

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 23

FIRST SESSION OF THE FORTIETH PARLIAMENT

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TUESDAY, 5 SEPTEMBER 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 Minister for Health on the progress in opening the Perth Children's Hospital.

The Minister for Tourism on his visit to China and Singapore to promote Western Australia as a tourism destination.

The Minister for Mines and Petroleum on the implementation of the Government's election commitment to ban fracking in the South West, Peel and Perth metropolitan regions.

### 3. Speaker's Statement – Presentation of the Budget

The Speaker advised members that in accordance with standard practice, the government has requested that the budget be presented at 2.00 pm on Thursday. Accordingly, on Thursday, members' 90-second statements will be at 12.20 pm and Questions without Notice at 12.30 pm.

### 4. Questions

Questions without Notice were taken.

Question on Notice No. 1760 was answered.

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Paper tabled by the Speaker -

Question on Notice No. 1760 – Details of Motor Vehicle Allowances paid to Ministers, who are members of the Legislative Assembly, paid for the period 12 March 2017 to 18 May 2017 (572).

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## 5. Additional Information

The Minister for Water provided additional information relating to Question on Notice No. 1529 from Mr Z.R.F. Kirkup.

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### *Paper*

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Water –

Question on Notice No. 1529 – Further information in relation to QON 1529 (573).

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## 6. Speaker's Statement – The Key to Your House

The Speaker advised members that the 12-part documentary exploring the history, roles and functions of the Western Australian Parliament, *The Key to Your House*, would commence broadcast at 5.45 pm tonight on West Television (Channel 44).

## 7. Petitions

Uranium Mining in Western Australia – Ms L.L. Baker presented a petition from 330 persons requesting that the Legislative Assembly recognise the risk to the community and the environment, and immediately reinstate the ban on uranium mining (P. 14).

Wedge-tailed Eagles – Mr D.C. Nalder presented a petition from 2,339 persons requesting that the Legislative Assembly take action to prevent the Department of Parks and Wildlife from issuing further licenses to shoot wedge-tailed eagles in Western Australia (P. 15).

Stock Road, Bullsbrook – Ms J.J. Shaw presented a petition from 661 persons requesting that the Legislative Assembly advocate for the completion of Stock Road by 2019 prior to the completion of stage three of the Northlink project (P. 16).

## 8. Message from the Governor

Message No. 6 from Her Excellency the Governor was reported recommending that appropriations be made for the purposes of the Corruption, Crime and Misconduct and Criminal Property Confiscation Amendment Bill 2017.

## 9. Messages from the Governor

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

No. 7 – 18 August 2017

Supply Act 2017, Act No. 2 of 2017.

No. 8 – 21 August 2017

Misuse of Drugs Amendment (Methylamphetamine Offences) Act 2017, Act No. 3 of 2017.

No. 9 – 1 September 2017

Child Support (Adoption of Laws) Amendment Act 2017, Act No. 4 of 2017.

Local Government Amendment (Auditing) Act 2017, Act No. 5 of 2017.

## 10. Message from the Legislative Council

Message No. 12 dated 23 August 2017 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 15, the Legislative Council agrees to the Legislative Assembly's resolution and appoints the following Members to the Joint Select Committee on End of Life Choices —

- Hon Robin Chapple;
- Hon Nick Goiran;

- Hon Colin Holt; and
- Hon Sally Talbot.

### **11. Child Support (Adoption of Laws) Amendment Bill 2017**

Message No. 13 dated 24 August 2017 from the Legislative Council was reported agreeing to the bill without amendment.

### **12. Local Government Amendment (Auditing) Bill 2017**

Message No. 14 dated 24 August 2017 from the Legislative Council was reported agreeing to the bill without amendment.

### **13. Papers**

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

Agricultural Produce Commission – Annual Report 2016–2017 (525).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management (Declared Pest Account) Amendment Regulations (No. 2) 2017 G.G. 18/08/2017) (526).

Births, Deaths and Marriages Registration Act 1998 – Regulations (Births, Deaths and Marriages Registration Amendment Regulations 2017 G.G. 25/08/2017) (527).

Bush Fires Act 1954 – Local Laws (Shire of Victoria Plains Bush Fire Brigades Local Laws 2017 G.G. 29/08/2017) (528).

Cemeteries Act 1986 – Local Laws (Shire of Bridgetown-Greenbushes Cemeteries Amendment Local Law 2017 G.G. 01/09/2017) (529).

Conservation and Land Management Act 1984 – Conservation and Land Management (Changes to State Forest Nos. 13 and 22) Proposal 2017 (530).

Conservation and Land Management Act 1984 – Lease 2490/100 between the Department of Biodiversity, Conservation and Attractions and the University of Western Australia for a tower and equipment on a portion of Boyagin Nature Reserve for the purpose of research, including measuring land and atmosphere changes and soil/biomass sampling (531).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations 2017 G.G. 01/09/2017) (532).

Criminal Investigation (Covert Powers) Act 2012 – Western Australia Police report pursuant to section 103 (1) of the Act – Witness Identity Protection Certificates 1 July 2016 -30 June 2017 (533).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations 2017 G.G. 25/08/2017) (534).

Fair Trading Act 2010 – Standards (Country of Origin Food Labelling Amendment (Legibility) Information Standard 2017 G.G. 16/08/2017) (535).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Racing and Gaming for Legislative Council Question Without Notice 382 (537).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Racing and Gaming for Legislative Council Question Without Notice 474 (536).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Crab Managed Fishery Management Plan Amendment 2017 [1331] G.G. 23/08/2017) (538).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 2) 2017 G.G. 01/09/2017) (539).

Inspector of Custodial Services, Office of the – 2016 Inspection of Casuarina Prison, Report No. 110 July 2017 (Received by the Speaker of the Legislative Assembly on 20 July 2017 and held for a period of 30 days. Deemed tabled by the Clerk of the Legislative Assembly on 22 August 2017) (524).

Land Administration Act 1997 – Submission No. 2/2017 under section 45(4) of the Act for the excision of land from Class A Reserve 8428 (Leeuwin Naturaliste National Park) (540).

Landcare Trust – Annual Report 2016–2017 (541).

Liquor Control Act 1988 – Regulations (Liquor Control (Bungardi Restricted Area) Regulations 2017 G.G. 18/08/2017) (542).

Liquor Control Act 1988 – Regulations (Liquor Control (Woolah Restricted Area) Regulations 2017 G.G. 18/08/2017) (543).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 4) 2017 G.G. 18/08/2017) (544).

Local Government Act 1995 – Local Laws (City of Joondalup Repeal Local Law 2017 G.G. 23/08/2017) (545).

Local Government Act 1995 – Local Laws (Shire of Bridgetown-Greenbushes Parking and Parking Facilities Amendment Local Law 2017 G.G. 01/09/2017) (546).

Local Government Act 1995 – Local Laws (Shire of Serpentine Jarrahdale Dust and Building Waste Local Law 2017 G.G. 17/08/2017) (547).

Local Government Act 1995 – Local Laws (Shire of Victoria Plains Repeal Local Laws 2017 G.G. 29/08/2017) (548).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations (No. 2) 2017 G.G. 18/08/2017) (549).

Mid-West Development Commission – Annual Report 2016–2017 (550).

Plumbers Licensing Act 1995 – Regulations (Plumbers Licensing and Plumbing Standards Amendment Regulations 2017 G.G. 29/08/2017) (551).

Public Sector Management Act 1994 – Communication Agreement between the Minister for Tourism and the Rottnest Island Authority pursuant to section 74 of the Act (552).

Question on Notice No. 375 – Additional information to QON No. 375 in relation to the Rottnest Island Authority (553).

Question on Notice No. 392 – Additional information to QON No. 392 in relation to the Rottnest Island Authority (554).

Question on Notice No. 424 – Additional information to QON No. 424 in relation to the Rottnest Island Authority (555).

Question on Notice No. 484 – Additional information to QON No. 484 in relation to the Rottnest Island Authority (556).

Question on Notice No. 501 – Additional information to QON No. 501 in relation to the Rottnest Island Authority (557).

Question on Notice No. 55 – Additional information to QON No. 55 in relation to the Rottnest Island Authority (558).

Question on Notice No. 554 – Additional information to QON No. 554 in relation to the Rottnest Island Authority (559).

Question on Notice No. 571 – Additional information to QON No. 571 in relation to the Rottnest Island Authority (560).

Question on Notice No. 621 – Additional information to QON No. 621 in relation to the Rottnest Island Authority (561).

Question on Notice No. 72 – Additional information to QON No. 72 in relation to the Rottnest Island Authority (562).

Regional Development Commissions Act 1993 – Regulations (Regional Development Commissions Amendment Regulations 2017 G.G. 29/08/2017) (563).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations (No. 4) 2017 G.G. 22/08/2017) (564).

Supreme Court Act 1935 – Rules (Supreme Court (Court of Appeal) Amendment Rules 2017 G.G. 22/08/2017) (565).

Supreme Court Act 1935 – Rules (Supreme Court Rules Amendment Rules 2017 G.G. 16/08/2017) (566).

Surveillance Devices Act 1998 – Regulations (Surveillance Devices Amendment Regulations 2017 G.G. 18/08/2017) (567).

Surveillance Devices Act 1998 – Western Australia Annual Report 2016–2017 pursuant to section 43 of the Act (568).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Joondalup Waste Local Law 2017 G.G. 23/08/2017) (569).

Western Australian Regional Development Trust – Annual Report 2016–2017 (570).

Western Australian Sports Centre Trust Act 1986 – Regulations (Western Australian Sports Centre Trust (Traffic) Regulations 2017 G.G. 18/08/2017) (571).

#### **14. Notices of Motion**

#### **15. Speaker's Statement – Deputy Chair of the Joint Standing Committee on Audit**

The Speaker advised members that he had received a letter from the Clerk of the Legislative Council advising that on Wednesday, 16 August 2017 the member for Armadale was elected as Deputy Chair of the Joint Standing Committee on Audit.

#### **16. Matter of Public Interest – State Budget Election Commitments**

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 calls on the McGowan Government to honour its election commitments in the forthcoming Budget, including not to introduce any new or increase any existing taxes, not to cut any frontline services, not to sell any assets and to deliver on its commitments to pay down debt like a mortgage and return the budget to surplus by 2019–20.

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 (37)

Ms L.L. Baker  
 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 D.J. Kelly  
 Mr F.M. Logan

Mr M. McGowan  
 Ms S.F. McGurk  
 Mr K.J.J. Michel  
 Mr S.A. Millman  
 Mr Y. Mubarakai  
 Mr M.P. Murray  
 Mrs L.M. O'Malley  
 Mr P. Papalia  
 Mr S.J. Price  
 Mr J.R. Quigley  
 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 negatived.

### 17. Health Practitioner Regulation National Law (WA) Amendment Bill 2017

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

#### *Urgent Bill*

The Minister for Health moved, That the Health Practitioner Regulation National Law (WA) Amendment Bill 2017 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 96 agreed to.

Clause 97.

The Minister for Health moved,

Page 55, line 5, the Table – To delete the Table and substitute:

“

**Table**

Sch. 5 cl. 2(1) and (2)	Sch. 5 cl. 10(1) and (2)
Sch. 5 cl. 21(1)	Sch. 5 cl. 22(1)
Sch. 6 cl. 2(1) and (2)	Sch. 6 cl. 10(1) and (2)
Sch. 6 cl. 21(1)	Sch. 6 cl. 22(1)

”

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 98 and 99 agreed to.

Clause 100.

The Minister for Health moved,

Page 57, after line 4 – To insert:

“

(3) In section 5AB in the definition of *medical qualifications*:

(a) in paragraph (a) delete “the medical” and insert:

a health

(b) in paragraph (c) delete “officer or other paramedic;” and insert:

officer;

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 101 to 117 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.

# **18. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 4 be next considered.

# **19. Statutes (Minor Amendments) Bill 2017**

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.

Leave was granted to proceed forthwith to the third reading of the bill.

The Attorney General moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.18 pm until Wednesday, 6 September 2017 at 12 noon.

*Members present during any part of the day's proceedings* – All the members except Dr A.D. Buti and Mr D.T. Punch.

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

**HON. PETER WATSON**  
Speaker of the Legislative Assembly