

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 71

FIRST SESSION OF THE FORTIETH PARLIAMENT

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TUESDAY, 19 JUNE 2018

### 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 Statement

A Brief Ministerial Statement was made by –

The Minister for Veterans Issues on the 90<sup>th</sup> Anniversary of Legacy WA.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 3294 to 3295 were asked.

Questions on Notice Nos 3065, 3081 and 3083 to 3099 were answered.

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Paper tabled by the Treasurer; Minister for Finance; Energy; Aboriginal Affairs –

Question on Notice No. 3097 – Correspondence from the Department of Finance relating to the Pensioner Review held on 10 March 2017 (1419).

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### 4. Petitions

Community Resource Centres – Mr P.J. Rundle presented a petition from 114 persons requesting that the Legislative Assembly call upon the Premier Mark McGowan to ensure adequate funding to support the ongoing operation of all Community Resource Centres, without reducing service delivery (P. 90).

Proposed Liquor Store in Huntingdale – Mr T.J. Healy presented a petition from 161 persons requesting that the Legislative Assembly ensures that the development application for a liquor store at Lot 424 Pipit Close, Huntingdale is not granted (P. 91).

Community Resource Centres – Mr R.S. Love presented a petition from 10 persons requesting that the Legislative Assembly call upon the Premier Mark McGowan to ensure adequate funding to support the ongoing operation of all Community Resource Centres, without reducing service delivery (P. 92).

## 5. Papers

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

By the Clerk –

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 2018 G.G. 15/06/2018) (1403).

Control of Vehicles (Off-road Areas) Act 1978 – Regulations (Control of Vehicles (Off-road Areas) Amendment Regulations 2018 G.G. 15/06/2018) (1404).

Environmental Protection Act 1986 – Regulations (Environmental Protection (Plastic Bags) Regulations 2018 G.G. 12/06/2018) (1405).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations (No. 2) 2018 G.G. 12/06/2018) (1406).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Ngari Capes Marine Park) Joint Authority Order 2018 [1336] G.G. 15/06/2018) (1407).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Ngari Capes Marine Park) Order 2018 [1254] G.G. 15/06/2018) (1408).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order (No. 5) 2018 G.G. 12/06/2018) (1409).

Health Services Act 2016 – Regulations (Health Services (Conduct and Traffic) Amendment Regulations 2018 G.G. 12/06/2018) (1410).

Housing Act 1980 – Regulations (Housing Amendment Regulations 2018 G.G. 12/06/2018) (1411).

Land Tax Assessment Act 2002 – Regulations (Land Tax Assessment Amendment Regulations 2018 G.G. 12/06/2018) (1412).

Lotterywest – Statement of Corporate Intent 2018–2019 (1413).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 2) 2018 G.G. 12/06/2018) (1414).

Planning and Development Act 2005 – Ministerial Order under section 76 (1) of the Act to the City of Nedlands in relation to proposed Amendment 212 of Town Planning Scheme No. 2 (Received by the Clerk of the Legislative Assembly and deemed tabled on 15 June 2018) (1402).

Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations 2018 G.G. 12/06/2018) (1415).

Registration of Deeds Act 1856, Strata Titles Act 1985, Transfer of Land Act 1893, Valuation of Land Act 1978 – Regulations (Lands Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 15/06/2018) (1416).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations (No. 2) 2018 G.G. 12/06/2018) (1417).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (Colleges) Amendment Regulations 2018 G.G. 12/06/2018) (1418).

## 6. Notices of Motion

### 7. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### 8. Matter of Public Interest – Darling Range Electorate

The Speaker informed the Assembly that he was in receipt of a notice from Dr M.D. Nahan that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Dr M.D. Nahan moved,

That this House condemns the McGowan Government for failing to budget for or start infrastructure projects in the electorate of Darling Range, including the Tonkin Highway Extension, Byford Rail Line and Mundijong Industrial Estate, despite handing down two State Budgets and funding being provided by the Commonwealth Government.

Debate ensued.

The Minister for Transport moved, To delete all words after “House”, and to insert the following words –

“ notes the McGowan Government will deliver job-creating infrastructure in the electorate of Darling Range, including the METRONET Byford Rail Extension, the Denny Avenue Level Crossing Removal, the Tonkin Highway extension, the West Mundijong Industrial Estate and the new Primary School in Byford after eight and a half years of neglect by the previous Liberal National Government.

”.

Debate ensued.

Amendment put.

The Assembly divided.

#### Ayes (38)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
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 K.J.J. Michel  
Mr S.A. Millman  
Mr M.P. Murray  
Mrs L.M. O’Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
Ms M.M. Quirk  
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*)

#### Noes (17)

Mr I.C. Blayney  
Mr V.A. Catania  
Mrs L.M. Harvey  
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 D.T. Redman  
Mr P.J. Rundle  
Ms L. Mettam (*Teller*)

Amendment thus passed.

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

Question put.

The Assembly divided.

## Ayes (38)

Ms L.L. Baker  
 Dr A.D. Buti  
 Mr J.N. Carey  
 Mrs R.M.J. Clarke  
 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 K.J.J. Michel  
 Mr S.A. Millman  
 Mr M.P. Murray  
 Mrs L.M. O'Malley  
 Mr P. Papalia  
 Mr S.J. Price  
 Mr D.T. Punch  
 Mr J.R. Quigley  
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 Ms S.E. Winton  
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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. O'Donnell  
 Mr D.T. Redman  
 Mr P.J. Rundle  
 Ms L. Mettam (*Teller*)

Question thus passed.

## 9. Suspension of Standing Orders

Mr V.A. Catania, 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 McGowan Government for today refusing to table the Local Participation Plan for Woodside's Bay Village, despite taking credit in a 1 June 2018 Media Statement for "launching" the document.

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 Acting 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.

## 10. Local Participation Plan for Woodside's Bay Village

Mr V.A. Catania, pursuant to the foregoing motion, moved,

That this House condemns the McGowan Government for today refusing to table the Local Participation Plan for Woodside's Bay Village, despite taking credit in a 1 June 2018 Media Statement for "launching" the document.

Debate ensued.

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*Paper*

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

Premier – Woodside Energy: Local Participation Plan – Bay Village (1420).

Question put.

The Assembly divided.

Question put.

The Assembly divided.

#### Ayes (16)

Mr I.C. Blayney  
Mr V.A. Catania  
Mrs L.M. Harvey  
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 D.T. Redman  
Mr P.J. Rundle  
Ms L. Mettam (*Teller*)

#### Noes (36)

Dr A.D. Buti  
Mrs R.M.J. Clarke  
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 K.J.J. Michel  
Mr S.A. Millman  
Mr M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Mr J.R. Quigley  
Ms M.M. Quirk  
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 negated.

### 11. Education and Care Services National Law (WA) Amendment 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for a later stage of the sitting.

### 12. Local Government Amendment (Suspension and Dismissal) Bill 2018

The Order of the Day for the further consideration in detail of the bill was read.

#### CONSIDERATION IN DETAIL

Clauses 15 to 23 agreed to.

New Clause 23A.

The Minister for Local Government moved,

Page 21, after line 4 – To insert:

“

**23A. Section 8.29 amended**

After section 8.29(4) insert:

- (5) Despite Part 5 Division 8 —
- (a) while a council member is suspended that member is not entitled to be paid any fee or allowance to which they would otherwise be entitled to be paid under Part 5 Division 8; and
  - (b) if a local government pays an annual allowance or annual fee under Part 5 Division 8 to the member in advance then section 5.102AB applies in respect of that member as if the member had, during the period of suspension, ceased to hold the office to which the allowance or fee relates.

”.

New Clause 23A agreed to.

Clause 24.

The Minister for Local Government moved,

Page 22, after line 10 – To insert:

“

- (4) Despite Part 5 Division 8 —
- (a) while a council member is suspended that member is not entitled to be paid any fee or allowance to which they would otherwise be entitled to be paid under Part 5 Division 8; and
  - (b) if a local government pays an annual allowance or annual fee under Part 5 Division 8 to the member in advance then section 5.102AB applies in respect of that member as if the member had, during the period of suspension, ceased to hold the office to which the allowance or fee relates.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 25 to 27 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. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 1 be next considered.

**14. Education and Care Services National Law (WA) Amendment Bill 2018**

The Order of the Day for the consideration in detail of the bill was read.

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

The Minister for Community Services 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. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.09 pm until Wednesday, 20 June 2018 at 12.00 pm.

*Members present during any part of the day's proceedings* – All the members except Ms M.J. Davies, and Mr Y. Mubarakai.

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

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