

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 204

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

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THURSDAY, 12 MAY 2016

### 1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

### 2. Speaker's Statement – Presentation of the Budget

The Speaker advised members that the Budget would be presented at 2.00 p.m. this afternoon, Members' Statements would occur at 12.20 p.m. and Questions without Notice would be at 12.30 p.m. The Speaker also advised members that he had approved a media presence in the Chamber to film the presentation of the Budget.

### 3. Petitions

Housing Authority Tenants – Ms J.M. Freeman presented a petition from 8 persons asking the Legislative Assembly to call on the Barnett Government to immediately reverse its decision to change the income assessment for Housing Authority tenants, which now incorporates Centrelink and Veteran's Affairs benefits and allowances as assessable income (P. 371).

Lot 162 (43) Fernhurst Crescent Balga – Ms J.M. Freeman presented a petition from 6 persons asking the Legislative Assembly to call on the Barnett Government to accept the community's wishes that Lot 162 (43) Fernhurst Crescent Balga remain as parkland, ensuring that neither the Department of Housing, Minister for Housing or Minister for Planning overturn the City of Stirling's decision to reject the application (P. 372).

### 4. Papers

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

By the Clerk –

Premier and Cabinet, Department of the – Ministerial Resourcing Report as at 21 April 2016 (4158).

## **5. Notice of Motion Lapsed**

The Speaker advised that Private Members' Business Notice of Motion No. 2 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

## **6. Expiration of Notice of Motion**

The Speaker advised that Private Members' Business Notice of Motion No. 1, notice of which was given on 7 May 2015 and renewed for a further 30 sitting days on 15 October 2015, would be removed and would not appear on the next Notice Paper.

## **7. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Health on the 2016 Nursing and Midwifery Awards.

The Minister for Heritage on the 2016 Western Australian Heritage Awards.

The Minister for Forestry on the tender process for the future harvesting of wild Western Australian sandalwood.

The Minister for Seniors and Volunteering on National Volunteer Week.

## **8. Grievances**

The Deputy Speaker called for grievances which were then made.

## **9. Variation to the Order of Business**

Ordered, That Bills Notices of Motion Nos 1 and 2 be postponed to a later stage of the sitting.

## **10. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 1 be postponed to a later stage of the sitting.

## **11. Aquatic Resources Management Bill 2015**

### **Aquatic Resources Legislation Amendment Bill 2015**

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

Debate resumed.

Debate interrupted by the Chair (Mr P.B. Watson speaking) and adjourned until a later stage of the sitting.

## **12. Members' Statements**

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

## **13. Speaker's Statement – Questions to Parliamentary Secretaries**

The Speaker advised that where a Parliamentary Secretary is representing a Minister in the other place, it is in order for members to ask the Parliamentary Secretary questions regarding that Minister's portfolio responsibilities.

The Speaker reminded members, however, that on previous occasions some notice of a question has been given ahead of Question Time to enable Parliamentary Secretaries to consult with their Minister. This has enabled the Parliamentary Secretary to better respond to the question.

#### **14. Joint Standing Committee on the Corruption and Crime Commission – Terms of Reference**

The Speaker advised that he had received a letter dated 12 May 2016 from the Chair of the Joint Standing Committee on the Corruption and Crime Commission, advising that the Committee had resolved to inquire into the efficiency and timeliness of the current appointment process for Commissioners and Parliamentary Inspectors of the Corruption and Crime Commission. The Committee will report by 17 November 2016.

#### **15. Questions**

Questions without Notice were taken.

Questions on Notice Nos 5458 to 5464 were asked.

Questions on Notice Nos 5146, 5182, 5188, 5195, 5200, 5268, 5296, 5299, 5307, 5324, 5330, 5332 and 5351 were answered.

Paper tabled by the Minister for Health; Tourism –

Question on Notice No. 5195 – Details of exemptions sought and approved to the government’s recruitment freeze for agencies and departments under the Minister’s portfolio of responsibilities (4159).

#### **16. Variation to the Order of Business**

Ordered, That Bills Notices of Motion Nos 1 and 2 be next considered.

#### **17. Appropriation (Recurrent 2016–17) Bill 2016**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2017.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

#### *Papers*

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

By the Treasurer –

Budget 2016–17 – Budget Paper No. 1, Budget Speech (4160).

Budget 2016–17 – Budget Paper No. 2, Budget Statements, Volume 1 (4161).

Budget 2016–17 – Budget Paper No. 2, Budget Statements, Volume 2 (4162).

Budget 2016–17 – Budget Paper No. 3, Economic and Fiscal Outlook (4163).

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

Question put and passed.

#### **18. Appropriation (Capital 2016–17) Bill 2016**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2017.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

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

Question put and passed.

#### **19. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

#### **20. Aquatic Resources Management Bill 2015**

##### **Aquatic Resources Legislation Amendment Bill 2015**

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

Debate resumed.

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

Question put and passed.

#### **21. Local Government Legislation Amendment Bill 2014**

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

#### *CONSIDERATION IN DETAIL*

Clauses 9 to 15 agreed to.

Clause 16.

The Minister for Local Government moved,

Page 13, line 13 – To insert after “frivolous,”:

“ trivial, ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 17 to 25 agreed to.

Clause 26.

Clause put and negatived.

Clause 27.

Clause put and negatived.

Clause 28.

Clause put and negatived.

Clauses 29 to 35 agreed to.

Clause 36.

The Minister for Local Government moved,

Page 25, line 19 – To insert after “section 125(2)”:

“ in the definition of *public body* ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 37 to 52 agreed to.

Clause 53.

The Minister for Local Government moved,  
Page 29, lines 20 to 23 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 54.

Clause put and negatived.

New Clause 54.

The Minister for Local Government moved,

Page 30, after line 6 – To insert:

“

**Division 11 — *Corruption, Crime and Misconduct Act 2003* amended**

**54. Act amended**

This Division amends the *Corruption, Crime and Misconduct Act 2003*.

”

New clause put and passed.

Clause 55.

Clause put and negatived.

New Clause 55.

The Minister for Local Government moved,

Page 30, after line 6 – To insert:

“

**55. Section 3 amended**

- (1) In section 3(1) in the definition of *minor misconduct* delete paragraph (c) and insert:

- (c) conduct engaged in by —

- (i) a member of a local government or council of a local government; or
    - (ii) a member of a council of a regional local government;

- (2) In section 3(1) in the definition of *public authority* paragraph (c) delete “regional local government” and insert:

regional local government, regional subsidiary

”

New clause put and passed.

Clauses 56 to 75 agreed to.

New Part 4, Division 21A.

The Minister for Local Government moved,

Page 34, after line 16 – To insert:

“

**Division 21A — *Medicines and Poisons Act 2014* amended**

**75A. Act amended**

This Division amends the *Medicines and Poisons Act 2014*.

**75B. Section 95 amended**

Delete section 95(1)(c) and insert:

- (c) a person employed by —
  - (i) a local government or regional local government under the *Local Government Act 1995* section 5.36; or
  - (ii) a regional subsidiary.

”.

New division put and passed.

New Part 4, Division 21B.

The Minister for Local Government moved,

Page 34, after line 16 – To insert:

“

**Division 21B — *Mental Health Act 2014* amended**

**75C. Act amended**

This Division amends the *Mental Health Act 2014*.

**75D. Section 572 amended**

In section 572(1) in the definition of *State authority* delete paragraph (d) and insert:

- (d) a local government, regional local government or regional subsidiary;

”.

New division put and passed.

Clauses 76 to 97 agreed to.

Long title.

The Minister for Local Government moved,

Page 1, in the 3rd bullet point – To delete “**the Botanic Gardens and Parks Authority Act 1998**,”.

Amendment put and passed.

Long title, as amended, 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.

**22. Messages from the Governor**

Messages from Her Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –

Appropriation (Recurrent 2016–17) Bill 2016 (Message No. 11).

Appropriation (Capital 2016–17) Bill 2016 (Message No. 12).

**23. 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, 17 May 2016 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mr B.J. Grylls.

**KIRSTEN M. ROBINSON**  
Clerk of the Legislative Assembly

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