

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 16

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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THURSDAY, 13 JUNE 2013

**1. Meeting of Assembly**

The Assembly met at 9.00 a.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 Housing on Access Housing's Community Housing Growth Projects.

**3. Grievances**

The Speaker called for grievances which were then made.

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*Paper*

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

By the Minister representing the Minister for Agriculture and Food –

Agriculture and Food, Minister for – Submission to the draft non-regulated analysis of existing policy for Californian table grapes to Western Australia (368).

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**4. Suspension of Standing Order 74**

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

That for the remainder of 2013, Standing Order 74 will not apply to any notice of disallowance motion given in accordance with section 42 of the *Interpretation Act 1984* or any other Act.

Debate ensued.

Question put and passed.

## **5. Parliamentary Superannuation Board Members**

The Leader of the House, pursuant to notice, and as amended by leave, moved,

That the Member for Alfred Cove and the Member for Midland be appointed as members of the Parliamentary Superannuation Board in accordance with section 6(3)(b) of the *Parliamentary Superannuation Act 1970*.

Question put and passed.

## **6. Joint Standing Committee on Audit**

The Order of the Day for the consideration in detail of Legislative Council Message No. 2 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution –

*That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.*

# **EXTRACT FROM LEGISLATIVE COUNCIL STANDING ORDERS**

## **SCHEDULE**

### **9. Joint Audit Committee**

- 9.1 A *Joint Audit Committee* is established.
- 9.2 The Committee consists of 4 Members (including the Chair) of the Legislative Council Standing Committee on Estimates and Financial Operations and 4 Members of the Legislative Assembly Public Accounts Committee, 2 of whom from each House support the Government.
- 9.3 The Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section 9.2 are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 164. The requirement for leave under Standing Order 164 does not apply to these appointments.
- 9.4 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.
- 9.5 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

## **CONSIDERATION IN DETAIL**

The Leader of the House moved, That the following motion in response to Legislative Council Message No. 2 be agreed to:

That the House, noting that the form of Legislative Council Standing Orders are a matter for the Legislative Council, agrees to the proposals referred to in Legislative Council Message No. 2 subject to the following amendments, to which the Legislative Assembly requests the concurrence of the Legislative Council.

**No. 1**

Delete the words in paragraph 9.2 and insert –

“ The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the Legislative Assembly Public Accounts Committee. ”.

**No. 2**

Delete paragraph 9.3.

Debate ensued.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**7. Duties Legislation Amendment Bill 2013**

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

Debate resumed.

Question put.

The Assembly divided.

**Ayes (33)**

Mr P. Abetz  
Mr F.A. Alban  
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  
Ms E. Evangel

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 R.F. Johnson  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion

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

**Noes (17)**

Mr R.H. Cook  
Ms J. Farrer  
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  
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*)

Question thus passed.

Bill read a second time.

**CONSIDERATION IN DETAIL**

Clause 1.

Mr B.S. Wyatt moved,

Page 2, line 3 – To delete the words “*Duties Legislation Amendment Act 2013*” and insert:

“ \$527 million Tax Slug Amendment Act 2013 ”.

Amendment put.

The Assembly divided.

Ayes (19)

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

Mr M. McGowan  
Ms S.F. McGurk  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk  
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 (34)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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

Ms E. Evangel  
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 R.F. Johnson  
Mr S.K. L'Estrange  
Mr W.R. Marmion  
Mr J.E. McGrath

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

Amendment thus negatived.

Clause agreed to.

Clause 2.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

## 8. Suspension of Standing Orders

Mr M. McGowan, 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 Premier for breaking promises, in particular in relation to public sector jobs, and for chaotic management of the State in the period since 9 March 2013.

Debate ensued.

The Leader of the House moved, That the following words be added,

“

subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the Standing Orders, as amended, be suspended,

Question put.

The 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.

## 9. Public Sector Jobs

Mr M. McGowan, pursuant to the foregoing motion, moved,

That this House condemns the Premier for breaking promises, in particular in relation to public sector jobs, and for chaotic management of the State in the period since 9 March 2013.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (19)

Dr A.D. Buti  
Mr R.H. Cook  
Ms J. Farrer  
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  
Ms M.M. Quirk  
Mrs M.H. Roberts

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

### Noes (35)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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

Ms E. Evangel  
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

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

Question thus negatived.

## 10. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

## 11. Duties Legislation Amendment Bill 2013

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

### CONSIDERATION IN DETAIL

Clause 2.

#### *Suspension of Standing Orders*

Mr B.S. Wyatt, 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 Premier for the introduction of legislation requiring the Insurance Commission of WA to pay a dividend of 65 per cent of profits to the State Government which will result in the increased financial burden on all WA motorists.

Debate ensued.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (35)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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

Ms E. Evangel  
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

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

Noes (19)

Dr A.D. Buti  
Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman  
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  
Ms M.M. Quirk  
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*)

Question thus passed.

On the question, That so much of the Standing Orders be suspended,

Question put.

The Assembly divided.

Ayes (19)

Dr A.D. Buti  
Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman  
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  
Ms M.M. Quirk  
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 (35)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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

Ms E. Evangel  
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

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

Question thus negatived.

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*Suspension of Standing Orders*

Mr M. McGowan, 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 the Premier be condemned for increasing pay to his own staff by up to 52 per cent whilst limiting public sector workers to 2.75 per cent pay increases.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

Dr A.D. Buti  
Mr R.H. Cook  
Ms J. Farrer  
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  
Ms M.M. Quirk  
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 (36)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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

Ms E. Evangel  
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 R.F. Johnson  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion

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

Question thus negatived.

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**12. Questions**

Questions without Notice were taken.

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*Suspension of Member*

The Speaker, having called Dr A.D. Buti to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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Questions on Notice Nos 535 to 558 were asked.

Question on Notice No. 283 was answered.

**13. Community Development and Justice Standing Committee – Terms of Reference**

The Speaker advised members that he had received a letter dated 13 June 2013 from the Chairman of the Community Development and Justice Standing Committee, advising that the Committee had determined for itself the following terms of reference:

The Committee will inquire into Custodial Arrangements in Police Lock-ups, including:

- (1) whether current arrangements fully comply with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the Optional Protocol to the Convention Against Torture;
- (2) access by detainees to medical and legal services and other third parties;
- (3) lock-up design, staffing and administration;
- (4) training of custodial officers on cultural issues; and
- (5) whether oversight mechanisms, procedures and disciplinary measures for personnel involved in custodial processes are adequate.

The Committee will report by 31 October 2013.

#### **14. Members' Statements**

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

#### **15. Joint Standing Committee on Audit**

Message No. 7 dated 13 June 2013 from the Legislative Council was reported agreeing to the amendments made by the Legislative Assembly to Legislative Council Message No. 2.

#### **16. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

#### **17. Duties Legislation Amendment Bill 2013**

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

### *CONSIDERATION IN DETAIL*

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4.

Clause put.

The Assembly divided.

#### *Ayes (30)*

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.M. Britza  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Mr M.J. Cowper  
Ms M.J. Davies  
Mr J.H.D. Day  
Ms W.M. Duncan

Ms E. Evangel  
Mr J.M. Francis  
Mrs G.J. Godfrey  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr J.E. McGrath  
Mr P.T. Miles

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

#### *Noes (14)*

Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman  
Mr F.M. Logan  
Mr M. McGowan

Ms S.F. McGurk  
Mr P. Papalia  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Ms R. Saffioti

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



Clause thus passed.

Clause 5.

Clause put.

The Assembly divided.

Ayes (27)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.M. Britza  
Mr T.R. Buswell  
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  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr P.T. Miles  
Ms A.R. Mitchell

Mr N.W. Morton  
Dr M.D. Nahan  
Mr D.C. Nalder  
Mr J. Norberger  
Mr D.T. Redman  
Mr A.J. Simpson  
Mr M.H. Taylor  
Mr T.K. Waldron  
Mr A. Krsticevic (*Teller*)

Noes (15)

Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman  
Mr F.M. Logan  
Mr M. McGowan

Ms S.F. McGurk  
Mr P. Papalia  
Ms M.M. Quirk  
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*)

Clause thus passed.

Clause 6 agreed to.

Clause 7.

Clause put.

The Assembly divided.

Ayes (30)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
Mr M.J. Cowper  
Ms M.J. Davies  
Mr J.H.D. Day  
Ms W.M. Duncan

Ms E. Evangel  
Mr J.M. Francis  
Mrs G.J. Godfrey  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr J.E. McGrath  
Mr P.T. Miles

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

Noes (15)

Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr F.M. Logan

Mr M. McGowan  
Mr P. Papalia  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Ms R. Saffioti

Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Mr B.S. Wyatt  
Ms S.F. McGurk (*Teller*)

Clause thus passed.

Clauses 8 to 11 agreed to.

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

Question put and passed.

**18. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 4.58 p.m. until Tuesday, 18 June 2013 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Ms L.L. Baker and Mr B.J. Grylls.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
Speaker of the Legislative Assembly