

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 51

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 20 NOVEMBER 2013

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Child Detention as an Involuntary Patient – Ms L.L. Baker presented a petition from 6,975 persons requesting that the Legislative Assembly takes steps to ensure that no child is ever involuntarily committed or treated and that fully informed parental consent is always required for psychiatric treatment (P. 71).

Avonlink Train Service – Petitions requesting that the Legislative Assembly requests that the Minister for Transport continues to provide the long-distance commuter train from Perth to the Avon Valley and to link the service to the Transperth Smartrider system were presented by –

Ms M. Davies from 2,673 persons (P. 72); and

Mr S. Love from 906 persons (P. 73).

Palliative Care – Mr S. Love presented a petition from 201 persons requesting that the Legislative Assembly directs the Minister of Health to ensure that the Palliative Care Unit at the Morawa-Perenjori Health Service be made available for the use of palliative patients (P. 74).

Staffing and Funding Cuts to Education – Mr G.M. Castrilli presented a petition on behalf of the Speaker from 9 persons requesting that the Legislative Assembly calls on the Barnett Government to protect schools and students from harsh budget cuts. (P. 75).

Public Transport in Baldivis – Mr P. Papalia presented a petition from 187 persons requesting that the Legislative Assembly calls on the Barnett Government to provide better bus services for Baldivis (P. 76).

3. Papers

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

By the Speaker –

Auditor General, Office of the – Western Power's Management of its Wood Pole Assets,
Report 17 – November 2013 (1155).

By the Clerk –

- Australian Children's Education and Care Authority – Annual Report 2012–2013 (1156).
- Biosecurity and Agriculture Management Act 2007 – Management Plans (Biosecurity and Agriculture Management (Fruit Fly) Management Plan 2013 G.G. 12/11/2013) (1157).
- Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1158).
- Cemeteries Act 1986 – Local Laws (Shire of Ashburton Cemeteries Amendment Local Law 2013 G.G. 15/11/2013) (1159).
- Children's Court of Western Australia Act 1988 – Regulations (Children's Court (Fees) Amendment Regulations 2013 G.G. 15/11/2013) (1160).
- Civil Judgments Enforcement Act 2004 – Regulations (Civil Judgments Enforcement Amendment Regulations 2013 G.G. 15/11/2013) (1161).
- Coroners Act 1996 – Regulations (Coroners Amendment Regulations 2013 G.G. 15/11/2013) (1162).
- Country Areas Water Supply Act 1947 – By-laws (Country Areas Water Supply Amendment By-laws (No. 2) 2013 G.G. 15/11/2013) (1163).
- Country Areas Water Supply Act 1947 – By-laws (Country Areas Water Supply Amendment By-laws 2013 G.G. 14/11/2013) (1164).
- Dampier Port Authority – Statement of Corporate Intent 2013–2014 (1165).
- District Court of Western Australia Act 1969 – Regulations (District Court (Fees) Amendment Regulations (No. 2) 2013 G.G. 15/11/2013) (1166).
- Dog Act 1976 – Local Laws (City of Kalgoorlie-Boulder Dogs Amendment Local Law 2013 G.G. 15/11/2013) (1167).
- Environmental Protection Act 1986 – Regulations (Environmental Protection (Clearing of Native Vegetation) Amendment Regulations 2013 G.G. 14/11/2013) (1168).
- Environmental Protection Act 1986 – Regulations (Environmental Protection (Controlled Waste) Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1169).
- Evidence Act 1906 – Regulations (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013 G.G. 15/11/2013) (1170).
- Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Managed Fishery Management Plan Amendment 2013 [1165] G.G. 15/11/2013) (1171).
- Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 11) 2013 G.G. 15/11/2013) (1172).
- Health Act 1911 – Regulations (Construction Camp Amendment Regulations 2013 G.G. 14/11/2013) (1173).
- Health Act 1911 – Regulations (Health (Temporary Sanitary Conveniences) Amendment Regulations 2013 G.G. 14/11/2013) (1174).
- Health Act 1911 – Regulations (Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2013 G.G. 14/11/2013) (1175).
- Health Act 1911 – Regulations (Health Act (Laundries and Bathrooms) Amendment Regulations 2013 G.G. 14/11/2013) (1176).
- Land Information Authority Act 2006 – Regulations (Land Information Authority Amendment Regulations 2013 G.G. 14/11/2013) (1177).
- Liquor Control Act 1988 – Regulations (Liquor Control (Irrungadji Restricted Area) Amendment Regulations 2013 G.G. 15/11/2013) (1178).
- Liquor Control Act 1988 – Regulations (Liquor Control (Punmu Restricted Area) Amendment Regulations 2013 G.G. 15/11/2013) (1179).
- Local Government Act 1995 – Local Laws (Shire of Ashburton Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2013 G.G. 15/11/2013) (1180).
- Local Government Act 1995 – Local Laws (Shire of Ashburton Local Government Property Amendment Local Law 2013 G.G. 15/11/2013) (1181).
- Magistrates Court (Civil Proceedings) Act 2004 – Regulations (Magistrates Court (Civil Proceedings) Amendment Regulations 2013 G.G. 14/11/2013) (1182).

Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations (No. 2) 2013 G.G. 15/11/2013) (1183).

Metropolitan Water Supply, Sewerage, and Drainage Act 1909 – By-laws (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 2013 G.G. 14/11/2013) (1184).

Planning and Development Act 2005 – Regulations (Planning and Development Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1185).

Planning and Development Act 2005 – Regulations (Town Planning Amendment Regulations 2013 G.G. 14/11/2013) (1186).

Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1187).

Residential Parks (Long-stay Tenants) Act 2006 – Regulations (Residential Parks (Long-stay Tenants) Amendment Regulations 2013 G.G. 14/11/2013) (1188).

Rottneest Island Authority Act 1987 – By-laws (Health (Rottneest Island) Amendment By-laws 2013 G.G. 14/11/2013) (1189).

Sentencing Act 1995 – Regulations (Sentencing Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1190).

Settlement Agents Act 1981 – Regulations (Settlement Agents Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1191).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 3) 2013 G.G. 14/11/2013) (1192).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 4) 2013 G.G. 15/11/2013) (1193).

State Enterprises (Commonwealth Tax Equivalents) Act 1996 – Regulations (State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 2013 G.G. 14/11/2013) (1194).

State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1195).

State Supply Commission Act 1991 – Regulations (State Supply Commission Amendment Regulations 2013 G.G. 14/11/2013) (1196).

Supreme Court Act 1935 – Regulations (Supreme Court (Fees) Amendment Regulations (No. 2) 2013 G.G. 15/11/2013) (1197).

Transfer of Land Act 1893 – Regulations (Transfer of Land Amendment Regulations (No. 2) 2013 G.G. 14/11/2013) (1198).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Charges) Amendment By-laws (No. 2) 2013 G.G. 14/11/2013) (1199).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Water Use) Amendment By-laws 2013 G.G. 14/11/2013) (1200).

Water Corporation Act 1995 – Regulations (Water Corporations (Transitional Provisions) Regulations 2013 G.G. 14/11/2013) (1201).

Water Services Act 2012 – Regulations (Water Services (Water Corporations Charges) Regulations 2013 G.G. 14/11/2013) (1202).

Water Services Act 2012 – Regulations (Water Services Regulations 2013 G.G. 14/11/2013) (1203).

Water Services Licensing Act 1995 – Regulations (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2013 G.G. 14/11/2013) (1204).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mines and Petroleum on Repeal Week and red tape reduction for the resources sector.

The Minister for Tourism on the 2013 Margaret River Gourmet Escape.

The Parliamentary Secretary representing the Minister for Commerce on mutual recognition requirements for interstate and New Zealand occupational licences by the Commissioner for Consumer Protection.

5. Statutes (Repeals) Bill 2013

The Premier, pursuant to notice, moved,

That a bill for “An Act—

- to repeal various obsolete Acts; and
- to repeal various obsolete Imperial Acts in so far as they are part of the law of Western Australia; and
- to consequentially amend various Acts,

and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

6. Custodial Legislation (Officers Discipline) Amendment Bill 2013

The Minister for Corrective Services, pursuant to notice, moved,

That a bill for “An Act to amend —

- the *Prisons Act 1981*; and
- the *Young Offenders Act 1994*,

to make provision for various matters relating to the discipline of officers, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

7. Workforce Reform Bill 2013

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

Debate resumed.

Debate interrupted by the Chair (Mr D.J. Kelly speaking) and adjourned until a later stage of the sitting.

8. Questions

Questions without Notice were taken.

Questions on Notice Nos 1571 to 1586 were asked.

Questions on Notice Nos 1278, 1293, 1294, 1303 and 1309 were answered.

Paper tabled by the Minister for Forestry —

Question on Notice No. 1309 — Hectares of plantation timber, by species type, planted in the past five years (1205).

9. Additional Information

The Minister for Police provided additional information relating to her response to a question asked by Mr D.A. Templeman in Estimates Committee A on 21 August 2013.

10. Matter of Public Interest – Education Cuts

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 cruel cuts to education that will result in \$103 million being lost in the 2013–2014 financial year, and the effects this will have on students and staff.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

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

Noes (34)

Mr P. Abetz	Mrs G.J. Godfrey	Mr P.T. Miles
Mr F.A. Alban	Mr B.J. Grylls	Ms A.R. Mitchell
Mr C.J. Barnett	Dr K.D. Hames	Mr N.W. Morton
Mr I.C. Blayney	Mrs L.M. Harvey	Dr M.D. Nahan
Mr T.R. Buswell	Mr C.D. Hatton	Mr D.C. Nalder
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	Hon 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 E. Evangel	Mr W.R. Marmion	
Mr J.M. Francis	Mr J.E. McGrath	

Question thus negatived.

11. Suspension of Standing Orders

Mrs M.H. Roberts, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

- (1) That this House censures the Minister for Police for misleading the Parliament yesterday regarding the application of the *Workforce Reform Bill 2013* to police when she made the following untrue comments:
 - (a) ‘police are not part of that legislation at this moment in time’;
 - (b) ‘it would be premature to include police in this package at this moment in time’;
 - and
 - (c) ‘we are dealing with them separately from the Workforce Reform Bill’.

- (2) That this House, noting that the Premier stated in Parliament today that the provisions of the Workforce Reform Bill that deal with wage negotiations will apply to police, now calls upon the Minister for Police to make a personal explanation and apologise.

Debate ensued.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (34)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
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 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 S.K. L'Estrange
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*)

Noes (18)

Ms L.L. Baker
Mr R.H. Cook
Ms J. Farrer
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 P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker
Mr R.H. Cook
Ms J. Farrer
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

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 Mr C.D. Hatton
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 Dr G.G. Jacobs
 Mr S.K. L'Estrange
 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 negated.

12. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 15 and Private Members' Business Order of the Day No. 9 be next considered.

13. Transport Infrastructure in the West Swan Electorate

Ms R. Saffioti, pursuant to notice, moved,

That this House calls on the Barnett Government to immediately provide certainty to the landowners and residents in the West Swan electorate in relation to transport infrastructure in the area, in particular in respect to the future of the land reserved under the old Perth to Darwin Highway alignment.

Debate ensued.

Question put and negated.

14. Council Amalgamation Process

The Order of the Day having been read for the resumption of debate on the motion moved by Mr D.A. Templeman,

That this House condemns the Barnett Government for creating chaos and confusion amongst Local Governments with its shambolic and dysfunctional Council amalgamation process.

Debate resumed.

Debate interrupted by the Chair (Ms E. Evangel speaking) and adjourned until a later stage of the sitting.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.00 p.m. until Thursday, 21 November 2013 at 9.00 a.m.

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

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly