

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 237

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 20 OCTOBER 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

Helena Aurora Range – Mr A.J. Simpson presented a petition from 197 persons asking the Legislative Assembly to grant full and secure protection to the Helena Aurora Range (Bungalbin) through the gazettal of the area as a Class A Reserve and National Park (P. 408).

3. Papers

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

By the Clerk –

Chief Advocate for Residents of Declared Places Under the Declared Places (Mentally Impaired Accused) Act 2015 – Annual Report 2015–2016 (4797).

Economic Regulation Authority – Report to the Minister on the Effectiveness of the Electricity Generation and Retail Corporation Regulatory Scheme June 2016 (4796).

Western Power – Statement of Corporate Intent 2015–2016 (4798).

4. Brief Ministerial Statement

A Brief Ministerial Statement was made by –

The Minister for Mental Health on the drafting of an Exposure Draft Bill to help reduce the negative impacts of methamphetamine use in Western Australia.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. Suspension of Standing Orders

Mr J.R. Quigley, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House enables:

1. debate on the question, That the Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 be read a second time, be resumed forthwith; and
2. if the debate is not concluded earlier, at the expiration of 60 minutes of such debate for the Chair to put the question without further debate or amendment.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Mr P. Abetz	Mr W.J. Johnston	Mrs M.H. Roberts
Mr I.M. Britza	Mr D.J. Kelly	Ms R. Saffioti
Dr A.D. Buti	Mr F.M. Logan	Mr C.J. Tallentire
Mr R.H. Cook	Mr M. McGowan	Mr P.C. Tinley
Ms W.M. Duncan	Mr M.P. Murray	Mr P.B. Watson
Ms J.M. Freeman	Mr P. Papalia	Mr B.S. Wyatt
Dr G.G. Jacobs	Mr J.R. Quigley	Mr D.A. Templeman (<i>Teller</i>)
Mr R.F. Johnson	Ms M.M. Quirk	

Noes (29)

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

Question thus negatived.

7. Public Accounts Committee

Dr K.D. Hames, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Report No. 16 – Annual Report 2015–2016 (4799).

Mr B.S. Wyatt, Mrs G. Godfrey and Mr W.J. Johnston spoke on the report.

8. School Boarding Facilities Legislation Amendment and Repeal Bill 2016

The Premier, pursuant to notice, moved,

That a bill for “An Act to –

- amend the *School Education Act 1999* to make provision for student residential colleges; and
- repeal the *Country High School Hostels Authority Act 1960* and regulations made under that Act; and
- make consequential amendments to various other Acts, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier moved, That the bill be now read a second time.

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

Question put and passed.

9. Oil Refinery (Kwinana) Agreement Amendment Bill 2016

The Minister for State Development, pursuant to notice, moved,

That a bill for “An Act to amend the *Oil Refinery (Kwinana) Agreement Act 1952*.” be introduced and read a first time.

Question put and passed.

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

The Minister for State 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.

10. Variation

Mrs M.H. Roberts moved,

That Private Members’ Business Order of the Day No. 18 be next considered.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

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

Noes (34)

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

Question thus negatived.

11. Members’ Statements

The Speaker called for members’ statements which were then made.

12. Questions

Questions without Notice were taken.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Transport –

Minister for Transport – Project Alliance Agreement – Roe 8 Project (4800).

Questions on Notice Nos 5871 and 5872 were answered.

13. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016

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

CONSIDERATION IN DETAIL

Clause 1 agreed to.

Clause 2.

The Minister for Police moved,

Page 2, after line 10 – To insert:

“ (2) Subsection (1)(b) is subject to section 54. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

New Clause 3A.

The Minister for Road Safety moved,

Page 3, after line 3 – To insert:

“

3A. Section 49AAA amended

(1) In section 49AAA insert in alphabetical order:

above the speed limit, in relation to the driving of a vehicle, means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, the vehicle or the length of road where it is being driven;

confiscation zone means —

in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less; or
a school zone;

motor cycle means a motor vehicle that has 2 wheels and includes —

a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

school zone means a length of road designated as a school zone under a road law;

speed limit means a speed limit set under a road law.

- (2) In section 49AAA in the definition of ***provide driving instruction*** delete “vehicle.” and insert:

vehicle;

Note for this section:

This section is an alternative to section 4 and Part 3 Division 2A and applies if the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation on or before the day on which this section comes into operation. See section 54(1).

”.

New Clause agreed to.

Clause 4.

The Minister for Road Safety moved,

Page 4, after line 7 – To insert:

“

Note for this section:

This section read with Part 3 Division 2A is an alternative to section 3A and applies if the *Road Traffic Legislation Amendment Act 2016* section 42 has not come into operation before this section and Part 3 Division 2A has come into operation. See section 54(2).

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

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

Question put.

The Assembly divided.

Ayes (31)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.M. Britza
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 A. Krsticevic
Mr S.K. L'Estrange
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 A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Ms L. Mettam (*Teller*)

Noes (17)

Ms L.L. Baker
 Dr A.D. Buti
 Ms J.M. Freeman
 Mr R.F. Johnson
 Mr W.J. Johnston
 Mr D.J. Kelly

Mr F.M. Logan
 Mr M. McGowan
 Ms S.F. McGurk
 Mr M.P. Murray
 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*)

Question thus passed.

On the question, That Clause 6 be agreed to,

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 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 A. Krsticevic
 Mr S.K. L'Estrange
 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 A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Ms L. Mettam (*Teller*)

Noes (18)

Ms L.L. Baker
 Dr A.D. Buti
 Mr R.H. Cook
 Ms J.M. Freeman
 Mr R.F. Johnson
 Mr W.J. Johnston

Mr D.J. Kelly
 Mr F.M. Logan
 Mr M. McGowan
 Ms S.F. McGurk
 Mr M.P. Murray
 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*)

Clause agreed to.

Clause 7.

The Minister for Police moved,

Page 5, line 16 – To delete the line.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 8 to 46 agreed to.

Part 3 Heading.

The Minister for Road Safety moved,

Page 41, line 1–To insert after “**other Acts**”:

“ **and repeals** ”.

Amendment put and passed.

Heading, as amended, agreed to.

Clauses 47 to 51 agreed to.

New Part 3 Division 2A.

The Minister for Road Safety moved,

Page 41, after line 26 – To insert:

“

Division 2A — *Road Traffic Legislation Amendment Act 2016* amended

51A. Act amended

This Division amends the *Road Traffic Legislation Amendment Act 2016*.

51B. Section 42 amended

- (1) In section 42 in inserted section 49AAA insert in alphabetical order:

above the speed limit, in relation to the driving of a vehicle, means driving the vehicle at a speed that exceeds the speed limit applicable to the driver, the vehicle or the length of road where it is being driven;

confiscation zone means —

- (a) in relation to a vehicle, a length of road where the speed limit applicable to the vehicle, or the length of road, is 50 km/h or less; or
- (b) a school zone;

motor cycle means a motor vehicle that has 2 wheels and includes —

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels;

school zone means a length of road designated as a school zone under a road law;

speed limit means a speed limit set under a road law.

- (2) In section 42 in inserted section 49AAA in the definition of ***provide driving instruction*** delete “vehicle.” and insert:

vehicle;

Note for this Division:

See the note to section 4.

”.

New Division agreed to.

Clauses 52 and 53 agreed to.

New Part 3 Division 4.

The Minister for Road Safety moved,

Page 42, after line 8: To insert:

“

Division 4 — Repeals

54. Certain provisions of this Act repealed if not commenced

- (1) If the *Road Traffic Legislation Amendment Act 2016* section 42 comes into operation on or before the day on which section 3A of this Act comes into operation, section 4 and Part 3 Division 2A of this Act —
 - (a) do not come into operation; and
 - (b) are repealed when section 3A of this Act comes into operation.
- (2) If the *Road Traffic Legislation Amendment Act 2016* section 42 has not come into operation before the day on which section 4 and Part 3 Division 2A of this Act have come into operation, section 3A of this Act —
 - (a) does not come into operation; and
 - (b) is repealed when section 4 and Part 3 Division 2A of this Act come into operation.

”.

New Division agreed to.

Long title.

The Minister for Road Safety moved,

Page 1 – To delete “**2002**” and insert:

“ **2002, the *Road Traffic Legislation Amendment Act 2016*** ”.

Amendment put and passed.

Title, as amended, 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.

14. Construction Contracts Amendment Bill 2016

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

Debate ensued.

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

Question put and passed.

On the question, 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.

15. Genetically Modified Crops Free Areas Repeal Bill 2015

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

Debate ensued.

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

Question put and passed.

On the question, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

16. Message from the Governor

Message No. 29 from Her Excellency the Governor was reported assenting to the Universities Legislation Amendment Act 2016, Act No. 32 of 2016.

17. Correction to Tabled Paper

The Deputy Speaker announced that the Speaker had authorised corrections to the following Tabled Paper which was tabled on 22 September 2016 –

Environment Regulation, Department of – Annual Report 2015–2016 (4609).

Paper

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

By the Speaker –

Environment Regulation, Department of – Annual Report 2015–2016 – Erratum (4801).

18. Correction to Tabled Paper

The Deputy Speaker announced that the Speaker had authorised corrections to the following Tabled Paper which was tabled on 22 September 2016 –

Health, Department of – Annual Report 2015–2016 – Erratum (4696).

Paper

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

By the Speaker –

Health, Department of – Annual Report 2015–2016 – Erratum (4802).

19. Loan Bill 2016

Message No. 159 dated 20 October 2016 from the Legislative Council was reported agreeing to the bill without amendment.

20. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 8 November 2016 at 2.00 p.m.

Question put and passed.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.20 p.m. until Tuesday, 8 November 2016 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly