

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 143

WEDNESDAY, 13 MAY 2015, 12 noon

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice — approximately 2.00 p.m. each day

Matter of Public Interest — one per week on any day

Private Members' Business — 4.00 p.m. to 7.00 p.m. Wednesdays

Grievances — approximately 9.00 a.m. Thursdays

Private Members' Statements — 12.20 p.m. Thursday

** Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Public Health Bill 2014** (Minister for Health) (No. 103, 2r. – 26/11/14)

‡***Public Health (Consequential Provisions) Bill 2014** (Minister for Health) (No. 104, 2r. – 26/11/14)

Second reading. Adjourned debate (Leader of the House).

2. **Fire and Emergency Services Amendment Bill 2015** (Minister for Emergency Services) (No. 116, 2r. – 25/3/15)

Second reading. Adjourned debate (Ms S. McGurk).

3. **Conservation and Land Management Amendment Bill 2015** (Minister for Environment) (No. 107, 2r. – 12/3/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

4. **Sentencing Amendment Bill 2014** (Minister for Police) (LC No. 88, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 5. Alumina Refinery (Mitchell Plateau) Agreement (Termination) Bill 2015** (Minister for State Development) (No. 113, 2r. – 25/3/15)

Second reading. Adjourned debate (Mr M. McGowan).

- 6. *Aboriginal Heritage Amendment Bill 2014** (Deputy Premier) (No. 81, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 7. Integrity (Lobbyists) Bill 2014** (Premier) (No. 98, 2r. – 26/11/14)

Second reading. Adjourned debate (Ms R. Saffioti).

- 8. Land Acquisition Legislation Amendment (Compensation) Bill 2014** (Premier) (No. 100, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 9. Local Government Legislation Amendment Bill 2014** (Minister for Local Government) (No. 108, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 10. Appropriation (Capital 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 106, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 11. Appropriation (Recurrent 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 105, 2r. – 27/11/14)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 12. *Joint Standing Committee on Delegated Legislation – Application of Standing Orders** (Leader of the House)

Consideration in detail of Legislative Council Message No. 67.

- 13. Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

- 14. *Aquatic Resources Management Bill 2015** (Deputy Premier) (No. 52, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 15. Aquatic Resources Legislation Amendment Bill 2015** (Deputy Premier) (No. 51, 2r. – 24/2/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 16. Mining Legislation Amendment Bill 2015** (Minister for Mines and Petroleum) (No. 128, 2r. – 22/4/15)

Second reading. Adjourned debate (Ms S. McGurk).

- 17. Railway (Forrestfield-Airport Link) Bill 2015** (Minister for Transport) (No. 129, 2r. – 22/4/15)

Second reading. Adjourned debate (Ms R. Saffioti).

- 18. Electricity Corporations Amendment Bill 2015** (Minister for Energy) (LC No. 117, 2r. – 22/4/15)

Second reading. Adjourned debate (Ms R. Saffioti).

- 19. Bell Group Companies (Finalisation of Matters and Distribution of Proceeds) Bill 2015** (Treasurer) (No. 134, 2r. – 6/5/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Children and Young People in Western Australia** (Notice given – 12/8/14, renewed – 17/2/15)

Ms L.L. Baker: To move –

That this House condemns the Government for failing to protect children in this State by:

- failing to table the Review, or a report of the Review, into the Office of the Commissioner for Children and Young People;
- failing to implement a key recommendation from the Katanning (Blaxell) Inquiry into improving the system for reporting child abuse; and
- failing to appoint a permanent Commissioner for Children and Young People.

2. **Acknowledgement of Fire-fighters** (Notice given – 17/2/15)

Ms M.M. Quirk: To move –

That this House records its appreciation and acknowledgement of volunteer and career fire-fighters who have tirelessly fought a succession of large fires in recent weeks. Without those extraordinary efforts the property losses would have been considerably larger and more lives put at peril. This House also expresses our thanks to interstate fire-fighters from New South Wales and Victoria who travelled to Western Australia to relieve weary local fire-fighters.

3. **Ebola Virus** (Notice given – 19/8/14, renewed – 24/2/15)

Ms M.M. Quirk: To move –

That this House convey its sympathy and concern to the peoples of Sierra Leone, Guinea, Liberia and Nigeria and other affected countries through the ambassadors to those countries in Australia following the recent outbreak of the Ebola virus and:

- (a) urges the Commonwealth to give all possible assistance and the provision of medical aid to arrest the spread of the disease and material support to the families of the bereaved on the long road to recovery; and
- (b) urges the State Government to make a financial donation to an internationally recognised charitable organisation in the region and to consider donating surplus or obsolete medical equipment and supplies to assist in the intervention and quarantine efforts.

4. **Seniors in Western Australia** (Notice given – 17/3/15)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government for its lack of leadership and planning for the increase in Western Australia's ageing population, for its failure to consult seniors in the course of its concession review and for a range of decisions which disproportionately impact on seniors.

5. **Select Committee on State Debt** (Notice given – 16/9/14, renewed – 17/3/15)

Mr B.S. Wyatt: To move –

That this House appoints a select committee to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings, which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years that will be needed to cover existing or foreseeable liabilities;

- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years, which will minimise the adverse effect of the debt on the revenues and expenditures of the State and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

6. Marriage Equality (Notice given – 24/3/15)

Ms L.L. Baker: To move –

That this House:

- (a) supports marriage equality; and
- (b) calls on the Parliament of the Commonwealth of Australia to amend the *Commonwealth Marriage Act 1961* to provide for marriage equality.

7. Anti-Methamphetamine Advertising (Notice given – 22/4/15)

Mr M. McGowan: To move –

That this House supports the use of funds designated for the Bigger Picture advertising campaign to be transferred to the creation and implementation of an anti-methamphetamine advertising and public education campaign.

8. Nepal Earthquake (Notice given – 5/5/15)

Mr M. McGowan: To move –

That this House conveys its sympathy and condolences to the people of Nepal through the ambassador to Nepal in Australia and to the many Nepalese Western Australians following the devastating loss of life and destruction caused by the recent earthquake and urges the Commonwealth government to provide all possible assistance in the long road to recovery and reconstruction.

9. RSPCA (Notice given – 7/5/15)

Mr M. McGowan: To move –

That this House endorses the good work of the RSPCA and supports its continued government funding and role in handling prosecutions. Further, that this House rejects Liberal Party calls for an inquiry into this worthy organisation.

10. Select Committee to Review the Electoral Act 1907 (Notice given – 11/11/14, renewed – 12/5/15)

Ms M.M. Quirk: To move –

That this House establishes a select committee to review the Electoral Act 1907 with a focus on campaign donations, campaign donation disclosure, capturing all formal and non-formal organisations that currently are able to avoid disclosure reporting and assess the filing of electronic disclosure returns on a more regular basis to be accessible by the public.

11. Energy Portfolio (Notice given – 12/5/15)

Mr W.J. Johnston: To move –

That this House condemns the Minister for Energy for his continuing failures in managing his portfolio that have cost Western Australian taxpayers hundreds of millions of dollars, and that will cost hundreds of millions of dollars more, particularly due to his dereliction of duty to plan for the large scale Renewable Energy Target.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Living Standards of Western Australians (Moved – 14/5/14)

Adjourned debate (Dr A.D. Buti – continuation of remarks) on the motion moved by Mr R.H. Cook –

That the Liberal and National Parties be condemned for their callous attacks on the living standards of Western Australians including through increases in the cost of living, the GP and hospital taxes, introduction of toll roads and further increases to fees, charges and taxes.

2. Peel-Harvey Catchment Management Bill 2014 (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14)

Second reading. Adjourned debate (Mr M. McGowan).

3. Taking of Property on Just Terms Bill 2014 (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

4. Cost of Living for Seniors and Pensioners (Moved – 25/6/14)

Adjourned debate (Mr C.J. Tallentire – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the State and Federal Liberal National Governments for making the lives of seniors and pensioners increasingly difficult through increased costs of living and the withdrawal of concessions.

5. Council Amalgamations (Moved – 10/9/14)

Adjourned debate on the motion, as amended, moved by Mr D.A. Templeman –

That this House –

- (1) notes the various inquiries and reports over the past 50 years which recommend reforms to the structure of local government in Western Australia, so as to ensure higher capacity and more sustainable local governments, including:
 - (a) *Metropolitan Local Government Review*, undertaken by the independent Metropolitan Local Government Review Panel (Robson Report); and
 - (b) *In Your Hands: Shaping the future of Local Government in Western Australia*, undertaken by the Systemic Sustainability Study Panel led by the WA Local Government Association (SSS Report);
- (2) notes that a range of proposals for reform in the metropolitan area are being considered by the Local Government Advisory Board;
- (3) supports the cooperative discussions which have been underway by local governments in the metropolitan area; and
- (4) supports the Minister for Local Government giving due consideration to the recommendations of the Local Government Advisory Board.

6. Local Government Amendment (Regional Subsidiaries) Bill 2014 (Mr S. Love) (No. 83, 2r. – 11/9/14)

Second reading. Adjourned debate (Dr A.D. Buti).

7. Kimberley Juvenile Justice Report (Moved – 17/9/14)

Adjourned debate (Leader of the House) on the motion moved by Ms J. Farrer –

That this House calls on the Government to adopt the Kimberley Juvenile Justice Report and implement its recommendations.

8. Public Secondary Schools (Moved – 17/9/14)

Adjourned debate (Mr C.D. Hatton – continuation of remarks) on the motion moved by Dr A.D. Buti –

That this House condemns the Barnett Government's decision to rip yet more money from public secondary schools.

9. State Budget Impact on Seniors and Vulnerable People (Moved – 15/10/14) (last debated – 22/10/14)

Adjourned debate (Mr P. Papalia – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for the impact its mismanagement of the State Budget is having on Seniors and vulnerable people in our community.

10. Constitution Amendment (Recognition of Aboriginal People) Bill 2014 (Ms J. Farrer) (No. 77, 2r. – 11/6/14) (last debated – 19/11/14)

Second reading. Adjourned debate (Mr P. Papalia).

11. Council Amalgamation Process (Moved – 13/11/13) (last debated 19/11/14)

Adjourned debate (Mr D.J. Kelly – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Barnett Government for creating chaos and confusion amongst Local Governments with its shambolic and dysfunctional Council amalgamation process.

12. Major Events (Ticket Scalping) Bill 2014 (Mr M. McGowan) (No. 111, 1r. – 26/11/14)

To be read a second time.

13. Radiation Safety Amendment Bill 2014 (Mr R.H. Cook) (No. 110, 2r. – 26/11/14)

Second reading. Adjourned debate (Leader of the House).

14. Polling on Council Amalgamation Processes (Moved – 26/11/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House:

- (a) condemns the Premier and the Minister for Local Government for allowing, through its forced amalgamation process, some communities in the metropolitan area an opportunity to have a poll under the Dadour Provisions in the *Local Government Act 1995* about their local council's future, while others have not been given that democratic right; and
- (b) further supports all affected communities having a right to a poll on their council's future.

15. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 (Moved – 11/3/15)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr C.J. Tallentire –

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

16. TAFE Course Fees (Moved – 25/2/15) (last debated – 11/3/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its massive increase in TAFE course fees and its sustained undermining of TAFE.

17. Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015 (Ms M.M. Quirk) (No. 120, 2r. – 18/3/15)

Second reading. Adjourned debate (Mr S. L'Estrange).

18. Remote Aboriginal Communities (Moved – 25/3/15)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House condemns the Premier for the ongoing uncertainty, confusion and fear that he has created in remote Aboriginal communities since stating that he would close 150 remote communities and calls on the Premier to immediately:

- (a) seek to have the Commonwealth Government reverse or delay its decision to cease funding remote Aboriginal communities;
- (b) clarify on what basis the Government will base its decision on which communities are worthy of future Government investment;
- (c) outline the base line data that the Government has collected to justify the Premier's statement that remote communities have failed; and

outline the Government support that will be provided to those people currently living on remote communities to ensure that their closure will result in better social outcomes.

19. Criminal Code Amendment (Interference with War Memorials) Bill 2015 (Mr P.B. Watson) (No. 130, 2r. – 22/4/15)

Second reading. Adjourned debate (Mr R.F. Johnson).

20. Unemployment in Western Australia (Moved – 18/3/15) (last debated – 6/5/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms J.M. Freeman –

That this House calls on the Barnett Government to immediately tackle the rising unemployment rate in Western Australia, with particular focus on those suburbs and towns of significantly high unemployment, which the Barnett Government has failed to address.

* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

COMMITTEES TO REPORT

| <i>Committee</i> | <i>Date Due</i> |
|--|-------------------|
| <i>Joint Committee on Audit:</i> Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General | |
| <i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Access to Australian Standards Adopted in Delegated Legislation | |
| <i>Education and Health Standing Committee:</i> Inquiry into Suicides of Fly-in, Fly-out Workers in Western Australia | 11 June 2015 |
| <i>Economics and Industry Standing Committee:</i> Inquiry into the Economic Implications of Floating Liquefied Natural Gas Operations – Part 2 | 25 June 2015 |
| <i>Joint Standing Committee on the Corruption and Crime Commission:</i> Inquiry into the Corruption and Crime Commission Being able to Prosecute its own Charges | 30 June 2015 |
| <i>Education and Health Standing Committee:</i> Inquiry into the Transition and Operation of Services at Fiona Stanley Hospital | 24 September 2015 |
| <i>Joint Standing Committee on the Commissioner for Children and Young People:</i> Review of the Functions Exercised by the Commissioner for Children and Young People | 15 October 2015 |
| <i>Community Development and Justice Standing Committee:</i> Inquiry into the Methods Employed by Western Australia Police to Evaluate Performance | 26 November 2015 |

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

| <i>Committee</i> | <i>Ministers to Respond</i> | <i>Date Due</i> |
|--|--|-----------------|
| Joint Select Committee on Aboriginal Constitutional Recognition – Towards a True and Lasting Reconciliation: Report into the Appropriate Wording to Recognise Aboriginal People in the Constitution of Western Australia | Premier | 26 June 2015 |
| Joint Standing Committee on the Corruption and Crime Commission – Improving the Working Relationship Between the Corruption and Crime Commission and Western Australia Police | Minister representing the Attorney General | 26 June 2015 |
| Economics and Industry Standing Committee – Inquiry into Safety-Related Matters Relating to Floating Liquefied Natural Gas Projects in Australian Waters off the Western Australian Coast | Minister for State Development; Minister for Mines and Petroleum; Minister for Emergency Services; Minister for Transport | 7 August 2015 |

NOTICES AND AMENDMENTS

Aboriginal Heritage Amendment Bill 2014 (No. 81–I)

Clause 18.

The Deputy Premier: To move –

Page 19, lines 16 to 20 – To delete the lines and substitute:

“

(3) In section 28(4):

(a) delete “Subject to subsection (3), the” and insert:

The

(b) delete “Minister from a panel of names submitted for the purposes of this Act by the Registrar.” and insert:

Minister.

”.

Clause 43.

The Deputy Premier: To move –

Page 34, line 13 – To delete “5” and substitute:

“ 6 ”.

Aquatic Resources Management Bill 2015 (No. 52–I)

Clause 145.

The Deputy Premier: To move –

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

“ holds an aquaculture licence and ”.

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Joint Standing Committee on Delegated Legislation – Application of Standing Orders

Legislative Council Message No. 67.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to agree to same –

In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation –

- (1) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee.
- (2) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee.
- (3) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum.
- (4) Leave under (3) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.

Public Health Bill 2014 (No. 103–1)

Clause 35.

The Minister for Health: To move –

Page 31, lines 3 and 4 – To delete the lines.

Clause 229.

The Minister for Health: To move –

Page 179, line 22 – To delete “subsection (3)(a)” and substitute:

“ subsection (3)(b) ”.

Public Health (Consequential Provisions) Bill 2014 (No. 104-1)

Clause 36.

The Minister for Health: To move –

Page 21, lines 9 to 17 – To delete the lines and substitute:

“

- (1) In section 335(1) delete “her,” and insert:

the midwife,

”.

New Clause 89A.

The Minister for Health: To move –

Page 61, after line 11 – To insert:

“

89A. Section 360 amended

Delete section 360(2) to (5) and insert:

- (2) Local laws and regulations made under this Act may create offences with —
- (a) a maximum penalty of not more than \$10 000; and
 - (b) if the offence is a continuing offence, a daily penalty of not more than \$1 000.
- (3) For the purposes of subsection (2) —
- (a) local laws and regulations may provide for the imposition of a minimum penalty for an offence; and
 - (b) the level of the penalty for an offence (whether the maximum penalty or a minimum penalty) may be related to either or both of the following —
 - (i) the circumstances or extent of the offence;
 - (ii) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.

”.

Clause 99.

The Minister for Health: To move –

Page 74, after line 6, the Table the 15th row – To delete the 2nd column.

New Clause 174A.

The Minister for Health: To move –

Page 103, after line 22 – To insert:

“

174A. Section 157 deleted

Delete section 157.

”

Clause 210.

The Minister for Health: To move –

Page 115, line 11 – To delete “sections 171, 173 and 174” and substitute:

“ sections 171, 173, 174 and 174A ”.

Clause 266.

The Minister for Health: To move –

Page 125, lines 11 to 17 – To delete the lines and substitute:

“ (6) In section 360(3)(a) delete “local laws and”. ”.

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PETER J. McHUGH

Clerk of the Legislative Assembly