

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 151

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 18 JUNE 2015

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Sub-sonic Vibration Disturbance – Mr C.J. Tallentire presented a petition from 515 persons requesting the Legislative Assembly to call upon the State Government to review the effectiveness of the regulations under the *Environmental Protection Act 1986* to enable proper measurement of disturbance from low frequency bass units and to enable Local Government and Police to investigate reports of low frequency disturbances (P. 258).

Perth Freight Link: Roe Highway Extension – Mr F.M. Logan presented a petition from 130 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. 259).

Gene Technology Act 2006 – Mr W.R. Marmion presented a petition from 56 persons requesting that the Legislative Assembly call for an independent review of the *Gene Technology Act 2006* by a parliamentary committee and to call for the Office of Gene Technology Regulator to include independent science on health and environmental safety risk assessments of GM crops, associated pesticides and GM food (P. 260).

Genetically Modified Crops Free Areas Act 2003 – Mr W.R. Marmion presented a petition from 41 persons requesting that the Legislative Assembly call for an independent review of the *Genetically Modified Crops Free Areas Act 2003* by a parliamentary committee, to support GM-free farming and to urge the Western Australian Government to introduce farmer protection legislation to compensate any non-GM farmer who suffers economic loss from GM contamination (P. 261).

3. Paper

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

By the Clerk –

Port Authorities Act 1999 – Ministerial Direction (3003).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the cessation of the Prevocational General Practice Placements Program and funding of the State's Community Residency Program.

The Minister for Citizenship and Multicultural Interests on the publication "Diversifying Boards – Your Cultural Advantage".

The Minister for Finance on the Government's Reinvigorated Regulatory Reform Plan.

5. Grievances

The Speaker called for grievances which were then made.

Suspension of Standing Orders

Mrs M.H. Roberts, without notice, moved, That so much of the Standing Orders be suspended as is necessary to allow the Parliamentary Secretary up to another 10 minutes to conclude her response to the grievance.

Debate ensued.

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

Question put.

The Assembly divided.

Ayes (32)

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
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 S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
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 D.T. Redman
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Noes (17)

Ms L.L. Baker
Dr A.D. Buti
Ms J. Farrer
Ms J.M. Freeman
Mr W.J. Johnston
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*)

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The motion requiring the concurrence of an absolute majority.

The Assembly divided.

Ayes (17)

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

Noes (32)

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

Question thus negatived.

6. Education and Health Standing Committee

Dr G.G. Jacobs, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Education and Health, Standing Committee – The Impact of FIFO Work Practices on Mental Health: Final Report, Report No. 5 (3004).

Education and Health, Standing Committee – The Impact of FIFO Work Practices on Mental Health: Final Report, Submissions (3005).

Ms J.M. Freeman, Mr R.F. Johnson, Mr M.J. Cowper, Ms R. Saffioti and Mr M. McGowan by leave, spoke on the report.

7. Joint Standing Committee on the Corruption and Crime Commission

Mr P.B. Watson, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – The Operation of section 196(4) of the *Corruption and Crime Commission Act 2003*, Report No. 20 (3006).

8. Joint Standing Committee on the Corruption and Crime Commission

Mr P.B. Watson, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – Recent Amendments to the *Corruption and Crime Commission Act 2003*: Some Implications for Western Australia's Integrity Framework, Report No. 21 (3007).

9. Variation to the Order of Business

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

10. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015

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

CONSIDERATION IN DETAIL

Clause 3.

The Treasurer moved,

Page 2, after line 18 – To insert:

“

ADI means an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5(1);

”.

Amendment put and passed.

Clause 3 as amended agreed to.

Clause 4 to 24 agreed to.

Clause 25.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

11. Members' Statements

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

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 4135 to 4139 were asked.

Questions on Notice Nos 3992, 4003, 4014, 4040, 4065 and 4090 were answered.

13. Additional Information

The Minister for Police provided additional information relating to Question without Notice No. 501 from Mrs M.H. Roberts.

14. Variation to the Order of Business

Ordered, That consideration of Bills Notice of Motion No. 1 be next considered.

15. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015

The Minister for Training and Workforce Development, pursuant to notice, moved,

That a bill for “An Act to amend the *Building and Construction Industry Training Fund and Levy Collection Act 1990*.” be introduced and read a first time.

Question put and passed.

The Minister for Training and Workforce Development presented an explanatory memorandum and bill read a first time.

The Minister for Training and Workforce Development moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

16. Variation to the Order of Business

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

17. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015

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

CONSIDERATION IN DETAIL

Clauses 25 and 26 agreed to.

Clause 27.

The Treasurer moved,

Page 23, line 18 – To delete “company.” and substitute:

“ company; or ”.

The Treasurer moved,

Page 23, after line 18 – To insert:

“

- (d) that refers to the liquidator of the company, but to which the liquidator is not a party.

”.

The Treasurer moved,

Page 23, lines 20 and 21 – To delete “to the WA Bell Company were a reference to the Authority.” and substitute:

“

to —

- (a) the WA Bell Company were a reference to the Authority; and
- (b) the liquidator were a reference to the Authority.

”.

Amendments agreed to.

Clause as amended agreed to.

Clauses 28 to 41 agreed to.

New Clause 42A.

Mr B.S. Wyatt moved,

Page 37, after line 17 – To insert:

“

42A. Final report on Authority’s functions

- (1) Prior to the abolition of the Authority, the Administrator must prepare a final report on how the Administrator carried out the Authority’s functions as outline in section 9 of the Act.
- (2) The Minister is to cause to be laid before each House of Parliament the report referred to in subsection (1), prior to the abolition of the Authority.

”.

New Clause agreed to.

Clauses 43 to 46 agreed to.

Clause 47.

The Treasurer moved,

Page 41, after line 22 – To insert:

“

- (4) It is not an offence under this section for a liquidator of a company —
 - (a) to pay, in the ordinary course of the liquidation of the company, the ordinary expenses of conducting the liquidation; or
 - (b) to invest money, in the ordinary course of the liquidation of the company, with an ADI.
- (5) This section does not apply to the extent (if any) to which it would infringe any constitutional doctrine of implied freedom of political communication.

”

Clause 47 postponed until a later stage of the sitting.

Clause 48 agreed to.

Clause 49.

The Treasurer moved,

Page 42, after line 17 – To insert:

“

- (4) It is not an offence under this section for a liquidator of a company —
 - (a) to pay, in the ordinary course of the liquidation of the company, the ordinary expenses of conducting the liquidation; or
 - (b) to invest money, in the ordinary course of the liquidation of the company, with an ADI.

”

Amendment put and passed.

Clause as amended agreed to.

Clauses 50 to 64 agreed to.

Clause 65.

The Treasurer moved,

Page 53, after line 3 – To insert:

“

officer of the State includes —

- (a) an employee as defined in the *Public Sector Management Act 1994* section 3(1); and
- (b) an individual who is or was an agent or contractor of the State;

”

Amendment put and passed.

Clause as amended agreed to.

Clauses 66 to 70 agreed to.

Clause 71.

The Treasurer moved,

Page 55, lines 18 to 20 – To delete

“

; or

- (b) a question relating to a determination or recommendation under Part 4

”.

Amendment put and passed.

Clause as amended agreed to.

Clauses 72 to 77 agreed to.

Schedule 1 agreed to.

Schedule 2 agreed to.

Consideration of postponed Clause 47.

Clause 47.

The Treasurer had moved,

Page 41, after line 22 – To insert:

“

- (4) It is not an offence under this section for a liquidator of a company —
- (a) to pay, in the ordinary course of the liquidation of the company, the ordinary expenses of conducting the liquidation; or
 - (b) to invest money, in the ordinary course of the liquidation of the company, with an ADI.
- (5) This section does not apply to the extent (if any) to which it would infringe any constitutional doctrine of implied freedom of political communication.

”.

Amendment put and passed.

The Treasurer moved,

Page 41, after line 22 – To insert:

“

- (6) This section does not apply to or in relation to proceedings in a court to challenge the constitutional validity of this Act.

”.

Amendment put and passed.

Clause as amended agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Conservation and Land Management 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.

The Deputy Premier moved, That the debate be adjourned.

Question put and passed.

19. Adjournment

The Deputy Premier moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.20 p.m. until Tuesday, 23 June 2015 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr R.H. Cook, Ms M. Davies and Mr M.P. Murray.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly