

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 215

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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WEDNESDAY, 29 JUNE 2016

### 1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Paper

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

By the Clerk –

Auditor General, Office of the – Maintaining the State Road Network – Follow-on Audit:  
Report No. 13 June 2016 (4304).

### 3. Notices of Motion

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the 2016 *Revealed: Emerging Aboriginal Arts from Western Australia* program, hosted by the Fremantle Arts Centre in April 2016.

The Treasurer on the release of further information on the Perth Stadium Design, Build, Finance and Maintain (DBFM) project agreement.

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### Papers

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

By the Treasurer –

Treasurer – Perth Stadium – Release of Further Information from Design, Build, Finance and Maintain (DBFM) Project Agreement – Part 1 (4305).

Treasurer – Perth Stadium – Release of Further Information from Design, Build, Finance and Maintain (DBFM) Project Agreement – Part 2 (4306).

Treasurer – Perth Stadium – Release of Further Information from Design, Build, Finance and Maintain (DBFM) Project Agreement – Part 3 (4307).

The Minister for Innovation on the Western Australian Information Technology and Telecommunications Alliance INCITE Awards.

The Minister for Water on the Waterwise Verge Incentive Scheme.

The Minister for Youth on the Country Local Government Fund Youth Development Program.

## **5. 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, 29 June 2016 between 4.00 p.m. and 8.00 p.m.

Debate ensued.

Question put and passed.

## **6. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 2 be next considered.

## **7. Dangerous Sexual Offenders Legislation Amendment Bill 2015**

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

### *CONSIDERATION IN DETAIL*

Clause 20.

Clause put.

The Assembly divided.

#### *Ayes (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  
Mr M.J. Cowper  
Ms M.J. Davies  
Mr J.H.D. Day  
Ms E. Evangel

Mr J.M. Francis  
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 (18)*

Ms L.L. Baker  
Dr A.D. Buti  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr D.J. Kelly

Mr F.M. Logan  
Mr M. McGowan  
Ms S.F. McGurk  
Mr M.P. Murray  
Mr P. Papalia  
Ms M.M. Quirk

Ms R. Saffioti  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Mr B.S. Wyatt  
Mr D.A. Templeman (*Teller*)

Clause thus passed.

Clauses 21 to 27 agreed to.

Clause 28.

Mr P. Papalia moved,

Page 21, after line 21 – To insert:

“

- (2A) A court may only make a supervision order under subsection (1)(b)(ii) if the court is satisfied that the offender will comply with the conditions stated in the order.
- (2B) The offender has the onus of satisfying the court as described in subsection (2).
- (2) In considering whether to make a supervision order under subsection (1)(b)(ii), the court must disregard the fact that the person will be subject to electronic monitoring if a supervision order under subsection (1)(b)(ii) is made.

”.

Amendment put and negatived.

Clause agreed to.

Clause 29.

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

## 8. Speaker's Statement – Sub Judice

The Speaker advised members that on 28 June 2016 the Member for Butler mentioned a person's name, and said that the person had been charged with breaching a supervision order in at least two ways: consuming alcohol, and raping a woman on Saturday, 25 June 2016. Whilst these may have been objective facts, the member went on to say words to the effect:

*“It did not protect the woman who was raped on the weekend, and it did not stop the man from consuming alcohol, which probably led to the offence.”*

The Speaker advised he had spoken to the member who conceded that he was in breach of the *subjudice* convention.

The member had apologised for his oversight, and wished it to be known that in the debate he had remarked that the man has the presumption of innocence.

## 9. Questions

Questions without Notice were taken.

Questions on Notice Nos 5522 to 5567 were asked.

## 10. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 1 be next considered.

## 11. Genetically Modified Crops Free Areas Repeal Bill 2015

The Minister for Agriculture and Food, pursuant to notice, moved,

That a bill for “An Act to repeal the *Genetically Modified Crops Free Areas Act 2003* and to consequently amend the *Biosecurity and Agriculture Management Act 2007*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Agriculture and Food moved, That the bill be now read a second time.

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

Question put and passed.

**12. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

**13. Dangerous Sexual Offenders Legislation Amendment Bill 2015**

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

*CONSIDERATION IN DETAIL*

Clauses 29 to 58 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.

**14. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 5 be next considered.

**15. Electoral 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 and passed.

Bill read a second time.

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

The Premier moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

**16. Emergency Management 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 (Ms M.M. Quirk speaking) and adjourned until a later stage of the sitting.

**17. Variation to the Order of Business**

Ordered, That Private Members' Business Notice of Motion No. 12 and Private Members' Business Order of the Day No. 17 be next considered.

**18. Bushfire Management**

Ms M.M. Quirk, pursuant to notice, moved,

That this House calls on the Liberal National Government to advise on the immediate actions it intends to take on bushfire management prior to the 2016/17 fire season, and the funding of those outstanding recommendations from the Ferguson Report and those which are still unresolved from previous reports.

Debate ensued.

Debate interrupted by the Chair (Minister for Emergency Services speaking) and adjourned until a later stage of the sitting.

**19. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 3 be resumed.

**20. Emergency Management 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 and passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 7 agreed to.

Clause 8.

Ms M.M. Quirk moved,

Page 10, after line 8 – To insert:

“

(fb) The Minister must cause a copy of any report received by the Minister under section 14(fa) to be laid before each House of Parliament within 30 sitting days after the day on which the Minister receives the report.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 9 to 33 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.

**21. Biodiversity Conservation Bill 2015**

The Order of the Day for the third reading of the bill having been read, the Minister for Environment moved, That the bill be now read a third time.

Debate ensued.

Question put.

The Assembly divided.

*Ayes (28)*

Mr P. Abetz  
Mr F.A. Alban  
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 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  
Ms L. Mettam  
Mr P.T. Miles

Ms A.R. Mitchell  
Mr N.W. Morton  
Mr J. Norberger  
Mr D.T. Redman  
Mr A.J. Simpson  
Mr M.H. Taylor  
Mr T.K. Waldron  
Mr J.E. McGrath (*Teller*)

## Noes (14)

Ms L.L. Baker  
 Ms J.M. Freeman  
 Mr W.J. Johnston  
 Mr D.J. Kelly  
 Mr F.M. Logan

Mr M. McGowan  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk  
 Ms R. Saffioti

Mr C.J. Tallentire  
 Mr P.B. Watson  
 Mr B.S. Wyatt  
 Mr D.A. Templeman (*Teller*)

Question thus passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

## 22. Message from the Deputy Governor

Message No. 15 from the Deputy Governor was reported assenting to the following bills –

Legal Profession Amendment (Levy) Act 2016, Act No. 12 of 2016.

Legal Profession Amendment Act 2016, Act No. 13 of 2016.

## 23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.13 p.m. until Thursday, 30 June 2016 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Ms W.M. Duncan, Ms J. Farrer and Mrs G. Godfrey.

**KIRSTEN M. ROBINSON**  
 Clerk of the Legislative Assembly

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