

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 169

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 24 SEPTEMBER 2015

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Petitions

City of Wanneroo – Mr P.T. Miles presented a petition from 1 persons asking the Legislative Assembly to call on the relevant ministers to instruct Main Roads WA to not grant an approval for the proposed realignment, due to traffic issues at the intersections of Buffalo Avenue and Gnangara Road, Dana Way and Gnangara Road and Wanneroo Road and to amend the relevant legislation accordingly without delay and for the City of Wanneroo to implement changes to avoid further problems, cost and possibly loss of life (P. 293).

Perth Freight Link: Roe Highway Extension – Mr P.C. Tinley presented a petition from 107 persons asking the Legislative Assembly to call on the Barnett Government to reverse the decision to allow Roe 8 Highway (eastern end of the Perth Freight Link) to go ahead and to support requests by the residents of the City of Cockburn, the sons and daughters of the AWAS women and the RSL City of Cockburn Sub branch to preserve, and not destroy this site (P. 294).

Perth Freight Link: Roe Highway Extension – Mr P.C. Tinley presented a petition from 629 persons asking the Legislative Assembly to call on the Barnett Government to reverse their decision to allow the Roe Highway Extension (eastern end of the Perth Freight Link) to go ahead and to allocate the funding awarded to this project to other alternative solutions to freight transfer issues (P. 295).

Helena Aurora Range – Mr A.J. Simpson presented a petition from 463 persons asking the Legislative Assembly to grant full and secure protection to the Helena Aurora Range through the gazettal of the areas as a Class A National Park (P. 296).

Helena Aurora Range – Mr A.J. Simpson presented a petition from 1086 persons asking the Legislative Assembly to grant full and secure protection to the Helena Aurora Range (Bungalbin) through the gazettal of the areas as a Class A Reserve and National Park (P. 297).

3. Papers

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

By the Speaker –

Information Commissioner, Office of the – Annual Report 2014–2015 (3363).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2014–2015 (3411).

By the Clerk –

Aboriginal Affairs, Department of – Annual Report 2014–2015 (3364).
 Aqwest – Annual Report 2014–2015 (3365).
 Aqwest – Statement of Corporate Intent 2015–2016 (3366).
 Botanic Gardens and Parks Authority – Annual Report 2014–2015 (3367).
 Building and Construction Industry Training Board – Annual Report 2014–2015 (3368).
 Busselton Water – Annual Report 2014 (3369).
 Combat Sports Commission – Annual Report 2014–2015 (3370).
 Conservation Commission of Western Australia – Annual Report 2014–2015 (3371).
 Country High School Hostels Authority – Annual Report 2014–2015 (3372).
 Disability Services Commission – Annual Report 2014–2015 (3373).
 Economic Regulation Authority – Annual Report 2014–2015 (3374).
 Education Services, Department of – Annual Report 2014–2015 (3375).
 Education, Department of – Annual Report 2014–2015 (3376).
 Environment Regulation, Department of – Annual Report 2014–2015 (3377).
 Environment, Commonwealth Department of the – Second Independent Review of the (Water Efficiency Labelling and Standards (WELS) Scheme (3378).
 Environmental Protection Authority, Office of the – Annual Report 2014–2015 (3379).
 Fire and Emergency Services Superannuation Board – Annual Report 2014–2015 (3380).
 Fisheries, Department of – Annual Report 2014–2015 (3381).
 Government Employees Superannuation Board – Annual Report 2014–2015 (3382).
 Government of Western Australia – Annual Report on the State Finances 2014–2015 (3383).
 Heritage Council of Western Australia – Annual Report 2014–2015 (3384).
 Horizon Power – Annual Report 2014–2015 (3385).
 Horizon Power – Financial Report 2014–2015 (3386).
 Insurance Commission of Western Australia – Annual Report 2014–2015 (3387).
 Keep Australia Beautiful – Annual Report 2014–2015 (3388).
 Kimberley Development Commission – Annual Report 2014–2015 (3389).
 Landcorp – Annual Report 2014–2015 (3390).
 Landcorp – Statement of Corporate Intent 2015–2016 (3391).
 Metropolitan Cemeteries Board – Annual Report 2014–2015 (3392).
 National Trust of Australia (WA) – Annual Report 2014–2015 (3393).
 Parks and Wildlife, Department of – Annual Report 2014–2015 (3394).
 Peel Development Commission – Annual Report 2014–2015 (3395).
 Pilbara Development Commission – Annual Report 2014–2015 (3396).
 Public Education Endowment Trust – Annual Report 2014–2015 (3397).
 School Curriculum and Standards Authority – Annual Report 2014–2015 (3398).
 South West Development Commission – Annual Report 2014–2015 (3399).
 Swan River Trust – Annual Report 2014–2015 (3400).
 Synergy – Annual Report 2014–2015 (3401).
 Training and Workforce Development, Department of – Annual Report 2014–2015 (3402).
 Treasury, Department of – Annual Report 2014–2015 (3403).
 Venueswest – Annual Report 2014–2015 (3404).
 Water, Department of – Annual Report 2014–2015 (3405).
 Western Australian Electoral Commission – Annual Report 2014–2015 (3407).
 Western Australian Energy Disputes Arbitrator – Annual Report 2014–2015 (3406).

Western Australian Treasury Corporation – Annual Report 2014–2015 (3408).

Western Power – Annual Report 2014–2015 (3409).

Zoological Parks Authority – Annual Report 2014–2015 (3410).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on initiatives to address family and domestic violence.

The Minister for Seniors and Volunteering on the 2015 Finalists of the Western Australia Seniors Awards.

The Minister for Environment on the merger between the Swan River Trust and the Department of Parks and Wildlife merger.

The Minister for Sport and Recreation on community sporting club equipment grants.

5. Grievances

The Acting Speaker called for grievances which were then made.

6. Economics and Industry Standing Committee

Mr I.C. Blayney, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Annual Report 2014–2015 (3412).

Mr P.C. Tinley, Mr F.M. Logan, Mr J.H. Norberger and Mr T.K. Waldron spoke on the report.

7. Community Development and Justice Standing Committee

Ms M.M. Quirk, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – Annual Report 2014–2015 (3413).

Dr A.D. Buti, Mr C.D. Hatton and Ms L. Mettam spoke on the report.

8. Speaker's Statement – Photographs within the Chamber

The Speaker reminded members that photographs taken on the floor of the House during sitting are prohibited.

9. Public Accounts Committee

Mr B.S. Wyatt, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Review of Auditor General Reports No. 4 – Selected Reports of 2013 and 2014, Report No. 10 (3414).

Mr S. L'Estrange spoke on the report.

10. Terrorism (Extraordinary Powers) Amendment Bill 2015

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Terrorism (Extraordinary Powers) Act 2005*.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

11. Restoration of Bill

Mr S. Love, pursuant to notice, moved,

That the *Local Government Amendment (Regional Subsidiaries) Bill 2014* be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 15 September 2015.

Debate ensued.

Question put and passed.

12. Election of Senators Amendment Bill 2015

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.

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

The Premier 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. Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2015

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.

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

The Minister for State Development 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.

14. Mining Legislation Amendment Bill 2015

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

CONSIDERATION IN DETAIL

Clause 46.

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

15. Members' Statements

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

16. Questions

Questions without Notice were taken.

Questions on Notice Nos 4581 and 4582 were asked.

No Questions on Notice were answered.

17. Unanswered Question on Notice

Mr D.J. Kelly asked why no answers had been received in respect of his Questions on Notice Nos 4301, 4302 and 4303.

18. Papers

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

Albany Port Authority – Annual Report 2014–2015 (3415).
 Animal Resource Authority – Annual Report 2014–2015 (3416).
 Chemcentre – Annual Report 2014–2015 (3417).
 Director of Equal Opportunity in Public Employment – Annual Report 2014–2015 (3418).
 Esperance Port Authority – Annual Report 2014–2015 (3419).
 Fire and Emergency Services, Department of – Annual Report 2014–2015 (3420).
 Forest Products Commission – Annual Report 2014–2015 (3421).
 Fremantle Ports – Annual Report 2014–2015 (3422).
 Gold Corporation – Annual Report 2014–2015 (3423).
 Goldfields–Esperance Development Commission – Annual Report 2014–2015 (3424).
 Health and Disability Services Complaints Office – Annual Report 2014–2015 (3425).
 Health, Department of – Annual Report 2014–2015 (3426).
 Healthway – Annual Report 2014–2015 (3427).
 Kimberley Ports Authority – Annual Report 2014–2015 (3428).
 Lands, Department of – Annual Report 2014–2015 (3429).
 Local Government and Communities, Department of – Annual Report 2014–2015 (3430).
 Local Health Authorities Analytical Committee – Annual Report 2014–2015 (3431).
 Lotterywest – Annual Report 2014–2015 (3432).
 Main Roads Western Australia – Annual Report 2014–2015 (3433).
 Metropolitan Health Service – Annual Report 2014–2015 (3434).
 Mid West Ports Authority – Annual Report 2014–2015 (3435).
 Pilbara Ports Authority – Annual Report 2014–2015 (3436).
 Planning, Department of – Annual Report 2014–2015 (3437).
 Postgraduate Medical Council of Western Australia – Annual Report 2014–2015 (3438).
 Premier and Cabinet, Department of the – Annual Report 2014–2015 (3439).
 Public Sector Commission – Annual Report 2014–2015 (3440).
 Public Transport Authority – Annual Report 2014–2015 (3441).
 Public Trustee – Annual Report 2014–2015 (3442).
 Quadriplegic Centre Board of Management – Annual Report 2014–2015 (3443).
 Queen Elizabeth II Medical Centre Trust – Annual Report 2014–2015 (3444).
 Regional Development, Department of – Annual Report 2014–2015 (3445).
 Rottne Island Authority – Annual Report 2014–2015 (3446).
 Small Business Development Corporation – Annual Report 2014–2015 (3447).
 Southern Ports Authority – Annual Report 2014–2015 (3448).
 Southern Ports Authority – Statement of Corporate Intent 2015–2016 (3449).
 State Development, Department of – Annual Report 2014–2015 (3450).
 State Training Board – Annual Report 2014–2015 (3451).
 Surveillance Devices Act 1998 – Annual Report Pursuant to Section 43 of the Act 2014–2015 (3452).
 Swan Bells Foundation Inc. – Annual Report 2014–2015 (3453).
 Tourism Western Australia – Annual Report 2014–2015 (3454).
 Training Accreditation Council – Annual Report 2014–2015 (3455).
 Transport, Department of – Annual Report 2014–2015 (3456).
 WA Country Health Service – Annual Report 2014–2015 (3457).
 Western Australia Police – Annual Report 2014–2015 (3458).

Western Australian Coastal Shipping Commission – Annual Report 2014–2015 (3459).
 Western Australian Planning Commission – Annual Report 2014–2015 (3460).
 Western Australian Regional Development Trust – Annual Report 2014–2015 (3461).
 Western Australian Reproductive Technology Council – Annual Report 2014–2015 (3462).
 Wheatbelt Development Commission – Annual Report 2014–2015 (3463).

19. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 3 be resumed.

20. Mining Legislation Amendment Bill 2015

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

CONSIDERATION IN DETAIL

Clause 46.

Mr C.J. Tallentire moved,

Page 34, after line 15 – To insert:

“

- (4) The Director General of Mines must ensure that a table is published at the end of each financial year showing:
- (a) total area of native vegetation disturbed or destroyed (in hectares); and
 - (b) total area of native vegetation disturbed or destroyed that has been described as ‘low impact’ (in hectares); and
 - (c) area of native vegetation disturbed or destroyed (in hectares) by vegetation type and by interim biogeographical region.

”.

Amendment 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
 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 D.A. Templeman (*Teller*)

Noes (31)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 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
 Mr J.M. Francis
 Mrs G.J. Godfrey

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
 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
 Ms A.R. Mitchell (*Teller*)

Amendment thus negatived.

Clause 46 agreed to.

Clauses 47 to 56 agreed to.

Clause 57.

The Minister for Mines and Petroleum moved,

Page 60, lines 9 to 11 – To delete “proposal, within the meaning of the Mining Act 1978, and approved under Part IVAA of that Act; and” and substitute:

“

proposal approved under the *Mining Act 1978* Part IVAA after the coming into operation of the *Mining Legislation Amendment Act 2015* section 46; and

”.

Amendment put and passed.

Clause as amended agreed to.

Clauses 50 to 61 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.

21. Revenue Laws Amendment Bill 2015

Message No. 103 dated 24 September 2015 from the Legislative Council was reported agreeing to the bill without amendment.

22. Motion of Appreciation for Mr Peter McHugh, Clerk of the Legislative Assembly

The Leader of the House, pursuant to the foregoing motion, moved,

That this House expresses its sincere appreciation for the distinguished service Mr Peter McHugh has given to the Parliament of Western Australia for over 28 years, serving more than 25 years of that time as Clerk of the Legislative Assembly, and wishes him well in his forthcoming retirement.

The motion was supported by Mr J.H.D. Day, Mr M. McGowan, Mr C.J. Barnett, Mr D.T. Redman, Mrs M.H. Roberts, Mr R.F. Johnson, Mr T.K. Waldron, Mr P.B. Watson, Mr F.M. Logan, Dr G.G. Jacobs, Mr M.J. Cowper, Mr I.M. Britza, Mr J.M. Francis, Ms M.M. Quirk, Mr J.H. Norberger, Mr J.E. McGrath, Mr I.C. Blayney and Mr M.W. Sutherland.

Question put and passed unanimously with applause from members and officers of the Assembly.

Paper

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

By the Minister for Corrective Services –

Corrective Services, Department of – Annual Report 2014–2015 (3464).

23. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 13 October 2015 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 5.01 p.m. until Tuesday, 13 October 2015 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except, Ms W.M. Duncan and Ms E. Evangel.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly