

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 165

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 16 SEPTEMBER 2015

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Genetically Modified Crops Free Areas Act 2003 – Ms M. Davies presented a petition from 132 persons requesting that the Legislative Assembly call 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. 283).

Bassendean Primary School Oval – Mr D.J. Kelly presented a petition from 1 person asking the Legislative Assembly to cease construction on the Bassendean Primary School car park, restore the oval, and work with staff, parents, students and the wider community to find a solution that preserves our play space (P. 284).

Perth Freight Link: Roe Highway Extension – Mr F.M. Logan presented a petition from 99 persons requesting the Legislative Assembly to call on the Barnett Government to reverse the decision to allow Roe 8 Highway (eastern end of the Perth Freight Link) to go ahead and to support requests by the residents of the City of Cockburn, the sons and daughters of the AWAS women and the RSL City of Cockburn Sub branch to preserve, and not destroy this site (P. 285).

3. Papers

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

By the Clerk –

Corruption and Crime Commission – Telecommunications (Interception and Access) Act 1979 – Annual Report 2014–2015 (3285).

Corruption and Crime Commission – Annual Report 2014–2015 (3284).

Legal Costs Committee – Annual Report 2014–2015 (3286).

Office of Rail Safety – Annual Report 2014–2015 (3287).

Public Advocate of Western Australia – Annual Report 2014–2015 (3288).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the Rottnest Island Authority calling for Expressions of Interest for the development of up market camping facilities at Pinky Beach, Rottnest Island.

The Minister for Sport and Recreation on the Heather MacGowan Scholarship Winners for 2015.

The Minister for Transport on the \$119.8 million approved by the Government to replace the obsolete analogue radio system used by the Public Transport Authority and the replacement of escalators at Perth CDB train stations and an update on the Rail Resilience Program.

5. Alumina Refinery (Mitchell Plateau) Agreement (Termination) Bill 2015

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 P.C. Tinley speaking) and adjourned until a later stage of the sitting.

6. Questions

Questions without Notice were taken.

Questions on Notice Nos 4553 to 4563 were asked.

Questions on Notice Nos 4328, 4357, 4359, 4374 and 4463 to 4469 were answered.

Paper tabled by the Minister for Training and Workforce Development –

Question on Notice No. 4466 – Details of Non-Compliances Included in the Auditor General's Regulation of Training Organisations Report in 2013 to 2014 (3289).

7. Unanswered Question on Notice

Mr D.J. Kelly asked why no answer had been received in respect of his Questions on Notice Nos 4282, 4284 and 4285.

8. Matter of Public Interest – WA TAB

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 the House opposes the sale of the WA TAB.

Debate ensued.

Mr J.E. McGrath moved,

To delete all words after "House" and insert –

“

notes the State Government has listed the WA TAB on the asset sales list and as part of the asset sales process, the State Government will consider all impacts on racing in Western Australia to ensure the racing industry's ongoing sustainability and that the racing industry across the State benefits from any sale.

”

Debate ensued.

The Minister for Regional Development moved,

To delete all words after “Government” where it first occurs in the amendment moved by the Mr J.E. McGrath and to insert –

“

only supports the sale of the TAB if there is a guaranteed ongoing benefit for the racing industry.

”.

Debate ensued.

Dr G.G. Jacobs moved,

To add the following words after “industry” in the amendment moved by the Minister for Regional Development –

“

and local communities throughout Western Australia

”.

Debate ensued.

Mr P. Papalia moved,

To delete the words “ only supports” and also all words after “TAB” in the amendment moved by the Minister for Regional Development and to insert at the beginning the following –

“ does not support ”.

On the question, That all words after “House” in the original motion be deleted,

Amendment put.

The Assembly divided.

Ayes (33)

Mr P. Abetz	Mr J.M. Francis	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 I.M. Britza	Mr C.D. Hatton	Mr D.C. Nalder
Mr G.M. Castrilli	Mr A.P. Jacob	Mr J. Norberger
Mr V.A. Catania	Mr S.K. L'Estrange	Mr D.T. Redman
Ms M.J. Davies	Mr R.S. Love	Mr A.J. Simpson
Mr J.H.D. Day	Mr W.R. Marmion	Mr M.H. Taylor
Ms W.M. Duncan	Mr J.E. McGrath	Mr T.K. Waldron
Ms E. Evangel	Ms L. Mettam	Mr A. Krsticevic (<i>Teller</i>)

Noes (24)

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

Amendment thus passed.

Suspension of Standing Orders

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

allow the votes on the Matter of Public Interest and all proposed amendments to be taken.

Debate ensued.

Sitting suspended from 4.05 p.m. to 4.28 p.m.

Suspension of Standing Orders

Debate resumed.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

On the question, That the Minister for Regional Development's amendment to delete all words after "Government" where it first occurs in the amendment moved by Mr J.E. McGrath be agreed to,

Amendment put and passed.

On the question, That Mr P. Papalia's amendment to delete the words "only supports" and also all the words after "TAB" in the Minister for Regional Development's amendment be agreed to,

Amendment put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Mr M.J. Cowper
Ms J.M. Freeman
Mrs G.J. Godfrey
Mr R.F. Johnson
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 (34)

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
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
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
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*)

Amendment thus negatived.

On the question, That Dr G.G. Jacobs amendment to add the words “and local communities throughout WA” to the Minister for Regional Development’s amendment be agreed to,

Amendment put and passed.

On the question, That the Minister for Regional Development’s amendment, as amended, to insert words in the amendment moved by Mr J.E. McGrath be agreed to,

Amendment put.

The Assembly divided.

Ayes (37)

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 R.F. Johnson
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*)

Noes (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*)

Amendment thus passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Assembly divided.

Ayes (34)

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
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
Mrs L.M. Harvey
Mr C.D. Hatton
Mr A.P. Jacob
Mr R.F. Johnson
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*)

Noes (23)

Ms L.L. Baker
 Dr A.D. Buti
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 Mr M.J. Cowper
 Ms J.M. Freeman
 Mrs G.J. Godfrey
 Dr G.G. Jacobs
 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*)

Question thus passed.

9. Variation to the Order of Business

Ordered, That Private Members' Business Orders of Day Nos 19 and 18 and Notice of Motion No. 9 be next considered.

10. Peel-Harvey Catchment Management Bill 2014

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

Speaker's Statement – Bill requiring a Governor's Message

The Speaker advised members that the question before the House was that the bill be read a second time. However, the Speaker advised that the Peel-Harvey Catchment Management Bill 2014, if passed, would provide for the payment of moneys in certain circumstances.

Section 46(8) of the *Constitution Acts Amendment Act 1899* provides that a vote, resolution or bill for the appropriation of moneys shall not be passed unless the purpose of the appropriation has been recommended by message of the Governor to the Assembly.

The Speaker ruled that this bill requires a message and note that one has not been received. Therefore, in accordance with the practice of the House, the question for the second reading will not be finally put to the House unless a message is received. I direct that the bill go to the bottom of the Notice Paper until a message is received.

Suspension of Standing Orders

Mr C.J. Tallentire, 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 this House request the Premier to advise whether the Governor has been requested to provide a message pursuant to section 46(8) of the *Constitution Act Amendment Act 1889* in relation to the *Peel-Harvey Catchment Management Bill 2014*, and if not, why not.

Debate ensued.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

Requirement of a Governor's Message for the Peel-Harvey Catchment Management Bill 2014

Mr C.J. Tallentire, pursuant to the foregoing motion, moved,

That this House request the Premier to advise whether the Governor has been requested to provide a message pursuant to section 46(8) of the *Constitution Act Amendment Act 1889* in relation to the *Peel-Harvey Catchment Management Bill 2014*, and if not, why not.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
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
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 (34)

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 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 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.

11. Emergency Services Levy

Ms M.M. Quirk, pursuant to notice, had moved,

That this House condemns the Barnett Government for misappropriating funds collected by the Emergency Services Levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

Debate resumed.

Question put.

The Assembly divided.

Ayes (16)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr D.J. Kelly
Mr F.M. Logan

Ms S.F. McGurk
Mr P. Papalia
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 (31)

Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr M.J. Cowper
 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 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.

12. Housing Supply

Ms R. Saffioti, pursuant to notice, moved,

That this House expresses concern that the Government's Perth and Peel@3.5 million plan does not provide for an adequate level of housing supply for the future.

Debate ensued.

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

13. 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, 17 September 2015 at 9.00 a.m.

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

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly