

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 91

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 26 JUNE 2014

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

Alinjarra Primary School – Ms J.M. Freeman presented a petition from 45 persons requesting that the Legislative Assembly gives urgent attention to the Alinjarra Primary School community's request for priority installation of electronic school zone signage (P. 148).

Housing in Western Australia – Ms J.M. Freeman presented a petition from 1 person requesting that the Legislative Assembly gives urgent attention to the housing needs of Kidane Gebremedhin Tsagy and her family, and also to the housing needs of all Western Australians who are currently suffering homelessness due to a critical shortage of housing (P. 149).

Housing in Western Australia – Ms J.M. Freeman presented a petition from 1 person requesting that the Legislative Assembly gives urgent attention to the housing needs of Shykiera Dixon and her family, and also to the housing needs of all Western Australians who are currently suffering homelessness due to a critical shortage of housing (P. 150).

3. Papers

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

By the Speaker –

Western Australian Parliamentary Delegation – Western Australian Parliamentary Delegation to Western Canada Report 2014 (1783).

By the Clerk –

Criminal Code – Statutory Review of the Operation and Effectiveness of the 2009 Amendments to Sections 297 and 318 of *The Criminal Code* (1784).

Owner-Driver (Contracts and Disputes) Act 2007 – Review (1785).

Western Australian Electoral Commission – Local Government Ordinary Election Report 2013 (1786).

Western Australian Treasury Corporation – Statement of Corporate Intent 2014–2015 (1787).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Training and Workforce Development on the implementation of Future Skills WA.

The Minister for Police on the status of the proposed new Cockburn Central Police Complex.

The Minister for Mines and Petroleum on the Yungngora Community's support for Buru Energy to undertake its tight gas pilot program on their determined land.

The Minister for Sport and Recreation on concussion in sport.

5. Grievances

The Speaker called for grievances which were then made.

6. Joint Standing Committee on the Corruption and Crime Commission

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

Corruption and Crime Commission, Joint Standing Committee on the – CCC Review of Misconduct Risks Associated with the Deployment of Undercover Police Officers, Report No. 4 (1788).

7. Joint Standing Committee on the Commissioner for Children and Young People

Ms E. Evangel, on behalf of Ms L.L. Baker, Chairman, presented the following report which was ordered to lie upon the Table of the House –

Commissioner for Children and Young People, Joint Standing Committee on the – Sexualisation of Children: The Commissioner for Children and Young People's 2013 Report on the Sexualisation of Children, Report No. 3 (1789).

8. Joint Standing Committee on the Corruption and Crime Commission – Terms of Reference

The Speaker advised members that he had received a letter dated 25 June 2014 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission advising that the Committee had resolved to undertake an inquiry into the Corruption and Crime Commission being able to prosecute its own charges with the following terms of reference.

The Committee will identify:

- (a) the operation of the State's prosecution system in relation to Corruption and Crime Commission matters;
- (b) whether there is a need to create new criminal offences that capture corrupt conduct; and
- (c) arrangements for the prosecution of corrupt conduct and misconduct in other jurisdictions.

The Committee proposes to report to the House by 30 June 2015.

9. Parliamentary Superannuation Board – Change of Membership

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

That the member for Churchlands be appointed as a member of the Parliamentary Superannuation Board in accordance with the *Parliamentary Superannuation Act 1970* to fill the vacancy caused by the resignation of the member for Alfred Cove.

Question put and passed.

10. Amendment to the Standing Orders

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

(1) That Standing Order 74 be amended by adding the following:

- (2) If a notice of motion is for disallowance in accordance with section 42 of the *Interpretation Act 1984* or any other Act, it may remain on the Notice Paper for 60 sitting days without being moved. On the final day, the Speaker will announce it will be removed from the Notice Paper on the next sitting day.

(2) That the Standing Orders be amended by adding the following Standing Order:

Disclosure of the Identity of Journalists' Informants

- 314.** If the Assembly is considering whether to require a journalist to disclose an informant's identity it shall have regard to the public interest of having a free press when it does so.

Debate ensued.

Question put and passed.

11. Taxation Legislation Amendment Bill 2014

The Minister for Finance, pursuant to notice, moved,

That a bill for "An Act to amend the following Acts –

- the *Duties Act 2008*;
- the *Land Tax Assessment Act 2002*;
- the *Pay-roll Tax Assessment Act 2002*;
- the *Taxation Administration Act 2003*."

be introduced and read a first time.

Question put and passed.

The Minister for Finance presented an explanatory memorandum and bill read a first time.

The Minister for Finance moved, That the bill be now read a second time.

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

Question put and passed.

12. Local Government Amendment (Regional Subsidiaries) Bill 2014

Mr R.S. Love, pursuant to notice, moved,

That a bill for "An Act to amend the *Local Government Act 1995* to enable local governments to form regional subsidiaries and to make consequential amendments to other Acts." be introduced and read a first time.

Question put and passed.

Mr R.S. Love presented an explanatory memorandum and bill read a first time.

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

13. Electoral Amendment Bill 2014

The Order of the Day for the resumption of the debate upon the third reading of the bill was read.
Debate resumed.

Speaker's Statement – Absolute Majority at Third Reading

The Speaker advised members that the third reading of the Electoral Amendment Bill 2014 needed to be passed with the concurrence of an absolute majority of the members of the House. The Speaker advised members that he would divide the house if there was a dissentient voice when putting the question on the third reading. If there was no dissentient voice, he would count the members present and declare the question to be carried by an absolute majority, if that was the case.

Question put.

The Assembly divided.

Ayes (32)

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
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.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 J.E. McGrath (*Teller*)

Noes (17)

Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston
Mr D.J. Kelly
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 D.A. Templeman (*Teller*)

Question thus passed with an absolute majority.

Bill read a third time and passed.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

15. Travel Agents Amendment and Expiry Bill 2014

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.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

16. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 5, 4 and 2 be next considered.

17. Swan and Canning Rivers Management Amendment Bill 2014

The Order of the Day for the third reading of the bill having been read, the Minister for Environment moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Mr W.J. Johnston speaking) and adjourned until a later stage of the sitting.

18. Members' Statements

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

19. Questions

Questions without Notice were taken.

Questions on Notice Nos 2441 to 2669 were asked.

20. Variation to the Order of Business

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

21. Swan and Canning Rivers Management Amendment Bill 2014

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (31)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr V.A. Catania
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
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr P.T. Miles

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 J.E. McGrath (*Teller*)

Noes (18)

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

Bill read a third time and forwarded to the Legislative Council for concurrence.

22. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 4 and 2 be next considered.

23. Taxi Drivers Licensing Bill 2013

The Order of the Day for the further consideration in detail of Legislative Council Message No. 40 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Taxi Drivers Licensing Bill 2013* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Taxi Drivers Licensing Bill 2013

No. 1

Clause 42, page 38, after line 29 — To insert —

- (7) Where under this section a person is directed to give any information, answer any question or produce any document or record —
 - (a) that person cannot refuse to comply with that direction on the ground that the information, answer, document or record may tend to incriminate the person or render the person liable to any penalty; but
 - (b) the information or answer given, or document or record produced, by the person is not admissible in evidence in any criminal proceedings against the person other than proceedings for perjury.

CONSIDERATION IN DETAIL

The Minister for Transport had moved, That amendment No. 1 be agreed to.

The Minister for Environment moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (29)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr V.A. Catania
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
Dr K.D. Hames
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion

Mr P.T. Miles
Mr N.W. Morton
Dr M.D. Nahan
Mr D.C. Nalder
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Noes (17)

Dr A.D. Buti
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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
Ms S.F. McGurk (*Teller*)

Question thus passed.

On the question, That amendment No. 1 be agreed to,

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

24. Statutes (Repeals and Minor Amendments) 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

Clauses 1 to 44 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Parliamentary Secretary to the Minister for Mental Health moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

25. Waste Avoidance and Resource Recovery Amendment (Validation) Bill 2014

Message No. 50 dated 26 June 2014 from the Legislative Council was reported agreeing to the bill without amendment.

26. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 12 August 2014 at 2.00 p.m.

Question put and passed.

27. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.06 p.m. until Tuesday, 12 August 2014 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Ms J. Farrer, Mr R.F. Johnson, Mr A. Krsticevic and Mr F.M. Logan.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly