

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 1

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

THURSDAY, 11 APRIL 2013

THE PARLIAMENT of Western Australia begun and held in the City of Perth on Thursday, the Eleventh day of April in the Sixty-first year of the Reign of Her Majesty Queen Elizabeth II, and in the Year of Our Lord, Two thousand and thirteen.

1. Proclamation Summoning Parliament to Meet

The Legislative Assembly met at 11.00 a.m. pursuant to the Proclamation of His Excellency the Governor, dated 26 March 2013, which was read by the Clerk, Peter John McHugh, and was as follows –

CONSTITUTION ACT 1889

Proclamation Summoning the Legislative Council and Legislative Assembly

WESTERN AUSTRALIA	)	By His Excellency Malcolm James
Malcolm McCusker	)	McCusker, Companion of the Order of
Governor	)	Australia, Commander of the Royal
	)	Victorian Order, Queen's Counsel,
	)	Governor of the State of Western
	)	Australia

By this proclamation, I, the Governor, acting under the *Constitution Act 1889* section 3 –

- (a) fix Parliament House in the City of Perth as the place for holding the first session of the Legislative Assembly and the Legislative Council in the 39th Parliament; and
- (b) fix Thursday 11 April 2013 at 11.00 a.m. as the time for holding the first sitting of the first session of the Legislative Assembly in the 39th Parliament; and
- (c) fix Thursday 11 April 2013 at 2.45 p.m. as the time for holding the first sitting of the first session of the Legislative Council in the 39th Parliament.

Given under my hand and the Public Seal of the State on 26 March 2013.

By Command of the Governor,

COLIN BARNETT

Premier.

2. Commission to Administer the Oath or Affirmation to Members

The Honourable Commissioner Chief Justice Wayne Martin, Chief Justice of the Supreme Court of Western Australia, was announced to the House and was conducted to the Chair.

The Commission was read by the Clerk as follows –

Commission authorising the Honourable Wayne Stewart Martin AC to administer the oath or affirmation of office to members of the Legislative Assembly

WESTERN AUSTRALIA	)	By His Excellency Malcolm James
Malcolm McCusker	)	McCusker, Companion of the Order of
Governor	)	Australia, Commander of the Royal
	)	Victorian Order, Queen's Counsel,
	)	Governor of the State of Western
	)	Australia

To: The Honourable Wayne Stewart Martin AC, Chief Justice of Western Australia:

I, the Governor, acting under the *Constitution Act 1889* section 22, authorise you to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly on the first day of the 39th Parliament on Thursday 11 April 2013.

Issued under my hand and the Public Seal of the State
at Perth on 3 April 2013.

3. Writs

The Clerk produced the Writs for the General Election and informed the Commissioner that the following members were duly elected –

Albany	-	Peter Bruce Watson
Alfred Cove	-	Dean Cambell Nalder
Armadale	-	Antonio De Paulo Buti
Balcatta	-	Christopher David Hatton
Bassendean	-	David Joseph Kelly
Bateman	-	Matthew Howard Taylor
Belmont	-	Glenys Jenolan Godfrey
Bunbury	-	Giovanni Mario Castrilli
Butler	-	John Robert Quigley
Cannington	-	William Joseph Johnston
Carine	-	Antonio Krsticevic
Central Wheatbelt	-	Mia Jane Davies
Churchlands	-	Sean Kimberley L'Estrange
Cockburn	-	Francis Michael Logan
Collie-Preston	-	Michael Philip Murray
Cottesloe	-	Colin James Barnett
Darling Range	-	Anthony James Simpson
Dawesville	-	Kim Desmond Hames
Eyre	-	Graham Gibson Jacobs
Forrestfield	-	Nathan Wray Morton
Fremantle	-	Simone Frances McGurk
Geraldton	-	Ian Charles Blayney

Girrawheen	-	Margaret Mary Quirk
Gosnells	-	Christopher John Tallentire
Hillarys	-	Robert Frank Johnson
Jandakot	-	Joseph Michael Francis
Joondalup	-	Jan Henrik Norberger
Kalamunda	-	John Howard Dadley Day
Kalgoorlie	-	Wendy Maxine Duncan
Kimberley	-	Josephine Farrer
Kingsley	-	Andrea Ruth Mitchell
Kwinana	-	Roger Hugh Cook
Mandurah	-	David Alan Templeman
Maylands	-	Lisa Loraine Baker
Midland	-	Michelle Hopkins Roberts
Mirrabooka	-	Janine Marie Freeman
Moore	-	Ronald Shane Love
Morley	-	Ian Maxwell Britza
Mount Lawley	-	Michael William Sutherland
Murray-Wellington	-	Murray John Cowper
Nedlands	-	William Richard Marmion
North West Central	-	Vincent Alexander Catania
Ocean Reef	-	Albert Paul Jacob
Perth	-	Helen Evangel
Pilbara	-	Brendon John Grylls
Riverton	-	Michael Dennis Nahan
Rockingham	-	Mark McGowan
Scarborough	-	Liza Mary Harvey
South Perth	-	John Edwin McGrath
Southern River	-	Peter Abetz
Swan Hills	-	Francesco Angelo Alban
Vasse	-	Troy Raymond Buswell
Victoria Park	-	Benjamin Sana Wyatt
Wagin	-	Terrence Keith Waldron
Wanneroo	-	Paul Terrance Miles
Warnbro	-	Paul Papalia
Warren-Blackwood	-	Donald Terrence Redman
West Swan	-	Rita Saffioti
Willagee	-	Peter Charles Tinley

4. Administration of Oath or Affirmation

All the above members took and subscribed the Oath of Allegiance or made and subscribed an Affirmation of Allegiance and signed the roll of members.

His Honour the Commissioner congratulated members and then retired from the Chamber.

5. Election of the Speaker

Mr C.J. Barnett, as the member with the longest continuous service, assumed the Chair.

The Deputy Premier moved, That Mr M.W. Sutherland do take the Chair of the Assembly as Speaker.

The Minister for Regional Development formally seconded the motion.

Mr R.F. Johnson moved, That Mr R.F. Johnson do take the Chair of the Assembly as Speaker.

Mr M.P. Murray formally seconded the motion.

A ballot being required, Mr C.J. Barnett called on Mr A. Krsticevic and Mr D.A. Templeman to act as scrutineers.

Mr C.J. Barnett announced the results of the ballot as follows –

Mr M.W. Sutherland 33 votes

Mr R.F. Johnson 26 votes

Mr C.J. Barnett declared Mr M.W. Sutherland elected as Speaker.

Mr M.W. Sutherland assumed the Chair.

6. Presentation of Speaker

The Premier informed the Legislative Assembly that His Excellency the Governor would be pleased to receive the Speaker and such members as desired to accompany him at 12.30 p.m. that afternoon.

Sitting suspended from 12.10 p.m. to 2.45 p.m.

The Speaker resumed the Chair.

7. Presentation of Speaker

The Speaker reported that, accompanied by Mr C.D. Hatton, Mr A. Krsticevic, Ms S.F. McGurk and Ms W.M. Duncan he had presented himself to His Excellency the Governor, and on behalf of the Legislative Assembly, had laid claim to its undoubted rights and privileges, and asked that the most favourable construction be put upon its proceedings.

His Excellency the Governor had been pleased to express his satisfaction at the choice of the Legislative Assembly in the following terms –

11 April 2013

Mr Speaker,

It is with much pleasure that I learn that you have been elected by the Members of the Legislative Assembly to the high and honourable office of Speaker of the House.

I congratulate you upon your election and have every confidence you will fill the office in a worthy and dignified manner.

I recognise and I shall respect the Legislative Assembly's undoubted rights and privileges.

Yours sincerely

Malcolm McCusker

Governor.

8. Commission to Administer the Oath or Affirmation to Members

The Speaker reported that he had received a Commission from His Excellency the Governor, to swear in honourable members which was read by the Clerk, as follows –

Commission

authorising

THE HONOURABLE MICHAEL WILLIAM SUTHERLAND

Speaker of the Legislative Assembly

to administer the oath or affirmation of office

to members of the Legislative Assembly

WESTERN AUSTRALIA	)	By His Excellency Malcolm James
Malcolm McCusker	)	McCusker, Companion of the Order of
Governor	)	Australia, Commander of the Royal
	)	Victorian Order, Queen's Counsel,
	)	Governor of the State of Western
	)	Australia

To: The Honourable Michael William Sutherland, Speaker of the Legislative Assembly:

I, the Governor, acting under the *Constitution Act 1889* section 22, authorise you, while you are the Speaker of the Legislative Assembly, to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly.

Issued under my hand and the Public Seal of the State

at Perth on 11 April 2013.

9. Message from the Governor

The following Message was delivered by the Usher of the Black Rod –

Mr Speaker,

His Excellency the Governor requests the attendance of the members of the Legislative Assembly in the Legislative Council Chamber, to hear his reasons for summoning the present session of Parliament.

Accordingly, Mr Speaker, accompanied by members, went to attend His Excellency, and having heard His Excellency's speech, returned.

10. Ministerial and Other Government Office Holders

The Premier announced that consequent to the election held on 9 March 2013, he was sworn-in as Premier, together with all Ministers, with effect from 21 March 2013. Dr K.D. Hames had been re-elected Deputy Premier, Mr J.H.D. Day had been appointed as Leader of the House and Mr A. Krsticevic had been elected Government Whip.

The Ministry –

Honourable Colin James Barnett MLA

Premier; Minister for State Development; Science

Honourable Dr Kim Desmond Hames MLA

Deputy Premier; Minister for Health; Tourism

Honourable Brendon John Grylls MLA

Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Honourable Peter Charles Collier MLC

Minister for Education; Aboriginal Affairs; Electoral Affairs

Honourable Troy Raymond Buswell MLA

Treasurer; Minister for Transport; Fisheries

Honourable John Howard Dadley Day MLA

Minister for Planning; Culture and the Arts

Honourable Liza Mary Harvey MLA

Minister for Police; Road Safety; Small Business; Women's Interests

Honourable Donald Terrence Redman MLA

Minister for Training and Workforce Development; Water; Forestry

Honourable Helen Margaret Morton MLC

Minister for Mental Health; Disability Services; Child Protection

Honourable Michael Mischin MLC

Attorney General; Minister for Commerce

Honourable William Richard Marmion MLA

Minister for Mines and Petroleum; Housing

Honourable Terrence Keith Waldron MLA

Minister for Sport and Recreation; Racing and Gaming

Honourable Kenneth Charles Baston MLC

Minister for Agriculture and Food

Honourable Dr Michael Dennis Nahan MLA

Minister for Energy; Finance; Citizenship and Multicultural Interests

Honourable Anthony James Simpson MLA

Minister for Local Government; Community Services; Seniors and Volunteering; Youth

Honourable Albert Paul Jacob MLA

Minister for Environment; Heritage

Honourable Joseph Michael Francis MLA

Minister for Emergency Services; Corrective Services; Veterans

Ministers representing Ministers in the Legislative Assembly –

Honourable Peter Charles Collier MLC representing the Premier; Minister for State Development; Minister Assisting the Minister for State Development; Minister for Sport and Recreation; Racing and Gaming; Minister for Energy; Finance; Citizenship and Multicultural Interests

Honourable Helen Margaret Morton MLC representing the Deputy Premier; Treasurer; Minister for Planning; Culture and the Arts; Minister for Women's Interests; Minister for Local Government; Community Services; Seniors and Volunteering; Youth; Minister for Environment; Heritage

Honourable Michael Mischin MLC representing the Minister for Police; Road Safety; Small Business; Minister for Emergency Services; Corrective Services; Veterans

Honourable Kenneth Charles Baston MLC representing the Minister for Regional Development; Lands; Minister for Fisheries; Minister for Forestry; Minister for Mines and Petroleum; Housing

Ministers representing Ministers in the Legislative Council –

Honourable Colin James Barnett MLA representing the Minister for Electoral Affairs

Honourable Dr Kim Desmond Hames MLA representing the Attorney General; Minister for Aboriginal Affairs

Honourable John Howard Dadley Day MLA representing the Minister for Education

Honourable Donald Terrence Redman MLA representing the Minister for Agriculture and Food

Parliamentary Secretaries –

Honourable Donna Evelyn Mary Faragher MLC

Parliamentary Secretary to the Premier; State Development; Science

Mr John Edwin McGrath MLA

Parliamentary Secretary to the Premier; State Development; Science

Honourable Alyssa Kathleen Hayden MLC

Parliamentary Secretary to the Deputy Premier; Minister for Health; Tourism

Honourable James Edward Chown MLC

Parliamentary Secretary to the Treasurer; Minister for Transport; Fisheries

Mr Paul Terrance Miles MLA

Parliamentary Secretary to the Attorney General; Minister for Commerce

Ms Andrea Ruth Mitchell MLA

Parliamentary Secretary to the Minister for Mental Health; Disability Services; Child Protection

Ms Mia Jane Davies MLA

Parliamentary Secretary to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development

Honourable Colin James Holt MLC

Parliamentary Secretary to the Minister for Training and Workforce Development; Water; Forestry

Papers

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

By the Premier –

Reconstitution of the Ministry – Barnett Ministry, 21 March 2013 (13).

Reconstitution of the Ministry – Ministers' Representation in the Other House – Allocation of Portfolios, 11 April 2013 (14).

11. Opposition Office Holders

Mr M. McGowan announced that he had been re-elected Leader of the Opposition and Mr R.H. Cook had been re-elected Deputy Leader of the Opposition with effect from 2 April 2013. Mr D.A. Templeman had been re-elected Opposition Whip with effect from 9 April 2013.

12. National Party Office Holders

Mr B.J. Grylls announced that he had been re-elected Leader of the Parliamentary National Party and Mr D.T. Redman had been elected Deputy Leader of the Parliamentary National Party with effect from 19 March 2013.

13. Messages from the Governor

Messages from His Excellency the Governor from the previous Parliament were reported assenting to the following bills –

No. 22 – 22 November 2012

Aboriginal Affairs Planning Authority Amendment Bill 2012, Act No. 38 of 2012.

Child Support (Adoption of Laws) Amendment Bill 2012, Act No. 39 of 2012.

Disability Services Amendment Bill 2012, Act No. 40 of 2012.

Inheritance (Family and Dependants Provision) Amendment Bill 2012, Act No. 41 of 2012.

Sentencing Amendment Bill 2012, Act No. 42 of 2012.

Courts Legislation Amendment Bill 2012, Act No. 43 of 2012.

No. 23 – 20 November 2012

National Health Funding Pool Bill 2012, Act No. 44 of 2012.

Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012, Act No. 45 of 2012.

No. 27 – 11 December 2012

Dangerous Sexual Offenders Amendment Bill 2012, Act No. 58 of 2012.

Road Traffic (Miscellaneous Amendments) Bill 2012, Act No. 59 of 2012.

Loan Bill 2012, Act No. 60 of 2012.

Browse (Land) Agreement Bill 2012, Act No. 61 of 2012.

Messages from His Excellency the Lieutenant Governor and Deputy of the Governor from the previous Parliament were reported assenting to the following bills –

No. 24 – 29 November 2012

School Education Amendment Bill 2012, Act No. 46 of 2012.

Wills Amendment (International Wills) Bill 2012, Act No. 47 of 2012.

Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012, Act No. 48 of 2012.

Criminal Organisations Control Bill 2011, Act No. 49 of 2012.

Western Australian Future Fund Bill 2012, Act No. 50 of 2012.

Mining Amendment Bill 2012, Act No. 51 of 2012.

Mental Health Amendment (Psychiatrists) Bill 2012, Act No. 52 of 2012.

Classification (Publications, Films and Computer Games) Enforcement Amendment Bill 2012, Act No. 53 of 2012.

No. 25 – 3 December 2012

Community Protection (Offender Reporting) Amendment Bill 2011, Act No. 54 of 2012.

Criminal Investigation (Covert Powers) Bill 2011, Act No. 55 of 2012.

No. 26 – 6 December 2012

Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012, Act No. 56 of 2012.

Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2012, Act No. 57 of 2012.

14. Messages from the Legislative Council

Messages from the Legislative Council in the previous Parliament were reported returning the following bills without amendment –

28 November 2012

Criminal Law Amendment (Out-of-Control Gatherings) Bill 2012 (Message No. 258).

Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2012 (Message No. 259).

29 November 2012

Road Traffic (Miscellaneous Amendments) Bill 2012 (Message No. 260).

Dangerous Sexual Offenders Amendment Bill 2012 (Message No. 261).

Loan Bill 2012 (Message No. 262).

30 November 2012

Browse (Land) Agreement Bill 2012 (Message No. 263).

15. Papers

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

- C.Y. O'Connor Institute – Annual Report 2012 (1).
- Central Institute of Technology – Annual Report 2012 (2).
- Curtin University – Annual Report 2012 (3).
- Durack Institute of Technology – Annual Report 2012 (4).
- Edith Cowan University – Annual Report 2012 (5).
- Great Southern Institute of Technology – Annual Report 2012 (6).
- Medical Radiation Technologists Registration Board of Western Australia – Annual Report 2012 (7).
- Murdoch University – Annual Report 2012 (8).
- Pharmacy Registration Board of Western Australia – Annual Report 2012 (9).
- South West Institute of Technology – Annual Report 2012 (10).
- University of Western Australia – Annual Report 2012 (11).
- West Coast Institute of Training – Annual Report 2012 (12).

16. State Agreements Legislation Repeal Bill 2013

The Premier, in order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, without notice, moved,

That a bill for “An Act to repeal various Acts for giving effect to agreements between the State and other parties and for consequential and 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.

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

17. His Excellency the Governor's Speech

The Speaker reported that, accompanied by members, he had attended His Excellency the Governor in the Legislative Council Chamber, when His Excellency was pleased to make a speech to both Houses of Parliament. For the sake of greater accuracy, the Speaker had caused copies of the speech to be distributed amongst members of the Chamber.

18. Address in Reply to the Governor's Speech

Ms G.J. Godfrey moved, That the following Address in Reply to His Excellency's Speech be agreed to –

To His Excellency the Honourable Malcolm McCusker AC CVO QC, Governor of the State of Western Australia.

May it please Your Excellency –

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to address to Parliament.

Mr N.W. Morton formally seconded the motion.

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

Question put and passed.

19. Election of Deputy Speaker

The Premier moved, That Ms W.M. Duncan be appointed as Deputy Speaker.

The Minister for Regional Development formally seconded the motion.

As there were no further nominations, the Speaker declared Ms W.M. Duncan elected as Deputy Speaker.

20. Speaker's Statement – Meal Breaks

The Speaker advised members that as in the previous Parliament, the Assembly would break for dinner on Tuesdays between 6.00 p.m. and 7.00 p.m., on Wednesdays there would not be a break for dinner unless the business of the Assembly indicated a need for one, and on Thursdays the Assembly would break for lunch between 1.00 p.m. and 2.00 p.m.

21. Questions

Questions without notice were taken.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 4.02 p.m. until Tuesday, 16 April 2013 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members were present.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly