

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 56

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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TUESDAY, 3 DECEMBER 2013

### 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 Statement

Brief Ministerial Statements were made by –

The Minister for State Development on the first shipment of magnetite concentrate from CITIC Pacific's Sino Iron Project.

The Minister for Police on mandatory sentencing laws.

The Minister for Environment on amendments to native vegetation clearing regulations.

The Parliamentary Secretary to the Minister for Disability Services on the *Count Me In Stocktake*.

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### *Papers*

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

By the Parliamentary Secretary to the Minister for Disability Services –

Disability Services Commission – Count Me In: A Better Future for Everyone, Implementing Priorities and Pathways: Stocktake, December 2013 (1245).

Disability Services Commission – Count Me In: A Better Future for Everyone (1246).

Disability Services Commission – Disability in Western Australia (1247).

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### 3. Presentation of the Address in Reply

The Speaker announced that on Monday, 2 December 2013, accompanied by Ms W.M. Duncan, Mrs G.J. Godfrey, Mr N.W. Morton and Ms J. Farrer, he attended upon His Excellency the Governor and presented the Address in Reply to His Excellency the Governor's speech in opening Parliament and that His Excellency the Governor was pleased to reply in the following terms –

Dear Mr Speaker

I thank you and members of the Legislative Assembly for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your address in reply to my speech to Parliament on the occasion of the opening of the first session of the Thirty-Ninth Parliament.

Yours sincerely

MALCOLM McCUSKER

GOVERNOR.

#### 4. Questions

Questions without Notice were taken.

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##### *Suspension of Member*

The Speaker, having called Mr J.R. Quigley to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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##### *Paper*

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

By the Minister for Corrective Services –

Corrective Services, Minister for – Letter to the Public Sector Commissioner, dated 9 July 2013 (1248).

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Questions on Notice Nos 1323, 1324, 1338 to 1340, 1342, 1345 to 1350, 1352 to 1356, 1414 to 1456, 1458, 1459, 1462, 1464 to 1476, 1484 to 1489, 1491, 1493 to 1501, 1503 to 1509, 1518 to 1520, 1522 to 1525, 1527 to 1544, 1546, 1547, 1549, 1550, 1553 to 1561 and 1563 were answered.

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Paper tabled by the Minister for Health –

Question on Notice No. 1323 – Department of Health – Youth Eating Disorders, Inpatient Service: A Staged Approach to Developing an Integrated Service (1236).

Paper tabled by the Minister for Regional Development –

Question on Notice No. 1347 – Details of Promotional Materials paid for by the Department of Regional Development and Lands for 2012–2013 (1237).

Papers tabled by the Minister for Culture and the Arts –

Question on Notice No. 1557 – Allocation of funding to Indigenous Regional Arts Organisations (1238).

Question on Notice No. 1558 – Purchase of Indigenous Art by Departments and Agencies within the Minister's Portfolio from 2010–2013 (1239).

Papers tabled by the Minister for Emergency Services; Corrective Services; Small Business; Veterans –

Question on Notice No. 1349 – Traffic Management During Emergencies Report (1240).

Question on Notice No. 1353 – Table of joint training exercises between Department of Fire and Emergency Services and various other departments in 2012 and 2013 to date (1241).

Question on Notice No. 1500 – Details of Gifts Declined by Employees in Departments and Agencies under the Minister's Portfolio of Responsibilities (1242).

Paper tabled by the Minister for Environment –

Question on Notice No. 1352 – Joint Training Exercises Conducted between the Department of Environment and Conservation/Department of Parks and Wildlife and the Department of Fire and Emergency Services for 2012 and 2013 to date (1243).

Paper tabled by the Minister representing the Minister for Education –

Question on Notice No. 1348 – Names of Schools Fitted with Ember Screens on Air Conditioners (1244).

## **5. Petitions**

Inheritance Recipients – Mr R.H. Cook presented a petition from 9 persons requesting that the Legislative Assembly inquires into the dispersement and control of the assets of the late Gertude Humphries (nee Bennell) (P. 80).

Firearm Licence Fees – Ms L.L. Baker presented a petition from 13 persons requesting that the Legislative Assembly voices the case of gun owners and examine whether proposed firearm licence fees reflect the cost of providing licences and also that these fees are withdrawn until there has been a consultation period with industry and sporting bodies (P. 81).

Moratorium on Unconventional Gas Extraction in Western Australia – Ms L.L. Baker presented a petition from 19 persons requesting that a moratorium on all unconventional gas activities in Western Australia be imposed until the risks are fully understood and the industry can be proven safe (P. 82).

## **6. Papers**

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

By the Clerk –

Betting Control Act 1954 – Regulations (Betting Control Amendment Regulations (No. 2) 2013 G.G. 29/11/2013) (1229).

Dangerous Goods Safety Act 2004 – Codes (Approved Codes of Practice in accordance with section 20 of the Dangerous Goods Safety Act 2004 (2013 - No. 2) G.G. 26/11/2013) (1230).

Fish Resources Management Act 1994 – Management Plans (Northern Demersal Scalefish Fishery Management Plan Amendment 2013 [1154] G.G. 26/11/2013) (1231).

Land Administration Act 1997 – Proposal No. 4/2013 under section 45(4) of the Act for the Excision from a portion of Class A Reserve 40587 to facilitate the realignment of Bella Vista Road with its junction with Nanson-Howatharra Road, in the Shire of Chapman Valley (1232).

Liquor Control Act 1988 – Regulations (Liquor Control (Bayulu Restricted Area) Amendment Regulations 2013 G.G. 29/11/2013) (1233).

Local Government Act 1995 – Local Laws (Town of Victoria Park Parking and Parking Facilities Amendment (General) Local Law 2013 G.G. 29/11/2013) (1234).

Racing and Wagering Western Australia Act 2003 – Rules (Rules of Wagering Amendment Rules (No. 2) 2013 G.G. 29/11/2013) (1235).

## **7. Notices of Motion**

## **8. Speaker's Statement – Matter of Public Interest**

The Speaker advised members that Standing Order 145 relating to a Matter of Public Interest had been considered by successive Speakers to be much more limited than motions which are listed on the Notice Paper. As the notice period for a Matter of Public Interest was very short and debate time was limited, it was important not only to identify very specifically the issue targeted by the Matter of Public Interest, but also that it was confined to one matter, not a broad range of different matters. The motion currently proposed tested the boundaries of what should be allowed as a Matter of Public Interest. On this occasion, the Speaker advised that he was prepared to allow this motion to proceed. However, in future, a Matter of Public Interest needed to be drafted in a more confined manner.

## 9. Matter of Public Interest – Management of Government

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 Barnett Government for its chaotic, dysfunctional and dishonest management of Western Australia specifically:

- the loss of the State's AAA credit rating;
- attacks on education;
- failures to plan for the State's health needs;
- failures in the energy portfolio; and
- failures in community safety.

Debate ensued.

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### *Suspension of Member*

The Speaker, having called Mr P. Papalia to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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Question put.

The Assembly divided.

#### Ayes (17)

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

#### Noes (35)

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

Question thus negated.

## 10. Local Government Amendment Bill 2013

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

Debate resumed.

Question put and passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 3 agreed to.

Clause 4.

The Minister for Local Government moved,

Page 3, lines 12 to 18 – To delete the lines and substitute:

“

- (2) In carrying out its functions under Schedule 2.1 or 2.2, the Advisory Board does not have to act in accordance with any Government policy advised to the Board by the Minister under subsection (1).

”.

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

Question put and passed.

# **11. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 12.43 a.m. on Wednesday, 4 December 2013 until 12.00 noon on the same day.

*Members present during any part of the day's proceedings* – All the members except Ms J.M. Freeman.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. MICHAEL SUTHERLAND**  
Speaker of the Legislative Assembly