

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 58

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 5 DECEMBER 2013

1. Meeting of Assembly

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

The Deputy Speaker took the Chair.

Prayers were read.

2. Petition

Herbicides – Mr D.J. Kelly presented a petition from 351 persons requesting that Western Australian Government requires local governments to stop the use of herbicides on hard surfaces in public places (P. 92).

3. Papers

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

By the Clerk –

Government of Western Australia – Quarterly Financial Results Report, September 2013 (1255).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business, for the Three Months Ended 31 March 2013 (1256).

State Emergency Management Committee – Annual Report 2012–2013 (1253).

State Emergency Management Committee – Emergency Preparedness Report 2013 (1254).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mines and Petroleum on a fatality at the Telfer Gold Mine.

The Minister for Environment on the Environmental Protection (Noise) Amendment Regulations 2013.

The Minister for Corrective Services on an update on the incident at the Banksia Hill Detention Centre.

Paper

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

By the Minister for Corrective Services –

Banksia Hill Detention Centre – OICS – Directed Review into an Incident at Banksia Hill Detention Centre on 20 January 2013 (1257).

The Minister for Road Safety on a message not to drink and drive during the Christmas season.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. 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 calls on the Government to reveal the following:

- (1) any further cuts to the Education budget;
- (2) the exact changes to the timing and costs of rail promises; and
- (3) the cost of having Fiona Stanley Hospital operating without patients.

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 to suspend Standing Orders, as amended, be agreed to,
Question put.

The 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.

7. Education, Rail and Health Funding

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

That the House calls on the Government to reveal the following:

- (1) any further cuts to the Education budget;
- (2) the exact changes to the timing and costs of rail promises; and
- (3) the cost of having Fiona Stanley Hospital operating without patients.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker
 Dr A.D. Buti
 Mr R.H. Cook
 Ms J. Farrer
 Ms J.M. Freeman
 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 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 T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
 Ms W.M. Duncan

Ms E. Evangel
 Mr J.M. Francis
 Mrs G.J. Godfrey
 Mr B.J. Grylls
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 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*)

Question thus negatived.

8. Public Accounts Committee

Mr D.C. Nalder, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Review of Auditor General Reports No. 2, Selected Reports 2011 and 2012, Report No. 4 (1258).

Mr W.J. Johnston and Mr B.S. Wyatt spoke on the report.

9. Joint Standing Committee on the Corruption and Crime Commission

Mr P. Papalia, 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 – The timeliness of misconduct investigations undertaken or overseen by the CCC: Additional information, Report No. 7 (1259).

10. 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 – Annual Report 2013, Report 70 (1260).

11. Mining Legislation 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 11 agreed to.

Clause 12.

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.

Paper

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

By the Minister for Regional Development –

Regional Development, Department of – Royalties for Regions, Progress Report July 2012 – July 2013 (1262).

Questions on Notice Nos 1612 to 1660 were asked.

Questions on Notice Nos 1515, 1545 and 1577 were answered.

Paper tabled by the Minister for Police –

Question on Notice No. 1515 – Numbers of people charged with hoon offences in the electorate of Girrawheen for 2012–2013 and 2013–2014 to date (1261).

14. Unanswered Question on Notice

Mr W.J. Johnston asked why no answer had been received in respect of his Question on Notice No. 1336.

15. Procedure and Privileges Committee

Ms W.M. Duncan, as Deputy Speaker, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Changes to the Speaker's Procedural Rules: Enhancing Procedural Fairness, Report No. 3, December 2013 (1263).

16. Speaker's Statement – Changes to Speaker's Procedural Rules

The Speaker advised members that following the Procedure and Privileges Committee report just tabled, he would be making additional procedural rules relating to the examination of witnesses before committees and he would later table a copy of that determination.

17. Speaker's Statement – Acting Speaker Appointments

The Speaker advised members that from the conclusion of today's sitting, Mr I.C. Blayney was released from his role as Acting Speaker and Mr N.W. Morton was appointed as an Acting Speaker.

18. Variation to the Order of Business

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

19. Mining Legislation Amendment Bill 2013

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

CONSIDERATION IN DETAIL

Clauses 12 to 14 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Mines and Petroleum 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.

20. Local Government Amendment Bill 2013

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

CONSIDERATION IN DETAIL

Clause 4.

The Minister for Local Government had 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).

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5 put and negatived.

New Clause 5.

The Minister for Local Government moved,

Page 3, after line 25 – To insert:

“

5. Section 4.88 amended

- (1) Delete section 4.88(1) and insert:

- (1) A person must not, during the relevant period in relation to an election —
- (a) print, publish or distribute deceptive material; or
 - (b) cause deceptive material to be printed, published or distributed.

Penalty: a fine of \$5 000 or imprisonment for one year.

- (2) In section 4.88(2) delete “subsection (1)(a)” and insert:

subsection (1)

- (3) Delete section 4.88(3).

Note: The heading to amended section 4.88 is to read:

Offence to print, publish or distribute misleading or deceptive material

”

New clause agreed to.

Clauses 6 to 14 agreed to.

Clause 15.

The Minister for Local Government moved,

Page 11, lines 28 to 30 – To delete the lines and substitute:

“ (3) This clause is subject to clause 5A(2). ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18 put and negatived.

New Clause 18.

The Minister for Local Government moved,

Page 13, after line 16 – To insert:

“

18. Schedule 2.5 clause 2 amended

In Schedule 2.5 clause 2:

- (a) delete “5 members” and insert:

9 members

- (b) in paragraph (b) delete “2 persons” and insert:

4 persons

- (c) after paragraph (c) insert:

- (da) 2 persons are to be nominated by the Minister to represent the interests of the community; and

”

New clause agreed to.

Mr D.A. Templeman moved,

Page 13, after the last line of New Clause 18 – To insert:

“

(d) at the end of clause 2 of Schedule 2.5 insert the following subclause:

(2) The Minister, before making –

(a) a nomination under subsection (1)(a) or (da); or

(b) an appointment under subsection 1(b) or (c),

is to consult with the parliamentary leader of each party in the Parliament.

”.

Amendment put.

The Assembly divided.

Ayes (14)

Ms L.L. Baker

Dr A.D. Buti

Ms J. Farrer

Ms J.M. Freeman

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr J.R. Quigley

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (31)

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

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 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 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*)

Amendment thus negatived.

Clause 19 agreed to.

New clause 19A.

The Minister for Local Government moved,

Page 13, after line 22 – To insert:

“

19A. Schedule 2.5 clause 4 amended

In Schedule 2.5 clause 4(1) delete “9 persons” and insert:

12 persons

”.

New clause agreed to.

Clause 20.

The Minister for Local Government moved,

Page 13, line 27 – To delete the line and substitute:

“ 5 ”.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 21.

The Minister for Local Government moved,

Page 14, lines 2 to 10 – To delete the lines and substitute:

“

(1) In Schedule 2.5 clause 11(2):

(a) in paragraph (b) delete “2 persons” and insert:

4 persons

(b) after paragraph (c) insert:

(da) the 2 persons appointed as members under clause 2(da);
and

(2) In Schedule 2.5 clause 11(3b) delete “3,” and insert:

5,

”.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 22 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Local Government 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.

21. Paper

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

By the Speaker–

Speaker’s Procedural Rules – Speaker’s Determination Relating to the Examination of Witnesses Before Committees (1263).

22. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 18 February 2014 at 2.00 p.m.

Debate ensued.

Question put and passed.

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.30 p.m. until Tuesday, 18 February 2014 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr P.B. Watson.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly