

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 211

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 21 JUNE 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mines and Petroleum on a fatality at the Channar mine site at Paraburdoo on 19 June 2016.

The Minister for Women's Interests on grant approvals and outcomes of the Women's Consultative Forums hosted in 2015.

The Minister for Culture and the Arts on the 2016 *Disrupted – Festival of Ideas*.

The Minister for Citizenship and Multicultural Interests on the Muslim holy month of Ramadan.

The Minister for Environment on the Rebate Program for Charitable Recyclers.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 5508 to 5512 were asked.

Questions on Notice Nos 5418, 5430, 5458, 5465, 5466, 5468, 5472 and 5473 were answered.

Paper tabled by the Minister for Emergency Services –

Question on Notice No. 5465 – Total amounts collected for the emergency services levy for certain local government authorities for 2014–2015 and 2015–2016 (4256).

4. Speaker's Statement – Legislative Assembly Services to Members Survey

The Speaker advised members that surveys for both the Legislative Assembly and the Parliamentary Services Department had been provided to all members, to give them the opportunity to provide feedback on the services provided by the staff of the Legislative Assembly and the Parliamentary Services Department. The survey results will appear in the departmental annual reports, with feedback used to improve Member services.

5. Additional Information

The Minister for Water provided additional information relating to Question on Notice No. 5284 from Mr D.J. Kelly.

Paper

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

By the Minister for Water –

Water, Minister for – Additional Information in relation to Question on Notice No. 5884 (4257).

6. 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 No. 103: Announced Inspection of Pardelup Prison Farm (4228).

By the Clerk –

Agricultural Produce Commission Act 1988 – Regulations (Agricultural Produce (Horticultural Industry) Amendment Regulations 2016 G.G. 14/06/2016) (4229).

Agricultural Produce Commission Act 1988 – Regulations (Agricultural Produce (Wine Industry) Regulations 2016 G.G. 14/06/2016) (4230).

Children's Court of Western Australia Act 1988, Civil Judgments Enforcement Act 2004, Coroners Act 1996, District Court of Western Australia Act 1969, Evidence Act 1906, Fines, Penalties and Infringement Notices Enforcement Act 1994, Magistrates Court Act 2004, State Administrative Tribunal Act 2004, Supreme Court Act 1935 – Regulations (Attorney General Regulations Amendment (Fees) Regulations 2016 G.G. 14/06/2016) (4231).

Corruption and Crime Commission – Report on a Purchase of Land in the Australian Marine Complex Henderson by a Senior Officer of LandCorp (Received by the Clerk of the Legislative Assembly on 20 June 2016 and deemed tabled) (4227).

Criminal Investigation (Identifying People) Act 2002 – Regulations (Criminal Investigation (Identifying People) Amendment Regulations 2016 G.G. 14/06/2016) (4232).

Disability Services Act 1993 – Regulations (Disability Services Amendment Regulations (No. 2) 2016 G.G. 14/06/2016) (4233).

Dog Act 1976 – Local Laws (City of Stirling Dogs Amendment Local Law 2016 G.G. 17/06/2016) (4234).

Electoral Act 1907 – Regulations (Electoral (Ballot Paper Forms) Amendment Regulations 2016 G.G. 17/06/2016) (4235).

Financial Management Act 2006 – Notice Given under section 65 of the Act, from the Minister for Veteran's Affairs, that the ANZAC Day Trust Annual Report will not be tabled by 30 June 2016 (4236).

Firearms Act 1973, Pawnbrokers and Second-hand Dealers Act 1994, Police Act 1892, Security and Related Activities (Control) Act 1996 – Regulations (Police Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 14/06/2016) (4237).

Food Act 2008, Health Act 1911, Hospitals and Health Services Act 1927, Radiation Safety Act 1975, Tobacco Products Control Act 2006 – Regulations (Health Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 17/06/2016) (4238).

Hospitals and Health Services Act 1927 – Regulations (Hospitals Regulations Amendment (Licensing and Conduct Fees) Regulations 2016 G.G. 17/06/2016) (4239).

Insurance Commission of Western Australia – Statement of Corporate Intent 2016-17 (4240).

Local Government Act 1995 – Local Laws (City of Bayswater Keeping and Control of Cats Local Law 2016 G.G. 14/06/2016) (4241).

Local Government Act 1995 – Local Laws (City of Bayswater Parking and Parking Facilities Local Law 2015 G.G. 14/06/2016) (4242).

Local Government Act 1995 – Local Laws (City of Kwinana Fencing Local Law 2016 G.G. 14/06/2016) (4243).

Local Government Act 1995 – Local Laws (City of Stirling Bee Keeping Amendment Local Law 2016 G.G. 17/06/2016) (4244).

Local Government Act 1995 – Local Laws (City of Stirling Fencing Amendment Local Law 2016 G.G. 17/06/2016) (4245).

Local Government Act 1995 – Local Laws (Shire of Esperance Standing Orders Local Law 2015 G.G. 14/06/2016) (4246).

Motor Vehicle Drivers Instructors Act 1963, Rail Safety National Law (WA) Act 2015, Road Traffic (Administration) Act 2008, Road Traffic (Vehicles) Act 2012, Shipping and Pilotage Act 1967, Transport Co-ordination Act 1966, Western Australian Marine Act 1982, Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2016 G.G. 14/06/2016) (4247).

Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2016 G.G. 14/06/2016) (4248).

Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations 2016 G.G. 14/06/2016) (4249).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations (No. 2) 2016 G.G. 17/06/2016) (4250).

School Education Act 1999 – Orders (Higher School Leaving Age Options Order 2016 G.G. 14/06/2016) (4251).

Teacher Registration Act 2012 – Regulations (Teacher Registration Regulations (Fees) Amendment Regulations 2016 G.G. 14/06/2016) (4252).

Waste Avoidance and Resource Recovery Act 2007 – Regulations (Waste Avoidance and Resource Recovery Amendment Regulations 2016 G.G. 17/06/2016) (4253).

Waste Avoidance and Resource Recovery Levy Act 2007 – Regulations (Waste Avoidance and Resource Recovery Levy Amendment Regulations 2016 G.G. 17/06/2016) (4254).

Western Australian Photo Card Act 2014 – Regulations (Western Australian Photo Card Amendment Regulations 2016 G.G. 14/06/2016) (4255).

7. Notices of Motion

8. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

9. Matter of Public Interest – Compensation for Taxi Plate Owners

The Speaker informed the Assembly that he was in receipt of a notice from Mr M. McGowan that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr M. McGowan moved,

That this House supports a fairer deal and greater monetary compensation for taxi plate owners than is contained within the Taxi Amendment Bill 2016.

Debate ensued.

Mr F.A. Alban moved,

To delete all words after “supports” with the view to inserting the following words –

“

the Minister for Transport continuing to examine an adjustment package for the taxi industry as part of ongoing consultation on the reform of the on-demand transport industry.

”.

Debate ensued.

Mr M. McGowan moved,

To delete the words in the amendment “continuing to examine an”, with a view to inserting the following words –

“ increase the ”.

On the question, That all the words after “supports” in the original motion moved by Mr M. McGowan, be deleted,

Question put.

The Assembly divided.

Ayes (35)

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
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 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 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*)

Noes (19)

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

Amendment thus passed.

On the question, That the words “continuing to examine an” in the amendment moved by Mr F.A. Alban, be deleted,

Question put.

The Assembly divided.

Ayes (19)

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

Mr M. McGowan
Ms S.F. McGurk
Mr P. Papalia
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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 A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

On the question, That the words in the amendment moved by Mr F.A. Alban, be inserted,

Question put.

The Assembly divided.

Ayes (35)

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
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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*)

Amendment thus passed.

On the question, That the motion, as amended, be agreed to,
Question put and passed.

Motion, as amended, and agreed to:

That this House supports the Minister for Transport continuing to examine an adjustment package for the taxi industry as part of ongoing consultation on the reform of the on-demand transport industry.

10. Removal of Order of the Day

The Speaker advised that Private Members' Business, Order of the Day, Suburban Planning, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Aquatic Resources Management Bill 2015

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

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

The Minister for Fisheries moved,

Page 2, line 17 – To delete “1987” and substitute:

“ 2015 ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 to 57 agreed to.

Clause 58.

The Minister for Fisheries moved,

Page 47, line 3 – To delete the line and substitute:

“

- (a) on or before a day that is prescribed by the regulations for the purposes of this paragraph; and

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 59 to 61 agreed to.

Clause 62.

The Minister for Fisheries moved,

Page 49, lines 26 and 27 – To delete the lines and substitute:

“

- (b) an area, or part of an area, of a marine park from which commercial fishing is excluded under the CALM Act section 13B(6A)(a); or

- (c) an area, or part of an area, of a marine park if the managed fishery licence would authorise commercial fishing that is of a type or class —
 - (i) specified in a declaration under the CALM Act section 13B(3B)(c); and
 - (ii) excluded under the CALM Act section 13B(6)(b) from that area or part.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 63 to 131 agreed to.

Clause 132.

The Minister for Fisheries moved,

Page 95, line 25 – To delete “fishing” and substitute:

“ fishing; or ”.

Amendment put and passed.

The Minister for Fisheries moved,

Page 95, after line 25 – To insert:

“ (c) a type or class of commercial or recreational fishing. ”.

Amendment put and passed.

Clause 132, as amended, agreed to.

Clauses 133 to 144 agreed to.

Clause 145.

The Minister for Fisheries moved,

Page 105, Table item 5 in the 3rd column – To insert after “who”:

“ holds an aquaculture licence and ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 146 to 362 agreed to.

Title 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.

12. Aquatic Resources Legislation Amendment Bill 2015

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

CONSIDERATION IN DETAIL

Clauses 1 to 6 agreed to.

Title 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.

13. Legal Profession Amendment Bill 2016

Message No. 132 dated 21 June 2016 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Legal Profession Amendment Bill 2016* 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 Legal Profession Amendment Bill 2016

No. 1

Clause 5, page 2, after line 21 — To insert —

CPI means the all groups consumer price index for Perth published by the Australian Statistician referred to in the *Australian Bureau of Statistics Act 1975* (Commonwealth) section 5, or if the index is not published, another similar index nominated by the Minister;

No. 2

Clause 5, page 2, line 25 — To delete “calculated”.

No. 3

Clause 5, page 3, line 2 — To insert before “method” —

amount of the contribution or the

No. 4

Clause 5, page 3, after line 22 — To insert —

- (5A) Unless agreement is obtained as mentioned in subsection (5)(a), neither regulations specifying an amount of contribution to be paid nor regulations specifying a method by which the amount of contribution is to be calculated in any year (the **calculation regulations**) can be amended so as to increase the amount required to be paid in any year to an amount that is greater than the amount that would have been payable in that year, if calculated under the calculation regulations and adjusted for any CPI increase plus 2.5% per annum, pro rata, from the date on which the calculation regulations were made or last amended (whichever is later) to the date of the proposed amendment.

Ordered, That consideration in detail of Legislative Council Message No. 132 be made an Order of the Day for the next sitting of the Assembly.

14. Legal Profession Amendment (Levy) Bill 2016

Message No. 133 dated 21 June 2016 from the Legislative Council was reported agreeing to the bill without amendment.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.21 p.m. until Wednesday, 22 June 2016 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer and Mr M.P. Murray.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly