

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 214

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

TUESDAY, 28 JUNE 2016

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Death of Mr Alexander Ashley Lewis – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret at the death of Mr Alexander Ashley Lewis and tenders its deep sympathy to his family.

The motion was supported by Mr M. McGowan, Mr T.K. Waldron, Mr M.P. Murray, Mr P. Papalia and Mr J.H.D. Day.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the State Library of Western Australia's newest exhibition, *Dutch Journeys to the Western Edge*.

The Minister for State Development on the extension of the Port Price Relief at the Utah Point Bulk Handling Facility for an additional 12 months.

The Minister for Fisheries on the Marine Stewardship Council sustainability certification for the Peel Harvey blue swimmer crab and mullet fisheries.

The Minister for Child Protection on the revised Aboriginal Services and Practice Framework 2016–2018.

The Minister for Sport and Recreation on the State's contract with VenuesLive Management Services to operate Perth Stadium.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 5519 to 5521 were asked.

5. Petition

Betty Street Reserve Lot 382 – Mr F.A. Alban presented a petition from 205 persons asking the Legislative Assembly to prevent the sale of Betty Street Reserve Lot 382, Betty Street, Chidlow, to any land developers and to retain its current protected status as a Public Bush Reserve (P. 381).

6. Papers

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

By the Clerk –

Adoption Act 1994, Children and Community Services Act 2004, Working with Children (Criminal Record Checking) Act 2004 – Regulations (Child Protection Regulations Amendment Regulations 2016 G.G. 24/06/2016) (4265).

Aqwest – Statement of Corporate Intent 2016–17 (4266).

Associations Incorporation Act 2015 – Regulations (Associations Incorporation Regulations 2016 G.G. 24/06/2016) (4267).

Biosecurity and Agriculture Management Act 2007 – Determinations (Local Government Districts – Rates and Charges G.G. 21/06/2016) (4268).

Biosecurity and Agriculture Management Act 2007 – Determinations (Shire of Carnarvon – Mediterranean Fruit Fly Declared Pest Area G.G. 21/06/2016) (4269).

Births, Deaths and Marriages Registration Act 1998 – Regulations (Births, Deaths and Marriages Registration Amendment Regulations 2016 G.G. 24/06/2016) (4270).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2016 G.G. 24/06/2016) (4271).

Community Development and Justice Committee – State Government Response to Recommendations to Committee Report No. 12: How Do They Manage? An Investigation of the Measures WA Police has in Place to Evaluate Management of Personnel (4272).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations (No. 2) 2016 G.G. 24/06/2016) (4273).

Dangerous Goods Safety Act 2004, Mines Safety and Inspection Act 1994, Petroleum (Submerged Lands) Act 1982, Petroleum (Submerged Lands) Registration Fees Act 1982, Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967, Petroleum and Geothermal Energy Resources Act 1967, Petroleum Pipelines Act 1969 – Regulations (Mines and Petroleum Regulations Amendment (Fees and Levies) Regulations 2016 G.G. 24/06/2016) (4274).

Disability Services Act 1993 – Regulations (Disability Services Amendment Regulations (No. 3) 2016 G.G. 24/06/2016) (4275).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules (No. 2) 2016 G.G. 21/06/2016) (4276).

Electricity Industry Act 2004 – Regulations (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2016 G.G. 24/06/2016) (4277).

Evidence Act 1906 – Regulations (Evidence (Prescribed Persons) Amendment Regulations 2016 G.G. 24/06/2016) (4278).

Fish Resources Management Act 1994 – Management Plans (Pilbara Fish Trawl Interim Managed Fishery Management Plan Amendment 2016 [1278] G.G. 21/06/2016) (4279).

Fish Resources Management Act 1994 – Management Plans (Pilbara Trap Managed Fishery Management Plan Amendment 2016 [1277] G.G. 21/06/2016) (4280).

Food Act 2008, Health Act 1911, Health and Disability Services (Complaints) Act 1995, Health Services Act 2016, Poisons Act 1964 – Regulations (Health Services (Consequential Amendments) Regulations 2016 G.G. 24/06/2016) (4281).

Gas Services Information Act 2012 – Regulations (Gas Services Information Amendment Regulations 2016 G.G. 24/06/2016) (4282).

Health Services Act 2016 – Regulations (Health Services (Conduct and Traffic) Regulations 2016 G.G. 24/06/2016) (4283).

Housing Act 1980 – Regulations (Housing Amendment Regulations 2016 G.G. 24/06/2016) (4284).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 5) 2016 G.G. 24/06/2016) (4285).

Local Government Act 1995 – Local Laws (Shire of Lake Grace Local Government Property Local Law 2015 G.G. 21/06/2016) (4286).

Local Government Act 1995 – Local Laws (Shire of Lake Grace Standing Orders Local Law 2015 G.G. 21/06/2016) (4287).

Mental Health Act 2014 – Regulations (Mental Health Amendment Regulations 2016 G.G. 24/06/2016) (4288).

Mining Act 1978, Offshore Minerals Act 2003 – Regulations (Mining and Offshore Minerals Regulations Amendment (Fees and Rents) Regulations 2016 G.G. 24/06/2016) (4289).

Pay-roll Tax Assessment Act 2002 – Regulations (Pay-roll Tax Assessment Amendment Regulations (No. 2) 2016 G.G. 24/06/2016) (4290).

Planning and Development Act 2005 – Regulations (Planning and Development (Local Planning Schemes) Amendment Regulations 2016 G.G. 24/06/2016) (4291).

Public Trustee Act 1941 – Notices (Public Trustee's Scale of Fees 2016 G.G. 22/06/2016) (4292).

Racing and Wagering Western Australia Act 2003 – Regulations (Racing and Wagering Western Australia Amendment Regulations (No. 3) 2016 G.G. 24/06/2016) (4293).

Regional Development, Department of – Royalties for Regions Progress Report – July 2014 – June 2015 (4294).

Registration of Deeds Act 1856, Strata Titles Act 1985, Transfer of Land Act 1893, Valuation of Land Act 1978 – Regulations (Lands Regulations Amendment (Fees and Charges) Regulations 2016 G.G. 24/06/2016) (4295).

Road Traffic (Administration) Act 2008, Road Traffic (Vehicles) Act 2012 – Regulations (Road Traffic Regulations Amendment Regulations 2016 G.G. 24/06/2016) (4296).

State Records Act 2000 – Standards (State Records Principles and Standards 2016 G.G. 21/06/2016) (4297).

State Trading Concerns Act 1916 – Regulations (State Trading Concerns (Authorisation) Amendment Regulations 2016 G.G. 24/06/2016) (4298).

Surveillance Devices Act 1998 – Regulations (Surveillance Devices Amendment Regulations (No. 2) 2016 G.G. 24/06/2016) (4299).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2016 G.G. 24/06/2016) (4300).

Western Australian Planning Commission – Improvement Plan 44: Maitland Strategic Industrial Area (4301).

Western Australian Planning Commission – Improvement Plan No. 42: Anketell Strategic Industrial Area (4302).

Working with Children (Criminal Record Checking) Act 2004 – Regulations (Working with Children (Criminal Record Checking) Amendment Regulations 2016 G.G. 24/06/2016) (4303).

7. Notices of Motion

8. Matter of Public Interest – Non-payment of Subcontractors on Government Projects

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 Liberal National Government for its failure to resolve the ongoing issue of the non-payment of subcontractors on government projects which has resulted in severe financial stress and health impacts on small business people and their families.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr R.F. Johnson
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Mr M. McGowan
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
Ms S.F. McGurk (*Teller*)

Noes (32)

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
Mr J.M. Francis

Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
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
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 A. Krsticevic (*Teller*)

Question thus negatived.

9. Removal of Order of the Day

The Speaker advised that Private Members' Business Order of the Day, Natural Resource Management Groups Funding, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

10. Dangerous Sexual Offenders Legislation 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.

CONSIDERATION IN DETAIL

Clauses 1 to 16 agreed to.

Clause 17.

Mr J.R. Quigley moved,

Page 15, after line 19 – To insert:

“

- (4) A court may only make an order under subsection (1)(b) if the court is satisfied that the offender will comply with the conditions stated in the order.
- (5) The offender has the onus of satisfying the court as described in subsection (4) and the court has to be satisfied —
 - (a) by acceptable and cogent evidence; and
 - (b) to a high degree of probability.
- (6) In deciding whether to make an order under subsection (1)(b), the court must disregard the fact that the person will be subject to electronic monitoring if an order under subsection (1)(b) is made.

”

Amendment put.

The Assembly divided.

Ayes (15)

Dr A.D. Buti
Mr R.H. Cook
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Ms S.F. McGurk
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

Ms R. Saffioti
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (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 E. Evangel

Mr J.M. Francis
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
Ms L. Mettam
Mr P.T. Miles
Ms A.R. Mitchell
Mr N.W. Morton
Mr J. Norberger
Mr A.J. Simpson
Mr M.H. Taylor
Mr T.K. Waldron
Mr A. Krsticevic (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 18 agreed to.

New Clause 18A.

Mr J.R. Quigley moved,

Page 17, after line 3 – To insert:

“

18A. Section 21 replaced

Delete section 21 and insert:

21. Warrant because of contravention

- (1) A member of the police force or community corrections officer who reasonably suspects that a person who is subject to a supervision order is likely to contravene, is contravening, or has contravened, a condition of the order may apply to a magistrate for the issue of a warrant under subsection (3).
- (2) A person who makes an application under subsection (1) must advise the DPP as soon as practicable that the application has been made.
- (3) If the magistrate is satisfied that there are reasonable grounds for the suspicion described in subsection (1), the magistrate has to issue, in the form approved under section 46, a warrant directed to all members of the police force for the person who is subject to the supervision order to be arrested and brought before the Supreme Court for it to consider the suspected or anticipated contravention.
- (4) The warrant may state the suspected or anticipated contravention in general terms.
- (5) A magistrate cannot issue a warrant under subsection (3) for the arrest of a person unless the application for the warrant is supported by evidence on oath.
- (6) A person arrested pursuant to a warrant issued under subsection (3) for a suspected contravention shall not be released on bail, and shall be remanded in custody until the suspected contravention has been the subject of a determination by the Supreme Court.

”

New Clause put.

The Assembly divided.

Ayes (15)

Dr A.D. Buti
Mr R.H. Cook
Mr W.J. Johnston
Mr D.J. Kelly
Mr F.M. Logan

Ms S.F. McGurk
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

Ms R. Saffioti
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (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 E. Evangel

Mr J.M. Francis
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 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
 Ms L. Mettam
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr N.W. Morton
 Mr J. Norberger
 Mr A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

New Clause thus negatived.

Clause 19 agreed to.

Clause 20.

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

Question put and passed.

11. Genetically Modified Crops Free Areas Repeal Bill 2015

Message No. 134 dated 28 June 2016 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to repeal the *Genetically Modified Crops Free Areas Act 2003* and to consequentially amend the *Biosecurity and Agriculture Management Act 2007*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

12. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.17 p.m. until Wednesday, 29 June 2016 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms W.M. Duncan, Ms J. Farrer and Mrs G. Godfrey.

KIRSTEN M. ROBINSON
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly