

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 104

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 23 SEPTEMBER 2014

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 Statements

Brief Ministerial Statements were made by –

The Treasurer on the Annual Report on State Finances 2013–14.

Paper

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

By the Treasurer –

Treasury, Department of – Annual Report on State Finances 2013–14 (2088).

The Minister for Culture and the Arts on the Premier's Book Awards.

The Minister for Transport on the Public Transport Authority being awarded the WA Golden Target Award by the Public Relations Institute of Australia.

The Minister for Sport and Recreation on Western Australian football and the 2014 Brownlow Medal winner, Matthew Priddis.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 2948 to 3003 were asked.

Questions on Notice Nos 2529, 2793, 2795, 2871 to 2874, 2901 and 2926 were answered.

Papers

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

By the Speaker –

Question on Notice No. 2871 – Details of Accommodation Claims Made by the Member for Central Wheatbelt for the Period 11 December 2013 to Date (2082).

Question on Notice No. 2872 – Details of Accommodation Claims Made by the Member for Dawesville for the Period 1 October 2013 to Date (2083).

Question on Notice No. 2873 – Details of Accommodation Claims Made by the Member for Wagin for the Period 1 October 2013 to Date (2084).

Question on Notice No. 2874 – Details of Accommodation Claims Made by the Member for Warren-Blackwood for the Period 1 October 2013 to Date (2085).

By the Minister for Water –

Question on Notice No. 2529 – Details of Leaks and Breaks in the Perth Metropolitan Area, 2008–2014 (2086).

By the Parliamentary Secretary Representing the Minister for Child Protection –

Question on Notice No. 2795 – Responsible Parenting Service FTE by Directorate and District for the Period 2007–2008 to 2014–2015 (2087).

4. Papers

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

By the Clerk –

Animal Resources Authority – Annual Report 2013–2014 (2047).

Art Gallery of Western Australia – Annual Report 2013–2014 (2048).

Building and Construction Industry Training Board – Annual Report 2013–2014 (2049).

Combat Sports Commission – Annual Report 2013–2014 (2050).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2014 G.G. 19/09/2014) (2051).

Culture and the Arts, Department of – Annual Report 2013–2014 (2052).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Marmion Marine Park) Amendment Order 2014 [1185] G.G. 19/09/2014) (2053).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Shoalwater Islands Marine Park) Amendment Order 2014 [1185] G.G. 19/09/2014) (2054).

Gaming and Wagering Commission of Western Australia – Annual Report 2013–2014 (2055).

Health and Disability Services Complaints Office – Annual Report 2013–2014 (2056).

Healthway – Annual Report 2013–2014 (2057).

Land Tax Assessment Act 2002 – Regulations (Land Tax Assessment Amendment Regulations (No. 2) 2014 G.G. 19/09/2014) (2058).

Liquor Commission of Western Australia – Annual Report 2013–2014 (2059).

Local Government Act 1995 – Local Laws (City of Albany Standing Orders Amendment Local Law 2014 G.G. 19/09/2014) (2060).

Local Health Authorities Analytical Committee – Annual Report 2013–2014 (2061).

Metropolitan Cemeteries Board – Annual Report 2013–2014 (2062).

Metropolitan Redevelopment Authority – Annual Report 2013–2014 (2063).

Perth Theatre Trust – Annual Report 2013–2014 (2064).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 5) 2014 G.G. 19/09/2014) (2065).

Quadruplegic Centre Board of Management – Annual Report 2013–2014 (2066).

Racing Penalties Appeal Tribunal of Western Australia – Annual Report 2013–2014 (2067).
 Racing, Gaming and Liquor, Department of – Annual Report 2013–2014 (2068).
 Screenwest – Annual Report 2013–2014 (2069).
 Sport and Recreation, Department of – Annual Report 2013–2014 (2070).
 State Enterprises (Commonwealth Tax Equivalents) Act 1996 – Regulations (State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations (No. 2) 2014 G.G. 19/09/2014) (2071).
 State Library of Western Australia – Annual Report 2013–2014 (2072).
 State Records Commission – Annual Report 2013–2014 (2073).
 State Training Board – Annual Report 2013–2014 (2074).
 Swan Bells Foundation Inc. – Annual Report 2013–2014 (2075).
 Training Accreditation Council – Annual Report 2013–2014 (2077).
 Venueswest – Annual Report 2013–2014 (2078).
 Water Services Act 2012 – Regulations (Water Services (Water Corporations Charges) Amendment Regulations 2014 G.G. 19/09/2014) (2079).
 Western Australian Institute of Sport – Annual Report 2013–2014 (2076).
 Western Australian Museum – Annual Report 2013–2014 (2080).
 Wildlife Conservation Act 1950 – Regulations (Wildlife Conservation Amendment Regulations (No. 2) 2014 G.G. 19/09/2014) (2081).

5. Notices of Motion

6. Notices of Motion Lapsed

The Speaker advised that Private Members' Business Notices of Motion Nos 2 and 3 had lapsed and, unless the members indicated otherwise, would be removed from the Notice Paper.

7. Matter of Public Interest – Pelago Development in Karratha

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

At least five members having risen in support,

Mr M. McGowan moved,

That the House calls on the Barnett Government to establish a Special Inquiry under Section 24H of the *Public Sector Management Act* into matters surrounding the Pelago development in Karratha, and especially the State Government investment and involvement in this project.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker
 Dr A.D. Buti
 Mr R.H. Cook
 Mr W.J. Johnston
 Mr D.J. Kelly
 Mr F.M. Logan

Mr M. McGowan
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts

Ms R. Saffioti
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr P.B. Watson
 Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 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 J.E. McGrath
 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 M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Question thus negatived.

8. Declared Places (Mentally Impaired Accused) Bill 2013

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

CONSIDERATION IN DETAIL

Clauses 48 to 70 agreed to.

Clause 71.

The Parliamentary Secretary to the Minister for Disability Services moved,

Page 54, lines 18 to 21 – To delete the lines.

Page 54, lines 28 to 30 – To delete the lines.

Page 55, line 3 – To delete the line and insert:

“ functions; and ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 72 to 86 agreed to.

Clause 87.

The Parliamentary Secretary to the Minister for Disability Services moved,

Page 66, lines 8 to 12, To delete the lines and substitute:

“

(3) In section 17A(4) after “1999,” insert:

the CEO as defined in the *Declared Places (Mentally Impaired Accused)*
Act 2013 section 3,

”.

Amendment put and passed.

Clause, as amended, agreed to.

New Clause 87A.

Mr D.J. Kelly moved,

Page 66, after line 17 – To insert:

“

87A. *Planning and Development Act 2005* amended

(1) This section amends the *Planning and Development Act 2005*.

(2) In section 4 insert in alphabetical order:

declared place has the meaning given in the *Criminal Law (Mentally Impaired Accused) Act 1996* Part 5;

(3) In section 14 insert:

- (da) to regard public safety as the paramount consideration in determining the location of a declared place under this Act; and
- (db) to ensure, when determining the location of a declared place under this Act, that the location:
 - (a) is not in close proximity to:
 - (i) schools;
 - (ii) kindergartens; or
 - (iii) child care centres; and
 - (b) is a reasonable distance from neighbouring residential properties; and
- (dc) to ensure that a place cannot be designated as a declared place unless it has been granted planning approval by the relevant local government under its applicable planning laws; and

”.

New clause put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr P.B. Watson

Mr D.A. Templeman (*Teller*)

Noes (27)

Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr S.K. L'Estrange
 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 M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

New clause thus negatived.

Clauses 88 and 89 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.

9. Alcohol and Drug Authority Amendment Bill 2014

The Order of the Day for the third reading of the bill having been read, the Premier 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. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.05 p.m. until Wednesday, 24 September 2014 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr I.C. Blayney, Ms W.M. Duncan, Ms J. Farrer, Mr B.J. Grylls, Dr K.D. Hames, Mrs L.M. Harvey and Mr B.S. Wyatt.

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly