

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 226

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 13 SEPTEMBER 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 Deputy Premier on the delay with the Government Response to the Joint Standing Committee on the Commissioner for Children and Young People's Report No. 7: Everybody's Business – An examination into how the Commissioner for Children and Young People can enhance WA's response to child abuse.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 5835 to 5837 were asked.

Questions on Notice Nos 5607, 5638, 5706, 5790, 5796 and 5798 were answered.

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Paper tabled by the Minister for Water –

Question on Notice No. 5607 – List of projects handed over by the Water Corporation to RCR Tomlinson as a result of the sale of the Engineering and Construction branch in 2015 (4518).

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### 4. Speaker's Statement – Constitution and Electoral Amendment Bill 2016

The Speaker advised members that having had an opportunity to consider the provisions of the Constitution and Electoral Amendment Bill 2016, his view was that it appropriates revenue or moneys and, in accordance with section 46 of the *Constitution Acts Amendment Act 1899*, can only be introduced in the Legislative Assembly. Accordingly the Bill was ruled out of order, and a message was sent to the Legislative Council advising of the same.

## 5. Suspension of Standing Orders

Mr R.F. Johnson, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

- (1) That this House requests the Procedure and Privileges Committee to undertake an inquiry to determine whether the Member for Hillarys has been impeded or obstructed in carrying out his duties as a Member of Parliament by the actions of the Liberal Party in:
  - (a) blocking access to personal information between the Member for Hillarys and his constituents;
  - (b) allowing that personal information to be made available to other members of the Liberal Party without the constituents' knowledge or approval;
  - (c) deliberately changing information on the Google Maps website by stating that the Member for Hillarys' electorate office is permanently closed; and
  - (d) deliberately deleting the telephone number of the electorate office and substituting the telephone number of the Liberal Party.
- (2) That the Procedure and Privileges Committee report back to the House by 20 October 2016 as to whether such actions constitute a breach of parliamentary privilege or contempt.

Debate ensued.

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

Question put.

The Assembly divided.

### Ayes (30)

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

### Noes (17)

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

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The Assembly divided.

## Ayes (17)

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

## Noes (30)

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

Question thus negatived.

## 6. Petitions

Improve FIFO Mental Health and Wellbeing – Dr G.G. Jacobs presented a petition from 3677 persons asking the State Government to implement the recommendations of the Education and Health Standing Committee's Report The Impact of FIFO Work Practices on Mental Health: Final Report (P. 393).

Esperance Tanker Jetty – Dr G.G. Jacobs presented a petition from 27 persons asking the Minister for Environment; Heritage to place a conservation order on the Esperance Tanker Jetty to allow The Jetty Group (Inc) to complete its investigations and engineering study, for the local community to be consulted and for the feasibility of restoration to be considered by all levels of Government (P. 394).

## 7. Papers

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

By the Clerk –

Botanic Gardens and Parks Authority Act 1998 – Regulations (Botanic Gardens and Parks Amendment Regulations 2016 G.G. 09/09/2016) (4505).

Conservation and Land Management Act 1984 – Lease No. 1092/100 between the Department of Parks and Wildlife and Mr Peter Della-Pona for a dam site for commercial purposes in Beelu National Park – Reserve No. 47880 near Kalamunda (4506).

District Court of Western Australia Act 1969 – Regulations (District Court (Fees) Amendment Regulations (No. 2) 2016 G.G. 09/09/2016) (4507).

Environmental Protection Act 1986 – Orders (Environmental Protection (National Paint Product Stewardship Scheme) Exemption Order 2016 G.G. 09/09/2016) (4508).

Gaming and Wagering Commission Act 1987 – Regulations (Gaming and Wagering Commission Amendment Regulations 2016 G.G. 06/09/2016) (4509).

Health Act 1911 – Regulations (Blood and Tissue (Transmissible Diseases) Amendment Regulations (No. 2) 2016 G.G. 09/09/2016) (4510).

Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2016 G.G. 06/09/2016) (4511).

Land Administration Act 1997 – Regulations (Land Administration Regulations Amendment Regulations 2016 G.G. 06/09/2016) (4512).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 4) 2016 G.G. 06/09/2016) (4513).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 7) 2016 G.G. 06/09/2016) (4514).

Liquor Control Act 1988 – Regulations (Liquor Control Regulations Amendment (Restricted Area) Regulations 2016 G.G. 09/09/2016) (4515).

Local Government Act 1995 – Local Laws (Shire of York Local Government (Council Meetings) Local Law 2016 G.G. 07/09/2016) (4516).

Premier and Cabinet, Department of – Annual Report 2015/2016 (4517).

## 8. Notices of Motion

### 9. Sale of Land Amendment Bill 2016

The Order of the Day for the third reading of the bill having been read, the Minister for Lands 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. Biodiversity Conservation Bill 2015

The Order of the Day for the consideration in detail of Legislative Council Message No. 146 was read. The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Biodiversity Conservation Bill 2015* 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 Biodiversity Conservation Bill 2015.*

#### No. 1

Clause 7, page 18, after line 10 — To insert —

*biodiversity conservation conditions* means conditions or requirements relating to the conservation or protection of biodiversity or biodiversity components;

#### No. 2

Clause 7, page 18, line 23 to page 19, line 2 — To delete the lines and insert —

act if —

(a) it is —

(i) an act that is authorised by a relevant authorisation or is otherwise authorised or required under a State agreement; or

(ii) an act that is a likely consequence of an act referred to in subparagraph (i);

and

- (b) all biodiversity conservation conditions that apply to or in relation to it are complied with, whether those conditions are imposed under the relevant authorisation, or State agreement referred to in paragraph (a)(i) or imposed in some other way.

**No. 3**

Clause 37, page 32, lines 17 to 32 — To delete the clause.

**No. 4**

New Clause 37, page 32, line 17 — To insert —

**37. Minister to obtain scientific advice on listing decision**

Before making a listing decision the Minister must obtain and have regard to advice from one or more persons considered by the Minister to have scientific expertise relevant to the matter to which the decision relates.

**No. 5**

Clause 42, page 36, lines 8 to 24 — To delete the clause.

**No. 6**

New Clause 42, page 36, line 8 — To insert —

**42. Parliament's approval required for certain proposals**

- (1) In this section —

*proposal* means —

- (a) a proposal to give an authorisation under section 40; or
  - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened species to which the proposal relates becoming eligible for listing as an extinct species in the near future.
- (3) Despite subsection (2), this section does not apply to a proposal if the purpose of the taking or disturbance to which the proposal relates is to establish a breeding colony or a population in cultivation so that the threatened species can be reintroduced into the wild at a later time.
- (4) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
  - (a) has been laid before each House of Parliament; and
  - (b) has been approved by a resolution passed by both Houses of Parliament.

**No. 7**

Clause 47, page 40, lines 3 to 15 — To delete the clause.

**No. 8**

New Clause 47, page 40, line 3 — To insert —

**47. Parliament's approval required for certain proposals**

(1) In this section —

*proposal* means —

- (a) a proposal to give an authorisation under section 45; or
  - (b) a proposal to amend an authorisation given under that section.
- (2) This section applies to a proposal if, in the opinion of the Minister, the authorisation or amendment the subject of the proposal could be expected to result in the threatened ecological community to which the proposal relates becoming eligible for listing as a collapsed ecological community in the near future.
- (3) The Minister must not give the authorisation or make the amendment the subject of a proposal to which this section applies unless the proposal —
- (a) has been laid before each House of Parliament; and
  - (b) has been approved by a resolution passed by both Houses of Parliament.

**No. 9**

Clause 151, page 95, line 26 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

**No. 10**

Clause 151, page 96, line 3 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

**No. 11**

Clause 153, page 98, line 15 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

**No. 12**

Clause 153, page 98, line 24 — To delete “fauna;” and insert —

fauna (other than fish or pearl oyster);

*CONSIDERATION IN DETAIL*

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

Amendments put and passed.

The Minister for Environment moved, That amendment No. 3 be agreed to.

The Minister for Environment moved, That further consideration of amendment No. 3 be postponed.

Question put and passed.

The Minister for Environment moved, That amendment No. 4 be agreed to.

Question put.

The Assembly divided.

#### Ayes (29)

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

#### Noes (16)

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

Amendment agreed to.

The Minister for Environment moved, That amendment No. 5 be agreed to.

Amendment put and passed.

The Minister for Environment moved, That amendment No. 6 be agreed to.

Question put.

The Assembly divided.

#### Ayes (30)

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

#### Noes (14)

Ms L.L. Baker	Mr F.M. Logan	Mrs M.H. Roberts
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 D.A. Templeman ( <i>Teller</i> )
Ms J.M. Freeman	Ms M.M. Quirk	

Amendment agreed to.

The Minister for Environment moved, That amendment No. 7 be agreed to.

Amendment put and passed.

The Minister for Environment moved, That amendment No. 8 be agreed to.

Question put.

The Assembly divided.

Ayes (29)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.M. Britza  
Mr G.M. Castrilli  
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 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 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 T.K. Waldron  
Mr A. Krsticevic (*Teller*)

Noes (14)

Ms L.L. Baker  
Dr A.D. Buti  
Mr R.H. Cook  
Ms J. Farrer  
Ms J.M. Freeman

Mr F.M. Logan  
Mr M. McGowan  
Mr M.P. Murray  
Mr J.R. Quigley  
Ms M.M. Quirk

Mrs M.H. Roberts  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr D.A. Templeman (*Teller*)

Amendment agreed to.

The Minister for Environment moved, That amendments Nos 9 to 12 be agreed to.

Amendments put and passed.

Postponed Amendment No. 3.

The Minister for Environment had moved, That amendment No. 3 be agreed to.

*Speaker's Statement – Clarification on Legislative Council Amendment*

The Acting Speaker, on behalf of the Speaker, advised members that in relation to Amendment No. 3 in Legislative Council Message No. 146, the Clerk of the Legislative Council had confirmed that the Message received from the Legislative Council referred to an incorrect line number.

It should read:

“

**No. 3**

Clause 37, page 32, lines 17 to 22 — To delete the clause.

”.

It is clear that the Legislative Council voted to delete Clause 37 from the Bill. The Acting Speaker noted that there was no line 32 on that page of the Bill and each amendment must be self-contained. *Hansard* confirmed that the Legislative Council voted against Clause 37 standing part of the Bill in order to insert a new Clause 37. The Acting Speaker was satisfied that this was a typographical error and that Amendment No. 3 before the House was as follows:

“

**No. 3**

Clause 37, page 32, lines 17 to 22 — To delete the clause.

”.

Amendment put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.



**11. Local Government Legislation Amendment Bill 2014**

Message No. 149 dated 13 September 2016 from the Legislative Council was reported 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 2<sup>nd</sup> bullet point — To delete “**Acts; and**” and insert —

**Acts.**

**No. 11**

Long Title, page 1 — To delete the 3<sup>rd</sup> bullet point.

Ordered, That consideration in detail of Legislative Council Message No. 149 be made an Order of the Day for the next sitting of the Assembly.

**12. Bush Fires Amendment Bill 2016**

Message No. 150 dated 13 September 2016 from the Legislative Council was reported 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);

Ordered, That consideration in detail of Legislative Council Message No. 150 be made an Order of the Day for the next sitting of the Assembly.

**13. Universities Legislation 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

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

Message No. 151 dated 13 September 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

**15. Evidence Amendment Bill 2015**

Message No. 152 dated 13 September 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Evidence Act 1906*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

**16. Road Traffic Legislation Amendment Bill (No. 2) 2015**

Message No. 153 dated 13 September 2016 from the Legislative Council was reported agreeing to the bill without amendment.

**17. Adjournment**

The Premier moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 10.08 p.m. until Wednesday, 14 September 2016 at 12 noon.

*Members present during any part of the day's proceedings* – All the members except Mr I.C. Blayney, Mr V.A. Catania, Mr M.J. Cowper, Ms E. Evangel, Mr W.J. Johnston, Ms L. Mettam, Mr P. Papalia and Mr M.H. Taylor.

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

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