

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 8

FIRST SESSION OF THE FORTIETH PARLIAMENT

TUESDAY, 13 JUNE 2017

1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the arrangements for a public funeral for Anne Leach OAM.

The Minister for Fisheries on his recent attendance at the International Rock Lobster Conference in Fremantle.

3. Speaker's Statement – Historic Photographs in the Chamber

The Speaker advised members that this Thursday afternoon an historic photo with Members present in the Chamber would be taken. The session would commence at 2.00 pm and would take fewer than 15 minutes, following which the House will proceed with its usual business. The Speaker requested that all Members be present in the Chamber at that time.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 638 to 696 were asked.

Questions on Notice Nos 57, 142, 158, 174, 207, 224, 304 and 469 were answered.

5. Personal Explanation

Mr P.A. Katsambanis made a personal explanation on the allegation that he had made a submission to the Salaries and Allowances Tribunal.

6. Petitions

Perth Modern School – Mr W.R. Marmion presented a petition from 317 people asking the Legislative Assembly to call upon the Premier and Education Minister to abandon their plans to relocate Western Australia's only academically selective school from its current and original site into the Perth CBD (P. 3).

Sex education programs in public schools – Mr P.A. Katsambanis presented a petition from 33 people asking the Legislative Assembly to always prioritise the role of parents in teaching children about sensitive topics including gender and sex (P. 4).

Animal Welfare Act 2002 – Ms L.L. Baker presented a petition from 592 people asking the Legislative Assembly to review the *Animal Welfare Act 2002* and to provide for harsher penalties and punishments (P. 5).

STEP UP STEP DOWN Mental Health Facility – Mr K.J.J. Michel presented a petition from 6 people asking the Legislative Assembly to bring the concern over the decision to locate the STEP UP STEP DOWN Mental health facility opposite a primary school to the attention of the Department of Health, the City of Karratha, the Department of Housing and the local member Kevin Michel (P. 6).

7. Papers

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

By the Clerk –

Auditor General, Office of the – Opinion on Ministerial Notification (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 June 2017) (288).

Combat Sports Act 1987 – Rules (Mixed Martial Arts Contest Rules 2017 G.G. 06/06/2017) (289).

Conservation and Land Management Act 1984 – Lease No. 2287/97 Between the Department of Parks and Wildlife and Commonwealth of Australia Department of Defence for the purpose of a rifle range and any associated and incidental activity in State Forest No. 12 Coolilup (290).

Conservation and Land Management Act 1984 – Lease No. 2415/100 Between the Department of Parks and Wildlife and Mr Aaron Gordon James May for an existing recreational hut located along the Gardner River in the D'Entrecasteaux National Park (291).

Criminal Investigation (Covert Powers) Act 2012 – Annual Report 1 July 2015 -30 June 2016 by the Corruption and Crime Commission of Western Australia regarding the Department of Fisheries – Report for the Minister for Fisheries (292).

Disposal of Uncollected Goods Act 1970 – Regulations (Disposal of Uncollected Goods Amendment Regulations 2017 G.G. 09/06/2017) (293).

Fair Trading Act 2010 – Notices (Consumer Goods (Babies' Dummies and Dummy Chains) Safety Standard 2017 G.G. 26/05/2017) (294).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2017 [1300] G.G. 06/06/2017) (295).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Purse Seining) Order 2017 [1297] G.G. 30/05/2017) (296).

Gaming and Wagering Commission Act 1987 – Regulations (Gaming and Wagering Commission Amendment Regulations 2017 G.G. 26/05/2017) (297).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2017 G.G. 26/05/2017) (298).

Jetties Act 1926 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations 2017 G.G. 26/05/2017) (299).

Liquor Control Act 1988 – Regulations (Liquor Control (Spinifex Restricted Area) Amendment Regulations 2017 G.G. 02/06/2017) (300).

Local Government Act 1995 – Local Laws (City of Cockburn Parking and Parking Facilities Amendment Local Law 2017 G.G. 23/05/2017) (301).

Local Government Act 1995 – Local Laws (City of Kalgoorlie-Boulder Cat Amendment Local Law 2017 G.G. 02/06/2017) (302).

Local Government Act 1995 – Local Laws (City of Mandurah Local Government Property and Public Places Local Law 2016 G.G. 26/05/2017) (303).

Local Government Act 1995 – Local Laws (City of Melville Meeting Procedures Local Law 2017 G.G. 07/06/2017) (304).

Local Government Act 1995 – Local Laws (City of Perth Thoroughfares and Public Places Local Law 2017 G.G. 26/05/2017) (305).

Local Government Act 1995 – Local Laws (Town of East Fremantle Plastic Bag Reduction Local Law 2017 G.G. 02/06/2017) (306).

Local Government Act 1995 – Local Laws (Town of East Fremantle Repeal Local Law 2017 G.G. 02/06/2017) (307).

Motor Vehicle Drivers Instructors Act 1963 – Regulations (Motor Vehicle Drivers Instructors Amendment Regulations 2017 G.G. 26/05/2017) (308).

Potato Marketing Corporation of Western Australia – Final Report Six Months Ended 31 December 2016 (309).

Professional Standards Act 1997 – Schemes (The Law Society of South Australia Professional Standards Scheme (2017) G.G. 06/06/2017) (310).

Professional Standards Act 1997 – Schemes (The South Australian Bar Association Inc Professional Standards Scheme (2017) G.G. 06/06/2017) (311).

Rail Safety National Law (WA) Act 2015 – Regulations (Rail Safety National Law (WA) Amendment Regulations 2017 G.G. 26/05/2017) (312).

Road Traffic (Administration) Act 2008 – Regulations (Road Traffic Regulations Amendment (Penalties) Regulations 2017 G.G. 26/05/2017) (313).

Supreme Court Act 1935 – Rules (Supreme Court Amendment (Subpoenas) Rules 2017 G.G. 24/05/2017) (314).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Nedlands Waste Local Law 2016 G.G. 07/06/2017) (315).

8. Notices of Motion

9. Matter of Public Interest – Perth Modern School

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

At least five members having risen in support,

Dr M.D. Nahan moved,

That this House notes the McGowan Government's backflip on Perth Modern School, but condemns the Premier for his arrogance for not consulting with parents and stakeholders before announcing their Education Central policy, and further condemns the McGowan Government for its lack of consultation before announcing Kitchener Park as the location for a possible new high school.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Mr C.J. Barnett
Mr I.C. Blayney
Mr V.A. Catania
Ms M.J. Davies
Mrs L.M. Harvey
Mr P. Katsambanis

Mr Z.R.F. Kirkup
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr R.S. Love
Mr W.R. Marmion
Mr J.E. McGrath

Dr M.D. Nahan
Mr D.C. Nalder
Mr K. O'Donnell
Mr D.T. Redman
Mr P.J. Rundle
Ms L. Mettam (*Teller*)

Noes (38)

Ms L.L. Baker
Dr A.D. Buti
Mr J.N. Carey
Mrs R.M.J. Clarke
Mr R.H. Cook
Ms J. Farrer
Mr M.J. Folkard
Ms J.M. Freeman
Ms E. Hamilton
Mr T.J. Healy
Mr M. Hughes
Mr W.J. Johnston
Mr F.M. Logan

Mr M. McGowan
Ms S.F. McGurk
Mr K.J.J. Michel
Mr S.A. Millman
Mr M.P. Murray
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr D.T. Punch
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts
Ms C.M. Rowe

Ms R. Saffioti
Ms A. Sanderson
Ms J.J. Shaw
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Mr B. Urban
Mr R.R. Whitby
Ms S.E. Winton
Mr B.S. Wyatt
Mr D.R. Michael (*Teller*)

Question thus negated.

10. **Joint Standing Committee on Delegated Legislation**

The Order of the Day for the consideration in detail of Legislative Council Message No. 1 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution -

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Delegated Legislation.

SCHEDULE

10. **Joint Delegated Legislation Committee**

- 10.1 *A Joint Delegated Legislation Committee* is established.
- 10.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 10.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 10.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
(b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 10.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another

written law, an instrument stands referred to the Committee for consideration.

10.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –

- (a) is within power;
- (b) has no unintended effect on any person's existing rights or interests;
- (c) provides an effective mechanism for the review of administrative decisions; and
- (d) contains only matter that is appropriate for subsidiary legislation.

10.7 It is also a function of the Committee to inquire into and report on –

- (a) any proposed or existing template, *pro forma* or model local law;
- (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
- (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.

10.8 In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation –

- (a) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee;
- (b) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee;
- (c) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum;
- (d) Leave under (c) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.

10.9 In this order –

“instrument” means –

- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
- (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
“subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That the following motion in response to Legislative Council Message No. 1 be agreed to:

That this House agrees to the resolution of the Legislative Council referred to in Legislative Council Message No. 1, subject to the following amendment to which the Legislative Assembly requests the concurrence of the Legislative Council:

No. 1

Delete paragraph 10.8.

Debate ensued.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

11. Joint Standing Committee on Audit

The Order of the Day for the consideration in detail of Legislative Council Message No. 2 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to concur with the resolution -

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.

SCHEDULE**7. Joint Audit Committee**

7.1 A *Joint Audit Committee* is established.

7.2 The Committee consists of the Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Members of the Legislative Assembly Public Accounts Committee.

7.3 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.

7.4 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That –

1. the terms contained in Legislative Council Message No. 2 for the establishment of the Joint Standing Committee on Audit be agreed to; and
2. the Legislative Council be acquainted accordingly.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

12. Joint Standing Committee on the Corruption and Crime Commission

The Order of the Day for the consideration in detail of Legislative Council Message No. 3 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 2, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Corruption and Crime Commission —

Hon Jim Chown; and
Hon Alison Xamon.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That the member for Girrawheen and the member for Kalamunda be appointed as members of the Joint Standing Committee on the Corruption and Crime Commission and that the Legislative Council be acquainted accordingly.

Mr S. L'Estrange moved,
To delete "Kalamunda" and insert:

“ South Perth ”.

Debate ensued.

Mr W.J. Johnston moved, That the debate be adjourned.
Question put and passed.

13. Joint Standing Committee on the Commissioner for Children and Young People

The Order of the Day for the consideration in detail of Legislative Council Message No. 4 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 3, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Standing Committee on the Commissioner for Children and Young People —

Hon Dr Sally Talbot; and
Hon Donna Faragher.

CONSIDERATION IN DETAIL

The Leader of the House moved,

That the member for Kalgoorlie and the member for member for Kingsley be appointed as members of the Joint Standing Committee on the Commissioner for Children and Young People and that the Legislative Council be acquainted accordingly.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Supply Bill 2017

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

Debate resumed.

Mr D.C. Nalder moved, That the word “now” be deleted and the following words be added after the word “time”:

“

after the Treasurer has provided the House with details of the Government’s full suite of election commitments and the complete details of costings that would enable the Opposition to support the Government’s Supply Bill.

”.

Debate ensued.

On the question, That the word to be deleted, be deleted,

Question put and negatived.

On the question, That the bill be now read a second time,

Debate resumed.

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

Question put and passed.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.01 pm until Wednesday, 14 June 2017 at 12 noon.

Members present during any part of the day's proceedings – All members present.

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER WATSON
Speaker of the Legislative Assembly