

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 65

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 11 MARCH 2014

### 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 Premier on the reconstitution of the Ministry.

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#### *Paper*

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

By the Premier –

Premier – Reconstitution of the Ministry, 10 March 2014 (1420).

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The Minister for Mines and Petroleum on the opening of the AngloGold Ashanti Tropicana Gold Mine.

The Minister for Environment on the regulatory performance of the Department of Environment Regulation.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 1930 to 1939 were asked.

Questions on Notice Nos 1666, 1675, 1679, 1684, 1816, 1836 and 1887 were answered.

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Paper tabled by the Minister for Regional Development; Lands –

Question on Notice No. 1675 – Details of the Minister for Regional Development's Use of Ministerial Air-Charter Services since 11 August 2013 (1417).

Paper tabled by the Minister for Police; Tourism; Road Safety; Women's Interests –

Question on Notice No. 1679 – Details of the Minister for Police's Use of Ministerial Air-Charter Services since 11 August 2013 (1418).

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

Question on Notice No. 1684 – Details of the Minister for Agriculture and Food's Use of Ministerial Air-Charter Services since 11 August 2013 (1419).

#### **4. Unanswered Question on Notice**

Ms L.L. Baker asked why no answer had been received in respect of her Question on Notice No. 1572.

#### **5. Community Development and Justice Standing Committee and the Public Accounts Committee**

The Speaker reported that responses by the Premier, the Minister representing the Attorney General, the Minister for Police, the Minister for Corrective Services, and the Parliamentary Secretary to the Minister for Mental Health to the recommendations of the Community Development and Justice Standing Committee's report 'In Safe Custody: Inquiry into Custodial Arrangements in Police Lock-ups' had not been received by the required time.

The Speaker also reported that responses by the Minister representing the Minister for Education, the Minister for Finance, the Parliamentary Secretary to the Minister for Child Protection and the Treasurer to the recommendations of the Public Accounts Committee's report 'Review of Auditor General Reports No. 2: Selected Reports 2011 and 2012' had not been received by the required time.

#### **6. Petitions**

Restricted Dog Breed Regulations in Western Australian Laws – Ms L.L. Baker presented a petition from 506 persons requesting that the Legislative Assembly abolishes all types of dog breed regulations (P. 103).

Mitchell Freeway, Kingsley – Ms A.R. Mitchell presented a petition from 50 persons requesting that the Legislative Assembly calls on the Minister for Transport to erect a sound barrier on the west side of the Hepburn Ave off-ramp in Kingsley (P. 104).

Communications Tower in Coolgardie – Dr G.G. Jacobs presented a petition from 41 persons requesting that the Legislative Assembly considers any means necessary to relocate the communications tower to be located in Coolgardie to a more suitable location, such as Toorak Hill (P. 105).

Motorcycling Western Australia – Mr D.A. Templeman presented a petition from 80 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multi-function ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 106).

#### **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 – Report 88: Report of an Announced Inspection of Casuarina Prison (Received by the Clerk of the Legislative Assembly on 28 January 2014 and held for a Period of Thirty Days) (1403).

By the Clerk –

CBH Group – Annual Report 2013 (1404).

Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2014 G.G. 25/02/2014) (1405).

Criminal Procedure Act 2004 – Rules (Criminal Procedure (District Court) Amendment Rules 2014 G.G. 28/02/2014) (1406).

Forest Products Commission – Half Yearly Report to 31 December 2013 (1407).

Government of Western Australia – Quarterly Financial Results Report, December 2013 (1408).

Land Administration Act 1997 – Proposal No. 2/2014 for the Excision of Land From and Addition of Land to Class A Reserve 15702 to Facilitate a Land Exchange to Resolve an Encroachment by the Adjoining Landowner Over Portion of Class A Reserve 15702 in the Shire of Wongan-Ballidu (1409).

Local Government Act 1995 – Regulations (Local Government (Administration) Amendment Regulations 2014 G.G. 28/02/2014) (1410).

Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) Amendment Regulations 2014 G.G. 25/02/2014) (1411).

Petroleum (Submerged Lands) Registration Fees Act 1982 – Regulations (Petroleum (Submerged Lands) Registration Fees Amendment Regulations 2014 G.G. 25/02/2014) (1412).

Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967 – Regulations (Petroleum and Geothermal Energy Resources (Registration Fees) Amendment Regulations 2014 G.G. 25/02/2014) (1413).

Petroleum and Geothermal Energy Resources Act 1967 – Regulations (Petroleum and Geothermal Energy Resources Amendment Regulations 2014 G.G. 25/02/2014) (1414).

Petroleum Pipelines Act 1969 – Regulations (Petroleum Pipelines Amendment Regulations 2014 G.G. 25/02/2014) (1415).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations (No. 2) 2014 G.G. 25/02/2014) (1416).

## **8. Notices of Motion**

### **9. Expiration of Notices of Motion**

The Speaker advised members that Private Members' Business Notices of Motion Nos 1, 2 and 3, notices of which were given on 7 May 2013 and renewed for a further 30 sitting days on 24 September 2013, will be removed and will not appear on the next Notice Paper.

### **10. Custodial Legislation (Officers Discipline) 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 and passed.

Bill read a second time.

## *CONSIDERATION IN DETAIL*

Mr P. Papalia, pursuant to notice, moved,

That so much of the Standing Orders be suspended as is necessary to allow the following motion to be moved:

That Part 3 of the Custodial Legislation (Officers Discipline) Amendment Bill 2013 be deleted, and that if the motion is negatived, that Part 3 is not taken to have been adopted by the House, and that consideration of the bill proceed as if the motion had not been put and negatived.

Question put.

The Assembly divided.

## Ayes (19)

Ms L.L. Baker  
 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 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 G.M. Castrilli  
 Mr V.A. Catania  
 Mr M.J. Cowper  
 Ms M.J. Davies  
 Mr J.H.D. Day  
 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 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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Clauses 1 to 6 agreed to.

Clause 7.

Mr P. Papalia moved,

Page 5, lines 30 to 33 – To delete the lines.

Amendment put and negatived.

Mr P. Papalia moved,

Page 6, lines 7 to 9 – To delete the lines and substitute:

“

- (a) the chief executive officer has formed the opinion on reasonable grounds that the officer:
  - (i) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
  - (ii) is no longer a fit and proper person to hold a position as a prison officer; and

”.

Amendment put.

The Assembly divided.

## Ayes (18)

Ms L.L. Baker  
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  
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 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 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  
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*)

Amendment thus negatived.

Mr P. Papalia moved,

Page 6, lines 25 and 26 – To delete the words “does not have confidence in a prison officer’s suitability to continue” and substitute:

“

has formed the opinion on reasonable grounds that the officer has engaged in corrupt conduct and is no longer a fit and proper person to hold a position

”.

Amendment put and negatived

Mr P. Papalia moved,

Page 7, lines 8 to 10 – To delete the lines and substitute:

“

- (3) The chief executive officer shall conduct any investigation to determine that a prison officer:
  - (a) has engaged in corrupt conduct (or any other conduct constituting an indictable offence); and
  - (b) is no longer a fit and proper person to hold a position as a prison officer.

”.

Amendment put.

The Assembly divided.

## Ayes (15)

Ms L.L. Baker  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr D.J. Kelly

Mr F.M. Logan  
Mr M.P. Murray  
Mr P. Papalia  
Mr J.R. Quigley  
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 (31)

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 E. Evangel

Mr J.M. Francis  
Mrs G.J. Godfrey  
Mr B.J. Grylls  
Mrs L.M. Harvey  
Mr C.D. Hatton  
Dr G.G. Jacobs  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr J.E. McGrath  
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*)

Amendment thus negatived.

Mr P. Papalia moved,

Page 7, lines 24 to 28 – To delete the lines and substitute:

“ document might incriminate the prison officer. ”.

Amendment put and negatived.

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

Question put and passed.

# 11. Message from the Governor

Message No. 3 from His Excellency the Governor was reported assenting to the Western Australian Photo Card Bill 2013, Act No. 1 of 2014.

# 12. Electronic Conveyancing 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 and passed.

Bill read a second time.

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

The Minister for Lands moved, That the bill be now read a third time.

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

Question put and passed.

**13. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 10.17 p.m. until Wednesday, 12 March 2014 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr T.R. Buswell and Ms W.M. Duncan.

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

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