

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 225

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 8 SEPTEMBER 2016

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Grievances

The Speaker called for grievances which were then made.

Paper

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

By the Minister for Transport –

Transport, Minister for – Transperth Bus Network Service Growth (4500).

3. Joint Standing Committee on Delegated Legislation

Mr P. Abetz, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Report No. 87: Observations arising from the Committee review of the City of Joondalup Local Government and Public Property Amendment Local Law 2015 (4501).

4. Joint Standing Committee on Delegated Legislation

Mr P. Abetz, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee – Report No. 88: Review of the Government Response to Report 84: Access to Australian Standards Adopted in Delegated Legislation (4502).

5. Correction to Tabled Paper

The Deputy Speaker announced that the Speaker had authorised corrections to the following Tabled Paper which was tabled on 14 October 2015 –

Equal Opportunity Commission – Annual Report 2014–2015 (3506).

Paper

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

By the Deputy Speaker –

Equal Opportunity Commission – Annual Report 2014–2015 – Erratum (4503).

6. Taxi Amendment Bill 2016

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

Debate resumed.

Debate interrupted by the Chair (Dr A.D. Buti speaking) and adjourned until a later stage of the sitting.

7. Members' Statements

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

8. Questions

Questions without Notice were taken.

Question on Notice No. 5834 was asked.

Question on Notice No. 5815 was answered.

9. Unanswered Question on Notice

Mr M. McGowan asked why no answer had been received in respect of his Question on Notice No. 5252.

10. Personal Explanation

The Minister for Environment made a personal explanation correcting the Department of Parks and Wildlife's prescribed burning targets announced in the House on 19 May 2016.

11. Unanswered Questions on Notice

The following members asked why no answer had been received in respect of their Questions on Notice –

Mr D.J. Kelly – Question on Notice No. 5607.

Mr W.J. Johnston – Questions on Notice No. 5595.

12. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

13. Taxi Amendment Bill 2016

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

Debate resumed.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Transport –

Transport, Minister for – Taxi Trip Data 2016: State Final Demand v Taxi Demand (4504).

Question put and passed.
Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.
New Clause 5A.
Ms R. Saffioti moved,
Page 2, after line 14 – To insert:

“

5A. Part 3AA inserted

After section 30I insert:

Part 3AA – Eligible owner taxi plates buy-back

30II. Buy-back agreements for taxi plates

The Director General may enter into an agreement, on such terms and conditions as the Minister approves, with a person who is an eligible owner of taxi plates for the payment to the person of an amount of compensation for the surrender and cancellation of the taxi plates that are the subject of the agreement.

”.

New Clause put.
The Assembly divided.

Ayes (16)

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

Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan
Mr M. McGowan
Ms S.F. McGurk
Mr M.P. Murray

Mr J.R. Quigley
Ms R. Saffioti
Mr P.C. Tinley
Mr D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 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
 Mr C.D. Hatton
 Mr A.P. Jacob
 Mr S.K. L'Estrange
 Mr R.S. Love
 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 A. Krsticevic (*Teller*)

New Clause negated.

Clause 6.

Ms R. Saffioti moved,

Page 4, line 16 – To delete “\$20 000” and substitute:

“ \$162 500 ”.

Page 4, line 17 – To delete “\$6 000” and substitute:

“ \$50 000 ”.

Amendments put.

The Assembly divided.

Ayes (16)

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

Mr W.J. Johnston
 Mr D.J. Kelly
 Mr F.M. Logan
 Mr M. McGowan
 Ms S.F. McGurk
 Mr M.P. Murray

Mr J.R. Quigley
 Ms R. Saffioti
 Mr P.C. Tinley
 Mr D.A. Templeman (*Teller*)

Noes (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 M.J. Cowper
 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
 Mr C.D. Hatton
 Mr A.P. Jacob
 Mr S.K. L'Estrange
 Mr R.S. Love
 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 M.H. Taylor
 Mr A. Krsticevic (*Teller*)

Amendments thus negated.

Clause agreed to.

Clause 7 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Transport 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.

14. Biodiversity Conservation Bill 2015

Message No. 146 dated 8 September 2016 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Biodiversity Conservation 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 Biodiversity Conservation Bill 2015

No. 1

Clause 7, page 18, after line 10 — To insert —

biodiversity conservation conditions means conditions or requirements relating to the conservation or protection of biodiversity or biodiversity components;

No. 2

Clause 7, page 18, line 23 to page 19, line 2 — To delete the lines and insert —

act if —

(a) it is —

(i) an act that is authorised by a relevant authorisation or is otherwise authorised or required under a State agreement; or

(ii) an act that is a likely consequence of an act referred to in subparagraph (i);

and

(b) all biodiversity conservation conditions that apply to or in relation to it are complied with, whether those conditions are imposed under the relevant authorisation, or State agreement referred to in paragraph (a)(i) or imposed in some other way.

No. 3

Clause 37, page 32, lines 17 to 32 — To delete the clause.

No. 4

New Clause 37, page 32, line 17 — To insert —

37. Minister to obtain scientific advice on listing decision

Before making a listing decision the Minister must obtain and have regard to advice from one or more persons considered by the Minister to have scientific expertise relevant to the matter to which the decision relates.

No. 5

Clause 42, page 36, lines 8 to 24 — To delete the clause.

No. 6

New Clause 42, page 36, line 8 — To insert —

42. Parliament's approval required for certain proposals

- (1) In this section —

proposal means —

- (a) a proposal to give an authorisation under section 40; or
 - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened species to which the proposal relates becoming eligible for listing as an extinct species in the near future.
- (3) Despite subsection (2), this section does not apply to a proposal if the purpose of the taking or disturbance to which the proposal relates is to establish a breeding colony or a population in cultivation so that the threatened species can be reintroduced into the wild at a later time.
- (4) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
- (a) has been laid before each House of Parliament; and
 - (b) has been approved by a resolution passed by both Houses of Parliament.

No. 7

Clause 47, page 40, lines 3 to 15 — To delete the clause.

No. 8

New Clause 47, page 40, line 3 — To insert —

47. Parliament's approval required for certain proposals

- (1) In this section —

proposal means —

- (a) a proposal to give an authorisation under section 45; or

- (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened ecological community to which the proposal relates becoming eligible for listing as a collapsed ecological community in the near future.
- (3) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
 - (a) has been laid before each House of Parliament; and
 - (b) has been approved by a resolution passed by both Houses of Parliament.

No. 9

Clause 151, page 95, line 26 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 10

Clause 151, page 96, line 3 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 11

Clause 153, page 98, line 15 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

No. 12

Clause 153, page 98, line 24 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

Ordered, That consideration in detail of Legislative Council Message No. 146 be made an Order of the Day for the next sitting of the Assembly.

15. Royal Perth Hospital Protection Bill 2013

Message No. 147 dated 8 September 2016 from the Legislative Council was reported as follows —

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Royal Perth Hospital Protection 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 Royal Perth Hospital Protection Bill 2013

No. 1

Clause 4, page 2, lines 22 and 23 — To delete “*Hospitals and Health Services Act 1927.*” and insert —

Health Services Act 2016.

No. 2

Clause 6, page 3, line 5 — To delete “*Hospitals and Health Services Act 1927*” and insert —

Health Services Act 2016

Ordered, That consideration in detail of Legislative Council Message No. 147 be made an Order of the Day for the next sitting of the Assembly.

16. Constitution and Electoral Amendment Bill 2016

Message No. 148 dated 8 September 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend —

- the *Constitution Acts Amendment Act 1899*; and
- the *Electoral Act 1907.*”

Speaker's Statement – Constitution and Electoral Amendment Bill 2016

The Speaker advised members that it had been brought to his attention that the *Constitution and Electoral Amendment Bill 2016* may be in breach of section 46(1) of the *Constitution Acts Amendment Act 1899*. The Speaker would consider this matter and make a ruling next week, on Tuesday, 13 September 2016, immediately after Question Time.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.03 p.m. until Tuesday, 13 September 2016 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Dr G.G. Jacobs, Mr P. Papalia, Ms M.M. Quirk, Mr T.K. Waldron and Mr B.S. Wyatt.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly