

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 238

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 8 NOVEMBER 2016

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Innovation –

Innovation, Minister for – Western Australian Innovation Strategy (4841).

Questions on Notice Nos 5982 and 5983 were asked.

Questions on Notice Nos 5843, 5865, 5869, 5876, 5878, 5879, 5883 to 5887, 5908, 5925, 5952, 5954 and 5956 were answered.

Papers tabled by the Minister for Water –

Question on Notice No. 5865 – Restriction of supply notices issued by the Water Corporation between 2008–2009 and 2015–2016 (4837).

Question on Notice No. 5884 – Full-time equivalent Water Corporation employees for each financial year between 2007–2008 and 2016–2017 (4838).

Question on Notice No. 5885 – Details of apprentices employed by the Water Corporation for each financial year between 2007–2008 and 2016–2017 (4839).

Paper tabled by the Minister representing the Minister for Agriculture and Food –

Question on Notice No. 5908 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Agriculture and Food's portfolio of responsibilities since 1 October 2015 (4840).

3. Message from the Governor

Message No. 30 from Her Excellency the Governor was reported recommending that appropriations be made for the purposes of the School Boarding Facilities Legislation Amendment and Repeal Bill 2016.

4. Message from the Governor

Message No. 31 from Her Excellency the Governor was reported assenting to the following bills –
 Loan Act 2016, Act No. 33 of 2016.
 Genetically Modified Crops Free Areas Repeal Act 2016, Act No. 34 of 2016.

5. Petitions

Bentley Hospital – Mr W.J. Johnston presented a petition from 171 persons requesting that the Legislative Assembly calls on the Barnett Government to retain local health services at Bentley Hospital so the local community can access these services close to home (P. 409).

Bentley Hospital – Mr W.J. Johnston presented a petition from 286 persons requesting that the Legislative Assembly calls on the Barnett Government to retain local health services at Bentley Hospital so the local community can access these services close to home, in particular but not limited to – surgical, maternity and physiotherapy services (P. 410).

Save Western Power – Mr W.J. Johnston presented a petition from 240 persons asking the Legislative Assembly to stand against the Barnett Government's privatisation of Western Power (P. 411).

Container Deposit Scheme – Mr C.J. Tallentire presented a petition from 231 persons requesting that the Legislative Assembly calls upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 412).

6. Paper

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 – Annual Report 2015–2016 (4804).

By the Clerk –

Architects Board of Western Australia – Annual Report 2015–2016 (4805).

Betting Control Act 1954 – Regulations (Racing, Gaming and Liquor Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 28/10/2016) (4806).

Cat Act 2011 – Local Laws (City of South Perth Cats Local Law 2016 G.G. 04/11/2016) (4807).

Chief Psychiatrist – Annual Report 30 November 2015 – 30 June 2016 (4808).

Conservation and Land Management Act 1984 – Lease No. 2438/100 Between the Department of Parks and Wildlife and the City of Busselton for the purpose of construction and maintenance of a public swimming enclosure and public swimming in a portion of the Ngari Capes Marine Park next to the historic Busselton Jetty (4809).

Conservation and Land Management Act 1984 – Lease No. 2483/97 Between the Department of Parks and Wildlife and Forest Adventures South West Pty Ltd and Michael Brown for the purpose of developing and operating a high ropes course at Ludlow State Forest near Busselton (4811).

Conservation and Land Management Act 1984 – Lease No. 2489/100 Between the Department of Parks and Wildlife and the City of Joondalup for the purpose of a public swimming enclosure and associated shark barrier in a portion of the Marmion Marine Park next to Hillarys Boat Harbour (4810).

Health Services Act 2016 – Orders (Health Services (Fees and Charges) Amendment Order 2016 G.G. 21/10/2016) (4812).

Joint Audit Committee – Government Response to Committee Report No. 7 – Review of the Operation and Effectiveness of the Auditor General Act 2006 (4813).

Joint Standing Committee on the Commissioner for Children and Young People – Government Response to Committee Report No. 7 – Everybody's Business: An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse (4814).

Land Administration Act 1997 – Submission No. 6/2016 Under Section 45(4) of the Act for the Excision of Land from Class A Reserve 18735 (4815).

Liquor Control Act 1988 – Regulations (Liquor Control (Bayulu Restricted Area) Amendment Regulations (No. 2) 2016 G.G. 28/10/2016) (4816).

Liquor Control Act 1988 – Regulations (Liquor Control (Irrungadji Restricted Area) Amendment Regulations 2016 G.G. 28/10/2016) (4817).

Liquor Control Act 1988 – Regulations (Liquor Control (Punmu Restricted Area) Amendment Regulations 2016 G.G. 28/10/2016) (4818).

Local Government Act 1995 – Local Laws (City of Melville Parking Local Law 2016 G.G. 03/11/2016) (4819).

Local Government Act 1995 – Local Laws (Shire of Capel Extractive Industries Local Law 2016 G.G. 02/11/2016) (4820).

Local Government Act 1995 – Regulations (Local Government (Employee Superannuation) Regulations 2016 G.G. 25/10/2016) (4821).

Marine Parks and Reserves Authority – Annual Report 2015–2016 (4822).

Mental Health Advocacy Service – Annual Report 30 November 2015 – 30 June 2016 (4823).

Metropolitan Redevelopment Authority – Operational Plan 2016–2017 (received by the Clerk and deemed tabled on 26 October 2016) (4803).

Minister for Planning; Disability Services – Revocation of Improvement Plan 30 (Clayton Street, Bellevue) under Part 8 of the Planning and Development Act 2005 (4824).

Petroleum Products Pricing Act 1983 – Regulations (Petroleum Products Pricing Amendment Regulations 2016 G.G. 21/10/2016) (4825).

Premier and Cabinet, Department of the – Report on Consultants Engaged by Government for the Six Months Ended 31 December 2015 (4826).

Professional Standards Act 1997 – Schemes (The RICS Valuers Limited Scheme (Amendment) G.G. 18/10/2016) (4827).

Racing and Wagering Western Australia – Annual Report 2015–2016 (4828).

Road Traffic (Authorisation to Drive) Act 2008 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 4) 2016 G.G. 28/10/2016) (4829).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations (No. 3) 2016 G.G. 25/10/2016) (4830).

State Emergency Management Committee – 2016 Emergency Preparedness Report (4831).

Taxation Administration Act 2003 – Report to Parliament in Accordance with Section 135 of the Act – Review of the Operation and Effectiveness of the Interim Assessment Provisions (4832).

Taxi Act 1994 – Regulations (Taxi Amendment Regulations (No. 2) 2016 G.G. 28/10/2016) (4833).

Western Australian Greyhound Racing Association – Annual Report 2015–2016 (4834).

Workers' Compensation and Injury Management Act 1981 – Directions (WorkCover WA Guidelines for the Evaluation of Permanent Impairment – Fourth Edition G.G. 17/10/2016) (4835).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2016 G.G. 21/10/2016) (4836).

7. Notices of Motion

8. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 11 October 2016 –

Rottnest Island Authority – Annual Report 2015–2016 (4745).

Paper

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

By the Speaker –

Rottnest Island Authority – Annual Report 2015–2016 – Erratum (4842).

9. Matter of Public Interest – Training Portfolio

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House condemns the Liberal National Government for its failures in the training portfolio, in particular the reductions in apprentice numbers, increases in TAFE fees and the reductions in enrolments at TAFE.

Debate ensued.

Question put.

The Assembly divided.

Ayes (21)

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

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
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
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr A. Krsticevic
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
Ms L. Mettam (*Teller*)

Question thus negatived.

10. Removal of Order of the Day

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

11. Executive Officer Remuneration (Government Entities) 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 8 agreed to.

Clause 9.

Mr W.J. Johnston moved,

Page 6, the table, the first cell in the second column headed "**Column 2; executive officers**" – To insert:

“

1. A person appointed under the *Electricity Corporations Act 2005* section 8 as a member of the board of directors of the corporation.

”.

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
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 (33)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
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
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr A. Krsticevic
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 T.K. Waldron
Ms L. Mettam (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 10 to 12 agreed to.

New Clause 12A.

Mr W.J. Johnston moved,

Page 9, after line 24 – To insert:

“

12A. Section 11 amended

Delete subsection 11(1) and insert

- (1) A non-executive director of a corporation is to be paid out of the funds of the corporation such remuneration and allowances as are determined from time to time, and may not exceed 50% of the amount paid to the Chief Executive Officer.

”

New Clause put.

The Assembly divided.

Ayes (16)

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

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Mr C.J. Tallentire

Mr P.C. Tinley

Mr P.B. Watson

Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr G.M. Castrilli

Mr M.J. Cowper

Ms M.J. Davies

Mr J.H.D. Day

Ms E. Evangel

Mr J.M. Francis

Mr G.J. Godfrey

Mr B.J. Grylls

Dr K.D. Hames

Mrs L.M. Harvey

Mr C.D. Hatton

Mr A.P. Jacob

Dr G.G. Jacobs

Mr A. Krsticevic

Mr S.K. L'Estrange

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 T.K. Waldron

Ms L. Mettam (*Teller*)

New Clause thus negatived.

Clauses 13 to 36 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Premier 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.

12. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

The Order of the Day for the third reading of the bill having been read, 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. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be next considered.

14. Retail Trading Hours 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.

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

The Parliamentary Secretary to the Minister for Commerce 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 8.29 p.m. until Wednesday, 9 November 2016 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker and Mr I.M. Britza.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly