

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 216

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 30 JUNE 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. Petitions

Mental Health Step-up, Step-down Facility – Ms W.M. Duncan presented a petition from 511 persons asking the Legislative Assembly to support those suffering with mental health issues in the Goldfields and see that the Government reinstate the consolidated revenue promised for this desperately needed step-up, step-down facility in Kalgoorlie-Boulder (P. 382).

Housing Authority Tenants – Ms J.M. Freeman presented a petition from 11 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. 383).

3. Papers

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

By the Clerk –

Auditor General, Office of the – Management of Feedback from Public Trustee Represented Persons – Report No. 15: June 2016 (4309).

Auditor General, Office of the – Management of Marine Parks and Reserves – Report 14: June 2016 (4308).

Conservation and Land Management Act 1984 – Lease No. 2352/100 Between the Department of Parks and Wildlife and Sally Jane Chadwick for an Existing Recreational Hut Along the Lower Reaches of the Donnelly River in the D'Entrecasteaux National Park (4310).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the inter-library loan system in use across Western Australia.

The Minister for State Development on his upcoming trip to China with the Minister for Agriculture and Food; Transport.

The Minister for Veterans on Reserve Forces Day, to be held on 1 July 2016.

The Minister for Sport and Recreation on the new Get Onboard and Lead (GOAL) Program.

The Minister for Local Government on the merger of the Shire of Narrogin with the Town of Narrogin, and the expanded City of Perth Boundaries.

5. Grievances

The Acting Speaker called for grievances which were then made.

6. Corruption and Crime Commission, Joint Standing Committee on the

Mr P.B. Watson, as Deputy Chair, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – The outcome of allegations of misconduct made against officers of the Corruption and Crime Commission, Report No. 28 (4311).

7. Public Accounts Committee

Dr K.D. Hames, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Budget Briefing 2016–17, Report No. 14 (4312).

Mr W.J. Johnston spoke on the report.

8. Economics and Industry Standing Committee

Mr I.C. Blayney, as Chair, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Growing WA Through Innovation. The Western Australian Government's Role in Fostering Innovation to Expand and Diversify the Economy, Report No. 7 (4313).

Economics and Industry Standing Committee – Growing WA Through Innovation. The Western Australian Government's Role in Fostering Innovation to Expand and Diversify the Economy, Report No. 7, Submissions (4314).

Mr F.M. Logan, Mr J.H. Norberger, Mr P.C. Tinley and Mr T.K. Waldron spoke on the report.

9. Suspension of Standing Orders

Mr F.M. Logan, 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 the Treasurer commission an immediate audit of South Hedland housing projects, including the management of, and financial arrangements surrounding, Osprey Village.

Debate ensued.

The Deputy Premier moved, To add to the motion –

“

, subject to the debate being limited to 15 minutes for government members and 15 minutes for non-government members.

”.

Amendment put and passed.

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

Question put.

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

10. South Hedland Housing Projects

Mr F.M. Logan, pursuant to the foregoing motion, moved,

That the Treasurer commission an immediate audit of South Hedland housing projects, including the management of, and financial arrangements surrounding, Osprey Village.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker
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
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 (33)

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
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*)

Question thus negatived.

11. Misuse of Drugs Amendment (Search Powers) Bill 2016

The Minister for Police, pursuant to notice, moved,

That a bill for "An Act to amend the *Misuse of Drugs Act 1981*." be introduced and read a first time.

Question put and passed.

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

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

Mrs M.H. Roberts moved, That the debate be adjourned.

Question put and passed.

12. Marketing of Potatoes Amendment and Repeal Bill 2016

The Minister for Agriculture and Food, pursuant to notice, moved,

That a bill for “An Act –

- to repeal the *Marketing of Potatoes Act 1946* to deregulate the ware potato industry; and
 - to provide for consequential amendments to other Acts and for related purposes.”
- be introduced and read a first time.

Question put and passed.

The Minister for Agriculture and Food presented an explanatory memorandum and bill read a first time.

The Minister for Agriculture and Food moved, That the bill be now read a second time.

Ms S. McGurk moved, That the debate be adjourned.

Question put and passed.

13. Dangerous Sexual Offenders Legislation Amendment Bill 2015

The Order of the Day for the third reading of the bill having been read, the Minister for Police moved, That the bill be now read a third time.

Debate ensued.

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

14. Members' Statements

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

15. Questions

Questions without Notice were taken.

Questions on Notice Nos 5568 to 5635 were asked.

Question on Notice No. 5474 was answered.

16. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

17. Dangerous Sexual Offenders Legislation Amendment Bill 2015

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

Debate resumed.

Question put and passed.

Bill read a third time and passed.

18. Emergency Management Amendment Bill 2016

The Order of the Day for the third reading of the bill having been read, the Minister for Emergency Services moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

19. Public Health Bill 2014

Message No. 135 dated 30 June 2016 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Public Health 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 Public Health Bill 2014

No. 1

Clause 4, page 10, lines 14 to 19 — To delete the lines and insert —

- (b) a person employed or engaged in a health service provider (as defined in the *Health Services Act 2016* section 6);

No. 2

Clause 64, page 53, lines 13 to 16 — To delete the lines.

No. 3

Clause 299, page 218, line 25 — To delete “Word” and insert —

World

No. 4

Clause 305, page 224, lines 6 to 15 — To delete the lines and insert —

- (4) If regulations adopt by reference a code or subsidiary legislation, other than any subsidiary legislation to which the *Interpretation Act 1984* section 41 applies —
 - (a) the code or subsidiary legislation is adopted as existing or in force when the regulations are made; and
 - (b) any amendments made to the code or subsidiary legislation after the regulations are made have no legal effect as part of the regulations unless they are specifically adopted by later regulations or a later amendment to the regulations.
- (4A) If regulations adopt by reference any subsidiary legislation to which the *Interpretation Act 1984* section 41 applies, the subsidiary legislation is adopted as existing or in force from time to time.
- (4B) Subsections (4) and (4A) do not apply if regulations state that a particular text is adopted.

No. 5

Clause 305, page 224, lines 16 to 17 — To delete “a code or subsidiary legislation by reference,” and insert —

by reference a code or subsidiary legislation to which subsection (4) applies,

Ordered by leave, That Legislative Council Message No. 135 be considered in detail forthwith.
The Minister for Health moved, That amendment Nos 1 to 5 be agreed to.

Question put and passed.

Consideration in detail concluded.

Ordered, That the Legislative Council be acquainted accordingly.

20. Public Health (Consequential Provisions) Bill 2014

Message No. 136 dated 30 June 2016 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Public Health (Consequential Provisions) 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 Public Health (Consequential Provisions) Bill 2014

No. 1

Clause 2, page 2, lines 4 to 14 — To delete the clause.

No. 2

New Clause 2, page 2, after line 3 — To insert —

2. Commencement

(1) This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 — on a day fixed by proclamation;
- (c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

(2) Subsection (1)(c) is subject to sections 212 and 353.

No. 3

Clause 55, page 36, lines 14 and 15 — To delete “Hospital Board of King Edward Memorial Hospital,” and insert —

chief executive of the health service provider for King Edward Memorial Hospital under the *Health Services Act 2016*,

No. 4

Clause 55, page 36, line 25 — To delete “Hospital Board of that hospital; and” and insert —

chief executive of the health service provider for that hospital under the *Health Services Act 2016*; and

No. 5

Clause 101, page 78, after line 11, the Table the 7th row the 2nd column — To delete “s. 39(2)(a)(i), 69(8)(a) and 95(4)(f)(iii)” and insert —

s. 39(2)(a)(i), 69(8)(a) and (9A)(b) and 95(4)(f)(iii)

No. 6

New Part 3, Division 5A, page 84, after line 17 — To insert —

Division 5A — *Botanic Gardens and Parks Authority Act 1998* amended

110A. Act amended

This Division amends the *Botanic Gardens and Parks Authority Act 1998*.

110B. Section 44A amended

Delete section 44A(1) and insert:

(1) In this section —

Chief Health Officer has the meaning given in the *Public Health Act 2014* section 4(1);

public health has the meaning given in the *Public Health Act 2014* section 4(1).

Note: The heading to amended section 44A is to read:

Chief Health Officer responsible for public health matters

110C. Various references to Executive Director amended

In the provisions listed in the Table delete “Executive Director, Public Health” (each occurrence) and insert:

Chief Health Officer

(1) Table	
44A(2)	44A(3)
44A(4)(a) and (b)	44A(5)
53A(2)	

No. 7

Clause 148, page 95, lines 3 to 12 — To delete the lines.

No. 8

Clause 149, page 95, line 23 — To delete the line.

No. 9

Clause 149, page 96, line 1 — To delete the line.

No. 10

Clause 153, page 97, lines 2 to 4 — To delete the clause.

No. 11

Clause 154, page 97, lines 5 to 13 — To delete the clause.

No. 12

Clause 155, page 97, lines 14 to 18 — To delete the clause.

No. 13

Clause 156, page 97, lines 19 to 23 and page 98, lines 1 to 6 — To delete the clause.

No. 14

Clause 157, page 98, lines 7 to 11 — To delete the clause.

No. 15

Clause 158, page 98, lines 12 to 20 — To delete the clause.

No. 16

Clause 159, page 98, lines 21 to 25 — To delete the clause.

No. 17

New Clause 165A, page 101, after line 3 — To insert —

165A. Section 3 amended

- (1) In section 3(1) delete the definition of *Executive Director, Public Health*.
- (2) In section 3(1) insert in alphabetical order:

Chief Health Officer has the meaning given in the *Public Health Act 2014* section 4(1);

No. 18

New Clause 165B, page 101, after line 3 — To insert —

165B. Section 64 amended

Delete section 64(1C)(c) and insert:

- (c) the Chief Health Officer;

No. 19

Clause 166, page 101, lines 4 to 18 — To delete the clause.

No. 20

New Clause 166, page 101, after line 3 — To insert —

166. Section 69 amended

- (1) In section 69(8a) delete “Executive Director, Public Health —” and insert:

Chief Health Officer —

- (2) In section 69(9A) delete “Executive Director, Public Health” and insert:

Chief Health Officer

No. 21

Clause 177, page 104, lines 2 and 3 — To delete the clause.

No. 22

Clause 178, page 104, lines 4 to 31 and page 105, lines 1 to 4 — To delete the clause.

No. 23

Clause 179, page 105, lines 7 to 9 — To delete the clause.

No. 24

Clause 180, page 105, lines 10 to 26 — To delete the clause.

No. 25

Clause 181, page 106, lines 1 to 5 — To delete the clause.

No. 26

Clause 182, page 106, lines 8 to 10 — To delete the clause.

No. 27

Clause 183, page 106, lines 11 to 16 — To delete the clause.

No. 28

New Part 3, Division 25A, page 108, after line 20 — To insert —

Division 25A — *Private Hospitals and Health Services Act 1927* amended**190A. Act amended**

This Division amends the *Private Hospitals and Health Services Act 1927*.

190B. Section 2 amended

In section 2(1) delete the definition of *infectious disease*.

No. 29

Clause 197, page 110, lines 20 to 24 — To delete the lines.

No. 30

Clause 206, page 112, lines 22 to 27 and page 113, lines 1 to 10 — To delete the clause.

No. 31

Clause 213, page 115, lines 28 to 31, page 116, lines 1 to 32 and page 117, lines 1 to 7 — To delete the clause.

No. 32

New Part 4, Division 14A, page 123, after line 14 — To insert —

Division 14A — Part XIIIIB amended

256A. Section 340AB amended

In section 340AB(3)(d) delete “Princess Margaret Hospital for Children,” and insert:

Perth Children’s Hospital,

No. 33

Clause 260, page 124, line 2 — To delete ““133,” and insert —

“133(1),

No. 34

New Clause 283A, page 128, after line 15 — To insert —

283A Schedule 6 amended

After Schedule 6 clause 5(2) insert:

- (2A) The persons who held office under section 340AB(3)(d) as members of the Perinatal and Infant Mortality Committee, or as deputies of those members, immediately before the coming into operation of the *Public Health (Consequential Provisions) Act 2014* section 256A continue in office, under and subject to Part XIIIIB, as members or, as the case requires, deputies of members of the Committee until the expiry of their respective terms as if they had been appointed by the Minister on the nomination of the chief executive of the health service provider for Perth Children’s Hospital under the *Health Services Act 2016*.

No. 35

Clause 289, page 130, lines 9 to 11 — To delete the clause.

No. 36

Clause 290, page 130, lines 12 to 28 and page 131, lines 1 to 23 — To delete the clause.

No. 37

Clause 311, page 137, lines 10 to 15 — To delete the clause.

No. 38

New Clause 311, page 137, after line 9 — To insert —

311. Section 69 amended

- (1) In section 69(8)(a) delete “*Health (Miscellaneous Provisions) Act 1911*; or” and insert:

Public Health Act 2014; or

- (2) In section 69(9A)(b) delete “*Health (Miscellaneous Provisions) Act 1911*.” and insert:

Public Health Act 2014.

Ordered by leave, That Legislative Council Message No. 136 be considered in detail forthwith.

The Minister for Health moved, That amendment Nos 1 to 38 be agreed to.

Question put and passed.

Consideration in detail concluded.

Ordered, That the Legislative Council be acquainted accordingly.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 16 August 2016 at 2.00 p.m.

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 4.13 p.m. until Tuesday, 16 August 2016 at 2.00 p.m.

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

KIRSTEN M. ROBINSON
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly