

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 77

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 6 MAY 2014

**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 – Media and Televising**

The Speaker advised members that he had approved the presence of a television camera and a photographer in the Press Gallery for the first ten minutes of the day's sitting.

**3. Speaker's Statement – Presentation of the Budget**

The Speaker advised members that in accordance with standard practice, the Budget would be presented at 2.00 p.m. on Thursday, and members' 90 second statements would occur at 12.20 p.m. and Questions without Notice at 12.30 p.m.

**4. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Water on water developments in the west Pilbara.

The Minister for Energy on his ministerial direction to the Independent Market Operator relating to the 2014 Reserve Capacity Cycle for the South West Interconnected System.

The Minister for Police on Project Tricord/Operation Polo.

The Minister for Small Business on the 30th anniversary of the Small Business Development Corporation.

**5. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2240 to 2243 were asked.

Questions on Notice Nos 1931 to 1945, 1947, 1949 to 1966, 1968, 1970, 1972 to 1977, 1980 to 1982, 1984 to 1987, 1989 to 2017, 2019 to 2025, 2027, 2028, 2030 to 2047, 2049 to 2057, 2059 to 2061, 2063 to 2074, 2077 to 2093, 2095, 2097, 2099 to 2105, 2107 to 2114, 2118, 2120 to 2124, 2126 to 2132, 2148, 2149, 2151, 2152, 2154, 2156, 2159 to 2161, 2199, 2201 to 2206, 2210, 2212, 2214, 2216, 2217, 2220, 2222, 2223, 2225, 2226, 2228, 2232, 2233, 2237 and 2238 were answered.

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Papers tabled by the Premier –

Question on Notice No. 2089 – Premier’s Department and Agency (1569).

Question on Notice No. 2110 – The Cost of Maintaining Electorate Offices (1570).

Papers tabled by the Treasurer –

Question on Notice No. 2028 – Claims Motor Vehicle (Third Party Insurance) Act 1943 (1571).

Question on Notice No. 2045 – Royalties for Regions Programme Funding (1572).

Question on Notice No. 2061 – The Sale of Government Owned Assets since 1 January 2010 With A Sale Value of \$500,000 or More (1573).

Paper tabled by Minister for Health –

Question on Notice No. 1944 – Licenses Issued (Wholesale, Retail, and Indirect Sale) under Section 36 of the Tobacco Products Control Act 2006 since 30 June 2008 (1574).

Papers tabled by the Minister for Energy –

Question on Notice No. 1950 – Western Power’s Current Benchmark Target System Average Interruption for the Perth Metropolitan Area (1575).

Question on Notice No. 1951 – Western Power’s Current Benchmark Target System Average Interruption Frequency Index for the Perth Metropolitan Area (1576).

Paper tabled by the Minister for Housing –

Question on Notice No. 2012 – Department of Housing’s Housing for Workers Program (1577).

Paper tabled by the Minister for Road Safety –

Question on Notice No. 2067 – Speed and Red Light Camera Revenue (1578).

Paper tabled by the Minister for Culture and the Arts –

Question on Notice No. 1968 – Country Arts WA Performances (1579).

Paper tabled by the Minister Representing the Minister for Education –

Question on Notice No. 1984 – Completion of Certificate of Education Non English Language Course in 2013 (1580).

Paper tabled by the Minister for Training and Workforce Development –

Question on Notice No. 1972 – Annual Delivery Performance Agreements (1581).

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## 6. Petitions

Swan and Canning Rivers – Mr C.J. Tallentire presented a petition from 236 persons requesting that the Legislative Assembly calls upon the Barnett Government to recognise the Swan and Canning Rivers and catchment area as a Western Australian icon and to re-instate the Swan River Trust as a responsible agency (P. 117).

Public Health and the Natural Environment – Mr C.J. Tallentire presented a petition from 65 persons requesting that the Legislative Assembly notes their call for all local, state and federal governments of Australia to implement certain measures to protect health and the environment (P. 118).

Pesticides on Public Land and Open Spaces – Mr C.J. Tallentire presented a petition from 287 persons requesting that the Legislative Assembly supports a ban on the use of pesticides on public land and open spaces in all urban areas in Western Australia (P. 119).

Photo ID Card – Petitions requesting that the Legislative Assembly urges the Premier and the Government to provide aged pensioners with the Photo ID Card free from any government charges were presented by –

Ms J.M. Freeman from 33 persons (P. 120); and

Ms M.M. Quirk from 230 persons (P. 123).

Bus Route 513 – Mr P.C. Tinley presented a petition from 57 persons requesting that the Legislative Assembly ensures that Route 513 is left unchanged so that residents of Hale House and surrounding homes retain access to nearby bus stops which have a direct route to Fremantle and Murdoch Station (P. 121).

Cockburn Council – Mr F.M. Logan presented a petition from 256 persons requesting that the Legislative Assembly calls on the State Government to leave the City of Cockburn's current boundaries in place (P. 122).

## 7. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Roebourne Regional Prison (Received by the Clerk of the Legislative Assembly on 11 March 2014 and Held for a Period of Thirty Days and Deemed Tabled on 11 April 2014) (1532).

Community Development and Justice Standing Committee – Government Response to Report 2: In Safe Custody – Inquiry into Custodial Arrangements in Police Lock-ups (1567).

By the Clerk –

Building Act 2011 – Regulations (Building Amendment Regulations 2014 G.G. 24/04/2014) (1533).

Building Services (Complaint Resolution and Administration) Act 2011 – Regulations (Building Services (Complaint Resolution and Administration) Amendment Regulations 2014 G.G. 17/04/2014) (1534).

Casino Control Act 1984 – Regulations (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations 2014 G.G. 11/04/2014) (1535).

Coal Industry Superannuation Act 1989 – Regulations (Coal Industry Superannuation Regulations 2014 G.G. 17/04/2014) (1536).

Conservation and Land Management Act 1984 – Lease No. 2220/97 Between the Department of Parks and Wildlife and Dr John Love for the Purpose of a Dam Site for Commercial Purposes in State Forest No. 36, Near Pemberton (1537).

Conservation and Land Management Act 1984 – Lease No. 2347/100 Between the Department of Parks and Wildlife and LAPE Pty Ltd Trading as Sal Salis Ningaloo Reef for the Purpose of a Commercial Camping Facility Located in Cape Range National Park (1538).

Criminal Investigation (Identifying People) Act 2002 – Regulations (Criminal Investigation (Identifying People) Amendment Regulations 2014 G.G. 15/04/2014) (1539).

Dividing Fences Act 1961 – Local Laws (Shire of Ashburton Fencing Local Law 2014 G.G. 11/04/2014) (1540).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2014 G.G. 11/04/2014) (1541).

Fair Trading Act 2010 – Regulations (Fair Trading (Permitted Calling Hours) Regulations 2014 G.G. 17/04/2014) (1542).

Fair Trading Act 2010 – Standards (Competition and Consumer (Corded Internal Window Coverings) Safety Standard 2014 G.G. 24/04/2014) (1543).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2014 [1181] G.G. 15/04/2014) (1544).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2014 [1177] G.G. 8/04/2014) (1545).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2014 [1178] G.G. 17/04/2014) (1546).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2014 [1182] G.G. 15/04/2014) (1547).

Health Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations 2014 G.G. 24/04/2014) (1548).

Health Act 1911 – Regulations (Health (Offensive Trades Fees) Amendment Regulations 2014 G.G. 8/04/2014) (1549).

Health Act 1911 – Regulations (Health (Public Buildings) Amendment Regulations 2014 G.G. 8/04/2014) (1550).

Health Act 1911 – Regulations (Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2014 G.G. 8/04/2014) (1551).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 2) 2014 G.G. 24/04/2014) (1552).

Legal Profession Act 2008 – Regulations (Legal Profession Amendment Regulations 2014 G.G. 11/04/2014) (1553).

Liquor Control Act 1988 – Regulations (Liquor Control (Kunawarritji Restricted Area) Amendment Regulations 2014 G.G. 2/05/2014) (1554).

Local Government Act 1995 – Local Laws (City of Belmont Standing Orders Amendment Local Law 2014 G.G. 8/04/2014) (1555).

Local Government Act 1995 – Local Laws (City of Gosnells Amendment Local Law 2014 G.G. 15/04/2014) (1556).

Local Government Act 1995 – Local Laws (City of Nedlands Standing Orders Amendment Local Law 2014 – Correction G.G. 8/04/2014) (1557).

Mining Rehabilitation Fund Act 2012 – Regulations (Mining Rehabilitation Fund Amendment Regulations 2014 G.G. 24/04/2014) (1558).

Oaths, Affidavits and Statutory Declarations Act 2005 – Regulations (Oaths, Affidavits and Statutory Declarations (Act Amendment) Regulations 2014 G.G. 17/04/2014) (1559).

Poisons Act 1964 – Regulations (Poisons Amendment Regulations 2014 G.G. 24/04/2014) (1560).

Professional Standards Act 1997 – Schemes (Law Society of Western Australia Scheme G.G. 11/04/2014) (1561).

Professional Standards Act 1997 – Schemes (The Victorian Bar Professional Standards Scheme G.G. 29/04/2014) (1562).

Professional Standards Act 1997 – Schemes (Western Australian Bar Association Scheme G.G. 17/04/2014) (1563).

Public Accounts Committee – Government Response to Report 4: Review of Auditor General Reports No. 2 – Selected Reports 2011 and 2012 (1564).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 5) 2013 G.G. 8/04/2014) (1565).

Transport, Minister for – Report on Overseas Study Tour Undertaken to Switzerland, Germany, France, China and Hong Kong (1566).

Electricity Industry (Independent Market Operator) Regulations 2014 – Ministerial Direction: Independent Market Operator (2014 Reserve Capacity Cycle) Direction 2014 (1568).

## **8. Notices of Motion**

### **9. Expiration of Notice of Motion**

The Acting Speaker advised members that Private Members' Business Notices of Motion Nos 1 and 2, notices of which were given on 18 June 2013 and renewed for a further 30 sitting days on 12 November 2013, would be removed and would not appear on the next Notice Paper.

# **10. Education and Health Standing Committee – Change of Committee Membership**

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

That the member for Forrestfield is discharged from the Education and Health Standing Committee and the member for Murray-Wellington is appointed in his place.

Question put and passed.

# **11. Message from the Governor**

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

Mining Legislation Amendment Bill 2013, Act No. 4 of 2014.

Criminal Code Amendment (Child Sex Offences) Bill 2013, Act No. 5 of 2014.

Sentencing Legislation Amendment Bill 2013, Act No. 6 of 2014.

Sunset Reserve Transformation Bill 2013, Act No. 7 of 2014.

# **12. Mental Health Bill 2013**

The Order of the Day for the third reading of the bill having been read, the Parliamentary Secretary to the Minister for Mental 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.

# **13. Mental Health Legislation Amendment Bill 2013**

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

# **14. Workforce Reform Bill 2013**

The Order of the Day for the consideration in detail of Legislative Council Message No. 41 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Workforce Reform Bill 2013* 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 Workforce Reform Bill 2013*

## **No. 1**

Clause 4, page 3, line 17 — To insert after “section 11(1)” —

and made publicly available under section 9 of that Act

## **No. 2**

Clause 4, page 3, lines 18 to 25 — To delete the lines and insert —

- (ii) the Government Financial Projections Statement;
- (iii) any submissions made to the Commission on behalf of the public sector entity or the State government;

- (c) the financial position of the public sector entity as set out in the following —
  - (i) the part of the most recent budget papers tabled in the Legislative Assembly that deals with the public sector entity under the title “Agency Information in Support of the Estimates” or, if the regulations prescribe another part of those budget papers, that other part;
  - (ii) any submissions made to the Commission on behalf of the public sector entity or the State government.

**No. 3**

Clause 4, page 3, after line 26 — To insert —

***Government Financial Projections Statement*** means whichever is the most recent of the following —

- (a) the most recent Government Financial Projections Statement that is —
  - (i) released under the *Government Financial Responsibility Act 2000* section 12(1); and
  - (ii) made publicly available in the budget papers tabled in the Legislative Assembly under the title “Economic and Fiscal Outlook” or, if the regulations prescribe another part of the budget papers, that other part;
- (b) the most recent Government Mid-year Financial Projections Statement that is —
  - (i) released under the *Government Financial Responsibility Act 2000* section 13(1); and
  - (ii) made publicly available under section 9 of that Act;

**No. 4**

Clause 13, page 8, lines 22 to 27 — To delete the lines and insert —

- (2A) Regulations referred to in subsection (1) must specify which parts of the Public Sector must comply with the regulations.

**No. 5**

Clause 14, page 10, lines 15 to 17 — To delete the lines.

**No. 6**

Clause 14, page 10, after line 25 — To insert —

- (2A) The provisions of this Part prevail, to the extent of any inconsistency, over any other provision of this Act other than section 7, 8 or 9.

**No. 7**

Clause 14, page 10, lines 29 and 30 — To delete the lines.

**No. 8**

Clause 15, page 13, after line 18 — To insert —

**96B. Review of this Part**

- (1) The Minister must cause a review of the operation and effectiveness of this Part to be carried out as soon as is practicable after the 4<sup>th</sup> anniversary of the day on which the *Workforce Reform Act 2013* section 15 comes into operation.
- (2) The Minister must –
  - (a) prepare a report based on the review; and
  - (b) cause a copy of the report to be laid before each House of Parliament.

**No. 9**

Clause 19, page 15, after line 9 — To insert —

***Government Financial Projections Statement*** means whichever is the most recent of the following —

- (a) the most recent Government Financial Projections Statement that is —
  - (i) released under the *Government Financial Responsibility Act 2000* section 12(1); and
  - (ii) made publicly available in the budget papers tabled in the Legislative Assembly under the title “Economic and Fiscal Outlook” or, if the regulations prescribe another part of the budget papers, that other part;
- (b) the most recent Government Mid-year Financial Projections Statement that is —
  - (i) released under the *Government Financial Responsibility Act 2000* section 13(1); and
  - (ii) made publicly available under section 9 of that Act;

**No. 10**

Clause 19, page 15, line 30 — To insert after “section 11(1)” —

and made publicly available under section 9 of that Act

**No. 11**

Clause 19, page 16, lines 1 to 4 — To delete the lines and insert —

- (ii) the Government Financial Projections Statement;

**CONSIDERATION IN DETAIL**

The Premier moved, That amendments Nos 1 to 11 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**15. Taxi Drivers Licensing Bill 2013**

The Order of the Day for the consideration in detail of Legislative Council Message No. 40 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Taxi Drivers Licensing Bill 2013* 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 Taxi Drivers Licensing Bill 2013*

**No. 1**

Clause 42, page 38, after line 29 — To insert —

- (7) Where under this section a person is directed to give any information, answer any question or produce any document or record —
- (a) that person cannot refuse to comply with that direction on the ground that the information, answer, document or record may tend to incriminate the person or render the person liable to any penalty; but
  - (b) the information or answer given, or document or record produced, by the person is not admissible in evidence in any criminal proceedings against the person other than proceedings for perjury.

*CONSIDERATION IN DETAIL*

The Minister for Transport moved, That amendment No. 1 be agreed to.

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

Question put.

The Assembly divided.

*Ayes (28)*

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  
Mr B.J. Grylls  
Mr C.D. Hatton  
Mr A.P. Jacob  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Mr P.T. Miles

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 (14)*

Ms L.L. Baker  
Dr A.D. Buti  
Mr W.J. Johnston  
Mr D.J. Kelly  
Mr F.M. Logan

Mr P. Papalia  
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*)

Question thus passed.



**16. Warehousemen's Liens Amendment Bill 2013**

Message No. 43 dated 6 May 2014 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Warehousemen's Liens Act 1952*.”

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

**17. Criminal Code Amendment (Unlawful Possession) Bill 2013**

Message No. 44 dated 6 May 2014 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend *The Criminal Code* and to amend various other Acts as a consequence.”

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

**18. Speaker's Statement – Appointment of Acting Speaker**

The Speaker advised members that he had appointed the member for Geraldton as an Acting Speaker for the period Monday, 19 May 2014 to Friday, 23 May 2014.

**19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 11.08 p.m. until Wednesday, 7 May 2014 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Ms E. Evangel, Ms J. Farrer, Mr J.E. McGrath, Mr M.P. Murray and Mr J.R. Quigley.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
Speaker of the Legislative Assembly