

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 1

FIRST SESSION OF THE FORTIETH PARLIAMENT

THURSDAY, 11 MAY 2017

THE PARLIAMENT of Western Australia begun and held in the City of Perth on Thursday, the Eleventh day of May in the Sixty-sixth year of the Reign of Her Majesty Queen Elizabeth II, and in the Year of Our Lord, Two thousand and seventeen.

1. Proclamation Summoning Parliament to Meet

The Legislative Assembly met at 11.00 am pursuant to the Proclamation of Her Excellency the Governor, dated 11 April 2017, which was read by the Clerk, Kirsten Robinson, and was as follows –

CONSTITUTION ACT 1889

Proclamation Summoning the Legislative Council and the Legislative Assembly 2017

Made under the *Constitution Act 1889* section 3 by the Governor in Executive Council.

1. Citation

This proclamation is the *Proclamation Summoning the Legislative Council and Legislative Assembly 2017*.

2. Place for holding the first session of the Legislative Council and the Legislative Assembly in the 40th Parliament

Parliament House in the City of Perth is fixed as the place for holding the first session of the Legislative Council and the Legislative Assembly in the 40th Parliament.

3. Time for holding the first session of the Legislative Assembly in the 40th Parliament

Thursday 11 May 2017 at 11.00 am is fixed as the time for holding the first sitting of the first session of the Legislative Assembly in the 40th Parliament.

4. Time for holding the first session of the Legislative Council in the 40th Parliament

Thursday 11 May 2017 at 2.45 pm is fixed as the time for holding the first sitting of the first session of the Legislative Council in the 40th Parliament.

K. SANDERSON, Governor.

M. McGOWAN, Premier.

2. Commissioner to Administer the Oath or Affirmation to Members

The Honourable Commissioner Chief Justice Wayne Martin, Chief Justice of the Supreme Court of Western Australia, was announced to the House and was conducted to the Chair.

The Commission was read by the Clerk as follows –

Commission

authorising

the Honourable Chief Justice Wayne Martin AC
Chief Justice of Western Australia
to administer the oath or affirmation of office
to members of the Legislative Assembly

To: **the Honourable Chief Justice Wayne Martin AC**
Chief Justice of Western Australia

I, the Governor, acting under *Constitution Act 1889* section 22, authorise you to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly on the first day of the 40th Parliament on Thursday 11 May 2017.

Issued under the Public Seal of the State
at Perth on 3 May 2017.

K. SANDERSON, Governor.

3. Writs.

The Clerk produced the Writs for the General Election and informed the Commissioner that the following members were duly elected –

Albany	–	Peter Bruce Watson
Armadale	–	Antonio De Paulo Buti
Balcatta	–	David Robert Michael
Baldivis	–	Reece Raymond Whitby
Bassendean	–	David Kelly
Bateman	–	Dean Cambell Nalder
Belmont	–	Cassandra Michelle Rowe
Bicton	–	Lisa Margaret O'Malley
Bunbury	–	Donald Thomas Punch
Burns Beach	–	Mark James Folkard
Butler	–	John Robert Quigley
Cannington	–	William Joseph Johnston
Carine	–	Antonio Krsticevic
Central Wheatbelt	–	Mia Jane Davies
Churchlands	–	Sean Kimberley L'Estrange
Cockburn	–	Francis Michael Logan
Collie-Preston	–	Michael Philip Murray
Cottesloe	–	Colin James Barnett

Darling Range	–	Barry Urban
Dawesville	–	Zak Richard Francis Kirkup
Forrestfield	–	Stephen James Price
Fremantle	–	Simone Frances McGurk
Geraldton	–	Ian Charles Blayney
Girrawheen	–	Margaret Mary Quirk
Hillarys	–	Peter Argyris Katsambanis
Jandakot	–	Shahyaz Yezdi Mubarakai
Joondalup	–	Emily Louise Hamilton
Kalamunda	–	Matthew Hughes
Kalgoorlie	–	Kyran Martin O'Donnell
Kimberley	–	Josephine Farrer
Kingsley	–	Jessica Mary Christine Stojkovski
Kwinana	–	Roger Hugh Cook
Mandurah	–	David Alan Templeman
Maylands	–	Lisa Loraine Baker
Midland	–	Michelle Hopkins Roberts
Mirraboooka	–	Janine Marie Freeman
Moore	–	Ronald Shane Love
Morley	–	Amber-Jade Sanderson
Mount Lawley	–	Simon Alexander Millman
Murray-Wellington	–	Robyn Marjorie Jane Clark
Nedlands	–	William Richard Marmion
North West Central	–	Vincent Alexander Catania
Perth	–	John Carey
Pilbara	–	Kevin Joseph Jude Michel
Riverton	–	Michael Dennis Nahan
Rockingham	–	Mark McGowan
Roe	–	Peter James Rundle
Scarborough	–	Liza Mary Harvey
South Perth	–	John Edwin McGrath
Southern River	–	Terence Healy
Swan Hills	–	Jessica Jane Shaw
Thornlie	–	Christopher John Tallentire
Vasse	–	Elizabeth Mettam-Knarhoi
Victoria Park	–	Benjamin Sana Wyatt
Wanneroo	–	Sabine Elisabeth Winton
Warnbro	–	Paul Papalia
Warren-Blackwood	–	Donald Terrence Redman
West Swan	–	Rita Saffioti
Willagee	–	Peter Charles Tinley

4. Administration of Oath or Affirmation

The elected members took and subscribed the Oath of Allegiance or made and subscribed an Affirmation of Allegiance and signed the roll of members.

His Honour the Commissioner congratulated the members and then retired from the Chamber.

5. Election of the Speaker

Mr C.J. Barnett, as the member with the longest continuous service, assumed the Chair.

The Premier moved, That Mr P.B. Watson do take the Chair of the Assembly as Speaker.

The Deputy Premier formally seconded the motion.

As there were no further nominations, Mr C.J. Barnett declared Mr P.B. Watson elected as Speaker.

Mr P.B. Watson assumed the Chair.

6. Presentation of Speaker

The Premier informed the Legislative Assembly that Her Excellency the Governor would be pleased to receive the Speaker and such members as desired to accompany him at 12.30 pm that afternoon.

Sitting suspended from 12.00 pm to 2.45 pm.

The Speaker resumed the Chair.

7. Presentation of Speaker

The Speaker reported that, accompanied by Mrs R.M.J. Clarke, Mr K.M. O'Donnell and Mr P.J. Rundle he had presented himself to Her Excellency the Governor and on behalf of the Legislative Assembly had laid claim to its undoubted rights and privileges, and asked that the most favourable construction be put upon its proceedings.

Her Excellency the Governor had been pleased to express her satisfaction at the choice of the Legislative Assembly in the following terms –

11 May 2017

Mr Speaker,

It is with much pleasure that I learn that you have been elected by the Members of the Legislative Assembly to the high and honourable office of Speaker of the House.

I congratulate you upon your election and I have every confidence you will fill the office in a worthy and dignified manner. I recognise and I shall respect the Legislative Assembly's undoubted rights and privileges.

Yours sincerely,

Kerry Sanderson AC

Governor.

8. Commission to Administer the Oath or Affirmation to Members

The Speaker reported that he had received a Commission from Her Excellency the Governor, to swear in honourable members which was read by the Clerk as follows –

Commission

authorising

the Honourable Peter Bruce Watson MLA

Speaker of the Legislative Assembly

to administer the oath or affirmation of office

to members of the Legislative Assembly

To: **the Honourable Peter Bruce Watson MLA**
Speaker of the Legislative Assembly:

I, the Governor, acting under the *Constitution Act 1889* section 22, authorise you, while you are the Speaker of the Legislative Assembly, to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly.

Issued under the Public Seal of the State

at Perth on 11 May 2017.

K. SANDERSON, Governor.

9. Message from the Governor

The following Message was delivered by the Usher of the Black Rod –

Mr Speaker,

Her Excellency the Governor requests the attendance of the members of the Legislative Assembly in the Legislative Council Chamber to hear her reasons for summoning the present session of Parliament.

Accordingly, Mr Speaker, accompanied by members, went to attend Her Excellency, and having heard Her Excellency's speech, returned.

10. Ministerial and Other Government Office Holders

The Premier announced that consequent to the election held on 11 March 2017, he was sworn-in as Premier, together with all Ministers, with effect from 17 March 2017. Also with effect from 17 March 2017, Mr R.H. Cook was elected Deputy Premier, Mr D.A. Templeman was appointed as Leader of the House and on 15 March 2017 Mr D.R. Michael was elected Government Whip.

Papers

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

By the Premier –

Ministerial Offices – State Government Ministerial Offices (6 April 2017) (23).

Ministers' Representation in the Other House – Allocation of Portfolios (as at 11 May 2017) (24).

Ministers' Representation in the Other House – Allocation of Portfolios (as at 22 May 2017) (25).

11. Opposition Office Holders

Dr M.D. Nahan announced that with effect from 21 March 2017, he was elected Leader of the Opposition, Mrs L.M. Harvey was appointed Deputy Leader of the Opposition, Mr S. L'Estrange was elected Manager of Opposition Business, and on 25 March 2017 Ms L. Mettam was appointed Opposition Whip.

12. National Party Office Holders

Ms M.J. Davies announced that with effect from 21 March 2017, she was elected Leader of the Parliamentary National Party, and that Hon Jacqui Boyde MLC was elected Deputy Leader of the Parliamentary National Party.

13. Messages from the Governor

Messages from Her Excellency the Governor were reported assenting to the following bills –

No. 33 – 22 November 2016

Sale of Land Amendment Bill 2016, Act No. 38 of 2016.

Biological Control Amendment Bill 2016, Act No. 39 of 2016.

No. 34 – 28 November 2016

School Boarding Facilities Legislation Amendment and Repeal Bill 2016, Act No. 41 of 2016.
 Misuse of Drugs Amendment (Search Powers) Bill 2016, Act No. 47 of 2016.
 Oil Refinery (Kwinana) Agreement Amendment Bill 2016, Act No. 48 of 2016.
 Statutes (Repeals) Bill 2016, Act No. 50 of 2016.
 Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016, Act No. 51 of 2016.

No. 35 – 29 November 2016

Aquatic Resources Legislation Amendment Bill 2016, Act No. 40 of 2016.
 Restraining Orders and Related Legislation Amendment (Family Violence) Bill 2016, Act No. 49 of 2016.
 Aquatic Resources Management Bill 2016, Act No. 53 of 2016.
 Limited Partnerships Bill 2016, Act No. 54 of 2016.
 Construction Contracts Amendment Bill 2016, Act No. 55 of 2016.

No. 36 – 1 December 2016

Residential Tenancies Amendment Bill 2016, Act No. 42 of 2016.
 Disposal of Uncollected Goods Amendment Bill 2016, Act No. 43 of 2016.
 Licensing Provisions Amendment Bill 2016, Act No. 44 of 2016.

No. 37 – 7 December 2016

Sentencing Legislation Amendment Bill 2016, Act No. 45 of 2016.
 Executive Officer Remuneration (Government Entities) Legislation Amendment Bill 2016, Act No. 46 of 2016.

No. 38 – 13 December 2016

Pilbara Port Assets (Disposal) Bill 2016, Act No. 52 of 2016.

14. Construction Contracts Amendment Bill 2016

Message No. 178, from the Thirty-Ninth Parliament, dated 22 November 2016 from the Legislative Council was reported agreeing to the bill without amendment.

15. Petitions

Perth Modern School – Mr W.R. Marmion presented a petition from 563 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. 1).

16. Papers

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

By the Clerk –

Anzac Day Trust – Annual Report 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 15 March 2017) (2).

Auditor General, Office of the – Accuracy of WA Health's Activity Based Funding Data – Report No. 5 – April 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 11 April 2017) (19).

Auditor General, Office of the – Assessment of Progress to Improve Payment Security for Government Construction Subcontractors – Report No. 31, December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2016) (4924).

Auditor General, Office of the – Controls over Purchasing Cards – Report No. 4 – April 2017 (Received by the Clerk of the Legislative Assembly on 11 April 2017 and deemed tabled) (18).

Auditor General, Office of the – Improving Immunisation Rates of Children in WA – Report No. 29: December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 21 December 2016) (4921).

Auditor General, Office of the – Malware in the WA State Government, Report No. 28, December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 December 2016) (4917).

Auditor General, Office of the – Measuring Tax Collection Performance – Report No. 30 December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2016) (4923).

Auditor General, Office of the – Opinion on Ministerial Notification – Report 26: November 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 23 November 2016) (4909).

Auditor General, Office of the – Opinion on Ministerial Notification – Report No. 1 March 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 March 2017) (3).

Auditor General, Office of the – Opinion on Ministerial Notification – Report No. 2 April 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 6 April 2017) (13).

Auditor General, Office of the – Opinions on Ministerial Notifications – Report No. 6 April 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 13 April 2017) (20).

Auditor General, Office of the – Opinions on Ministerial Notifications, Report No. 27, December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 December 2016) (4916).

Auditor General, Office of the – Tender Processes and Contract Extensions – Report No. 3 – April 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 11 April 2017) (17).

Auditor General, Office of the – Vocational Education and Training for Year 11 and 12 Students in Public Schools – Report No. 32 December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2016) (4925).

Auditor General, Office of the – Annual 2016 Financial Audits: Universities and TAFES; Other Audits Completed since 1 November 2016 (22).

Central Regional TAFE College – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (4).

Commerce, Department of – Energy Safety Business Plan 2017/2018 Explanatory Memorandum (Received by the Clerk of the Legislative Assembly and deemed tabled on 16 February 2017) (4931).

Commerce, Department of – Energy Safety Business Plan 2017/2018 (Received by the Clerk of the Legislative Assembly and deemed tabled on 16 February 2017) (4930).

Corruption and Crime Commission – A Report on Corruption in Respect of Driver Licence Applications (Received by the Clerk of the Legislative Assembly and deemed tabled on 16 December 2016) (4919).

Corruption and Crime Commission – Operation Aviemore: Commissioner of Police Response to Commission Recommendations (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 December 2016) (4913).

Corruption and Crime Commission – Report on Matters of Serious Misconduct in the Shire of Exmouth – 2 May 2017 (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 May 2017) (21).

Corruption and Crime Commission – Report on the Activities of Certain Vehicle Examiners Contracted by the Department of Transport (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 January 2017) (4928).

Curtin University – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (5).

Edith Cowan University – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (6).

Financial Management Act 2006 – Notice given under Section 82 of the Act by the Minister for Forestry to Question F6 of the Legislative Council Estimates and Financial Operations Committee Annual Report Hearing (Received by the Clerk of the Legislative Assembly and deemed tabled on 18 November 2016) (4907).

Financial Management Act 2006 – Notice given under Section 82 of the Act by the Minister for Police to Legislative Council Question on Notice 4548 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 November 2016) (4908).

Financial Management Act 2006 – Notice Given under Section 82 of the Act by the Minister for Water to Legislative Council Question on Notice 4565 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 November 2016) (4910).

Financial Management Act 2006 – Notice Under Section 82 of the Act from the Minister for Health Relating to Estimates and Financial Operations Committee Annual Report Hearing, Question 13 (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 December 2016) (4914).

Forest Products Commission of Western Australia – Half Yearly Report to 31 December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 6 April 2017) (14).

Independent Market Operator – Annual Report 2015/2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 December 2016) (4922).

Inspector of Custodial Services, Office of the – 2016 Inspection of Wandoo Reintegration Facility – Report No. 109 – January 2017 (Received by the Speaker of the Legislative Assembly on 7 March 2017 and held for a period of 30 days. Deemed tabled on 10 April 2017) (15).

Inspector of Custodial Services, Office of the – Access to Funerals and Other Compassionate Leave for People in Custody in Western Australia Follow-Up Review (Received by the Speaker of the Legislative Assembly on 10 March 2017 and held for a period of 30 days. Deemed tabled on 10 April 2017) (16).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Greenough Regional Prison No. 107 (Received by the Speaker of the Legislative Assembly on 19 December 2016 and held for a period of 30 days. Deemed tabled on 23 January 2017) (4927).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Roebourne Prison, Report No. 106, October 2016 (Received by the Speaker of the Legislative Assembly on 2 November 2016 and held for a period of 30 days. Deemed tabled on 5 December 2016) (4915).

Inspector of Custodial Services, Office of the – Western Australia's Prison Capacity (Received by the Speaker of the Legislative Assembly on 16 November 2016 and held for a period of 30 days. Deemed tabled on 19 December 2016) (4920).

Inspector of Custodial Services, Office of – Court Custody Centres – Report No. 108 December 2016 (Received by the Speaker of the Legislative Assembly on 8 February and held for a period of 30 days. Deemed tabled on 13 March 2017) (1).

Murdoch University – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (7).

North Metropolitan TAFE College – Annual Report 11 April 2016 to 31 December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (8).

North Regional TAFE College – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (9).

Parliamentary Inspector of the Corruption and Crime Commission of Western Australia – Misconduct by a Corruption and Crime Commission Officer: Matthew John Lynch (Received by the Clerk of the Legislative Assembly and deemed tabled on 14 December 2016) (4918).

Parliamentary Inspector of the Corruption and Crime Commission – Misconduct by a Corruption and Crime Commission Officer: Matthew John Lynch (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 February 2017) (4929).

Planning and Development Act 2005 – Ministerial Order in Accordance with Section 76(5) of the Act relating to Lots 225-236 and 340-348 Waratah Avenue, Dalkeith (Received by the Clerk of the Legislative Assembly and deemed tabled on 9 January 2017) (4926).

Question on Notice No. 5913 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Regional Development’s portfolio of responsibilities since 1 October 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 1 December 2016) (4911).

Question on Notice No. 5914 – Details of gifts, benefits, hospitality, accommodation and travel received by officers under the Minister for Water’s portfolio of responsibilities since 1 October 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 1 December 2016) (4912).

South Metropolitan TAFE College – Annual Report 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (10).

South Regional TAFE College – Annual Report 11 April 2016 to 31 December 2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (11).

Transport, Minister for – Replacement of Mid West Port Authority’s Chair (Received by the Clerk of the Legislative Assembly and deemed tabled on 23 February 2017) (4932).

University of Western Australia – Annual Report 2015–2016 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 April 2017) (12).

17. Notice of Motion

18. Local Government Amendment (Auditing) Bill 2017

The Premier, in order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, without notice, moved,

That a bill for “An Act to amend the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General 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.

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

19. Her Excellency the Governor’s Speech

The Speaker reported that, accompanied by members, he attended Her Excellency the Governor in the Legislative Council Chamber, when Her Excellency was pleased to make a speech to both Houses of Parliament. For the sake of greater accuracy, the Speaker caused copies of the speech to be distributed amongst members of the Chamber.

20. Address in Reply to the Governor’s Speech

Ms J.J. Shaw moved, That the following Address in Reply to Her Excellency’s Speech be agreed to –

To Her Excellency the Honourable Kerry Sanderson AC, Governor of the State of Western Australia.

May it please Your Excellency –

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to address to Parliament.

The Leader of the House formally seconded the motion.

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

Question put and passed.

21. Election of Deputy Speaker

The Premier moved, That Ms L.L. Baker be appointed as Deputy Speaker.

The Deputy Premier formally seconded the motion.

As there were no further nominations, the Speaker declared Ms L.L. Baker elected as Deputy Speaker.

22. Speaker's Statement – Meal Breaks

The Speaker advised members that the Assembly will break for dinner on Tuesdays between 6.00 pm and 7.00 pm, on Wednesdays there will not be a break for dinner unless the business of the Assembly indicated a need for one, and on Thursdays the Assembly will break for lunch between 1.00 pm and 2.00 pm.

23. Questions

Questions without Notice were taken.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 4.23 pm until Tuesday, 16 May 2017 at 2.00 pm.

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

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. PETER B. WATSON
Speaker of the Legislative Assembly