

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 227

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 14 SEPTEMBER 2016

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Clerk –

Australian Energy Market Operator Limited – Deed of Indemnity between the State of Western Australia (“Treasurer”) and Australian Energy Market Operator Limited for Retail Market Development in the South West Interconnected System (4519).

Department of the Registrar Western Australian Industrial Relations Commission – Annual Report 2016 (4522).

Legal Costs Committee – Annual Report 2015/2016 (4520).

Legal Professional Complaints Committee Western Australia – Annual Report 2016 (4521).

3. Message from the Governor

Message No. 26 from Her Excellency the Governor was reported assenting to the following bills –

Marketing of Potatoes Amendment and Repeal Act 2016, Act No. 22 of 2016.

Terrorism (Preventative Detention) Amendment Act 2016, Act No. 23 of 2016.

4. Precedence of Private Members’ Business

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

That so much of Standing Orders be suspended as is necessary to enable Private Members’ Business to have priority on Wednesday, 14 September 2016 between 4.00 p.m. and 8.00 p.m.

Question put and passed.

5. Licensing and Other Authorisations Amendment Bill 2016

The Minister for Finance, pursuant to notice, moved,

That a bill for “An Act to amend the following Acts to clarify or remove certain requirements relating to licensing and other authorisations –

- the *Electricity Industry Act 2004*;
- the *Gaming and Wagering Commission Act 1987*;
- the *Security and Related Activities (Control) Act 1996*;
- the *Transport Co-ordination Act 1996*.” be introduced and read a first time.

Question put and passed.

The Minister for Finance presented an explanatory memorandum and bill read a first time.

The Minister for Finance moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

6. Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2016

The Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.” 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.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

7. Evidence Amendment Bill 2015

The Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Evidence Act 1906*.” 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.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

8. Local Government Legislation Amendment Bill 2014

The Order of the Day for the consideration in detail of Legislative Council Message No. 149 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government Legislation Amendment Bill 2014* 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 Local Government Legislation Amendment Bill 2014

No. 1

Clause 26, page 19, lines 4 and 5 — To delete the clause.

No. 2

Clause 27, page 19, line 6 to page 20, line 29 — To delete the clause.

No. 3

Clause 28, page 21, lines 2 and 3 — To delete the clause.

No. 4

Clause 29, page 21, line 4 to page 22, line 20 — To delete the clause.

No. 5

Clause 53, page 28, lines 17 and 18 — To delete the clause.

No. 6

Clause 54, page 28, lines 19 to 24 — To delete the clause.

No. 7

New Division 14A, page 29, after line 20 — To insert —

Division 14A — *Graffiti Vandalism Act 2016* amended

58A Act amended

This Division amends the *Graffiti Vandalism Act 2016*.

58B Section 4 amended

In section 4 in the definition of *public property* delete paragraph (c) and insert:

- (c) a local government, regional local government or regional subsidiary;

No. 8

New Division 16A, page 30, after line 22 — To insert —

Division 16A — *Health Services Act 2016* amended

62A Act amended

This Division amends the *Health Services Act 2016*.

62B Section 6 amended

In section 6 in the definition of *public authority* delete paragraph (c) and insert:

(c) a local government, regional local government or regional subsidiary;

No. 9

New Division 26A, page 34, after line 24 — To insert —

Division 26A — *Public Health Act 2016* amended

82A Act amended

This Division amends the *Public Health Act 2016*.

82B Section 4 amended

In section 4(1) in the definition of *public authority* after paragraph (d) insert:

(da) a regional subsidiary; or

No. 10

Long Title, page 1, the 2nd bullet point — To delete “**Acts; and**” and insert —

Acts.

No. 11

Long Title, page 1 — To delete the 3rd bullet point.

CONSIDERATION IN DETAIL

The Minister for Local Government moved, That amendments Nos 1 to 11 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

9. Bush Fires Amendment Bill 2016

The Order of the Day for the consideration in detail of Legislative Council Message No. 150 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Bush Fires 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 Bush Fires Amendment Bill 2016

No. 1

Clause 4, page 3, after line 22 — To insert —

- (7) The *Interpretation Act 1984* section 42 applies to and in relation to the bush fire risk treatment standards as if they were regulations.

No. 2

Clause 5, page 4, lines 27 to 29 — To delete “35(1), a local law made under section 33(5a) or bush fire risk treatment standards published under section 35AA(5);” and insert —

35(1) or a local law made under section 33(5a);

CONSIDERATION IN DETAIL

The Minister for Emergency Services moved, That amendments Nos 1 and 2 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

10. Universities Legislation Amendment Bill 2016

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

CONSIDERATION IN DETAIL

Clauses 1 to 11 agreed to.

Clause 12.

Dr A.D. Buti moved,

Page 8, lines 3 and 4 – To delete “one person who is a member of the academic staff of the University and who is” and substitute:

“ two persons who are members of the academic staff of the University and who are ”.

Page 8, line 28 – To delete “5” and substitute:

“ 4 ”.

Amendments put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker	Mr F.M. Logan	Mrs M.H. Roberts
Dr A.D. Buti	Mr M. McGowan	Ms R. Saffioti
Mr R.H. Cook	Ms S.F. McGurk	Mr C.J. Tallentire
Ms J. Farrer	Mr M.P. Murray	Mr P.C. Tinley
Ms J.M. Freeman	Mr J.R. Quigley	Mr B.S. Wyatt
Mr D.J. Kelly	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)

Noes (33)

Mr P. Abetz	Mr J.M. Francis	Mr P.T. Miles
Mr F.A. Alban	Mrs G.J. Godfrey	Ms A.R. Mitchell
Mr C.J. Barnett	Mr B.J. Grylls	Mr N.W. Morton
Mr I.C. Blayney	Dr K.D. Hames	Dr M.D. Nahan
Mr I.M. Britza	Mrs L.M. Harvey	Mr D.C. Nalder
Mr G.M. Castrilli	Mr C.D. Hatton	Mr J. Norberger
Mr V.A. Catania	Mr A.P. Jacob	Mr D.T. Redman
Ms M.J. Davies	Dr G.G. Jacobs	Mr A.J. Simpson
Mr J.H.D. Day	Mr R.S. Love	Mr M.H. Taylor
Ms W.M. Duncan	Mr W.R. Marmion	Mr T.K. Waldron
Ms E. Evangel	Mr J.E. McGrath	Mr A. Krsticevic (<i>Teller</i>)

Amendments thus negatived.

Clause agreed to.

Clauses 13 to 41 agreed to.

Clause 42.

The Premier moved,

Page 43, lines 29 and 30 – To delete the lines.

Page 44, after line 11 – To insert:

“

- (2A) The Council must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 43 to 54 agreed to.

Clause 55.

Dr A.D. Buti moved,

Page 57, lines 1 and 2 – To delete “one person who is a member of the academic staff of the University and who is” and substitute:

“ two persons who are members of the academic staff of the University and who are ”.

Page 57, line 22 – To delete “5” and substitute:

“ 4 ”.

Amendments put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr R.F. Johnson

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (32)

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

Ms M.J. Davies

Mr J.H.D. Day

Ms W.M. Duncan

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

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

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*)

Amendments thus negatived.

Clause agreed to.

Clauses 56 to 78 agreed to.

Clause 79.

The Premier moved,

Page 90, lines 13 and 14 – To delete the lines.

Page 90, after line 25 – To insert:

“

- (2A) The Council must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 80 to 98 agreed to.

Clause 99.

Dr A.D. Buti moved,

Page 105, lines 18 and 19 – To delete “one person who is a member of the academic staff of the University and who is” and substitute:

“ two persons who are members of the academic staff of the University and who are ”.

Page 106, line 10 – To delete “5” and substitute:

“ 4 ”.

Amendments put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

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 V.A. Catania

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

Dr K.D. Hames

Mrs L.M. Harvey

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

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*)

Amendments thus negatived.

Clause 99.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

11. Questions

Questions without Notice were taken.

Questions on Notice Nos 5838 to 5865 were asked.

Questions on Notice Nos 5697, 5760, 5805 and 5814 were answered.

Paper tabled by the Minister for Regional Development; Lands –

Question on Notice No. 5760 – Details of market research and polling undertaken by agencies under the Minister's portfolio 2015–2016 (4523).

12. Matter of Public Interest – Major Hospital Projects

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

At least five members having risen in support,

Mr R.H. Cook moved,

That this House condemns the Liberal National Government for its mismanagement of the major hospital projects leading to cuts to services at the Princess Margaret Children's Hospital, cost and time overruns at the new Children's Hospital and privatisation deals that leave taxpayers paying for a carpark with no cars.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker	Mr F.M. Logan	Ms R. Saffioti
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire
Mr R.H. Cook	Ms S.F. McGurk	Mr P.C. Tinley
Ms J. Farrer	Mr M.P. Murray	Mr B.S. Wyatt
Ms J.M. Freeman	Mr J.R. Quigley	Mr D.A. Templeman (<i>Teller</i>)
Mr R.F. Johnson	Ms M.M. Quirk	
Mr D.J. Kelly	Mrs M.H. Roberts	

Noes (33)

Mr P. Abetz	Mr G.J. Godfrey	Mr P.T. Miles
Mr F.A. Alban	Mr B.J. Grylls	Ms A.R. Mitchell
Mr C.J. Barnett	Dr K.D. Hames	Mr N.W. Morton
Mr I.C. Blayney	Mrs L.M. Harvey	Dr M.D. Nahan
Mr I.M. Britza	Mr C.D. Hatton	Mr D.C. Nalder
Mr G.M. Castrilli	Mr A.P. Jacob	Mr J. Norberger
Mr V.A. Catania	Dr G.G. Jacobs	Mr D.T. Redman
Ms M.J. Davies	Mr S.K. L'Estrange	Mr A.J. Simpson
Mr J.H.D. Day	Mr R.S. Love	Mr M.H. Taylor
Ms E. Evangel	Mr W.R. Marmion	Mr T.K. Waldron
Mr J.M. Francis	Mr J.E. McGrath	Mr A. Krsticevic (<i>Teller</i>)

Question thus negatived.

13. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be resumed.

14. Universities Legislation Amendment Bill 2016

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

CONSIDERATION IN DETAIL

Clause 99 agreed to.

Clause 100.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

15. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day No. 19 and Private Members' Business Notice of Motion No. 9 and Private Members' Business Order of the Day No. 18 be next considered.

16. Criminal Laws (Domestic Violence) 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.

Question put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr R.F. Johnson

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (33)

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

Ms M.J. Davies

Mr J.H.D. Day

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

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

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*)

Question thus negatived.

Bill defeated.

17. Building New Schools

Dr A.D. Buti, pursuant to notice, moved,

That this House condemns the Minister for Education and the Government for its slow rate of building new schools.

Debate ensued.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

18. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be resumed.

19. Universities Legislation Amendment Bill 2016

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

CONSIDERATION IN DETAIL

Clauses 100 to 107 agreed to.

Clause 108.

The Premier moved,

Page 113, lines 13 and 14 – To delete the lines.

Page 113, after line 25 – To insert:

“

- (3) The Senate must pay to the Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 109 to 124 agreed to.

Clause 125.

The Premier moved,

Page 140, the Table item 9 the 2nd column – To delete “Retirement Services Pty Ltd” and substitute:

“ University ”.

Page 140, the Table item 10 the 2nd column – To delete “Retirement Services Pty Ltd” and substitute:

“ University ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 126 to 134 agreed to.

Clause 135.

Dr A.D. Buti moved,

Page 148, lines 12 and 13 – To delete “one person who is a member of the academic staff of the University and who is” and substitute:

“ two persons who are members of the academic staff of the University and who are ”.

Amendment put and negatived.

The Premier moved,

Page 148, lines 21 to 29 – To delete the lines and substitute:

“

- (g) 2 persons who are students and are elected by the students in the manner prescribed by regulations;

”.

Amendment put and passed.

Dr A.D. Buti moved,

Page 149, line 1 – To delete “5” and substitute:

“ 4 ”.

Amendment put and negatived.

Clause, as amended, agreed to.

Clauses 136 to 159 agreed to.

Clause 160.

The Premier moved,

Page 170, lines 19 and 20 – To delete the lines.

Page 170, after line 31 – To insert:

“

- (2A) The Senate must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 161 to 197 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.

20. Heritage 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.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.39 p.m. until Thursday, 15 September 2016 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr M.J. Cowper, Mr W.J. Johnston, Ms L. Mettam, Mr P. Papalia and Mr P.B. Watson.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly