

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 176

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 10 NOVEMBER 2015

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on a decision at the 6 November 2015 Council of Australian Governments Health Council Meeting to move towards including paramedics in the National Registration Accreditation Scheme.

The Minister for Road Safety on the appointment of Mr Kim Papalia as Western Australia's first Road Safety Commissioner.

The Minister for Local Government on the Governor's Order for the merger of the Shire of Narrogin and Town of Narrogin, which was gazetted on 30 October 2015.

The Minister for Transport on the State's railcar fleet and the commitment to an additional \$243 million on railcar orders.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4689 to 4707 were asked.

Questions on Notice Nos 4527, 4574, 4575, 4577 to 4579, 4581, 4586, 4616 and 4675 were answered.

4. Additional Information

The Minister for Planning provided additional information relating to Question without Notice No. 912 from Ms R. Saffioti.

5. Speaker's Statement – Appointment of an Acting Speaker

The Speaker advised members that he had appointed the member for Geraldton as an Acting Speaker from Tuesday, 10 November 2015 to Thursday, 19 November 2015.

6. Petitions

Drug and Alcohol Support Services – Dr G.G. Jacobs presented a petition from 266 persons requesting the Legislative Assembly to direct resources to create a detox unit at Esperance Hospital, an on-call acute mental health service at Esperance Hospital and to increase drug and alcohol counselling services in the community (P. 311).

Public Schools Staffing and Funding – Mr C.J. Tallentire presented a petition from 68 persons requesting the Legislative Assembly to call on the Barnett Government to protect public schools and students from the funding and staffing cuts that are currently occurring (P. 312).

Perth Freight Link: Roe Highway Extension – Mr F.M. Logan presented a petition from 49 persons requesting the Legislative Assembly to call on the Barnett Government to reverse their decision to allow the Roe Highway Extension (eastern end of the Perth Freight Link) to go ahead and to allocate the funding awarded to this project to other alternative solutions to freight transfer issues (P. 313).

Perth Freight Link: Roe Highway Extension – Mr F.M. Logan presented a petition from 44 persons requesting that the Legislative Assembly calls on the Barnett Government to reverse the decision to allow the Roe 8 Highway (eastern end of the Perth Freight Link) to go ahead and to support requests by the residents of the City of Cockburn, the sons and daughters of the AWAS women and the RSL City of Cockburn sub branch to preserve, and not destroy this site (P. 314).

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 – Announced Inspection of Boronia Pre-Release Centre for Women (Received by the Clerk of the Legislative Assembly on 29 September 2015 and held for a period of thirty days) (3562).

Inspector of Custodial Services, Office of the – Annual Report 2014–2015 (Received by the Clerk of Legislative Assembly on 22 September 2015 and held for a period of thirty days in accordance with the Act and deemed tabled on 23 October 2015) (3555).

By the Clerk –

Architects Board of Western Australia – Annual Report 2014–2015 (3563).

Auditor General, Office of the – Information Systems Audit Report, Report 23: November 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 November 2015) (3560).

Betting Control Act 1954, Casino Control Act 1984, Gaming and Wagering Commission Act 1987, Liquor Control Act 1988, Racing and Wagering Western Australia Act 2003, Racing Penalties (Appeals) Act 1990 – Regulations (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2015 G.G. 6/11/2015) (3564).

CBD Court Project Contract – Annual Report 2014–2015 (3565).

Conservation and Land Management Act 1984 – Lease No. 2318/100 Between the Department of Parks and Wildlife and Guildford Grammar School for the Purposes of an Outdoor Education Camp Within Moondyne Precinct, Part of Avon Valley National Park Reserve No. 50853 (3566).

Conservation and Land Management Act 1984 – Lease No. 2319/100 Between the Department of Parks and Wildlife and Guildford Grammar School for the Purposes of an Outdoor Education Camp Within Stronghills Farm, Part of Avon Valley National Park Reserve No. 51385 (3567).

Corruption and Crime Commission – Report on Operation Aviemore: Major Crime Squad Investigation into the Unlawful Killing of Mr Joshua Warneke, 5 November 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 November 2015) (3561).

Dog Act 1976 – Local Laws (City of Armadale Dogs Amendment Local Law 2015 G.G. 23/10/2015) (3568).

Economic Regulation Authority – Inquiry into the Efficiency and Performance of Western Australian Prisons, Final Report: 8 October 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 November 2015) (3558).

Economic Regulation Authority – Inquiry into the Efficiency and Performance of Western Australian Prisons, Prison Benchmarking Manual: 8 October 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 4 November 2015) (3559).

Electricity Corporations Act 2005 – Regulations (Electricity Corporations (Electricity Generation and Retail Corporation Area of Operation) Regulations 2015 G.G. 20/10/2015) (3569).

Financial Management Act 2006 – Notice Under Section 82 of the Act from the Treasurer Regarding Legislative Council Question on Notice No. 3402 (b) (i) (3570).

Financial Management Act 2006 – Notice Under Section 82 of the Act from the Treasurer Regarding Legislative Council Question Without Notice No. 1220 (3571).

Fish Resources Management Act 1994 – Management Plans (Gascoyne Demersal Scalefish Managed Fishery Management Plan Amendment (No. 2) 2015 [1262] G.G. 6/11/2015) (3572).

Fish Resources Management Act 1994 – Management Plans (Octopus Interim Managed Fishery Management Plan 2015 [1186] G.G. 27/10/2015) (3573).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Crab Fishery (Interim) Management Plan Revocation Notice 2015 [1176] G.G. 30/10/2015) (3574).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Crab Managed Fishery Management Plan 2015 [1176] G.G. 27/10/2015) (3575).

Fish Resources Management Act 1994 – Notices (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment Correction Notice 2015 [1257] G.G. 23/10/2015) (3576).

Fish Resources Management Act 1994 – Orders (Fish Trap Restrictions Amendment Order 2015, Order No. 8 [1248] G.G. 27/10/2015) (3577).

Fish Resources Management Act 1994 – Orders (Fish Traps Prohibition Amendment Order 2015, Order No. 9 [1248] G.G. 27/10/2015) (3578).

Governor's Establishment – Annual Report 2014–2015 (3579).

Health Act 1911 – Local Laws (City of Armadale Health Amendment Local Law 2015 G.G. 23/10/2015) (3580).

Independent Market Operator – Annual Report 2014–2015 (3581).

Local Government Act 1995 – Local Laws (City of Armadale Bush Fire Control Amendment Local Law 2015 G.G. 23/10/2015) (3582).

Local Government Act 1995 – Local Laws (City of Armadale Environment, Animals and Nuisance Amendment Local Law 2015 G.G. 23/10/2015) (3583).

Local Government Act 1995 – Local Laws (City of Armadale Extractive Industries Amendment Local Law 2015 G.G. 23/10/2015) (3584).

Local Government Act 1995 – Local Laws (City of Armadale Livestock in Public Places and Wandering at Large Local Law 2015 G.G. 23/10/2015) (3585).

Local Government Act 1995 – Local Laws (City of Armadale Local Government Property Amendment Local Law 2015 G.G. 23/10/2015) (3586).

Local Government Act 1995 – Local Laws (City of Armadale Parking and Parking Facilities Amendment Local Law 2015 G.G. 23/10/2015) (3587).

Local Government Act 1995 – Local Laws (City of Armadale Removal of Refuse, Rubbish and Disused Materials Amendment Local Law 2015 G.G. 23/10/2015) (3588).

Local Government Act 1995 – Local Laws (City of Wanneroo Penalty Units Local Law 2015 G.G. 30/10/2015) (3589).

Local Government Act 1995 – Local Laws (Shire of Augusta-Margaret River Street Numbering Local Law 2015 G.G. 6/11/2015) (3590).

Local Government Act 1995 – Local Laws (Shire of Perenjori Standing Orders Local Law 2015 G.G. 3/11/2015) (3591).

Poisons Act 1964 – Regulations (Poisons Amendment Regulations (No. 6) 2015 G.G. 3/11/2015) (3592).

Racing and Wagering Western Australia – Annual Report 2014–2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 October 2015) (3556).

Water Corporation – Statement of Corporate Intent 2015–2016 (3593).

Western Australian Greyhound Racing Association – Annual Report 2014–2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 October 2015) (3557).

Western Australian Treasury Corporation – Quarterly Report for the Quarter Ended 30 September 2015 (3594).

8. Message from the Governor

Message No. 43 from Her Excellency the Governor was reported assenting to the following bills –

Associations Incorporation Act 2015, Act No. 30 of 2015.

Alumina Refinery (Mitchell Plateau) Agreement (Termination) Act 2015, Act No. 31 of 2015.

Sentencing Amendment Act 2015, Act No. 32 of 2015.

Cement Works (Cockburn Cement Limited) Agreement Amendment Act 2015, Act No. 33 of 2015.

Railway (Forrestfield-Airport Link) Act 2015, Act No. 34 of 2015.

Liquor Legislation Amendment Bill 2015, Act No. 35 of 2015.

9. Notices of Motion

10. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, State Budget Impact on Seniors and Vulnerable People, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Matter of Public Interest – Community Safety in Western Australia

The Speaker informed the Assembly that he was in receipt of a notice from Mrs M.H. Roberts that she intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mrs M.H. Roberts moved,

That this House notes that the incompetence of the Minister for Police is putting community safety at risk in Western Australia. In particular we note that she has:

- introduced a new policing model that has resulted in massive increases in crime, including double digit increases in crime in each of the last 3 months,
- failed to protect women and children as domestic violence rates have escalated,
- failed to deal with systematic problems in the investigation of major crimes as detailed by the Crime and Corruption Commission in October,
- failed to protect women and children as dangerous sex offenders are released into residential areas without promised law reforms,
- has no plan to deal with rising rates of methamphetamine abuse in WA resulting in wrecked lives and more crime and violence in our community,
- continues to sit on \$80 million in the RTTA while WA has one of the worst road safety results in recent years of any State in Australia.

The Legislative Assembly therefore calls upon the Premier to immediately sack his Police Minister and appoint someone more capable to the position.

Debate ensued.

Suspension of Member

The Speaker, having called Ms M.M. Quirk to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Question put.

The Assembly divided.

Ayes (18)

Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Mr M. McGowan
Ms S.F. McGurk
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Mrs M.H. Roberts

Ms R. Saffioti
Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (33)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies
Mr J.H.D. Day
Ms W.M. Duncan

Mr J.M. Francis
Mrs G.J. Godfrey
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath

Ms L. Mettam
Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Dr M.D. Nahan
Mr D.C. Nalder
Mr J. Norberger
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Question thus negatived.

12. Education and Health Standing Committee – Extension of Reporting Date

The Speaker advised the House that he had received a letter from the Chair of the Education and Health Standing Committee advising that the Committee had resolved to extend its reporting date to the House for its Report into the Transition to and Operation of Services at Fiona Stanley Hospital to 19 November 2015.

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 the Legislative Assembly to meet for business at 1.00 p.m. on Wednesday, 11 November 2015.

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.

14. Variation to the Order of Business

Ordered, That Bills Notice of Motion No. 1 be postponed to a later stage of the sitting.

15. Suspension of Standing Orders – Precedence of Business

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

That so much of the Standing Orders be suspended as is necessary to enable –

- (a) Private Members' Business to have priority from Wednesday 11 November 2015, from 4.30 pm to 6.00 pm;
- (b) bills to be introduced without notice and to proceed through all stages in one day; and
- (c) messages from the Legislative Council to be taken into consideration on the day on which they are received

for the remainder of 2015 unless otherwise ordered.

Debate ensued.

Question put and passed.

16. Public Health Bill 2014

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

CONSIDERATION IN DETAIL

Clause 3.

The Leader of the House moved,

That the Public Health Bill 2014, as partially agreed to during consideration in detail, be referred to a legislation committee for report to the Legislative Assembly by Thursday, 19 November 2015.

Debate ensued.

Question put and passed.

Mrs M.H. Roberts nominated the following members to serve on the Legislation Committee: Mr R.H. Cook, Ms L.L. Baker and Ms J.M. Freeman.

The Leader of the House nominated the following members to serve on the Legislation Committee: the Minister for Health, Mr N.W. Morton, Ms L. Mettam and Mr J.H. Norberger.

Question put and passed.

17. Public Health (Consequential Provisions) Bill 2014

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

Bill read a second time.

The Leader of the House moved,

That the Public Health (Consequential Provisions) Bill 2014 be referred to the Legislation Committee on the Public Health Bill 2014 for report to the Legislative Assembly by Thursday, 19 November 2015.

Question put and passed.

18. Speaker's Statement – Legislation Committee

The Speaker advised members as to the procedure regarding the referral of the Public Health Bill 2014 and the Public Health (Consequential Provisions) Bill 2014 to the Legislation Committee.

19. Perth Market (Disposal) Bill 2015

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 2 agreed to.

Clause 3.

Ms R. Saffioti moved,

Page 4, after line 26 – To insert:

“

Weekend Retail Markets means the markets held on a Saturday or a Sunday to provide access by the community for the sale and purchase of goods or services

”.

Amendment put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr W.J. Johnston

Mr F.M. Logan

Mr M.P. Murray

Mr P. Papalia

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.B. Watson

Mr B.S. Wyatt

Ms S.F. McGurk (*Teller*)

Noes (30)

Mr P. Abetz

Mr F.A. Alban

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr M.J. Cowper

Ms M.J. Davies

Mr J.H.D. Day

Ms W.M. Duncan

Mr J.M. Francis

Mrs G.J. Godfrey

Dr K.D. Hames

Mrs L.M. Harvey

Mr C.D. Hatton

Mr A.P. Jacob

Dr G.G. Jacobs

Mr S.K. L'Estrange

Mr R.S. Love

Mr W.R. Marmion

Mr J.E. McGrath

Ms L. Mettam

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr D.C. Nalder

Mr J. Norberger

Mr A.J. Simpson

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

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

Question put and passed.

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.25 p.m. until Wednesday, 11 November 2015 at 1.00 p.m.

Members present during any part of the day's proceedings – All the members except Ms E. Evangel and Mr D.T. Redman.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly