

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 180

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 18 NOVEMBER 2015

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Clerk –

Auditor General, Office of the – Operating Theatre Efficiency, Report 25: November 2015 (3634).

Public Sector Commission – State of the WA Public Sector 2015 (3635).

3. Notice of Motion

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on the amendments to the *Misuse of Drugs Act 1981*, prohibiting the sale, supply, manufacture, advertising and promotion of psychoactive substances which came into force today.

The Minister for Mines and Petroleum on a fatality at Paulsens Gold Mine on 15 November 2015.

The Minister for Transport on the outcome of the tender process to choose a preferred airlines to service regulated regular public transport air routes.

The Parliamentary Secretary to the Minister for Commerce on amendments to the *Residential Tenancies Act 1987*.

5. Residential Tenancies Amendment Bill 2015

The Parliamentary Secretary to the Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to amend the *Residential Tenancies Act 1987*.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Commerce presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary to the Minister for Commerce moved, That the bill be now read a second time.

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

Question put and passed.

6. Mental Health 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 Mental Health moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

7. City of Perth Bill 2015

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

CONSIDERATION IN DETAIL

New Clause 15A.

Mr D.A. Templeman moved,

Page 10, after line 25 – To insert:

“

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

”.

Debated ensued.

The Minister for Local Government moved,

In new Clause 15A, moved by Mr D.A. Templeman, to delete the words:

“ the coming into effect of the Act ”.

and insert:

“ 1 July 2016 ”.

On the question, That the amendment to the amendment be agreed to,

Question put and passed.

On the question, That the new Clause 15A as amended be agreed to,

Question put and passed.

Clause 16 agreed to.

Clause 17.

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

8. Questions

Questions without Notice were taken.

No Questions on Notice were asked.

Questions on Notice Nos 4590, 4601, 4614, 4617, 4628, 4651, 4657 and 4683 were answered.

Papers tabled by the Minister Representing the Minister for Education –

Question on Notice No. 4614 – Details Regarding the Disengaged Youth in the Education System in the Kimberley (3636).

Question on Notice No. 4683 – Costs of Unfunded Outstanding Maintenance and Capital Works for Particular Primary and High Schools (3637).

Paper tabled by the Parliamentary Secretary to the Minister for Child Protection –

Question on Notice No. 4628 – Details of Applications, Grants Issued, Enquiries and Financial Counselling Services Received in the Mirrabooka Electorate Under the Hardship Utility Grant Scheme for Each Quarter Between 2013 and 2015 (3638).

9. Matter of Public Interest – Minister for Health

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

At least five members having risen in support,

Mr R.H. Cook moved,

That this House condemns the Minister for Health for health budget failures resulting in massive cuts to jobs that will impact on services to the community.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr P. Papalia

Mr J.R. Quigley

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz

Mr F.A. Alban

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 W.M. Duncan

Ms E. Evangel

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 J.E. McGrath

Ms L. Mettam

Mr P.T. Miles

Ms A.R. Mitchell

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.

10. Education and Health Standing Committee – Extension of Reporting Date

The Speaker advised the House that he had received a letter from the Deputy Chair of the Education and Health Standing Committee advising that the Committee had resolved to extend its reporting date to the House on its consideration of the inquiry into the transition to and operation of services at Fiona Stanley Hospital to no later than 26 November 2015.

11. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

12. City of Perth Bill 2015

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

CONSIDERATION IN DETAIL

Clauses 17 to 19 agreed to.

Clause 20 put and negatived.

Clause 21 put and negatived.

Clause 22.

The Minister for Local Government moved,

Page 15, line 15 – To delete the line and substitute:

“

- (b) divide the district of Perth into wards; or
- (c) change the boundaries of the district of Perth.

”.

Amendment put and passed.

Clause 22, as amended, agreed to.

Clause 23.

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

13. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 7 be next considered.

14. Increases in Land Tax

Mr B.S. Wyatt, pursuant to notice, moved,

That this House condemns the Barnett Liberal National Government for its three consecutive increases in land tax which are significantly impacting land owners and small businesses at a time when businesses are experiencing an economic slowdown.

Debate ensued.

Debate interrupted by the Chair (the Treasurer speaking) and adjourned until a later stage of the sitting.

15. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

16. City of Perth Bill 2015

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

CONSIDERATION IN DETAIL

Clauses 23 to 34 agreed to.

Clauses 35 and 36 put and negatived.

New Clause 36A.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36A. Section 5.78 amended

In section 5.78(1) delete “5.82, 5.83,”.

”.

Paper

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

By the Minister for Local Government –

Local Government, Minister for – Local Government (Administration) Regulations 1996,
Schedule 1, Form (3639).

New clause put and passed.

New Clause 36B.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36B. Section 5.82 amended

(1) Delete section 5.82(1) and insert:

(1A) A relevant person is to disclose each gift received by the person.

(1B) The disclosure is to be made in writing to the CEO.

(1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.

(1D) The disclosure is to include the following —

(a) a description of the gift;

(b) the name and address of the person who made the gift;

(c) the date on which the gift was received;

(d) the estimated value of the gift at the time it was made;

(e) the nature of the relationship between the relevant person and the person who made the gift.

(2) In section 5.82(2):

(a) delete “in a return”;

(b) in paragraph (a)(i) delete “the return period; and” and insert:

a year; and

”.

New clause put and passed.

New Clause 36C.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36C. Section 5.83 amended

(1) Delete section 5.83(1) and insert:

- (1A) A relevant person is to disclose each financial or other contribution that has been made to any travel undertaken by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the contribution by the relevant person.
- (1) The disclosure is to include the following —
 - (a) a description of the contribution;
 - (b) the name and address of the person who made the contribution;
 - (c) the date on which the contribution was received;
 - (d) the estimated value of the contribution at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the contribution;
 - (f) a description of the travel;
 - (g) the date of travel.

(2) In section 5.83(2):

- (a) delete “in a return”;
- (b) in paragraph (d)(i) delete “the return period; and” and insert:

a year; and

”.

New clause put and passed.

New Clause 36D.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36D. Sections 5.89A and 5.89B inserted

After section 5.88 insert:

5.89A. Register of gifts and contributions to travel

- (1) A CEO is to keep a register of gifts and contributions to travel.
- (2) The register is to contain a record of the disclosures made under sections 5.82 and 5.83.
- (3) The register is to be in the form that is prescribed (if any).
- (4) The CEO is to make the register available for public inspection.
- (5) The CEO is to publish the register on the local government’s official website.

- (6) As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.
- (7) Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure —
 - (a) to be kept by the CEO; and
 - (b) to be made available for public inspection.

5.89B. Offence to fail to disclose under sections 5.82 and 5.83

A relevant person must comply with the requirements of sections 5.82 and 5.83 in relation to the disclosure of information.

Penalty: a fine of \$10 000 or imprisonment for 2 years.

”.

New clause put and passed.

New Clause 36E.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36E. Section 5.89 amended

In section 5.89 delete “5.70 or 5.71” and insert:

5.70, 5.71, 5.82 or 5.83

”.

New clause put and passed.

New Clause 36F.

The Minister for Local Government moved,

Page 24, after line 23 – To insert:

“

36F. Section 9.25 amended

In section 9.25(1) after “5.78,” insert:

5.89B,

”.

New clause put and passed.

Clause 37 put and negatived.

Schedule 1 agreed to.

Title agreed to.

Consideration in detail concluded.

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

Debate ensued.

Question put.

The Assembly divided.

Ayes (38)

Mr P. Abetz
 Mr F.A. Alban
 Ms L.L. Baker
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Dr A.D. Buti
 Mr G.M. Castrilli
 Mr R.H. Cook
 Mr M.J. Cowper
 Ms J. Farrer
 Ms J.M. Freeman
 Mrs G.J. Godfrey

Dr K.D. Hames
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Mr D.J. Kelly
 Mr S.K. L'Estrange
 Mr F.M. Logan
 Mr W.R. Marmion
 Mr M. McGowan
 Mr J.E. McGrath
 Ms S.F. McGurk
 Ms L. Mettam
 Mr P.T. Miles

Mr M.P. Murray
 Dr M.D. Nahan
 Mr D.C. Nalder
 Mr J. Norberger
 Ms M.M. Quirk
 Ms R. Saffioti
 Mr A.J. Simpson
 Mr C.J. Tallentire
 Mr M.H. Taylor
 Mr D.A. Templeman
 Mr B.S. Wyatt
 Ms A.R. Mitchell (*Teller*)

Noes (6)

Ms M.J. Davies
 Ms W.M. Duncan

Mr R.F. Johnson
 Mr R.S. Love

Mr T.K. Waldron
 Mr V.A. Catania (*Teller*)

Question thus passed.

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

17. Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition 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 Premier moved, That the debate be adjourned.

Question put and passed.

18. Adjournment

The Premier moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 10.16 p.m. until Thursday, 19 November 2015 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr B.J. Grylls, Dr G.G. Jacobs, Mr N.W. Morton and Mr P.B. Watson.

KIRSTEN M. ROBINSON
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly