

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 97

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 21 AUGUST 2014

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Cue, Shire of – Mr D.A. Templeman presented a petition from 17 persons requesting that the Legislative Assembly carries out an investigation into the activities and practices of the administration of the Shire of Cue and review the decision-making processes and activities of the Council (P. 158).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Local Government on a consultation paper on the proposed development of new caravan parks and camping grounds legislation.

The Minister for Environment on the discovery of a new endangered quoll population in the Kimberley.

The Parliamentary Secretary to the Minister for Mental Health on the construction of a new homeless shelter, Tom Fisher House.

4. Grievances

The Speaker called for grievances which were then made.

5. Joint Standing Committee on Delegated Legislation

Mr P. Abetz, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Shire of Shark Bay Local Government Property Amendment Local Law 2014, Report 72 (1955).

6. Joint Standing Committee on the Corruption and Crime Commission

Mr N.W. Morton, on behalf of Mr P.B. Watson as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – Corruption and Crime Commission Voluntary Interviews with WA Police Officers, Report No. 16 (1956).

7. Public Accounts Committee

Mr S.K. L'Estrange, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Budget Briefing 2014–15, Report No. 5 (1957).

Mr W.J. Johnston spoke on the report.

8. Public Accounts Committee

Mr S.K. L'Estrange, as Chairman, presented the following report and submissions which were ordered to lie upon the Table of the House –

Public Accounts Committee – Final Report of the Inquiry into Amendments to the *Public Sector Management Act 1994*, Report No. 6 (1958).

Public Accounts Committee – Final Report of the Inquiry into Amendments to the *Public Sector Management Act 1994*, Submissions (1959).

Mrs G. Godfrey, Mr W.J. Johnston and Mr M.H. Taylor spoke on the report.

9. Consumer Protection Legislation Amendment Bill 2013

Message No. 53 dated 20 August 2014 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend —

- the *Commercial Tenancy (Retail Shops) Agreements Act 1985*; and
- the *Employment Agents Act 1976*; and
- the *Fair Trading Act 2010*; and
- the *Land Valuers Licensing Act 1978*; and
- the *Limited Partnerships Act 1909*; and
- the *Motor Vehicle Dealers Act 1973*; and
- the *Motor Vehicle Repairers Act 2003*; and
- the *Petroleum Products Pricing Act 1983*; and
- the *Real Estate and Business Agents Act 1978*; and
- the *Residential Parks (Long-stay Tenants) Act 2006*; and
- the *Residential Tenancies Act 1987*; and
- the *Retail Trading Hours Act 1987*; and
- the *Settlement Agents Act 1981*; and
- the *Travel Agents Act 1985*.”

The Parliamentary Secretary to the Minister for Commerce moved, That the bill be read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Commerce presented an explanatory memorandum and bill read a first time.

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

The Parliamentary Secretary to the Minister for Commerce moved, That the bill be now read a second time.

Ms S. McGurk moved, That the debate be adjourned.

Question put and passed.

10. Travel Agents Amendment and Expiry Bill 2014

Message No. 54 dated 20 August 2014 from the Legislative Council was reported agreeing to the bill without amendment.

11. 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

Clause 3.

Suspension of Standing Orders

Mr M. McGowan, 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 the House condemns the Minister for Transport for misleading the House regarding patronage on the Forrestfield-Airport Rail Link.

Debate ensued.

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,

The Acting 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.

Forrestfield-Airport Rail Link

Mr M. McGowan, pursuant to the foregoing motion, moved,

That the House condemns the Minister for Transport for misleading the House regarding patronage on the Forrestfield-Airport Rail Link.

Debate ensued.

Question put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr W.J. Johnston

Mr F.M. Logan

Mr M. McGowan

Ms S.F. McGurk

Mr M.P. Murray

Mr P. Papalia

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Ms M.J. Davies
 Ms W.M. Duncan
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Dr K.D. Hames
 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
 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.

On the question, That clause 3 be agreed to,

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

12. Members' Statements

The Acting Speaker called for members' statements which were then made.

13. Questions

Questions without Notice were taken.

Questions on Notice Nos 2788 to 2797 were asked.

14. Education and Health Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 21 August 2014 from Dr G.G. Jacobs, Chairman of the Education and Health Standing Committee, advising that the Committee had considered the request of the House to determine terms of reference for an inquiry into suicides amongst fly-in, fly-out workers in Western Australia, and that the Committee had agreed to the following terms of reference:

That the Education and Health Standing Committee inquire into:

- (1) the contributing factors that may lead to mental illness and suicide amongst fly-in, fly-out workers;
- (2) the current legislation, regulations, policies and practices for workplace mental health in Western Australia; and
- (3) current initiatives by government, industry and community, and recommend improvements.

The Committee will present a preliminary report to the House by the end of 2014, and then present its final report on 5 March 2015.

15. Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2013

Message No. 55 dated 21 August 2014 from the Legislative Council was reported agreeing to the bill without amendment.

16. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

17. 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

Clause 3.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

18. Taxation Legislation Amendment Bill 2014

The Order of the Day for the third reading of the bill having been read, the Minister for Finance 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.

19. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

20. 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

Clause 3.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (31)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Ms M.J. Davies
Mr J.H.D. Day
Ms W.M. Duncan
Ms E. Evangel

Mrs G.J. Godfrey
Dr K.D. Hames
Mr C.D. Hatton
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr S.K. L'Estrange
Mr R.S. Love
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*)

Noes (14)

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

Mr F.M. Logan
Mr M. McGowan
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

Mrs M.H. Roberts
Mr C.J. Tallentire
Mr P.C. Tinley
Ms S.F. McGurk (*Teller*)

Question thus passed.

On the question, That clause 3 be agreed to,

Clause put and passed.

Clause 4 agreed to.

New Clause 4A.

Dr A.D. Buti moved,

Page 5, after line 1 – To insert:

“

4A. Paramount consideration when determining location of declared place

In determining the location of a declared place under this Act, the Commission must regard public safety as the paramount consideration.

”.

New clause put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr W.J. Johnston

Mr F.M. Logan

Mr M. McGowan

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Mr C.J. Tallentire

Mr P.C. Tinley

Ms S.F. McGurk (*Teller*)

Noes (31)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr I.M. Britza

Mr T.R. Buswell

Mr G.M. Castrilli

Ms M.J. Davies

Mr J.H.D. Day

Ms W.M. Duncan

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

Dr K.D. Hames

Mr C.D. Hatton

Mr A.P. Jacob

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*)

New clause thus negatived.

New Clause 4B.

Dr A.D. Buti moved,

Page 5, after line 1 – To insert:

“

4B. Principles applicable to location determined for declared place

In determining the location of a declared place under this Act, the Commission must ensure 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.

”.

New clause put.

The Assembly divided.

Ayes (13)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
Ms J.M. Freeman

Mr W.J. Johnston
Mr F.M. Logan
Mr M. McGowan
Mr P. Papalia
Mr J.R. Quigley

Ms M.M. Quirk
Mrs M.H. Roberts
Ms S.F. McGurk (*Teller*)

Noes (28)

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

Mrs G.J. Godfrey
Dr K.D. Hames
Mr C.D. Hatton
Mr A.P. Jacob
Mr S.K. L'Estrange
Mr R.S. Love
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.

New Clause 4C.

Dr A.D. Buti moved,

Page 5, after line 1 – To insert:

“

4C. Declared place to be approved by relevant local government

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.

”.

New clause put.

The Assembly divided.

Ayes (12)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman

Mr F.M. Logan
Mr M. McGowan
Mr P. Papalia
Mr J.R. Quigley

Ms M.M. Quirk
Mrs M.H. Roberts
Mr C.J. Tallentire
Ms S.F. McGurk (*Teller*)

Noes (26)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Ms M.J. Davies
Mr J.H.D. Day
Ms E. Evangel
Mrs G.J. Godfrey

Dr K.D. Hames
Mr C.D. Hatton
Mr A.P. Jacob
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 A. Krsticevic (*Teller*)

New clause thus negatived.

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

Question put and passed.

21. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 13 be next considered.

22. Partial Revocation of State Forests 6, 22, 23, 28, 32, 33 and 65

The Order of the Day having been read for the resumption of debate on the motion moved by Minister for Environment,

That the proposal for the partial revocation of State forests 6, 22, 23, 28, 32, 33 and 65, laid on the table of the Legislative Assembly on Wednesday, 13 August 2014, by command of His Excellency the Governor, be carried out.

Debate resumed.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

23. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 9 September 2014 at 2.00 p.m.

Question put and passed.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.17 p.m. until Tuesday, 9 September 2014 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr M.J. Cowper, Mr B.J. Grylls, Mrs L.M. Harvey, Mr D.J. Kelly, Mr P.B. Watson and Mr B.S. Wyatt.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly