

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 161

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 8 SEPTEMBER 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 Regional Development on an update to reforms announced on 7 May 2015 to the way infrastructure and services are delivered to Aboriginal communities in Western Australia.

The Minister for Culture and the Arts on the passing of noted historian Professor Geoffrey Bolton.

The Minister for Road Safety on the 2015–16 Road Trauma Trust Account and the Run-Off-Road Crashes Program.

The Minister for Mines and Petroleum on the death of a worker at a mine site near Southern Cross.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4474 to 4522 were asked.

Questions on Notice Nos 4309, 4332, 4343, 4345, 4347, 4349, 4360, 4366, 4383, 4403, 4404, 4413, 4419, 4428, 4452 and 4454 were answered.

4. Speaker's Statement – Appointment of the Clerk Assistant (Committees)

The Speaker advised members that Mathew Bates had been appointed to the role of Clerk Assistant (Committees). Prior to his appointment Mr Bates worked in the Legislative Assembly Committee Office as a Research Officer for two years, and then as a Principal Research Officer for four years. Mr Bates will take up the role on 10 October 2015.

5. Petitions

Gene Technology Act 2006 – Mr D.T. Redman presented a petition from 28 persons asking that the Legislative Assembly call for an independent review of the *Gene Technology Act 2006* by a parliamentary committee and to call for the Office of Gene Technology Regulator to include

independent science on health and environmental safety risk assessments of GM crops, associated pesticides and GM food (P. 271).

Genetically Modified Crops Free Areas Act 2003 – Mr D.T. Redman presented a petition from 100 persons asking that the Legislative Assembly calls for an independent review of the *Genetically Modified Crops Free Areas Act 2003* by a parliamentary committee, and also that it supports GM-free farming and urges the Government to introduce farmer protection legislation to compensate farmers who suffer economic loss due to GM contamination (P. 272).

Local Government Rate Increases – Mr P.T. Miles presented a petition from 110 persons asking the Legislative Assembly to establish appropriate governing bodies guided by the rate of inflation to limit rate increases by local governments (P. 273).

City of Wanneroo – Mr P.T. Miles presented a petition from 391 persons requesting the Legislative Assembly to restrict the legal odour emission quota of Ingham Enterprises' operations in Sinagra under section 56 of the *Environmental Protection Act 1986* and that the renewal of Ingham's licence under the Act only be granted upon the condition that the company undertakes preparatory action to relocate operations away from the Wanneroo town site to prevent further debilitation (P. 274).

Royal George Hotel – Ms S. McGurk presented a petition from 398 persons requesting the Legislative Assembly to call on the State Government to ensure that prior to any sale there is a resourced and current heritage plan to restore the Royal George Hotel, and ensure that any development proposal is sympathetic to the building and in keeping with community expectations (P. 275).

Royal George Hotel – Ms S. McGurk presented a petition from 25 persons requesting the Legislative Assembly to call on the State Government to ensure that prior to any sale there is a resourced and current heritage plan to restore the Royal George Hotel, and ensure that any development proposal is sympathetic to the building and in keeping with community expectations (P. 276).

6. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Announced Inspection of Albany Regional Prison (Received by the Clerk of the Legislative Assembly on 23 July 2015 and held for a period of thirty days) (3225).

By the Clerk –

Auditor General, Office of the – Annual Report 2014–2015 (3226).

Auditor General, Office of the – Controls Over Employee Terminations, Report 18: August 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 27 August 2015) (3223).

Auditor General, Office of the – Opinions on Ministerial Notifications, Report 19: August 2015 (Received by the Clerk of the Legislative Assembly and deemed tabled on 27 August 2015) (3224).

Conservation and Land Management Act 1984 – Lease No. 1602/97 Between the Department of Parks and Wildlife and the Simmons Pastoral Trust for the Purpose of a Dam Site for Commercial Purposes Within a Portion of State Forest No. 22, Near Jarrahdale (3227).

Criminal Investigation (Covert Powers) Act 2012 – Annual Report Pursuant to Section 76(1) of the Act Regarding the Department of Fisheries Use of Assumed Identities (3228).

Criminal Investigation (Covert Powers) Act 2012 – Report Pursuant to Section 103(1) of the Act Regarding the Department of Fisheries Use of Witness Identity Protection Certificates (3229).

Dangerous Goods Safety Act 2004 – Codes (Approved Codes of Practice in accordance with section 20 of the Dangerous Goods Safety Act 2004 (2015) G.G. 18/08/2015) (3230).

Economic Regulation Authority – 2014 Wholesale Electricity Market Report for the Minister for Energy, February 2015 (3231).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations 2015 G.G. 21/08/2015) (3232).

- Family Court Act 1997 – Regulations (Family Court Amendment Regulations (No. 3) 2015 G.G. 18/08/2015) (3233).
- Fish Resources Management Act 1994 – Management Plans (Gascoyne Demersal Scalefish Management Plan Amendment 2015 [1245] G.G. 25/08/2015) (3234).
- Industrial Relations Act 1979 – Regulations (Industrial Relations Commission Amendment Regulations (No. 3) 2015 G.G. 21/08/2015) (3235).
- Land Administration Act 1997 – No. 5/2015 Under Section 45(4) of the Act for the Excision of Land From Class A Reserve 9997 in the City of Bunbury (3237).
- Land Administration Act 1997 – Proposal No. 3/2015 Under Section 42(4) of the Act for the Excision of Land from Class A Reserve 7214 for the Purpose of a Recreation and Child Care Centre at Rosalie Park, Shenton Park (3236).
- Local Government Act 1995 – Local Laws (City of Joondalup Parking Amendment Local Law 2015 G.G. 4/09/2015) (3238).
- Local Government Act 1995 – Local Laws (Shire of Collie Repeal Local Law 2015 G.G. 4/09/2015) (3239).
- Local Government Advisory Board – Annual Report 2014–2015 (3240).
- Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations (No. 3) 2015 G.G. 4/09/2015) (3241).
- Parliamentary Travel Allowance – Report of Overseas Travel Undertaken by Members of Parliament Funded by the Parliamentary Travel Allowance for the Three Months Ended 30 June 2015 (3242).
- Planning and Development Act 2005 – Regulations (Planning and Development (Local Planning Schemes) Regulations 2015 G.G. 25/08/2015) (3243).
- Planning and Development Act 2005 – Regulations (Planning and Development Amendment Regulations 2015 G.G. 25/08/2015) (3244).
- Premier and Cabinet, Department of the – Ministerial Resourcing Report as at 30 July 2015 (3245).
- Prisons Act 1981 – Regulations (Prisons Amendment Regulations 2015 G.G. 21/08/2015) (3246).
- Professional Standards Act 1997 – Schemes (Institute of Chartered Accountants in Australia Professional Standards Scheme (WA) (Amendment) G.G. 1/09/2015) (3247).
- Residential Tenancies Act 1987 – Regulations (Residential Tenancies Amendment Regulations 2015 G.G. 21/08/2015) (3248).
- Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules (No. 4) 2015 G.G. 4/09/2015) (3249).
- Tobacco Products Control Act 2006 – Regulations (Tobacco Products Control Amendment Regulations (No. 4) 2015 G.G. 25/08/2015) (3250).
- Treasury, Department of – Review of the Financial Management Act 2006, March 2014 (3251).
- Uniform Legislation and Statutes Review, Standing Committee on – Review of the Planning and Development (Development Assessment Panels) Regulations 2011, Report 93 in Accordance with Section 171F(2) of the Planning and Development Act 2005 (3252).
- Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (General) Amendment Regulations (No. 2) 2015 G.G. 28/08/2015) (3253).
- Western Australian Electoral Commission – Political Finance Annual Report, Report on the Operation of Part VI of the Electoral Act 1907 for the Period Ended 30 June 2014 (3254).
- Western Australian Treasury Corporation – Statement of Corporate Intent 2015/2016 (3255).
- Young Offenders Act 1994 – Regulations (Young Offenders Amendment Regulations 2015 G.G. 21/08/2015) (3256).

7. Notices of Motion

8. 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.

9. Expiration of Notice of Motion

The Speaker advised members that Private Members' Business Notice of Motion No. 2, notice of which was given on 16 September 2014 and renewed for a further 30 sitting days on 17 March 2015, would be removed and would not appear on the next Notice Paper.

10. Matter of Public Interest – Cancer Services

The Speaker informed the Assembly that he was in receipt of a notice from Mr R.H. Cook that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr R.H. Cook moved,

That this House condemns the Minister for Health for his mismanagement of cancer services, thereby compromising patient safety and outcomes, and calls on him to retire.

Debate ensued.

Paper

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

By the Minister for Health –

Health, Minister for – Summary Table 1: Waiting times to first appointment at Radiation oncology/Oncology Clinics (3257).

Question put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

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

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 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
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr A. Krsticevic
 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 S.K. L'Estrange (*Teller*)

Question thus negatived.

11. Message from the Governor

Message No. 33 from Her Excellency the Governor was reported assenting to the following bills –
 Appropriation (Recurrent 2015-16) Bill 2015, Act No. 18 of 2015.
 Appropriation (Capital 2015-16) Bill 2015, Act No. 19 of 2015.
 Fire and Emergency Services Amendment Bill 2015, Act No. 20 of 2015.

12. Message from the Governor

Message No. 34 from Her Excellency the Governor was reported recommending that appropriations be made for the purposes of the Revenue Laws Amendment Bill 2015.

13. Revenue Laws 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.

The Assembly divided.

Ayes (30)

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
 Ms W.M. Duncan

Ms E. Evangel
 Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr S.K. L'Estrange
 Mr W.R. Marmion
 Ms L. Mettam

Mr P.T. Miles
 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*)

Noes (16)

Dr A.D. Buti
 Mr R.H. Cook
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr F.M. Logan
 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.B. Watson
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.
Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.
The Leader of the House moved, That the debate be adjourned.
Question put and passed.

14. Notice of Motion after the Time Prescribed

Ms M.M. Quirk was granted leave to give a late notice of motion.

15. Rail Safety National Law (WA) Bill 2014

The Order of the Day for the consideration in detail of Legislative Council Message No. 97 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Rail Safety National Law (WA) 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 Rail Safety National Law (WA) Bill 2014

No. 1

Clause 5, page 3, after line 11 — To insert —

- (2) Delete section 7(3).

No. 2

Clause 8, page 6, lines 19 to 23 — To delete the lines and insert —

- (1) Except as provided in subsection (2), the *Interpretation Act 1984* does not apply to the *Rail Safety National Law (WA)* or to the instruments made under that Law.

No. 3

Clause 8, page 6, after line 30 — To insert —

- (ca) the *Freedom of Information Act 1992*;

No. 4

Clause 9, page 9, line 6 — To delete “prescribed illicit drugs” and insert —

alcohol

No. 5

Clause 48, page 30, line 19 — To delete “of”

No. 6

Clause 50, page 31, line 8 to page 32, line 6 — To delete the clause.

CONSIDERATION IN DETAIL

The Minister for Transport moved, That amendment Nos 1 to 6 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.07 p.m. until Wednesday, 9 September 2015 at 12 noon.

Members present during any part of the day's proceedings – All the members except Ms J. Farrer and Mr S. Love.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly