

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 242

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 16 NOVEMBER 2016

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Wellington National Park – Mr C.J. Tallentire presented a petition from 624 persons asking the Legislative Assembly to expand the Wellington National Park to include the State Forests of Arcadia, Yabberup, Lowden, Mungalup and the Wellington Discovery Forest Reserve (P. 430).

Container Deposit Scheme – Mr C.J. Tallentire presented a petition from 66 persons requesting that the Legislative Assembly calls upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 431).

Yale/Garden/Nicholson Roundabout – Mr C.J. Tallentire presented a petition from 21 persons asking the Legislative Assembly to call upon the State Government to restore funding cut from the City of Gosnells, so traffic metering and traffic lights can be used to fix the fast flowing peak traffic problems (P. 432).

Waggrakine Primary School – Mr I.C. Blayney presented a petition from 191 persons asking the State Government to address the growth in school numbers by committing to a new build at Waggrakine Primary School (P. 433).

3. Papers

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

By the Clerk –

Financial Management Act 2006 – Notice Given under the Act by the Attorney General to a Request for Information by Legislative Council Standing Committee on Estimates and Financial Operations Hearing on 27 October 2016 (4865).

Financial Management Act 2006 – Notice Given under the Act by the Minister for Commerce to a Request for Information by Legislative Council Standing Committee on Estimates and Financial Operations Hearing on 27 October 2016 (4866).

Premier and Cabinet, Department of – Ministerial Resourcing Report as at 20 October 2016 (4867).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Leader of the House on the delay of the Government's Response to the Community Development and Justice Standing Committee's Report No. 13.

The Minister for Health on the draft Tobacco Products Control Amendment Bill 2016.

Papers

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

By the Minister for Health –

Tobacco Products Control Amendment Bill 2016 – Draft Bill (4874).

Tobacco Products Control Amendment Bill 2016 – Draft Explanatory Memorandum (4875).

The Minister for Finance on the Government's review of the *Duties Act 2008* in relation to family farm exemptions.

5. Community Development and Justice Standing Committee

The Speaker reported that a response by the Premier, Minister for Culture and the Arts and the Minister representing the Minister for Aboriginal Affairs to the recommendations of the Community Development and Justice Standing Committee's Report No. 13: Cultivating Promise – Building Resilience and Engagement for At-Risk Youth Through Sport and Culture had not been received by the required time.

6. Precedence of Private Members' Business and Valedictory Speeches

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

That on Wednesday 16 November 2016 so much of Standing Orders be suspended as is necessary to enable:

1. Private Members' Business to take precedence between 4.00 p.m. and 5.30 p.m.; and
2. the Members for Bunbury, Dawesville, Kalgoorlie and Wagin to make Valedictory Speeches of not more than 20 minutes from 5.30 p.m.

Debate ensued.

Question put and passed.

7. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

8. Statutes (Repeals) Bill 2016

The Deputy Premier, pursuant to notice, moved,

That a bill for "An Act to repeal the following Acts —

- the *Coal Industry Tribunal of Western Australia Act 1992*;
- the *Labour Relations Reform Act 2002*;
- the *Spear-guns Control Act 1955*;
- the *Western Australian Marine (Sea Dumping) Act 1981*;
- the *Escheat and forfeiture of real and personal property (1834) (Imp)*,

and to amend several Acts as a consequence of those repeals." be introduced and read a first time.

Question put and passed.

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

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

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

9. Variation to the Order of Business

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

10. Sentencing Legislation Amendment Bill 2016

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

Debate ensued.

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

11. Questions

Questions without Notice were taken.

Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of a delegation of ASEAN politicians.

Questions on Notice Nos 5893, 5894, 5899, 5900, 5906, 5911, 5912, 5918, 5921, 5924, 5928, 5935, 5936, 5938, 5941, 5945, 5948, 5955, 5957 and 5977 were answered.

Paper tabled by the Premier; Minister for Tourism; Science –

Question on Notice No. 5924 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Premier's portfolio of responsibilities since 1 October 2015 (4868).

Papers tabled by the Minister for State Development; Transport; Innovation –

Question on Notice No. 5918 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for State Development's portfolio of responsibilities since 1 October 2015 (4869).

Question on Notice No. 5955 – Map of Transperth proposed network changes to the Nos 41 and 406 bus services to Maylands Station (4870).

Paper tabled by the Minister for Mental Health; Child Protection –

Question on Notice No. 5911 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Mental Health's portfolio of responsibilities since 1 October 2015 (4871).

Paper tabled by the Minister representing the Minister for Education; Aboriginal Affairs; Electoral Affairs –

Question on Notice No. 5921 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Education's portfolio of responsibilities since 1 October 2015 (4872).

Paper tabled by the Minister representing the Minister for Planning; Disability Services –

Question on Notice No. 5912 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Planning's portfolio of responsibilities since 1 October 2015 (4873).

12. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 1 and 3 be next considered.

13. Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016

The Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the following —

- the *Restraining Orders Act 1997*;
- the *Bail Act 1982*;
- the *Children and Community Services Act 2004*;
- the *Community Protection (Offender Reporting) Act 2004*;
- *The Criminal Code*;
- the *Criminal Investigation Act 2006*;
- the *Prisons Act 1981*;
- the *Sentence Administration Act 2003*.” be introduced and read a first time.

Question put and passed.

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

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

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

14. Joint Standing Committee on the Corruption and Crime Commission

Mr P.B. Watson, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House —

Corruption and Crime Commission, Joint Standing Committee on the — Report No. 32: Annual Reports prepared by the Corruption and Crime Commission on the use of covert powers by WA Police, the Department of Fisheries and the Australian Crime Commission (4876).

15. Sentence Legislation Amendment Bill 2016

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

Debate resumed.

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

16. Variation to the Order of Business

Ordered, That Private Members’ Business Notice of Motion No. 16 be next considered.

17. Infrastructure and Transport Needs

Ms R. Saffioti, pursuant to notice, moved,

That this House condemns the Liberal National Government for failing to adequately plan for the infrastructure and transport needs of the growing metropolitan northern corridor.

Debate ensued.

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

18. Valedictory Speeches

Dr K.D. Hames, Mr G.M. Castrilli, Mr T.K. Waldron and Ms W.M. Duncan, pursuant to notice, made their valedictory speeches.

19. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3 and 1 be next considered.

20. Sentence Legislation Amendment Bill 2016

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

Debate resumed.

Question put and passed.

Bill read a third time and passed.

21. Aquatic Resources Legislation Amendment Bill 2015

Message No. 167 dated 16 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

22. School Boarding Facilities Legislation Amendment and Repeal Bill 2016

Message No. 170 dated 16 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

23. Residential Tenancies Amendment Bill 2015

Message No. 171 dated 16 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

24. Disposal of Uncollected Goods Amendment Bill 2015

Message No. 172 dated 16 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

25. Licensing Provisions Amendment Bill 2015

Message No. 173 dated 16 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

26. Obsolete Legislation Repeal Bill 2015

Message No. 168 dated 16 November 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to repeal obsolete and spent legislation.”

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

27. Limited Partnerships Bill 2016

Message No. 169 dated 16 November 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to —

- provide for the formation and registration of limited partnerships and incorporated limited partnerships; and
- repeal the *Limited Partnerships Act 1909*; and
- make consequential amendments to the *Partnership Act 1895*, and for related purposes.”

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

28. Pilbara Port Assets (Disposal) Bill 2015

Message No. 165 dated 16 November 2016 from the Legislative Council was reported as follows –
The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Pilbara Port Assets (Disposal) Bill 2015* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Pilbara Port Assets (Disposal) Bill 2015

No. 1

New Clause 46A, page 35, after line 16 — To insert —

46A. Preservation of rights to future access

- (1) In this section —

access means access to a service;

access capacity means the capacity to provide services of the person who owns, controls or operates a port facility;

eligible request for access means a request for access that would not, if granted, result in the proportion of the access capacity taken up by protected users exceeding 50%;

prescribed period for a request for access means 180 days, or such other period as is specified in regulations, after the day on which the request is made;

prescribed user means a person specified in regulations as a user or potential user of a service;

protected user means a user or potential user of a service other than a prescribed user;

service has the meaning given in section 46(1).

- (2) It is a condition of the operation of a port facility that, subject to subsection (3), 50% of the access capacity must be reserved for protected users.
- (3) Despite subsection (2) if a request for access made by a prescribed user would, if granted, result in the proportion of the access capacity taken up by prescribed users exceeding 50%, the request may be granted as long as it is granted on terms that would not prevent a protected user who subsequently makes an eligible request for access from being provided with access within the prescribed period or at a later time agreed to by the protected user.

Ordered, That consideration in detail of Legislative Council Message No. 165 be made an Order of the Day for the next sitting of the Assembly.

29. Aquatic Resources Management Bill 2015

Message No. 166 dated 16 November 2016 from the Legislative Council was reported as follows –
The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Aquatic Resources Management Bill 2015* 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 Aquatic Resources Management Bill 2015

No. 1

New Part 19 Division 1, page 210, after line 1 — To insert —

Division 1 — Biodiversity Conservation Act 2016 amended**288A Act amended**

This Division amends the *Biodiversity Conservation Act 2016*.

288B Section 5 amended

- (1) In section 5(1) delete the definitions of:

fish

pearl oyster

- (2) In section 5(1) insert in alphabetical order:

aquatic organism has the meaning given in the *Aquatic Resources Management Act 2016* section 3(1);

- (3) In section 5(1) in the definition of *biodiversity conservation measures* delete paragraph (g)(v) and insert:

- (v) aquatic resource use plans and management plans under the *Aquatic Resources Management Act 2016* and measures under Part 6 of that Act relating to the control of declared organisms or biological threats;

- (4) In section 5(1) in the definition of *fauna processing establishment* delete “fish or pearl oyster,” and insert:

aquatic organisms,

288C Section 7 amended

In section 7(1) in the definition of *relevant authorisation* delete paragraphs (d) and (e) and insert:

- (d) the *Aquatic Resources Management Act 2016*; or

288D Section 12 amended

Delete section 12(1) and insert:

- (1) This Act, other than Part 9, does not apply to or in relation to any aquatic organism that is the subject of —
- (a) aquaculture, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or
 - (b) commercial fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1); or
 - (c) recreational fishing, as defined in the *Aquatic Resources Management Act 2016* section 3(1).

288E Section 54 amended

In section 54(2)(b) delete “*Fish Resources Management Act 1994*.” and insert:

Aquatic Resources Management Act 2016.

288F Section 132 amended

Delete section 132(3)(a)(ii) and (iii) and insert:

- (1) (ii) if the species to which the order relates is a species of aquatic organism — the Minister responsible for the administration of the *Aquatic Resources Management Act 2016*;

288G Section 145 amended

In section 145 in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288H Section 151 amended

- (1) In section 151(1)(a) delete “fish or pearl oyster); and” and insert:

aquatic organisms); and

- (2) In section 151(2)(a)(i) delete “fish or pearl oyster); and” and insert:
- aquatic organisms); and

288I Section 153 amended

- (1) In section 153(3)(a) delete “fish or pearl oyster); and” and insert:
- aquatic organisms); and
- (2) In section 153(4)(a)(i) delete “fish or pearl oyster); and” and insert:
- aquatic organisms); and

288J Section 158 amended

In section 158(1) in the definition of *fauna* delete “fish or pearl oyster.” and insert:

aquatic organisms.

288K Section 166 amended

In section 166 in the definition of *flora* delete “fish.” and insert:

aquatic organisms.

288L Section 190 amended

In section 190 in the definition of *aquatic-eco tourism delete* “*Fish Resources Management Act 1994* section 4(1);” and insert:

Aquatic Resources Management Act 2016 section 3(1);

288M Section 194 amended

In section 194(3) delete “*Fish Resources Management Act 1994*” and insert:

Aquatic Resources Management Act 2016

288N Section 274 amended

In section 274(1) in the definition of *information sharing agency* —

(a) after paragraph (a) insert:

(aa) the department of the Public Service principally assisting in the administration of the *Aquatic Resources Management Act 2016*;

(b) delete paragraphs (e) and (h).

288O Schedule 1 amended

In Schedule 1 item 2 delete “fish or pearl oyster,” and insert:

aquatic organisms),

No. 2

Clause 312, page 220, line 22 to page 221, line 8 — To delete the lines and insert:

(2) Delete section 101B(3)(a) and (b) and insert:

(a) the *Aquatic Resources Management Act 2016*,

Ordered, That consideration in detail of Legislative Council Message No. 166 be made an Order of the Day for the next sitting of the Assembly.

30. Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016

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 and passed.

31. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.08 p.m. until Thursday, 17 November at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr I.M. Britza.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly