

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 66

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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WEDNESDAY, 12 MARCH 2014

### 1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Petitions

Cockburn Council – Mr F.M. Logan presented a petition from 313 persons requesting the Legislative Assembly calls on the State Government to leave the City of Cockburn's current boundaries in place (P. 107).

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 155 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multi-function ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 108).

### 3. Paper

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

By the Speaker –

Auditor General, Office of the – Charging Card Administration Fees, Report 2: March 2014 (1421).

### 4. Notice of Motion

### 5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mines and Petroleum on the opening of the Miner's Monument in Kalgoorlie.

The Minister for Environment on the outcome of groundwater investigations in parts of Dianella and Mirrabooka.

The Minister for Citizenship and Multicultural Interests on the Harmony Champions Program.

**6. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014**

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code* and the *Sentencing Act 1995*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Police 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. Criminal Code Amendment (Child Sex Offences) Bill 2013**

Message No. 36 dated 11 March 2014 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend *The Criminal Code*.”

The Deputy Premier moved, That the bill be read a first time.

Question put and passed.

The Deputy Premier presented an explanatory memorandum and bill read a first time.

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

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. Sentencing Legislation Amendment Bill 2013**

Message No. 37 dated 11 March 2014 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Sentencing Act 1995* and the *Sentencing Administration Act 2003*.”

The Deputy Premier moved, That the bill be read a first time.

Question put and passed.

The Deputy Premier presented an explanatory memorandum and bill read a first time.

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

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.

**9. Pilbara Energy Project Agreement (Termination) Bill 2013**

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.

Title agreed to.

Consideration in detail concluded.

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.

Debate ensued.

Question put and passed.

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

# **10. Custodial Legislation (Officers Discipline) Amendment Bill 2013**

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

## *CONSIDERATION IN DETAIL*

Clause 7.

Mr P. Papalia moved,

Page 7, line 31 – To insert before “proceedings” where it first occurs:

“ or disciplinary ”.

Amendment put and negatived.

Mr P. Papalia moved,

Page 8, lines 19 and 20 – To delete “or 12 months’ imprisonment, or both”.

Amendment put and negatived.

Mr P. Papalia moved,

Page 8, lines 24 and 25 – To delete “does not have confidence in the prison officer’s suitability” and substitute:

“ has determined that the prison officer is not a fit and proper person ”.

Page 9, lines 13 and 14 – To delete “does not have confidence in a prison officer’s suitability to continue as” and substitute:

“ determines that the person is not a fit and proper person to be ”.

Amendments put and negatived.

Mr P. Papalia moved,

Page 10, lines 7 to 10 – To delete the lines and substitute:

“

- (2) Where a prison officer has commenced an appeal under section 106, the Minister shall direct that a maintenance payment must be paid to the prison officer for a specified period after the maintenance period unless there are exceptional circumstances justifying that the prison officer should not be paid a maintenance payment.

”.

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

# **11. Distinguished Visitors**

The Speaker noted the presence in the Speaker’s Gallery of visitors from the United States of America, Dr. Emile Nakhleh and Mrs Nakhleh. The Speaker also noted the presence of Prof. Samina Yasmeen and the acting United States Consul.

## 12. Questions

Questions without Notice were taken.

Questions on Notice Nos 1665, 1843 to 1848, 1850 to 1856, 1859, 1861 to 1864 and 1866 were answered.

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### *Paper*

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

By the Minister for Police –

Police, Minister for – Hansard Extract, Legislative Assembly, Wednesday 12 October 2005 (1422).

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## 13. Additional Information

The Minister for Police provided additional information relating to Question without Notice No. 112 from Mrs M.H. Roberts.

## 14. Matter of Public Interest – Referral of the Premier to the Procedure and Privileges Committee in Relation to Statements Regarding Burswood Stadium

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

At least five members having risen in support,

Mr B.S. Wyatt moved,

That the House refers the Premier to the Procedure and Privileges Committee to examine whether the Premier misled the House in respect of his statements regarding:

- (1) The existence of any link between the decision to sell public land to Burswood Nominees Limited and the decisions surrounding the location of the proposed new Burswood Stadium.
- (2) The requirement of Burswood Nominees Limited to consent to the Barnett Government developing the proposed new Stadium at the Burswood Peninsula.
- (3) That the Committee reports back to the Parliament by 6 May 2014.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (17)

Dr A.D. Buti  
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  
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  
 Mr M.J. Cowper  
 Ms M.J. Davies  
 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 A.J. Simpson  
 Mr M.H. Taylor  
 Mr T.K. Waldron  
 Mr A. Krsticevic (*Teller*)

Question thus negatived.

### 15. Economics and Industry Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 12 March 2014 from the Chairman of the Economics and Industry Standing Committee, advising that the Committee had determined for itself terms of reference in relation to an inquiry into whether the current lease arrangements and management of the Western Australian freight rail network comprising Tier 1, Tier 2 and Tier 3 lines facilitate or hamper state development. In particular the Committee will investigate:

- (1) the recent strategic directions and policy decisions relating to the current network lease, particularly in relation to the low-traffic lines;
- (2) the regulatory arrangements in place for the network; and
- (3) the management of the network by the Public Transport Authority.

The Committee anticipates reporting to the House on 14 August 2014.

### 16. Variation to the Order of Business

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

### 17. Custodial Legislation (Officers Discipline) Amendment Bill 2013

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

#### *CONSIDERATION IN DETAIL*

Clause 7.

Mr P. Papalia had moved:

Page 10, lines 7 to 10 – To delete the lines and substitute:

“

- (2) Where a prison officer has commenced an appeal under section 106, the Minister shall direct that a maintenance payment must be paid to the prison officer for a specified period after the maintenance period unless there are exceptional circumstances justifying that the prison officer should not be paid a maintenance payment.

”

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*Paper*

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

By the Minister for Corrective Services –

Corrective Services, Minister for – Tables of Time Taken to Conclude Disciplinary Charges (1423).

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

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

Ordered, That Private Members' Business Notices of Motion Nos 17 and 18 be next considered.

**19. Protection of the Guildford Hotel and Heritage in Western Australia**

Mrs M.H. Roberts, pursuant to notice, moved,

That the House condemns the Premier for failing to protect the Guildford Hotel and for his Government's shambolic management of heritage in Western Australia.

Debate ensued.

Question put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker  
Dr A.D. Buti  
Ms J.M. Freeman  
Mr W.J. Johnston  
Mr F.M. Logan

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

Mrs M.H. Roberts  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Ms S.F. McGurk (*Teller*)

Noes (30)

Mr P. Abetz  
Mr F.A. Alban  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr G.M. Castrilli  
Mr M.J. Cowper  
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 A.J. Simpson  
Mr M.H. Taylor  
Mr T.K. Waldron  
Mr A. Krsticevic (*Teller*)

Question thus negated.

**20. Cost of Living in Western Australia**

Ms L.L. Baker, pursuant to notice, moved,

That the House condemns the Premier for misleading the people of Western Australia regarding increases to the cost of living and the impact his Government's increases will have on homes and businesses.

Debate ensued.

Debate interrupted by the Chair (Ms L.L. Baker speaking) and adjourned until a later stage of the sitting.

**21. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 7.00 p.m. until Thursday, 13 March 2014 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Mr T.R. Buswell, Ms W.M. Duncan and Mr D.T. Redman.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

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