

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 120

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 26 NOVEMBER 2014

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Speaker –

Auditor General, Office of the – Training and Support for Justices of the Peace, Report 21: November 2014 (2425).

By the Clerk –

Biosecurity Council of Western Australia – Annual Report 2013–2014 (2426).

Parliamentary Travel Allowance – Report of Overseas Travel Undertaken by Members of Parliament Funded by the Parliamentary Travel Allowance for the Three Months Ended 30 September 2014 (2427).

3. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 24 September 2014 –

Attorney General, Department of the – Annual Report 2013–2014 (2092).

Paper

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

By the Speaker –

Attorney General, Department of the – Annual Report 2013–2014 – Erratum (2428).

4. Notices of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the review of the *Surrogacy Act 2008*.

Paper

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

By the Minister for Health –

Health, Minister for – Review of the *Surrogacy Act 2008*, Report to the Western Australian Parliament, November 2014 (2429).

The Minister for Culture and the Arts on the advertisement of an expression of interest to design and construct Western Australia's new museum.

6. North West Gas Development (Woodside) Agreement Amendment Bill 2014

The Minister for State Development, pursuant to notice, moved,

That a bill for “An Act to amend the *North West Gas Development (Woodside) Agreement Act 1979*.” be introduced and read a first time.

Question put and passed.

The Minister for State Development presented an explanatory memorandum and bill read a first time.

The Minister for State Development moved, That the bill be now read a second time.

Ms M.M. Quirk moved, That the debate be adjourned.

Question put and passed.

7. Integrity (Lobbyists) Bill 2014

The Premier, pursuant to notice, moved,

That a bill for “An Act to promote and enhance public confidence in the transparency, integrity and honesty of dealings between lobbyists and government representatives by –

- providing for the registration of lobbyists; and
- providing for the issuing of a code of conduct for registered lobbyists in their dealings with government; and
- prohibiting registered lobbyists from agreeing to receive payments or other rewards that are dependent on the outcome of lobbying activities,

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.

The Premier moved, That the bill be now read a second time.

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

8. Public Health Bill 2014

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to protect, promote and improve the health of the public of Western Australia and to reduce the incidence of preventable illness, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

Mr R.H. Cook moved, That the debate be adjourned.

Question put and passed.

9. Public Health (Consequential Provisions) Bill 2014

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to amend the *Health Act 1911* and various other Acts as a consequence of the enactment of the *Public Health Act 2014*, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Minister for Health presented an explanatory memorandum and bill read a first time.

The Minister for Health moved, That the bill be now read a second time.

Mr R.H. Cook moved, That the debate be adjourned.

Question put and passed.

10. Major Events (Ticket Scalping) Bill 2014

Mr M. McGowan, pursuant to notice, moved,

That a bill for “An Act to control the resale of tickets to certain events and for related purposes.” be introduced and read a first time.

Question put and passed.

Mr M. McGowan 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 a later stage of the sitting.

11. Radiation Safety Amendment Bill 2014

Mr R.H. Cook, pursuant to notice, moved,

That a bill for “An Act to amend the *Radiation Safety Act 1975* to provide for the prohibition of sun-tanning units.” be introduced and read a first time.

Question put and passed.

Mr R.H. Cook 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 a later stage of the sitting.

12. Road Traffic Legislation Amendment Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 1 to 13 agreed to.

New Clause 13A.

The Acting Minister for Road Safety moved,

Page 7, after line 5 – To insert:

“

13A. Section 11A inserted

After section 10 insert:

11A. Section 50A amended

In section 50A(1) after “external licensing authority” insert:

(as defined in the *Road Traffic (Authorisation to Drive) Act 2008*
section 3(1))

”.

New clause agreed to.

Clauses 14 and 15 agreed to.

Title agreed to.

Consideration in detail concluded.

The Acting Minister for Road Safety moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

13. Rail Safety National Law (WA) Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 9 to 51 agreed to.

Schedule agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Transport moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Ms R. Saffioti speaking) and adjourned until a later stage of the sitting.

14. Questions

Questions without Notice were taken.

Questions on Notice Nos 3220 to 3234 were asked.

Questions on Notice Nos 3075, 3077, 3079, 3081, 3092, 3094, 3096, 3098, 3137, 3154, 3170, 3172 and 3177 were answered.

15. Community Development and Justice Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 26 November 2014 from the Chair of the Community Development and Justice Standing Committee, advising that the Committee had resolved to conduct an inquiry that will examine the methods employed by WA Police to evaluate performance.

The Committee will report by 26 November 2015.

16. Education and Health Standing Committee – Reporting Date

The Speaker advised the House that he had received a letter dated 26 November 2014 from the Chair of the Education and Health Standing Committee advising that the Committee had resolved to present its final report on the mental health impacts of fly-in, fly-out work arrangements on 11 June 2015.

17. Matter of Public Interest – State Finances

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 this House condemns the Premier and the Liberal/National Government for leading this State into deficit for the first time in 15 years due to wasteful spending and the mismanagement of the State's finances.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Dr A.D. Buti	Mr F.M. Logan	Mrs M.H. Roberts
Mr R.H. Cook	Mr M. McGowan	Ms R. Saffioti
Ms J. Farrer	Ms S.F. McGurk	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr P.B. Watson
Mr W.J. Johnston	Mr J.R. Quigley	Mr B.S. Wyatt
Mr D.J. Kelly	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)

Noes (32)

Mr P. Abetz	Ms E. Evangel	Ms A.R. Mitchell
Mr F.A. Alban	Mrs G.J. Godfrey	Mr N.W. Morton
Mr C.J. Barnett	Dr K.D. Hames	Dr M.D. Nahan
Mr I.C. Blayney	Mr C.D. Hatton	Mr D.C. Nalder
Mr I.M. Britza	Mr A.P. Jacob	Mr J. Norberger
Mr G.M. Castrilli	Mr S.K. L'Estrange	Mr D.T. Redman
Mr V.A. Catania	Mr R.S. Love	Mr A.J. Simpson
Mr M.J. Cowper	Mr W.R. Marmion	Mr M.H. Taylor
Ms M.J. Davies	Mr J.E. McGrath	Mr T.K. Waldron
Mr J.H.D. Day	Ms L. Mettam	Mr A. Krsticevic (<i>Teller</i>)
Ms W.M. Duncan	Mr P.T. Miles	

Question thus negatived.

18. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

19. Rail Safety National Law (WA) Bill 2014

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

Debate resumed.

Debate interrupted by the Chair (Ms R. Saffioti speaking) and adjourned until a later stage of the sitting.

20. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Radiation Safety Amendment Bill 2014 and Private Members' Business Notices of Motion Nos 21, 22 and 19 be next considered.

21. Radiation Safety Amendment Bill 2014

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

Mr R.H. Cook moved, That the bill be now read a second time.

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

Question put and passed.

22. Suspension of Standing Orders

Ms J. Farrer, pursuant to notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That the *Constitution Amendment (Recognition of Aboriginal People) Bill 2014* be immediately referred to a Select Committee of six members for consideration and report by 26 March 2015.

Debate ensued.

Question put and passed.

23. Referral of Bill to Select Committee

Ms J. Farrer, pursuant to the foregoing motion, moved,

That the *Constitution Amendment (Recognition of Aboriginal People) Bill 2014* be immediately referred to a Select Committee of six members for consideration and report by 26 March 2015.

The Deputy Premier moved, To delete all words after "That" and insert –

- (1) A Joint Select Committee of the Legislative Assembly and Legislative Council be established to consider and report on the appropriate wording to recognise Aboriginal people in the constitution of Western Australia.
- (2) That the Joint Select Committee consist of seven members:
 - (a) three will be members of the Council; and
 - (b) four will be members of the Assembly;
 and of those seven members:
 - (c) two will be members of the Liberal Party;
 - (d) two will be members of the National Party; and
 - (e) three will be members of the Australian Labor Party.
- (3) The Standing Orders of the Legislative Assembly relating to Standing and Select Committees will be followed as far as they can be applied.
- (4) That the Joint Select Committee report to both Houses by 26 March 2015.
- (5) That the Legislative Council be requested to agree to a similar resolution.

- (6) That, subject to the Legislative Council agreeing to the above paragraphs, the following Legislative Assembly members be appointed:
- (a) the Member for Kimberley;
 - (b) the Member for Victoria Park;
 - (c) the Member for Murray-Wellington; and
 - (d) the Member for Kalgoorlie.

Debate ensued.

Amendment put and passed.

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

Question put and passed and the Legislative Council acquainted accordingly.

24. Polling on Council Amalgamation Processes

Mr D.A. Templeman, pursuant to notice, moved,

That this House:

- (a) condemns the Premier and the Minister for Local Government for allowing, through its forced amalgamation process, some communities in the metropolitan area an opportunity to have a poll under the Dadour Provisions in the *Local Government Act 1995* about their local council's future, while others have not been given that democratic right; and
- (b) further supports all affected communities having a right to a poll on their council's future.

Debate ensued.

Debate interrupted by the Chair (Minister for Local Government speaking) and adjourned until a later stage of the sitting.

25. Message from the Governor

Message No. 26 from Her Excellency the Governor was reported recommending that appropriations be made for the purposes of the Integrity (Lobbyists) Bill 2014.

26. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.01 p.m. until Thursday, 27 November 2014 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr J.M. Francis, Mr B.J. Grylls and Mrs L.M. Harvey.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly