

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 131

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 17 MARCH 2015

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 Minister for Culture and the Arts on the Year 12 Perspectives exhibition at the Art Gallery of Western Australia and the Performing Arts Perspectives held at His Majesty's Theatre.

The Minister for Energy on Synergy's project to trial a new community based energy storage system and associated energy efficiencies at Alkimos Beach.

The Minister for Corrective Services on the awarding of the first grant, under the Youth Justice Innovation Fund by the Youth Justice Board to the Wirrpanda Foundation to fund a mentoring program for 12 to 18 year old boys in detention at Banksia Hill.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 3755 to 3795 were asked.

Questions on Notice Nos 3311, 3312, 3316 to 3318, 3320, 3321, 3324, 3326, 3328 to 3330, 3334, 3335, 3337, 3338, 3341, 3344 to 3346, 3350 to 3355, 3357, 3358, 3360, 3362, 3363, 3367 to 3369, 3371, 3375, 3377, 3379, 3380, 3385 to 3389, 3392, 3394, 3396 to 3399, 3401 to 3403, 3405, 3408, 3409, 3412 to 3414, 3418 to 3422, 3426, 3428, 3430, 3433 to 3441, 3444, 3446, 3447, 3449 to 3456, 3463, 3470, 3475, 3487, 3484, 3499, 3501, 3505, 3507, 3509, 3515, 3516, 3522, 3526, 3532, 3534, 3540, 3544, 3500 to 3553, 3557, 3558, 3565, 3567, 3599, 3613 and 3697 were answered.

Papers tabled by the Premier; Minister for State Development; Science –

Question on Notice No. 3362 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2693).

Question on Notice No. 3379 – Motor Vehicles Provided to Senior Executives Above Senior Level 9.1 or Equivalent. (2694).

Papers tabled by Treasurer; Minister for Energy; Citizenship and Multicultural Interests –

Question on Notice No. 3352 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2695).

Question on Notice No. 3369 – Motor Vehicles Provided to Senior Executives Above Senior Level 9.1 or Equivalent. (2696).

Paper tabled by Minister for Police; Road Safety; Training and Workforce Development; Women's Interests –

Question on Notice No. 3357 – The Use of Ministerial Air-Charter Services for the Period Since August 16 2014 (2697).

Papers tabled by Minister Representing the Minister for Housing; Racing and Gaming –

Question on Notice No. 3441 – Good Start Loans (2698).

Question on Notice No. 3346 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2699).

Question on Notice No. 3438 – Reference To Page 10 of the Housing Authority 2013-14 Annual Report (2700).

Papers tabled by Minister Representing the Minister for Agriculture and Food –

Question on Notice No. 3449 – Article Published in Farm Weekly on 1 January 2015 (2701).

Question on Notice No. 3353 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2702).

Papers tabled by Minister for Environment; Heritage –

Question on Notice No. 3557 – The Total Number Of People Employed by the Botanic Gardens and Parks Authority (2703).

Question on Notice No. 3553 – The Total Number of People Employed in Managing/Operating/Supporting the Swan River Trust (2704).

Question on Notice No. 3367 – Motor Vehicles Provided To Senior Executives Above Level 9.1 or Equivalent (2705).

Papers tabled by Minister for Planning; Culture and the Arts –

Question on Notice No. 3358 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2706).

Question on Notice No. 3375 – Motor Vehicles Provided to Senior Executives Above Level 9.1 Or Equivalent (2707).

Papers tabled by Minister for Finance; Mines and Petroleum –

Question on Notice No. 3451 – Government Office Accommodation in the Perth Metropolitan Area As At 17 February 2015 (2708).

Question on Notice No. 3354 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2709).

Question on Notice No. 3371 – Motor Vehicles Provided to Senior Executives Above Level 9.1 Or Equivalent (2710).

Papers tabled by Minister for Regional Development; Lands; Minister Assisting the Minister for State Development –

Question on Notice No. 3360 – The Use of Ministerial Air-Charter Services for the Period Since 16 August 2014 (2711).

Question on Notice No. 3377 – Motor Vehicles Provided to Senior Executives Above Level 9.1 Or Equivalent (2712).

Paper tabled by Minister Representing the Minister for Fisheries –

Question on Notice No. 3613 – The Decision to Cease Using Australia Post as an Outlet for Payment of Recreational Fishing Licenses in November 2013 (2713).

4. Additional Information

The Minister for Lands provided additional information relating to Question without Notice No. 140 from Ms M.M. Quirk.

5. Unanswered Question on Notice

Mr D.J. Kelly asked why no answer had been received in respect of his Question on Notice No. 3280.

6. Petitions

TAB – Mrs G. Godfrey presented a petition from 110 persons requesting that the Legislative Assembly commits to ensure that any proposed sale of the TAB does not proceed (P. 222).

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 18 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multi-function ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 223).

7. Papers

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

By the Clerk –

Electricity Industry (Independent Market Operator) Regulations 2004 – Ministerial Direction: Independent Market Operator (2015 Reserve Capacity Cycle) Direction 2015 (2685).

Financial Management Act 2006 – Notice Given Under Section 82 of the Act from the Minister for Sport and Recreation in Respect to Legislative Council Estimates and Financial Operations Committee Answers A5, A6 and A7, 3 February 2015 (2686).

Fish Resources Management Act 1994 – Management Plans (Abalone Management Plan Amendment 2015 [1227] G.G. 10/03/2015) (2687).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2015 [1203] G.G. 10/03/2015) (2688).

Gas Supply (Gas Quality Specifications) Act 2009 – Regulations (Gas Supply (Gas Quality Specifications) Amendment Regulations 2015 G.G. 10/03/2015) (2689).

Local Government Act 1995 – Local Laws (City of Stirling Thoroughfares and Public Places Amendment Local Law 2015 G.G. 13/03/2015) (2690).

Teacher Registration Act 2012 – Regulations (Teacher Registration (General) Amendment Regulations 2015 G.G. 13/03/2015) (2691).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (General) Amendment Regulations 2015 G.G. 10/03/2015) (2692).

8. Notices of Motion

9. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 1 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

10. Matter of Public Interest – Financial Accountability

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 censure the Barnett Government for its lack of accountability and financial oversight in the use of taxpayers' money for speculative or pet projects, including Osprey Village, Florence Hummerston Kiosk and FESA House.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

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
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 B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (35)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr G.M. Castrilli
Mr M.J. Cowper
Mr J.H.D. Day
Ms W.M. Duncan
Ms E. Evangel
Mr J.M. Francis
Mrs G.J. Godfrey

Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
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 J.E. McGrath
Ms L. Mettam

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.

11. Message from the Deputy Governor

Message No. 14 from His Excellency the Deputy Governor was reported assenting to the North West Gas Development (Woodside) Agreement Amendment Bill 2014, Act No. 9 of 2015.

12. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014

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

CONSIDERATION IN DETAIL

Clause 5.

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

Question put and passed.

13. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

14. Children and Community Services Legislation Amendment and Repeal Bill 2014

The Order of the Day for the third reading of the bill having been read, the Parliamentary Secretary representing the Minister for Child Protection 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.

15. Land Legislation Amendment Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 4 and 5 agreed to.

Clause 6.

Ms R. Saffioti moved,

Page 5, after line 20 – To insert:

“

- (1A) Monies received from the charging of fees that is more than the cost of providing the product or service the subject of the fees (the surplus), shall be expended by the Authority for the purposes of the Authority only, and any such surplus shall not be paid into the Consolidated Account, and the Authority's board of management and the Minister shall not take into account any such surplus when recommending or determining the amount of the dividend, if any, that the Authority is to pay the Consolidated Account pursuant to section 71 of the *Land Information Authority Act 2006*.

”.

Amendment put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

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 P.B. Watson

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (32)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr I.M. Britza

Mr G.M. Castrilli

Mr M.J. Cowper

Mr J.H.D. Day

Ms W.M. Duncan

Ms E. Evangel

Mr J.M. Francis

Mrs G.J. Godfrey

Mr B.J. Grylls

Dr K.D. Hames

Mrs L.M. Harvey

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

Ms L. Mettam

Mr P.T. Miles

Ms A.R. Mitchell

Mr N.W. Morton

Dr M.D. Nahan

Mr J. Norberger

Mr D.T. Redman

Mr A.J. Simpson

Mr M.H. Taylor

Mr T.K. Waldron

Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Ms R. Saffioti moved,

Page 7, after line 21 – To insert:

“

- (2A) Monies received from the charging of fees that is more than the cost of providing the product or service the subject of the fees (the surplus), shall be expended by the Authority for the purposes of the Authority only, and any such surplus shall not be paid into the Consolidated Account, and the Authority's board of management and the Minister shall not take into account any such surplus when recommending or determining the amount of the dividend, if any, that the Authority is to pay the Consolidated Account pursuant to section 71 of the *Land Information Authority Act 2006*.

”.

Amendment put and negatived.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Ms R. Saffioti moved,

Page 9, after line 19 – To insert:

“

- (1A) Monies received from the charging of fees that is more than the cost of providing the product or service the subject of the fees (the surplus), shall be expended by the Authority for the purposes of the Authority only, and any such surplus shall not be paid into the Consolidated Account, and the Authority's board of management and the Minister shall not take into account any such surplus when recommending or determining the amount of the dividend, if any, that the Authority is to pay the Consolidated Account pursuant to section 71 of the *Land Information Authority Act 2006*.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 11 and 12 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 Lands 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.

16. Land Legislation Amendment (Taxing) Bill 2014

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 10 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.

17. Road Traffic Legislation Amendment Bill 2014

The Order of the Day for the consideration in detail of Legislative Council Message No. 76 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Road Traffic Legislation Amendment Bill 2014 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Road Traffic Legislation Amendment Bill 2014

No. 1

New Clause 17, page 7, after line 26 — To insert —

17. Section 21 replaced

Delete section 21 and insert:

21. Section 78A amended

- (1) In section 78A in the definition of *impounding offence (driver's licence)* delete paragraph (b) and insert:
 - (b) an offence against the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1)(a); or
- (2) In section 78A in the definition of *senior police officer* delete “person appointed under the *Police Act 1892* Part I to be a member of the Police Force of Western Australia” and insert:

police officer

No. 2

New Clause 18, page 7, after line 26 — To insert —

18. Section 37 amended

In section 37 in the Table in the 4th row delete “s.59B(3)(c)”.

No. 3

New Clause 19, page 7, after line 26 — To insert —

19. Section 232 amended

In section 232 in the Table in the 2nd row delete “s.12(1) def. of *permit*”.

No. 4

New Part 7, page 7, after line 26 — To insert —

Part 7 — *Road Traffic (Miscellaneous Amendments) Act 2012* amended**20. Act amended**

This Part amends the *Road Traffic (Miscellaneous Amendments) Act 2012*.

21. Section 12 amended

In section 12 delete “49AB(1)(c), 53(1) and (2A), 60(1c)(a)(i)” and insert —

49AB(1)(c)

CONSIDERATION IN DETAIL

The Minister for Road Safety moved, That amendments Nos 1 to 4 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

18. Adjournment

Mr S. L'Estrange moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 8.54 p.m. until Wednesday, 18 March 2015 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly