

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 38

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 15 OCTOBER 2013

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Housing on the coronial inquest into the death of Mr Robert Roll.

The Minister for Sport and Recreation on the Mid West Academy of Sport.

The Minister for Local Government on the Integrated Planning and Reporting Program for local governments.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 1277 to 1298 were asked.

Questions on Notice Nos 1066, 1074 to 1079, 1085 to 1091, 1093 to 1096, 1114 to 1121, 1223 to 1229, 1231 to 1241, 1243, 1244, 1250, 1251 and 1255 were answered.

Paper tabled by the Speaker –

Question on Notice No. 1066 – Details of metropolitan expense claims by the Member for Vasse for overnight accommodation from May 2010 to August 2012 (1013).

Papers tabled by the Minister for Health –

Question on Notice No. 1239 – Quarterly average weighted separation numbers and costs for each metropolitan hospital from January 2012 to June 2013 (1014).

Question on Notice No. 1240 – Details of budgets relating to partnerships undertaken with various organisations and WA Health (1015).

Question on Notice No. 1243 – Details of temporary/agency nurses engaged by the Department of Health since 1 January 2008 (1016).

Paper tabled by the Minister for Regional Development; Lands –

Question on Notice No. 1089 – Details of hospitality, free accommodation or free travel accepted by LandCorp officers (1017).

Question on Notice No. 1091 – Department of Regional Development and Lands' Code of Conduct (1018).

Paper tabled by the Minister for Culture and the Arts –

Question on Notice No. 1096 – Details of gifts, benefits or hospitality provided to Department of Culture and the Arts Officers (1019).

Paper tabled by the Minister for Energy –

Question on Notice No. 1223 – Details of private investigation services engaged by Western Power since 2010–2011 (1020).

Paper tabled by the Minister for Heritage –

Question on Notice No. 1075 – List of heritage properties currently owned by the Government (1021).

Paper tabled by the Parliamentary Secretary representing the Minister for Commerce –

Question on Notice No. 1255 – Statistics collected by the EnergySafety division of Department of Commerce relating to electrical fatalities, accidents and shocks for the periods 2011–2012 and 2012–2013 (1022).

4. Additional Information

The Minister for Water provided additional information relating to Questions without Notice Nos 555 and 556 from Mr D.J. Kelly.

5. Petitions

Development at 14 Lennard Street, Marmion – Mr R.F. Johnson presented a petition from 413 persons requesting that the Legislative Assembly requests that the Minister for Planning use his authority to ensure that the Development Assessments Panel approve only the original proposal in relation to the development at 14 Lennard Street, Marmion (P. 51).

City of Stirling, Proposed Boundaries – Mr C.D. Hatton presented a petition from 37 persons requesting that the Legislative Assembly rejects the proposal to change the boundaries of the City of Stirling and maintain all of the Mount Lawley and Menora suburbs within the boundaries of the City of Stirling (P. 52).

Bus Route 424 – Mr A. Krsticevic presented a petition from 165 persons requesting that the Legislative Assembly considers the expansion of bus route 424 in order to better service the residents of Karrinyup Lakes Lifestyle Village (P. 53).

Funding and Staff Cuts in Western Australian Schools – Mr P.B. Watson presented a petition from 122 persons requesting that the Legislative Assembly calls upon the Barnett Government to protect schools and students in Western Australia from budget cuts (P. 54).

Mandurah Pinjarra Bus Services – Mr M.J. Cowper presented a petition from 40 persons requesting that the Legislative Assembly supports their campaign for the Government to extend bus service routes 600 and 604 between Mandurah and Pinjarra to include weekends (P. 55).

6. Papers

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

By the Speaker –

Register of Members' Financial Interests – Annual Returns as at 30 June 2013 and Additional Information for Returns From the Year 2012–2013 and Primary Returns of Members of the Legislative Assembly Under the *Members of Parliament (Financial Interests) Act 1992* (984)

Speaker's Statement – Lodging of Pecuniary Interest Returns by Former Members

The Speaker advised members that he had received Annual Returns from Ms Carol Martin and the Hon. Grant Woodhams on 2 and 3 October 2013 respectively.

Information Commissioner, Office of the – Annual Report 2012–2013 (983).

Corruption and Crime Commission of Western Australia – Annual Report 2012–2013 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 27 September 2013) (976).

By the Clerk –

Agriculture and Food, Department of – Annual Report 2012–2013 (985).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013 G.G. 24/09/2013) (986).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 3) 2013 G.G. 27/09/2013) (987).

Dog Act 1976 – Local Laws (Town of Mosman Park Dogs Amendment Local Law 2013 G.G. 27/09/2013) (988).

Dog Act 1976 – Regulations (Dog Amendment Regulations (No. 2) 2013 G.G. 1/10/2013) (989).

Education Service Providers (Full Fee Overseas Students) Registration Act 1991 – Regulations (Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2013 G.G. 8/10/2013) (990).

Electricity Corporation Act 2005 – Ministerial Direction Titled Electricity Corporations (Capacity Cap Exemption) Direction 2013 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 3 October 2013) (977).

Environmental Protection Act 1986 – Regulations (Environmental Protection (NEPM-UPM) Regulations 2013 G.G. 24/09/2013) (991).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations (No. 2) 2013 G.G. 24/09/2013) (992).

Fair Trading Act 2010 – Regulations (Fair Trading (Retirement Villages Interim Code) Regulations (No. 2) 2013 G.G. 26/09/2013) (993).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2013 [1157] G.G. 27/09/2013) (994).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 5) 2013 G.G. 24/09/2013) (995).

Freedom of Information Act 1992 – Regulations (Freedom of Information Amendment Regulations (No. 2) 2013 G.G. 24/09/2013) (996).

Gold Corporation – Statement of Corporate Intent 2013–2014 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 7 October 2013) (980).

Independent Market Operator – Annual Report 2012–2013 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 3 October 2013) (978).

Land Administration Act 1997 – Submission No. 2/2013 Under Section 45(4) of the Act for the Excision From Portion of Class A Reserve 27004 to Facilitate Dedication of George Grey Drive in Kalbarri National Park (997).

Local Government Act 1995 – Local Laws (City of Kalgoorlie-Boulder Standing Orders Local Law 2013 G.G. 9/10/2013) (998).

Local Government Act 1995 – Local Laws (Shire of Carnamah Public Places and Local Government Property Amendment Local Law 2013 G.G. 27/09/2013) (999).

Lotteries Commission Act 1990 – Rules (Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules 2013 G.G. 1/10/2013) (1000).

Lotterywest – Statement of Corporate Intent 2013–2014 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 7 October 2013) (981).

Pay-roll Tax Assessment Act 2002 – Regulations (Pay-roll Tax Assessment Amendment Regulations (No. 2) 2013 G.G. 11/10/2013) (1001).

Pearling Act 1990 – Regulations (Pearling (General) Amendment Regulations 2013 G.G. 24/09/2013) (1002).

Professional Standards Act 1997 – Schemes (Institute of Chartered Accountants in Australia (WA) Scheme G.G. 4/10/2013) (1003).

Queen Elizabeth II Medical Centre Trust – Annual Report 2012–2013 (1004).

Racing and Wagering Western Australia – Statement of Corporate Intent 2013–2014 (1005).

Regional Development and Lands, Department of – Annual Report 2012–2013 (1006).

Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations (No. 11) 2013 G.G. 4/10/2013) (1007).

Rottneest Island Authority – Annual Report 2012–2013 (1008).

Supervised Release Review Board – Annual Report 2012–2013 (1009).

Surveillance Devices Act 1998 – Annual Report 2012–2013 (1010).

Tourism Western Australia – Annual Report 2012–2013 (1011).

Verve Energy – Annual Report 2012–2013 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 3 October 2013) (979).

Western Australia Police – Annual Report 2012–2013 (1012).

7. Notices of Motion

8. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

9. Matter of Public Interest – Tier 3 Rail Lines

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House condemns the Premier for breaking his election promise to keep open the Tier 3 rail lines thereby compromising road safety.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

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 J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (36)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 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
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr S.K. L'Estrange
 Mr R.S. Love

Mr W.R. Marmion
 Mr J.E. McGrath
 Mr P.T. Miles
 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 negated.

10. Public Accounts Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 1 October 2013 from the Chairman of the Public Accounts Committee, advising that the Committee had resolved to conduct an inquiry with the following terms of reference:

The Public Accounts Committee will examine the *Public Sector Management Act 1994 (WA)* in light of reforms to the Act passed in 2010 and consider the following issues:

1. The current functions and powers of the Public Sector Commissioner (the Commissioner) with a particular emphasis on:
 - a) the provisions relating to the appointment and management of Chief Executive Officers;
 - b) the establishment and monitoring of public sector standards, codes of ethics, and codes of conduct;
 - c) the application and operation of Commissioner's instructions;
 - d) the provisions relating to reviews and special inquiries; and
2. The respective roles of the Commissioner and relevant Ministers, and the reporting provisions and accountability framework applicable to the Commissioner, in the discharge of these functions and powers.

The Committee will report by 26 June 2014.

11. Message from the Governor

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

Fair Trading Amendment Bill 2013, Act No. 11 of 2013.

Criminal Code Amendment Bill (No. 2) 2013, Act No. 12 of 2013.

Family Court Amendment (Family Violence and Other Measures) Bill 2013, Act No. 13 of 2013.

Restraining Orders Amendment Bill 2013, Act No. 14 of 2013.

12. Message from the Governor

Message No. 16 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Western Australian Photo Card Bill 2013.

13. Taxi Drivers Licensing Bill 2013

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

Debate resumed.

Mrs G.J. Godfrey was granted leave to continue her remarks at a later stage of the sitting.

14. Medicines, Poisons and Therapeutic Goods Bill 2013

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

CONSIDERATION IN DETAIL

Clauses 99 to 131 agreed to.

Clause 132.

The Minister for Health moved,

Page 85, in the Table at line 8 – To delete:

“ s. 97(1)” and “s. 101(1) ”.

Amendment put and passed.

The Minister for Health moved,

Page 86, before line 1 – To insert the following new Table:

“

- (4) The penalty for an offence under a provision listed in the Table is \$5 000.

Table

s. 97(1)	s. 101(1)
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Amendment put and passed.

Clause, as amended, agreed to.

Clauses 133 to 209 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.

15. Land Tax Amendment Bill 2013

Message No. 22 dated 15 October 2013 from the Legislative Council was reported agreeing to the bill without amendment.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 8.21 p.m. until Wednesday, 16 October 2013 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms A.R. Mitchell and Mr P. Papalia.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly