

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 167

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 22 SEPTEMBER 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. Death of George Clarence Charles Spriggs – a former Member of the Legislative Assembly**

The Premier, without notice, moved,

That the House records its sincere regret at the death of George Clarence Charles Spriggs and tenders its deep sympathy to his family.

The motion was supported by Mr M. McGowan, Mr V.A. Catania, Mr J.H.D. Day, Dr K.D. Hames and Mr A.J. Simpson.

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 Leader of the House on the 2016 Parliamentary sitting dates.

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*Paper*

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

By the Leader of the House –

Leader of the House – Parliament of Western Australia: 2016 Sitting Dates (3334).

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The Minister for Environment on the long-term coral monitoring data initiative at Ningaloo Marine Park.

The Minister for Veterans on the 2015 Legacy Week and the annual Badge Day Street Appeal.

The Parliamentary Secretary to the Minister for Child Protection on the Department of Child Protection and Family Support's work to develop the Freedom From Fear Action Plan 2015.

#### 4. Questions

Questions without Notice were taken.

Question on Notice No. 4572 was asked.

Questions on Notice Nos 4285, 4293 to 4300, 4319, 4323, 4325, 4340, 4386, 4437, 4440, 4441, 4443 to 4446, 4448, 4450, 4451, 4453, 4457, 4461, 4462 and 4470 to 4473 were answered.

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Paper tabled by the Premier –

Question on Notice No. 4473 – Numbers of Applications by Suburb in Relation to the Successful Grants on the Lotterywest Website (3331).

Paper tabled by the Minister for Lands –

Question on Notice No. 4319 – Asset Summary Report for Each Property in the Second Round of Land Sales in the Governments Land Sales Program, as Announced on the 24<sup>th</sup> of June (3332).

Paper tabled by the Minister for Local Government –

Question on Notice No. 4440 – Percentage Increase of Rates for Metropolitan and Regional Areas and Cent Rate in the Dollar of Gross Rental Value for Each Regional and Metropolitan Council (3333).

#### 5. Petitions

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 58 persons asking the Legislative Assembly to support the campaign for the Government to invest in Motorcycling Western Australia's unique plan to purchase land and establish a multifunction ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 288).

South Coogee Primary School – Mr F.M. Logan presented a petition from 267 persons asking the Legislative Assembly to move a motion to approve the appeal to the City of Cockburn to release the approval of a cross walk attendant on Invankovich Avenue Beeliar, for South Coogee Primary School (P. 289).

Children's Crossing for Hartman Drive – Ms M.M. Quirk presented a petition from 325 persons requesting the Legislative Assembly to call on the Minister for Transport to prioritise the provision of a Type A children's crossing for Hartman Drive in Darch to ensure the safety of students around Madeley Primary School, Ashdale Secondary College and Kingsway Christian College and to slow down motorists and keep our community safe. (P. 290).

Perth Freight Link: Roe Highway Extension – Mr P.C. Tinley presented a petition from 170 persons asking 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. 291).

Perth Freight Link – Mr P.C. Tinley presented a petition from 19 persons asking the Legislative Assembly to call on the Barnett Government to reverse its decision to proceed with this project, and instead divert funding to public transport projects, increasing the amount of freight on rail and planning for a new outer port in Kwinana (P. 292).

#### 6. Papers

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

By the Clerk –

Agriculture Produce Commission – Annual Report 2014–2015 (3295).

Building Act 2011 – Regulations (Building Amendment Regulations 2015 G.G. 15/09/2015) (3296).

Burswood Park Board – Annual Report 2014–2015 (3297).

Child Protection and Family Support, Department of – Annual Report 2014–2015 (3298).

Commission for Occupational Safety and Health – Annual Report 2014–2015 (3299).

Community Development and Justice Standing Committee – Government Response to Report No. 8: Are We There Yet? How WA Police Determines Whether Traffic Law Enforcement is Effective (3300).

Control of Vehicles (Off-road Areas) Act 1978 – Regulations (Control of Vehicles (Off-road Areas) Amendment Regulations 2015 G.G. 18/09/2015) (3301).

Culture and the Arts, Department of – Annual Report 2014–2015 (3302).

Financial Management Act 2006 – Notice Under Section 65 of the Act, From the Minister for Planning; Culture and the Arts, Advising That the Art Gallery of Western Australia's Annual Report 2014–2015 will not be Tabled Within the Prescribed Period (3303).

Gaming and Wagering Commission of Western Australia – Annual Report 2014–2015 (3304).

Gascoyne Development Commission – Annual Report 2014–2015 (3305).

Great Southern Development Commission – Annual Report 2014–2015 (3306).

Hospitals and Health Services Act 1927 – By-laws (Metropolitan Health Service Amendment By-laws (No. 2) 2015 G.G. 18/09/2015) (3307).

Hospitals and Health Services Act 1927 – By-laws (Peel Health Services Revocation By-laws 2015 G.G. 18/09/2015) (3308).

Insurance Commission of Western Australia – Statement of Corporate Intent 2015–2016 (3309).

Land Tax Assessment Act 2002 – Regulations (Land Tax Assessment Amendment Regulations 2015 G.G. 18/09/2015) (3310).

Landgate – Annual Report 2014–2015 (3311).

Law Reform Commission of Western Australia – Annual Report 2014–2015 (3312).

Liquor Commission of Western Australia – Annual Report 2014–2015 (3313).

Local Government Act 1995 – Regulations (Local Government (Functions and General) Amendment Regulations 2015 G.G. 18/09/2015) (3314).

Mental Health Commission – Annual Report 2014–2015 (3315).

Metropolitan Redevelopment Authority – Annual Report 2014–2015 (3316).

Mid West Development Commission – Annual Report 2014–2015 (3317).

National Environment Protection Council – Annual Report 2014–2015 (3318).

Perry Lakes Redevelopment Project – Annual Report 2014–2015 (3319).

Perth Theatre Trust – Annual Report 2014–2015 (3320).

Professional Standards Council of Western Australia – Financial Statements for the Financial Year Ending 30 June 2015 (3321).

Professional Standards Councils – Annual Report 2014–2015 (3322).

Rural Business Development Corporation – Annual Report 2014–2015 (3323).

ScreenWest – Annual Report 2014–2015 (3324).

Sport and Recreation, Department of – Annual Report 2014–2015 (3325).

State Emergency Management Committee and Secretariat – Annual Report 2014–2015 (3326).

State Library of Western Australia – Annual Report 2014–2015 (3327).

State Trading Concerns Act 1916 – Regulations (State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2015 G.G. 15/09/2015) (3328).

Western Australian Institute of Sport – Annual Report 2014–2015 (3329).

Western Australian Museum – Annual Report 2014–2015 (3330).

## 7. Notice of Motion

## 8. Removal of Orders of the Day

The Speaker advised members that the Orders of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Kimberley Juvenile Justice Report and No. 2 under Private Members' Business, Public Secondary School, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

## 9. Matter of Public Interest – Engineering and Construction Services of the Water Corporation

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

At least five members having risen in support,

Mr D.J. Kelly moved,

That this House condemns the Barnett Government's handling of the decision to privatise the Engineering and Construction Services of the Water Corporation and calls on the Minister:

- to explain and release the contracts and business case relating to the sale to RCR Tomlinson;
- to give a full explanation of why the Minister approved the sale despite there being conflict of interest issues concerning three Water Corporation Board members all of who participated in the decision to put the asset up for sale and one who is a current director of RCR Tomlinson; and
- to give a full explanation of the deal with RCR Tomlinson where it has paid \$10.4m to the Water Corporation but in return the taxpayer has guaranteed them \$130m worth of future work despite no contracts being signed for that work.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (20)

|                  |                  |                                     |
|------------------|------------------|-------------------------------------|
| Ms L.L. Baker    | Mr F.M. Logan    | Ms R. Saffioti                      |
| Dr A.D. Buti     | Mr M. McGowan    | Mr C.J. Tallentire                  |
| Mr R.H. Cook     | Ms S.F. McGurk   | Mr P.C. Tinley                      |
| Ms J. Farrer     | Mr P. Papalia    | Mr P.B. Watson                      |
| Ms J.M. Freeman  | Mr J.R. Quigley  | Mr B.S. Wyatt                       |
| Mr W.J. Johnston | Ms M.M. Quirk    | Mr D.A. Templeman ( <i>Teller</i> ) |
| Mr D.J. Kelly    | Mrs M.H. Roberts |                                     |

### Noes (36)

|                   |                    |                                    |
|-------------------|--------------------|------------------------------------|
| Mr P. Abetz       | Mrs G.J. Godfrey   | Ms L. Mettam                       |
| Mr C.J. Barnett   | Mr B.J. Grylls     | Mr P.T. Miles                      |
| Mr I.C. Blayney   | Dr K.D. Hames      | Ms A.R. Mitchell                   |
| Mr I.M. Britza    | Mrs L.M. Harvey    | Mr N.W. Morton                     |
| Mr G.M. Castrilli | Mr C.D. Hatton     | Dr M.D. Nahan                      |
| Mr V.A. Catania   | Mr A.P. Jacob      | Mr D.C. Nalder                     |
| Mr M.J. Cowper    | Dr G.G. Jacobs     | Mr J. Norberger                    |
| Ms M.J. Davies    | Mr R.F. Johnson    | Mr D.T. Redman                     |
| Mr J.H.D. Day     | Mr S.K. L'Estrange | Mr A.J. Simpson                    |
| Ms W.M. Duncan    | Mr R.S. Love       | Mr M.H. Taylor                     |
| Ms E. Evangel     | Mr W.R. Marmion    | Mr T.K. Waldron                    |
| Mr J.M. Francis   | Mr J.E. McGrath    | Mr A. Krsticevic ( <i>Teller</i> ) |

Question thus negatived.

**10. Message from the Governor**

Message No. 35 from Her Excellency the Governor was reported assenting to the following bills –  
 Rail Safety National Law (WA) Act 2015, Act No. 21 of 2015.  
 Constitution Amendment (Recognition of Aboriginal People) Act 2015, Act No. 22 of 2015.  
 Children and Community Services Legislation Amendment and Repeal Act 2015, Act No. 23 of 2015.

**11. Mining Legislation Amendment 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 45 agreed to.  
 Clause 46.  
 The Leader of the House moved, That the debate be adjourned.  
 Question put and passed.

**12. Adjournment**

The Leader of the House moved, That the House do now adjourn.  
 Question put and passed.  
 The Assembly adjourned accordingly at 11.28 p.m. until Wednesday, 23 September 2015 at 12.00 noon.  
*Members present during any part of the day's proceedings – All the members except Mr F.A. Alban.*

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

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