

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 202

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 10 MAY 2016

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Joint Sitting to Fill a Vacancy in the Senate

The Speaker advised that a Joint Sitting of both Houses was held on Thursday, 28 April 2016 and that Patrick Lionel Dodson was duly elected as a Senator of the Commonwealth Parliament.

3. Speaker's Statement – Amended Seating Plan

The Speaker advised that he had approved an amended seating plan for the Government side of the House.

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Local Government on the Report of the Inquiry into the Lord Mayor of the City of Perth, Ms Lisa Scaffidi.

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 – Report of the Inquiry into the Lord Mayor of the City of Perth, Ms Lisa Scaffidi, Authorised Inquiry under Part 8 Division 1 of the *Local Government Act 1995*, May 2016 (4138).

Report Ordered to be Printed

The Minister for Local Government moved,

That this House authorise the publication of the Report of the Inquiry into the Lord Mayor of the City of Perth, Ms Lisa Scaffidi.

Question put and passed.

The Minister for Mines and Petroleum on his recent visit to the Roy Hill Iron Ore Mine, located 115km north of Newman.

The Minister for Veterans on the Commemoration Way Project, an initiative designed to recognise Western Australian recipients of the Victoria Cross and George Cross.

The Minister for Sport and Recreation on the ongoing construction of Perth Stadium that has resulted in an additional \$76 million worth of contracts awarded to Western Australian companies.

The Parliamentary Secretary to the Minister for Planning on the Metropolitan Region Scheme Amendment 1210/41, which will facilitate rationalisation of the existing Stirling Highway Primary Regional Roads Reservation.

Paper

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

By the Parliamentary Secretary to the Minister for Planning –

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part A – Report on Submissions (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part B – Submissions Volume 1 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part C – Submissions Volume 2 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part D – Submissions Volume 3 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part E – Submissions Volume 4 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part F – Submissions Volume 5 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part G – Submissions Volume 6 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part H – Transcript of Hearings Volume 1 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part I – Transcript of Hearings Volume 2 (4139).

Planning, Parliamentary Secretary to the Minister for – Metropolitan Region Scheme Amendment 1210/41, Rationalisation of Stirling Highway Reservation, April 2016: Part J – Amending Plan (4139).

5. Speaker's Statement – Budget Week Arrangements

The Speaker advised that in accordance with standard practice, the budget would be presented at 2.00 p.m. on Thursday, 12 May 2016. Accordingly, on Thursday, Members' 90-second Statements will be called for at 12.20 p.m. and Questions without Notice at 12.30 p.m.

6. Questions

Questions without Notice were taken.

Questions on Notice Nos 5435 to 5447 were asked.

Questions on Notice Nos 5144, 5145, 5147 to 5150, 5152, 5154, 5155, 5157, 5159 to 5169, 5171, 5172, 5174, 5175, 5177, 5179 to 5181, 5183 to 5187, 5189 to 5192, 5194, 5196 to 5199, 5201 to 5207, 5209, 5210, 5213 to 5215, 5218, 5220 to 5224, 5226 to 5230, 5233 to 5244, 5246, 5250 to 5252, 5254 to 5262, 5264, 5265, 5267, 5269 to 5283, 5285 to 5290, 5292 to 5295, 5297, 5298, 5306, 5308, 5310 to 5312, 5314 to 5316, 5319 to 5321, 5323, 5325 to 5329, 5331, 5333, 5334, 5337, 5339 to 5350, 5352 to 5354, 5356 to 5358, 5360 to 5366, 5368, 5370 to 5372, 5375 to 5385, and 5407 were answered.

Paper tabled by the Minister for Training and Workforce Development –

Question on Notice No. 5311 – Staffing levels and redundancies for each State Training Provider as at 23 February 2016 (4125).

Papers tabled by the Treasurer –

Question on Notice No. 5264 – Details of 2015–2016 land sales (4126).

Question on Notice No. 5342 – Details of meetings between the Treasurer's office and private corporations concerning the *Pilbara Port Assets (Disposal) Bill 2015* (4127).

Paper tabled by the Minister for Lands –

Question on Notice No. 5230 – Department of Lands 2015 Client Stakeholder Satisfaction Survey report (4128).

Paper tabled by the Minister for Water –

Question on Notice No. 5285 – Amounts provided in rebates to pension card, State Concession card, Western Australian Seniors card and Commonwealth Seniors card holders between January 2015 and February 2016 (4129).

Papers tabled by the Minister for Emergency Services; Fisheries; Corrective Services; Veterans –

Question on Notice No. 5184 – Details of exemptions sought and approved to the government's recruitment freeze for agencies and departments under the Minister's portfolio of responsibilities (4130).

Question on Notice No. 5250 – Details of intervention programs delivered by the Department of Corrective Services in 2014 and 2015 (4131).

Question on Notice No. 5274 – Details of prosecutions brought against commercial fishers for violations under the *Fish Resources Management Act 1991* each month in 2014 and 2015 (4132).

Question on Notice No. 5275 – Details of recreational boat safety checks conducted between July 2014 and February 2016 (4133).

Question on Notice No. 5277 – Whale entanglements reported by commercial fishers for each month between January 2015 and December 2015 (4134).

Papers tabled by the Minister representing the Attorney General; Minister for Commerce –

Question on Notice No. 5190 – Details of exemptions sought and approved to the government's recruitment freeze for agencies and departments under the Minister's portfolio of responsibilities (4135).

Question on Notice No. 5381 – Organisations receiving 2016–17 Public Purposes Trust funding (4136).

Question on Notice No. 5382 – Amounts of 2015–16 Public Purposes Trust grants awarded (4137).

7. Additional Information

The Minister representing the Attorney General provided additional information relating to Question on Notice No. 4689 from Mr P. Papalia.

Paper

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

By the Minister representing the Attorney General –

Question on Notice No. 4689 – Additional Information – Amended Answer to Question on Notice No. 4689 (4140).

8. Additional Information

The Minister for Water provided additional information relating to Question on Notice No. 4292.

9. Unanswered Questions on Notice

Mr P. Papalia asked why no answers had been received in respect of his Questions on Notice Nos 5217 and 5218.

10. Message from the Governor

Message No. 9 from Her Excellency the Governor was reported assenting to the following bills –

Co-operatives Amendment Act 2016, Act No. 7 of 2016.

Motor Vehicle (Catastrophic Injuries) Act 2016, Act No. 8 of 2016.

11. Petitions

Puppy Farming – Ms L.L. Baker presented a petition from 3 persons asking the Legislative Assembly to take action to put an end to the cruel practice of puppy farming in Western Australia (P. 362).

Housing Authority Tenants – Mr F.M. Logan presented a petition from 120 persons asking the Legislative Assembly to call on the Barnett Government to immediately reverse its decision to change the income assessment for Housing Authority tenants, which now incorporates Centrelink and Veteran's Affairs benefits and allowances as assessable income (P. 363).

Housing Authority Tenants – Mr W.J. Johnston presented a petition from 66 persons asking the Legislative Assembly to call on the Barnett Government to immediately reverse its decision to change the income assessment for Housing Authority tenants, which now incorporates Centrelink and Veteran's Affairs benefits and allowances as assessable income (P. 364).

Perth Freight Link – Mr P.C. Tinley presented a petition from 60 persons asking the Legislative Assembly to call on the Barnett Government to reverse its decision to proceed with the Perth Freight Link, and instead divert funding to public transport projects, increasing the amount of freight on rail and planning for a new 'outer port' in Kwinana (P. 365).

12. Joint Standing Committee on Audit – Extension of Reporting Date

The Speaker advised that he had received a letter from the Chair of the Joint Standing Committee on Audit advising that the Committee had resolved to extend its reporting date to the House on its examination of the Department of Treasury's review of the *Financial Management Act 2006* until a date to be determined.

Paper

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

By the Minister for Water –

Question on Notice No. 4292 – Additional Information: Information on rebates and concessions provided by Aqwest and Busselton Water (4141).

13. Papers

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

By the Clerk –

Auditor General, Office of the – Audit of Payroll and other Expenditure using Data Analytic Procedures – Report 6, May 2016 (4078).

Auditor General, Office of the – Audit Results Report – Annual 2015 Financial Audits and Opinion on Ministerial Notification – Report 5, May 2016 (4077).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations 2016 G.G. 3/05/2016) (4079).

Building Act 2011 – Regulations (Building Amendment Regulations (No. 2) 2016 G.G. 15/04/2016) (4080).

Building Act 2011 – Regulations (Building Amendment Regulations 2016 G.G. 5/04/2016) (4081).

Conservation and Land Management Act 1984 – Lease No. 2373/100 between The Department of Parks and Wildlife and Michael Rossiter McLaren for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D'Entrecasteaux National Park (4082).

Conservation and Land Management Act 1984 – Lease No. 2392/100 between The Department of Parks and Wildlife and Troy Coram and Lynda Coram for an Existing Recreational Hut Located Along the Lower Reaches of the Donnelly River in the D'Entrecasteaux National Park (4083).

Conservation and Land Management Act 1984 – Orders (Eighty Mile Beach Marine Park (Alteration of Boundaries) Order 2016 G.G. 8/04/2016) (4084).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2016 G.G. 4/04/2016) (4085).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations 2016 G.G. 6/05/2016) (4086).

Court Security and Custodial Services Act 1999 – Regulations (Court Security and Custodial Services Amendment Regulations 2016 G.G. 26/04/2016) (4087).

Dog Act 1976 – Local Laws (Shire of Augusta Margaret River Dogs Local Law 2016 G.G. 22/04/2016) (4088).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2016 G.G. 5/04/2016) (4089).

Health Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations 2016 G.G. 3/05/2016) (4090).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations 2016 G.G. 3/05/2016) (4091).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations (No. 2) 2016 G.G. 15/04/2016) (4092).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2016 G.G. 5/04/2016) (4093).

Land Administration Act 1997 – Proposal No. 2/2016 for the Excision of Land from Class 'A' Reserve 1944 under Section 42(4) of the Act (4094).

Land Administration Act 1997 – Proposal No. 1/2016 for the Cancellation of Class 'B' Reserve 7401 and the Creation of a new Class 'C' Reserve for Recreation Purposes (4095).

- Liquor Control Act 1988 – Regulations (Liquor Control (Ngalinkadji Restricted Area) Regulations 2016 G.G. 8/04/2016) (4096).
- Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations 2016 G.G. 8/04/2016) (4097).
- Local Government Act 1995 – Local Laws (City of Kwinana Extractive Industries Amendment Local Law 2016 G.G. 29/04/2016) (4098).
- Local Government Act 1995 – Local Laws (City of Subiaco Parking Facilities Amendment Local Law 2015 G.G. 8/04/2016) (4099).
- Local Government Act 1995 – Local Laws (Shire of Augusta Margaret River Local Government Property Amendment Local Law 2016 G.G. 22/04/2016) (4100).
- Local Government Act 1995 – Local Laws (Shire of Augusta Margaret River Parking and Parking Facilities Amendment Local Law 2016 G.G. 22/04/2016) (4101).
- Local Government Act 1995 – Local Laws (Shire of Donnybrook-Balingup Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2016 G.G. 19/04/2016) (4102).
- Local Government Act 1995 – Local Laws (Shire of Donnybrook-Balingup Extractive Industries Amendment Local Law 2016 G.G. 19/04/2016) (4103).
- Local Government Act 1995 – Local Laws (Shire of Donnybrook-Balingup Fencing Amendment Local Law 2016 G.G. 19/04/2016) (4104).
- Local Government Act 1995 – Local Laws (Town of Port Hedland Public Places and Local Government Property Local Law 2016 G.G. 13/04/2016) (4105).
- Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court (Civil Proceedings) Amendment Rules (No. 2) 2016 G.G. 3/05/2016) (4106).
- Magistrates Court (Civil Proceedings) Act 2004 – Rules (Magistrates Court (Minor Cases Procedure) Amendment Rules (No. 2) 2016 G.G. 3/05/2016) (4107).
- Motor Vehicle Drivers Instructors Act 1963 – Regulations (Motor Vehicle Drivers Instructors Amendment Regulations 2016 G.G. 5/04/2016) (4108).
- Pay-roll Tax (Indigenous Wages) Rebate Act 2012 – Regulations (Pay-roll Tax (Indigenous Wages) Rebate Regulations 2016 G.G. 5/04/2016) (4109).
- Plumbers Licensing Act 1995 – Regulations (Plumbers Licensing and Plumbing Standards Amendment Regulations 2016 G.G. 29/04/2016) (4110).
- Poisons Act 1964 – Orders (Poisons (Appendix A Amendment) Order 2016 G.G. 6/05/2016) (4111).
- Professional Standards Act 1997 – Schemes (The Australian Property Institute Valuers Limited Scheme (2016) G.G. 15/04/2016) (4112).
- Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations (No. 2) 2016 G.G. 26/04/2016) (4113).
- Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations 2016 G.G. 5/04/2016) (4114).
- Tobacco Products Control Act 2006 – Regulations (Tobacco Products Control Amendment Regulations (No. 2) 2016 G.G. 6/05/2016) (4115).
- Vocational Education and Training Act 1996 – By-laws (Central Regional TAFE By-laws 2016 G.G. 6/05/2016) (4116).
- Vocational Education and Training Act 1996 – By-laws (North Metropolitan TAFE By-laws 2016 G.G. 29/04/2016) (4117).
- Vocational Education and Training Act 1996 – By-laws (North Regional TAFE By-laws 2016 G.G. 6/05/2016) (4118).
- Vocational Education and Training Act 1996 – By-laws (South Metropolitan TAFE By-laws 2016 G.G. 29/04/2016) (4119).
- Vocational Education and Training Act 1996 – By-laws (South Regional TAFE By-laws 2016 G.G. 29/04/2016) (4120).
- Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Wanneroo Waste Local Law 2016 G.G. 26/04/2016) (4121).

Western Australian Land Authority (LandCorp) – Ministerial Review – November 2015 (4122).

Western Australian Treasury Corporation – Quarterly Report for the Quarter Ended 31 March 2016 (4124).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2016 G.G. 15/04/2016) (4123).

14. Notices of Motion

15. Matter of Public Interest – Perth Freight Link Project

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

At least five members having risen in support,

Ms R. Saffioti moved,

That this House condemns the Liberal National Government for its latest flawed justification for the Perth Freight Link project.

Debate ensued.

Suspension of Member

The Speaker, having called Ms R. Saffioti to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Debate ensued.

Papers

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

By the Minister for Transport –

Transport, Minister for – Fremantle Ports Outer Harbour Project, Fremantle Ports/Department of Planning and Infrastructure, Advice to the Minister for Environment from the EPA, September 2006 (4142).

Transport, Minister for – Perth Freight Link Potential Urban Outcomes: Section Two Road Options, Property Market Analysis, October 2015 (4143).

Transport, Minister for – The Perth Freight Link Project: Table 3 – Forecast vehicles per day in 2021 excluding regulation potential (4144).

Transport, Minister for – The Perth Freight Link Project: Developing Transport Networks; Delivering Safer Roads, April 2016, Version 1 (4145).

Question 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

Ms S.F. McGurk

Mr M.P. Murray

Mr P. Papalia

Ms M.M. Quirk

Mrs M.H. Roberts

Mr C.J. Tallentire

Mr D.A. Templeman (*Teller*)

Mr P.C. Tinley

Mr P.B. Watson

Mr B.S. Wyatt

Noes (34)

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 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 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.

16. Removal of Orders of the Day

The Speaker advised that the Orders of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Criminal Code Amendment (Interference with War Memorials) Bill 2015 and Private Members' Business Order of the Day No. 2, Unemployment in Western Australia, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

The Speaker further advised, for members' information, that a bill removed under this Standing Order may be restored by motion to the point it had reached prior to its removal.

17. Message from the Legislative Council

Message No. 127 dated 10 May 2016 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that Hon Helen Morton has been appointed as a member of the Joint Standing Committee on Audit.

18. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

10 May 2016

Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015 (Message No. 128).

Land Administration (South West Native Title Settlement) Bill 2015 (Message No. 129).

19. Health Services Bill 2016

The Order of the Day for the third reading of the bill having been read, the Minister for Health 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.

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.52 p.m. until Wednesday, 10 May 2016 at 12.00 noon.

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

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly