

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 200

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 7 APRIL 2016

1. Meeting of Assembly

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

The Deputy Speaker took the Chair.

Prayers were read.

2. Petition

William Patrick Mitchell – Mr I.C. Blayney presented a petition from 2,527 persons asking the Legislative Assembly to ensure that William Patrick Mitchell is not granted parole and will remain in prison for the term of his natural life (P. 361).

3. Papers

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

By the Clerk –

Conservation and Land Management Act 1984 – Lease No. 2159/100 between the Department of Parks and Wildlife and People and Parking Pty Ltd, Trading as “Kiosk at the Dam” and Stephen Colin and Diane Greville for the Wellington Dam Kiosk situated in the Wellington National Park (4070).

Conservation and Land Management Act 1984 – Lease No. 2355/100 Between The Department of Parks and Wildlife and Thomas Raymond Smith and Helen Patricia Smith for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4062).

Conservation and Land Management Act 1984 – Lease No. 2365/100 Between The Department of Parks and Wildlife and Eric John Ipsen and George Athol Ipsen for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4064).

Conservation and Land Management Act 1984 – Lease No. 2371/100 Between The Department of Parks and Wildlife and Donald Gordon Sivyver and Faye Judith Wells for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4066).

Conservation and Land Management Act 1984 – Lease No. 2376/100 Between The Department of Parks and Wildlife and David John Serafini, Paula Kaye Serafini, Benjamin David Serafini and Brianna Louise Serafini for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4068).

Conservation and Land Management Act 1984 – Lease No. 2386/100 Between The Department of Parks and Wildlife and Nancy Helen McQueen, Christine Helen McQueen, Lynette Frances Durrant, Jillian Roberta Power, Nathaniel James Muir, Benjamin Douglas Muir and Eva Claire Muir-Ralph for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4069).

Conservation and Land Management Act 1984 – Lease No. 2387/100 Between The Department of Parks and Wildlife and Aileen Jones and Michael James Jones for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4061).

Conservation and Land Management Act 1984 – Lease No. 2388/100 Between The Department of Parks and Wildlife and Sharleen Giles and Darren Hammer for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4063).

Conservation and Land Management Act 1984 – Lease No. 2390/100 Between The Department of Parks and Wildlife and Colin David Hooper, Adriana Hooper, Yvette Marie Hooper and Emma Lee Rawson for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4067).

Conservation and Land Management Act 1984 – Lease No. 2391/100 Between The Department of Parks and Wildlife and Peter Ross Wood and Adrian Ernest Wood for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D’Entrecasteaux National Park (4065).

Corruption and Crime Commission – Annual Report 1 July 2014 – 30 June 2015 – Western Australia Police – Report for Minister for Police (4072).

Criminal Law (Mentally Impaired Accused) Act 1996 – Report of the Review of the Act (4071).

4. Corrections to Tabled Papers

The Deputy Speaker announced that the Speaker had authorised corrections to the following Tabled Papers tabled on:

11 September 2014 –

Water Corporation – Annual Report 2013–2014 (1993).

17 September 2015 –

Water Corporation – Annual Report 2014–2015 (3292).

Paper

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

By the Speaker –

Water Corporation – Annual Report 2013–2014 and Annual Report 2014–2015 – Errata (4073).

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on a program of events taking place in Fremantle as part of the Revealed 2016 exhibition, market and symposium for Aboriginal art.

The Minister for Energy on the reforms to the Western Australian Wholesale Electricity Market's Reserve Capacity Mechanism.

The Minister for Local Government on local government's statutory compliance obligations.

The Minister for Mental Health on the implementation of the Stokes Review recommendations.

6. Grievances

The Deputy Speaker called for grievances which were then made.

7. Health Services Bill 2016

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

CONSIDERATION IN DETAIL

Clauses 141 to 143 agreed to.

Clauses 161 to 172 agreed to.

Clause 173.

Ms J.M. Freeman moved,

Page 114, line 20 – To insert after “with”:

“ and is fair and proper in relation to that employee ”.

Amendment put and negatived.

Clause agreed to.

Clause 174 agreed to.

Consideration in detail concluded.

The Minister for Health moved,

“

That the Health Services Bill be reconsidered in detail for the purpose only of considering Clause 102 in order to delete subsection (5) and insert the Minister's proposed new subsection (5).

”.

Debate ensued.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 102.

The Minister for Health moved,

Page 69, after line 25 – To delete:

“

- (5) If the Minister acts under subsection (1) then the action taken by the Minister in accordance with subsection (3) must be tabled before both Houses of Parliament.

”.

and substitute:

“

- (5) If the Minister acts under subsection (1), notice of the action must –
- (a) be laid before each House of Parliament or dealt with under section 229 within 14 days after the action is taken; and
 - (b) be included in the annual report submitted by the accountable authority in respect of the health service provider under the Financial Management Act 2006 Part 5.

”.

Amendment put and passed.

Clause 102, as amended, agreed to.

Reconsideration 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.

8. **Legal Profession Amendment Bill 2016** **Legal Profession Amendment (Levy) Bill 2016**

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.
Debate resumed.

Cognate Debate

Leave was granted to debate the Legal Profession Amendment (Levy) Bill 2016 in conjunction with the Legal Profession Amendment Bill 2016.

Debate resumed.

Question put and passed.

Legal Profession Amendment Bill 2016 read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 4 agreed to.

Clause 5.

Mr J.R. Quigley moved,

Page 3, line 3 – To insert after “calculated”:

“

and that the amount must be agreed to by the Legal Practice Board, the Law Society of Western Australia Inc and the Western Australian Bar Association

”.

Page 3, line 14 – To delete “or” and insert:

“ and ”.

Page 3, lines 21 and 22 – To delete:

“ and have regard to any submissions made by those bodies ”.

Debate ensued.

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

9. Members' Statements

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

10. Speaker's Statement – Retirement of Russell Bremner, Executive Manager, Parliamentary Services Department

The Speaker advised members that today was Russell Bremner's last sitting day, before he departs on pre-retirement leave next week. Russell had been the Executive Manager of the Parliamentary Services Department for the past 18 years, having joined the Western Australian Parliament in 1998, just after the Department was established. His retirement would take effect from 25 October 2016.

11. Questions

Questions without Notice were taken.

Questions on Notice Nos 5381 to 5386 were asked.

12. Additional Information

The Minister for Transport provided additional information relating to Questions without Notice Nos 55 and 56 from Ms R. Saffioti.

13. Procedure and Privileges Committee – Terms of Reference

The Speaker advised members that the Procedure and Privileges Committee had resolved to inquire into the appropriateness of amending the terms of reference of the Joint Standing Committee of the Corruption and Crime Commission.

The Speaker further advised that he had authorised an amendment to Legislative Assembly Standing Order 289, to now refer to the *Corruption, Crime and Misconduct Act 2003*, the renamed title of the Joint Committee's governing Act.

14. Community Development and Justice Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 7 April 2016 from the Chair of the Community Development and Justice Standing Committee, advising that the Committee had resolved to inquire into Building Resilience and Engagement for At-Risk Youth Through Sport and Culture. The Committee would report by 16 August 2016.

15. Variation to the Order of Business

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

16. Legal Profession Amendment Bill 2016

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

CONSIDERATION IN DETAIL

Clause 5.

Mr J.R. Quigley had moved,

Page 3, line 3 – To insert after “calculated”:

“

and that the amount must be agreed to by the Legal Practice Board, the Law Society of Western Australia Inc and the Western Australian Bar Association

”.

Page 3, line 14 – To delete “or” and insert:

“ and ”.

Page 3, lines 21 and 22 – To delete:

“ and have regard to any submissions made by those bodies ”.

Amendments put.

The Assembly divided.

Ayes (16)

Dr A.D. Buti
Ms J. Farrer
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
Ms R. Saffioti
Mr C.J. Tallentire

Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Ms S.F. McGurk (*Teller*)

Noes (32)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr V.A. Catania
Mr M.J. Cowper
Ms M.J. Davies
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
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
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 A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendments thus negatived.

Clause agreed to.

Clauses 6 and 7 agreed to.

Title agreed to.

Consideration in detail concluded.

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

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.

17. Legal Profession Amendment (Levy) Bill 2016

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 4 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Police 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.

18. Electoral Amendment Bill 2016

Message No. 126 dated 7 April 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Electoral Act 1907*.”

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

19. Special Adjournment

The Minister for Emergency Services moved, That the House at its rising adjourn until Tuesday, 10 May 2016 at 2.00 p.m.

Question put and passed.

20. Adjournment

The Minister for Emergency Services moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 4.30 p.m. until Tuesday, 10 May 2016 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr R.H. Cook and Mr B.J. Grylls.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly