

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 220

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 23 AUGUST 2016

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 Statement

A Brief Ministerial Statement was made by –

The Minister for Corrective Services on the contract with Sodexo Australia Pty Ltd for the operation of the new Melaleuca Remand and Reintegration Facility for women.

Papers

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

By the Minister for Corrective Services –

Corrective Services, Minister for – Project Summary: The Melaleuca Remand and Reintegration Facility (4458).

Corrective Services, Minister for – Melaleuca Remand and Reintegration Facility Services Agreement between the State of Western Australia and Sodexo Australia Pty Ltd (4459).

3. Speaker's Statement – Appointment of Acting Speaker

The Speaker advised the House that the member for Geraldton has been appointed as an Acting Speaker from Tuesday, 23 August 2016.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 5816 to 5818 were asked.

Questions on Notice Nos 5622 and 5596 were answered.

5. Petitions

Esperance Tanker Jetty – Dr G.G. Jacobs presented a petition from 83 persons asking the Minister for Environment and Heritage to place a conservation order on the Esperance Tanker Jetty to allow The Jetty Group (Inc) to complete its investigations and engineering study, and for the Esperance and Goldfields communities to be consulted for the feasibility of restoration to be considered by all levels of Government (P. 385).

Proposed Closure of Abbey Street, Morley – Mr D.J. Kelly presented a petition from 1 person asking the Legislative Assembly to consider allowing turning access to Morley Drive and incorporating it into the proposed roundabout at the intersection of Tonkin Highway and, if this is unworkable, a slip road to facilitate turning left onto Morley Drive from Abbey Street (P. 386).

Rest Stop Toilet Facility on Indian Ocean Drive, Gingin – Mr R.S. Love presented a petition from 247 persons asking the Legislative Assembly to review correspondence from Main Roads to the Wanneroo Roadwise Committee and the Shire of Gingin and liaise with the Department of Parks and Wildlife to provide this basic amenity (P. 387).

6. Papers

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

By the Clerk –

Cemeteries Act 1986 – Local Laws (Shire of Kellerberrin Cemeteries Local Law 2016 G.G. 17/08/2016) (4446).

Electoral Act 1907 – Regulations (Electoral Amendment Regulations 2016 G.G. 16/08/2016) (4447).

Financial Management Act 2006 – Notice given under the Act by the Minister for Education; Aboriginal Affairs; Electoral Affairs to Legislative Council Budget Estimates Generic Question 1.9 (4451).

Financial Management Act 2006 – Notice given under the Act by the Minister for Health; Culture and the Arts to Legislative Council Budget Estimates Generic Question 1.9 (4450).

Financial Management Act 2006 – Notice given under the Act by the Minister for Mental Health; Child Protection to Legislative Council Budget Estimates Generic Question 1.9 (4448).

Financial Management Act 2006 – Notice given under the Act by the Treasurer to Legislative Council Budget Estimates Generic Question 1.9 (4449).

Local Government Act 1995 – Local Laws (City of Nedlands Standing Orders Amendment Local Law 2016 G.G. 19/08/2016) (4452).

Local Government Act 1995 – Local Laws (Shire of Kellerberrin Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2016 G.G. 17/08/2016) (4453).

Local Government Act 1995 – Local Laws (Shire of Kellerberrin Fencing Local Law 2016 G.G. 17/08/2016) (4454).

Local Government Act 1995 – Local Laws (Shire of Kellerberrin Local Government (Council Meetings) Local Law 2016 G.G. 17/08/2016) (4455).

Local Government Act 1995 – Local Laws (Shire of Kellerberrin Parking and Parking Facilities Local Law 2016 G.G. 17/08/2016) (4456).

Road Traffic (Authorisation to Drive) Act 2008 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations 2016 G.G. 19/08/2016) (4457).

7. Notices of Motion

8. School Boarding Facilities Legislation Amendment and Repeal Bill 2015

The Premier, pursuant to notice, moved,

That a bill for “An Act to –

- amend the *School Education Act 1999* to make provision for student residential colleges; and
- repeal the *Country High School Hostels Authority Act 1960* and regulations made under that Act; and
- make consequential amendments to various other Acts, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

The 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. Road Traffic Legislation Amendment Bill (No. 2) 2015

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

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

Mr J.R. Quigley moved,

Page 4, after line 11 – To insert:

“

- (1) If a vehicle driven by a person (the *driver*) is involved in an incident occasioning death or grievous bodily harm to another person, the driver must report the incident forthwith to the officer in charge of a police station.

”.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (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
Mr J.H.D. Day
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
Ms L. Mettam

Mr P.T. Miles
Ms A.R. Mitchell
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)

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

Question thus passed.

On the question, That the words to be inserted, be inserted,

Question put.

The Assembly divided.

Ayes (18)

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
Mr M.P. Murray
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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
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Dr K.D. Hames
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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
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*)

Amendment thus negatived.

Mr J.R. Quigley moved,

Page 4, after line 23 – To insert:

“

- (2) In sections 56(2) and 56(3) where the words “not less than 12 months” appear in 3 places, insert:

cumulative upon any other period of disqualification of the driver's licence.

”.

The Minister for Police moved, That consideration of Clause 6 and the amendment moved by the member for Butler be postponed until after consideration of Clause 63.

Question put and passed.

Clauses 7 to 22 agreed to.

Clause 23.

Mr R.F. Johnson moved,

Page 16, after line 7 – To insert:

“

(1) In section 59(3):

(a) in paragraph (b)(ii) delete “person,” and insert:

person

(b) delete “and in any event, the court convicting that person shall order that he be disqualified from holding or obtaining a driver’s licence for a period of not less than 2 years.”.

(2) After section 59(4B) insert:

(4C) A court convicting a person on indictment of an offence against this section must order –

(a) that the person be permanently disqualified from holding or obtaining a driver’s licence, if the incident occasions the death of another person and either –

(i) the offence is against subsection (1)(a), (ba) or (bb); or

(ii) the offence is against subsection (1)(b) and is committed in circumstances of aggravation;

or

(b) that the person be disqualified from holding or obtaining a driver’s licence for a period of not less than 2 years, in any other case.

”.

Amendment put.

The Assembly divided.

Ayes (19)

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.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 P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (31)

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
 Mr J.H.D. Day
 Mr J.M. Francis
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 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*)

Amendment thus negatived.

Clause agreed to.

Clauses 24 to 26 agreed to.

Clause 27.

The Minister for Road Safety moved,

Page 18, line 15 – After “Penalty:” insert:

“ a fine of ”.

Amendment put and passed.

Clause, as amended, agreed to.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

10. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 12.08 a.m. on Wednesday, 24 August 2016 until 12.00 noon on the same day.

Members present during any part of the day's proceedings – All the members except Ms E. Evangel, and Ms W.M. Duncan.

KIRSTEN M. ROBINSON
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly