

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

---

---

## VOTES AND PROCEEDINGS

No. 74

FIRST SESSION OF THE FORTIETH PARLIAMENT

---

---

TUESDAY, 26 JUNE 2018

### 1. Meeting of Assembly

The Assembly met at 2.00 pm pursuant to adjournment.

The Speaker took the Chair.

An Acknowledgement of Country and Prayers were read.

### 2. Death of Arthur Marshall OAM - a former Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret at the death of Arthur Marshall and tenders its deep sympathy to his family.

The motion was supported by Dr M.D. Nahan, Ms M.J. Davies, Mrs M.H. Roberts, Mr J.E. McGrath, Mr D.A. Templeman, Mr P.J. Rundle, Mr M.P. Murray, Mr D.C. Nalder and Mr Z.R.F. Kirkup.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the Government's response to the Public Accounts Committee's Report No. 3, PCH – a Long waiting Period: A critique of the State's management and oversight of the Perth Children's Hospital Project.

The Minister for Mines and Petroleum on the draft Mining Amendment (Procedures and Validation) Bill 2018.

---

#### *Paper*

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

By the Minister for Mines and Petroleum –

Mines and Petroleum, Minister for – Mining Amendment (Procedures and Validation) Bill 2018: Draft Bill (1439).

---

#### 4. Questions

Questions without Notice were taken.

Question on Notice No. 3307 was asked.

#### 5. Speaker's Statement – Minister for Water

The Speaker advised members that he had considered the complaint made on 21 June 2018 by the member for Central Wheatbelt about the conduct of the Minister for Water. After reviewing video footage, and speaking to witnesses, the Speaker advised that he did not intend to take any further action on the matter.

#### 6. Suspension of Standing Orders

Ms M.J. Davies, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House requests the Procedure and Privileges Committee to conduct an inquiry into the allegations raised by the member for Central Wheatbelt against the Minister for Water in her letter to the Speaker last Thursday namely that:

- (1) while the member for Central Wheatbelt was on her feet speaking to the motion to suspend standing orders last Thursday, the Minister for Water:
  - (a) passed between her and the Chair;
  - (b) was in very close proximity;
  - (c) seemed to lean in as he went by; and
  - (d) very pointedly looked directly at her; and
- (2) his behaviour was disconcerting and bordering on intimidatory.

The Leader of the House moved, To add to the motion –

“

, subject to the debate being limited to 20 minutes for government members and 20 minutes for non-government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

#### 7. Minister for Water – Referral to the Procedure and Privileges Committee

Ms M.J. Davies, pursuant to the foregoing motion, moved,

That this House requests the Procedure and Privileges Committee to conduct an inquiry into the allegations raised by the member for Central Wheatbelt against the Minister for Water in her letter to the Speaker last Thursday namely that:

- (1) while the member for Central Wheatbelt was on her feet speaking to the motion to suspend standing orders last Thursday, the Minister for Water:
  - (a) passed between her and the Chair;
  - (b) was in very close proximity;
  - (c) seemed to lean in as he went by; and
  - (d) very pointedly looked directly at her; and
- (2) his behaviour was disconcerting and bordering on intimidatory.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Mr I.C. Blayney  
Mr V.A. Catania  
Ms M.J. Davies  
Mrs L.M. Harvey  
Dr D.J. Honey  
Mr P.A. 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.M. O'Donnell  
Mr D.T. Redman  
Mr P.J. Rundle  
Ms L. Mettam (*Teller*)

Noes (34)

Ms L.L. Baker  
Dr A.D. Buti  
Mr J.N. Carey  
Mrs R.M.J. Clarke  
Mr R.H. Cook  
Mr M.J. Folkard  
Ms J.M. Freeman  
Ms E.L. 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 M.P. Murray  
Mrs L.M. O'Malley  
Mr P. Papalia  
Mr S.J. Price  
Mr D.T. Punch  
Ms M.M. Quirk  
Mrs M.H. Roberts

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

Question thus negatived.

## 8. Petition

Redevelopment of Western Australian Cemeteries – Mr W.R. Marmion presented a petition from 391 persons requesting that the Legislative Assembly move to halt the redevelopment of Western Australian cemeteries, to restrict the further removal and destruction of headstones, markers and plaques, and to press the Government to take urgent steps to establish new cemeteries to meet the needs for future interments (P. 93).

## 9. Message from the Governor

Message No. 13 from His Excellency the Governor was reported assenting to the Workers' Compensation and Injury Management Amendment Bill 2017, Act No. 8 of 2018.

## 10. Papers

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

By the Clerk –

Adoption Act 1994, Working with Children (Criminal Record Checking) Act 2004 – Regulations (Child Protection Regulations Amendment (Fees) Regulations 2018 G.G. 22/06/2018) (1423).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2018 G.G. 22/06/2018) (1424).

Corruption and Crime Commission – Report on Corrupt Custodial Officers and the Risks of Contraband Entering Prisons (1425).

Duties Act 2008 – Regulations (Duties Amendment Regulations 2018 G.G. 22/06/2018) (1426).

Evidence Act 1906 – Regulations (Evidence (Prescribed Persons) Amendment Regulations 2018 G.G. 19/06/2018) (1427).

Fire and Emergency Services Act 1998 – Regulations (Fire and Emergency Services Amendment Regulations 2018 G.G. 22/06/2018) (1428).

Kimberley Ports Authority – Statement of Corporate Intent 2017–2018 (1429).

Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2018 G.G. 22/06/2018) (1430).

Marine and Harbours Act 1981, Motor Vehicle Drivers Instructors Act 1963, Road Traffic (Administration) Act 2008, Road Traffic (Vehicles) Act 2012, Shipping and Pilotage Act 1967, Western Australian Marine Act 1982, Western Australian Photo Card Act 2014 – Regulations (Transport Regulations Amendment (Fees and Charges) Regulations (No. 2) 2018 G.G. 22/06/2018) (1431).

Mid West Ports Authority – Statement of Corporate Intent 2017–2018 (1432).

Pilbara Ports Authority – Statement of Corporate Intent 2017–2018 (1433).

Public Trustee Act 1941 – Notices (Public Trustee's Scale of Fees 2018 G.G. 18/06/2018) (1434).

Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations 2018 G.G. 22/06/2018) (1435).

Southern Ports Authority – Statement of Corporate Intent 2017–2018 (1436).

Supreme Court Act 1935 – Notices (Rule of Court 2019 - Sittings and Winter Vacation for 2019 G.G. 22/06/2018) (1437).

Water Services Act 2012 – Regulations (Water Services Regulations Amendment (Fees and Charges) Regulations 2018 G.G. 22/06/2018) (1438).

#### **11. Public Accounts Committee**

The Speaker reported that a response by the Premier, Minister for Finance, and Minister for Commerce and Industrial Relations to the recommendations of the Public Accounts Committee's Report No. 3: *PCH – A long wait*, had not been received by the required time.

#### **12. Notices of Motion**

#### **13. Removal of Order of the Day**

The Acting Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Electoral Issues and Campaign Activities, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

#### **14. Matter of Public Interest – Regional Western Australia**

The Acting Speaker informed the Assembly that she was in receipt of a notice from Mr R.S. Love that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr R.S. Love moved,

That this House calls on the McGowan Government to reverse their mean cuts to services in regional WA, including education, health, Community Resource Centres and the closure of Moora Residential College in light of the result of the Darling Range by-election.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (14)

Mr I.C. Blayney  
 Ms M.J. Davies  
 Mr P.A. Katsambanis  
 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.M. O'Donnell  
 Mr D.T. Redman  
 Mr P.J. Rundle  
 Ms L. Mettam (*Teller*)

## Noes (32)

Ms L.L. Baker  
 Dr A.D. Buti  
 Mr J.N. Carey  
 Mr R.H. Cook  
 Mr M.J. Folkard  
 Ms J.M. Freeman  
 Ms E.L. 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 M.P. Murray  
 Mrs L.M. O'Malley  
 Mr P. Papalia  
 Mr S.J. Price  
 Mr D.T. Punch  
 Ms M.M. Quirk

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

Question thus negatived.

## 15. Heritage Bill 2017

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

### CONSIDERATION IN DETAIL

Clauses 15 to 36 agreed to.

New Division 1A.

Mr V.A. Catania moved,

Page 23, after line 24 – To insert:

“

### Division 1A – Three Jetties

#### 36A. Three Jetties

The Carnarvon One Mile Jetty, Esperance Tanker Jetty and Busselton Jetty (“the Three Jetties”) shall be deemed, for the purposes of this Act –

- (a) to be places of cultural heritage significance that make an important contribution to understanding the heritage of Western Australia and are to be protected and preserved; and
- (b) to be the appropriate recipients of funding granted annually to ensure that they are maintained.

#### 36B. Protecting and Preserving Three Jetties

The Minister and the Council, in protecting and preserving the Three Jetties, may consider the use of modern alternative structural materials for the internal structure of pilings to ensure the long-term sustainability of each of the Three Jetties, but the outwards wooden appearance of each of the Three Jetties must be maintained.

#### 36C. Access to Three Jetties

The Minister and the Council must ensure that:

- (a) the public has access to some areas of each of the Three Jetties free of charge, unless maintenance is being undertaken which would create an unsafe environment for public use or significant damage from natural events has occurred that has caused the entire structure or parts to be closed; and
- (b) each of the Three Jetties are made available to industries such as tourism, commerce and small business on a fair and equitable basis.

”.

Debate ensued.

Amendment put.

The Assembly divided.

#### Ayes (16)

Mr I.C. Blayney  
Mr V.A. Catania  
Ms M.J. Davies  
Dr D.J. Honey  
Mr P.A. Katsambanis  
Mr Z.R.F. Kirkup

Mr A. Krsticevic  
Mr S.K. L'Estrange  
Mr R.S. Love  
Mr W.R. Marmion  
Dr M.D. Nahan  
Mr D.C. Nalder

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

#### Noes (30)

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

Mr F.M. Logan  
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  
Ms M.M. Quirk

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

Amendment thus negatived.

Clauses 37 to 188 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Heritage 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.

## 16. Residential Tenancies Legislation Amendment (Family Violence) Bill 2018

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

Debate resumed.

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

Question put and passed.

**17. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.32 pm until Wednesday, 27 June 2018 at 12.00 pm.

*Members present during any part of the day's proceedings* – All the members except Ms J. Farrer, Mr Y. Mubarakai, Mr J.R. Quigley and Ms C.M. Rowe.

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

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