

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 127

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 26 FEBRUARY 2015

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Petition

Climate Change – Mr C.D. Hatton presented a petition from 1 person requesting that the Legislative Assembly commits to keeping the global temperature rise under the safe level of 2 degrees Celsius by shifting to 100 per cent clean energy, and also to urgently forging global, national and local agreements and plans to achieve this (P. 215).

3. Paper

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

By the Clerk –

Premier and Cabinet, Department of the – Ministerial Resourcing Report as at 12 February 2015 (2663).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the 2015 Taste Great Southern Festival.

The Minister for Local Government on the Corruption and Crime Commission Report *Misconduct Risk in Local Government Procurement*.

Papers

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

By the Minister for Local Government –

Local Government, Minister for – Brief Ministerial Statement on the Corruption and Crime Commission Report – Misconduct Risk in Local Government Procurement (2665).

Local Government, Minister for – Corruption and Crime Commission Report on Misconduct Risk in Local Government Procurement (2664).

The Minister for Local Government moved, That the report be published.

Question put and passed.

The Minister for Transport on the State Aviation Strategy.

Paper

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

By the Minister for Transport –

Transport, Minister for – Western Australian State Aviation Strategy (2666).

5. Grievances

The Speaker called for grievances which were then made.

6. Standing Committee Membership

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

That the member for Balcatta and the member for Vasse are appointed as members to the Community Development and Justice Standing Committee.

Debate ensued.

Dissent from Deputy Speaker's Ruling

Mrs M.H. Roberts moved,

To dissent from the Deputy Speaker's ruling on the use of unparliamentarily language.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

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

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*)

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
 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
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr S.K. L'Estrange
 Mr R.S. Love
 Mr W.R. Marmion
 Ms L. Mettam

Mr P.T. Miles
 Ms A.R. Mitchell
 Mr N.W. Morton
 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.

On the question, That the motion be agreed to,

Debate resumed.

Question put and passed.

7. Land Legislation Amendment Bill 2014

Land Legislation Amendment (Taxing) Bill 2014

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

Cognate Debate

Leave was granted to debate the Land Legislation Amendment (Taxing) Bill 2014 in conjunction with the Land Legislation Amendment Bill 2014.

Debate resumed.

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

8. Members' Statements

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

9. 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 Health –

Health, Minister for – Deed of Settlement and Release Between David Malone and the Western Australian Health Promotion Foundation (2667).

Questions on Notice Nos 3636 to 3642 were asked.

10. Message from the Governor

Message No. 7 from Her Excellency the Governor was reported assenting to the following bills –

Taxation Legislation Amendment Bill 2014, Act No. 1 of 2015.

Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill 2014, Act No. 2 of 2015.

Alcohol and Drug Authority Amendment Bill 2014, Act No. 3 of 2015.

11. Personal Explanation

Minister for Police made a personal explanation that the reason she has carriage in the House of the Criminal Law Amendment (Home Burglary and Other Offences) Bill is that she is now the Minister representing the Attorney General in the Assembly.

12. Variation to the Order of Business

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

13. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014

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

Debate resumed.

The Leader of the House moved, That the debate be adjourned.

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
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
Dr G.G. Jacobs
Mr R.F. Johnson
Mr S.K. L'Estrange
Mr W.R. Marmion
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 M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Noes (16)

Ms L.L. Baker
Mr R.H. Cook
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
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts

Ms R. Saffioti
Mr P.C. Tinley
Mr P.B. Watson
Mr D.A. Templeman (*Teller*)

Question thus passed.

14. Taxation Legislation Amendment Bill 2014

The Order of the Day for the consideration in detail of Legislative Council Message No. 71 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Taxation Legislation Amendment Bill 2014 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Taxation Legislation Amendment Bill 2014

No. 1

Clause 4, page 3, line 24 — To delete “*trade union*” and insert —

industrial association

No. 2

Clause 4, page 3, line 26 — To delete “53;” and insert —

53 or 54;

No. 3

Clause 4, page 3, line 27 — To delete “employees” and insert —

employees, or an association of employers,

No. 4

Clause 4, page 4, after line 2 — To insert —

- (ca) an association of employers registered or recognised as such (however described) under the law of another State or a Territory;

No. 5

Clause 5, page 4, line 29 — To delete “trust.” and insert —

trust, unless —

- (i) the trust is a discretionary trust; and
- (ii) the Commissioner decides in a particular case that it would be inequitable for the person to be treated as related to the relevant body.

No. 6

Clause 6, page 5, line 8 — To delete the line and insert —

- (b) an industrial association;

No. 7

Clause 6, page 5, lines 12 to 16 — To delete the lines and insert —

trade, industry or commerce, unless the main purposes of the body are charitable purposes that fall within the first 3 categories (being relief of poverty, advancement of education and advancement of religion) identified by Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel* [1891] AC 531 as developed by the common law of Australia from time to time;

No. 8

Clause 6, page 7, after line 28 — To insert —

(3A) The Minister must —

- (a) provide written reasons to the applicant for a decision in relation to an application under section 96B; and
- (b) provide written reasons for a decision to amend or revoke a beneficial body determination to the body in respect of which the determination is made.

No. 9

Clause 9, page 11, line 8 — To delete the line and insert —

- (b) an industrial association;

No. 10

Clause 9, page 11, lines 12 to 16 — To delete the lines and insert —

trade, industry or commerce, unless the main purposes of the body are charitable purposes that fall within the first 3 categories (being relief of poverty, advancement of education and advancement of religion) identified by Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel* [1891] AC 531 as developed by the common law of Australia from time to time;

No. 11

Clause 9, page 13, after line 17 — To insert —

(3A) The Minister must —

- (a) provide written reasons to the applicant for a decision in relation to an application under section 38AB; and
- (b) provide written reasons for a decision to amend or revoke a beneficial body determination to the body in respect of which the determination is made.

No. 12

Clause 11, page 17, line 20 — To delete “*trade union*” and insert —

industrial association

No. 13

Clause 11, page 17, line 22 — To delete “53;” and insert —

53 or 54;

No. 14

Clause 11, page 17, line 23 — To delete “employees” and insert —

employees, or an association of employers,

No. 15

Clause 11, page 17, after line 29 — To insert —

- (ca) an association of employers registered or recognised as such (however described) under the law of another State or a Territory;

No. 16

Clause 14, page 19, line 29 — To delete the line and insert —

- (b) an industrial association;

No. 17

Clause 14, page 20, lines 3 to 7 — To delete the lines and insert —

trade, industry or commerce, unless the main purposes of the body are charitable purposes that fall within the first 3 categories (being relief of poverty, advancement of education and advancement of religion) identified by Lord Macnaghten in *Commissioners for Special Purposes of Income Tax v Pemsel* [1891] AC 531 as developed by the common law of Australia from time to time;

No. 18

Clause 14, page 22, after line 9 — To insert —

- (3A) The Minister must —
 - (a) provide written reasons to the applicant for a decision in relation to an application under section 42B; and
 - (b) provide written reasons for a decision to amend or revoke a beneficial body determination to the body in respect of which the determination is made.

No. 19

Clause 16, page 27, line 11 — To delete “*trade union*” and insert —

industrial association

No. 20

Clause 16, page 27, line 13 — To delete “53;” and insert —

53 or 54;

No. 21

Clause 16, page 27, line 14 — To delete “employees” and insert —

employees, or an association of employers,

No. 22

Clause 16, page 27, after line 20 — To insert —

- (ca) an association of employers registered or recognised as such (however described) under the law of another State or a Territory;

CONSIDERATION IN DETAIL

The Minister for Finance moved, That amendments Nos 1 to 6 be agreed to.

Questions put and passed.

The Minister for Finance moved, That amendment No. 7 be agreed to.

Paper

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

By the Minister for Finance —

Finance, Minister for — *Commissioners for Special Purposes of Income Tax v Pemsel* [1891]
AC 531 (2668).

Question put and passed.

The Minister for Finance moved, That amendments Nos 8 to 13 be agreed to.

Questions put and passed.

The Treasurer, on behalf of the Minister for Finance, moved, That amendments Nos 14 to 22 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

15. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 10 March 2015 at 2.00 p.m.

Question put and passed.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.37 p.m. until Tuesday, 10 March 2015 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr A.P. Jacob and Mr J.E. McGrath.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly