Laws (Shire of Plantagenet Cemeteries Local Law 2020 G.G. 22/04/2020) (3358).

Control of Vehicles (Off-road Areas) Act 1978 – Regulations (Control of Vehicles (Off-road Areas) Amendment Regulations 2020 G.G. 17/04/2020) (3359).

Corruption and Crime Commission – Report into misconduct risks with access to confidential information in the Office of the Auditor General (Received by the Clerk of the Legislative Assembly and deemed tabled on 23 April 2020) (3347).

Criminal Procedure Act 2004 – Rules (Criminal Procedure Amendment Rules 2020 G.G. 08/05/2020) (3360).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2020 G.G. 17/04/2020) (3361).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Police; Road Safety in relation to Legislative Council Question on Notice 2753 part (D), from the Hon. Martin Aldridge (3362).

Land Administration Act 1997 – Proposal: Submission No. 3/2020 under the Act for an excision from Class A Reserve 27004 Kalbarri National Park for dedication as part of North West Coastal Highway (3363).

Liquor Control Act 1988 – Regulations (Liquor Control (Jigalong Restricted Area) Amendment Regulations 2020 G.G. 24/04/2020) (3364).

Local Government Act 1995 – Local Laws (City of Perth Outdoor Dining Amendment Local Law 2019 G.G. 24/04/2020) (3365).

Local Government Act 1995 – Local Laws (Shire of Plantagenet Extractive Industries Local Law 2020 G.G. 22/04/2020) (3366).

Local Government Act 1995 – Local Laws (Shire of Plantagenet Repeal Local Law 2020 G.G. 22/04/2020) (3367).

Local Government Act 1995 – Local Laws (Shire of Plantagenet Standing Orders Local Law 2020 G.G. 22/04/2020) (3368).

Local Government Act 1995 – Local Laws (Town of Bassendean Animals, Environment, Nuisance and Pests Local Law 2019 G.G. 28/04/2020) (3369).

Local Government Act 1995 – Orders (Local Government (COVID-19 Response) Order 2020 G.G. 08/05/2020) (3370).

Local Government Act 1995 – Regulations (Local Government (Functions and General) Amendment Regulations 2020 G.G. 08/05/2020) (3371).

Local Government Act 1995 – Regulations (Local Government (Parking for People with Disabilities) Amendment Regulations 2020 G.G. 24/04/2020) (3372).

Lotteries Commission Act 1990 – Rules (Lotteries Commission Rules Amendment (COVID-19 Response) Rules 2020 G.G. 05/05/2020) (3373).

Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2020 G.G. 05/05/2020) (3374).

Minister for Child Protection; Women's Interests; Prevention of Family Violence; Community Services – Ministerial Direction under the Carers Recognition Act 2004 regarding changes to the 2019–20 compliance reporting process (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 May 2020) (3350).

Professional Standards Act 1997 – Schemes (The Western Australian Bar Association Professional Standards Scheme (2020) G.G. 24/04/2020) (3375).

Public Health Act 2016 – Regulations (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2020 G.G. 24/04/2020) (3376).

Soil and Land Conservation Act 1945 – Regulations (Soil and Land Conservation Amendment Regulations 2020 G.G. 01/05/2020) (3377).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations (No. 3) 2020 G.G. 24/04/2020) (3378).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2020 G.G. 17/04/2020) (3379).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Quarter Ended 31 March 2020 (3380).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Town of Bassendean Waste Local Law 2019 G.G. 28/04/2020) (3381).

Western Australian Treasury Corporation – Quarterly Report for the Quarter Ended 31 March 2020 (3382).

8. Messages from the Governor

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

Arts and Culture Trust Bill 2020 (Message No. 15).

Environmental Protection Amendment Bill 2020 (Message No. 16).

Appropriation (Recurrent 2018–19) Supplementary Bill 2020 (Message No. 17).

Appropriation (Capital 2018–19) Supplementary Bill 2020 (Message No. 18).

Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2020 (Message No. 19).

Legal Profession Uniform Law Application Bill 2020 (Message No. 20).

9. Notices of Motion

10. Removal of Order of the Day

The Acting Speaker advised that Private Members' Business Order of the Day, Management of the Economy, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Temporary Order – Divisions

The Leader of the House, pursuant to paragraph 3 (a) of the COVID-19 Temporary Orders, moved,

That, until the parties agree and advise the Speaker this method of voting is no longer required, the following Temporary Order in relation to divisions applies –

- (1) Standing Orders 137 to 141 read as follows:

Calling a division

- 137.** (1) A member may call for a division after the Speaker has announced an opinion on the voices as to whether the 'Ayes' or 'Noes' have it, but not after the Speaker confirms that opinion to the Assembly.

- (2) A member who calls for a division will vote with those who, in the opinion of the Speaker, were in the minority.
- (3) Where the Speaker forms the view that an absolute majority may be required, the Speaker will advise the House accordingly and require a division of the Assembly.

Member may cancel call for division

138. If a member accidentally calls for a division, the call for a division may be cancelled if the member brings it to the attention of the Speaker prior to the completion of the ringing of the bells. The division will then be called off by the Speaker who will again announce an opinion on the voices.

Procedure for division

139. When a division has been called for —

- (1) Strangers will withdraw from the Chamber.
- (2) The Speaker will state the question and direct members to exit the Chamber and re-enter through the door behind the Speaker's Chair.
- (3) The Speaker will direct the 'Ayes' to pass to the right of the Chair and be marked off as they pass by a Clerk at the Clerk's Table and the 'Noes' to pass to the left of the Chair and be marked off as they pass by a Clerk at the Clerk's Table.
- (4) The Speaker will appoint at least one Teller for each side.
- (5) The Speaker will order the division bells to be rung for two minutes.
- (6) After passing the Clerk's Table members will either resume their seat or leave the Chamber.
- (7) After the two minutes have expired, voting will continue until either the Tellers agree and advise the Speaker that all members present have voted or until a period of one minute has elapsed from the last member to record a vote.
- (8) After counting the votes the Tellers will sign their respective list, and the Speaker will declare the result of the division.

Error in tally

140. If there is confusion or error in the numbers reported, unless they can be corrected, the Speaker will conduct another division.

Speaker's casting vote

141. In the event of an equality of votes, the Speaker may give a casting vote.

- (2) Standing Orders are suspended accordingly to the extent necessary to effect these arrangements.

Debate ensued.

Speaker's Statement – Temporary Order – Divisions

The Acting Speaker advised members that the motion had been moved under the Temporary Order in relation to COVID-19 and that in accordance with paragraph 3(a) of that Temporary Order, the Speaker had confirmed that after consultation with the party leaders or their representatives, the Speaker had dispensed with the requirement for giving notice for this motion.

On the question, That the motion be agreed to,
Question put and passed.

12. Mandatory Testing (Infectious Diseases) Amendment (COVID-19 Response) Bill 2020

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

That a bill for “An Act to amend the *Mandatory Testing (Infectious Diseases) Act 2014* in response to the COVID-19 pandemic.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Police 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.

13. Suspension of Standing Orders

Ms M.J. Davies, 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 calls on the State Government to provide a financial support package for tourism businesses in the Mid West, Gascoyne, Pilbara, Kimberley and Goldfields-Esperance regions impacted by extended intrastate regional border restrictions.

The Leader of the House moved, To add to the motion –

“

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Acting 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.

14. Tourism in Regional Western Australia

Ms M.J. Davies, pursuant to the foregoing motion, moved,

That this House calls on the State Government to provide a financial support package for tourism businesses in the Mid West, Gascoyne, Pilbara, Kimberley and Goldfields-Esperance regions impacted by extended intrastate regional border restrictions.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Mr I.C. Blayney
 Mr V.A. Catania
 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 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.C. Nalder
 Mr K.M. O'Donnell
 Mr D.T. Redman
 Mr P.J. Rundle
 Mr A. Krsticevic (*Teller*)

Noes (33)

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

Question thus negatived.

15. Building and Construction Industry Training Fund and Levy Collection 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.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 9 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Tourism 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.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 8.08 pm until Wednesday, 13 May 2020 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer, Mr K.J.J. Michel and Ms A. Sanderson.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly