

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 77

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 20 APRIL 2010

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Indigenous Affairs on the six-monthly report of the Indigenous Implementation Board.

Papers

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

By the Minister for Indigenous Affairs –

Indigenous Implementation Board – Six Monthly Report, March 2010 (2013).

Indigenous Implementation Board – Response to the First Report of the Indigenous Implementation Board (2014).

The Minister for Education on the Government response to the recommendations of the Education and Health Standing Committee Report into Children Missing Out: Education Support for Students on 457 Visas and Students with a Disability.

Paper

The following paper was presented and ordered to lie upon the Table of the House –

By the Minister for Education –

Education and Health Standing Committee – Report into Children Missing Out: Education Support for Students on 457 Visas and Students with a Disability (2015).

The Minister for Planning on the proposed Development Assessment Panels through the Approval and Related Reforms (No. 4) (Planning) Bill 2009.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Planning –

Planning, Department of – Implementing Development Assessment Panels in Western Australia, Policy Statement, April 2010 (2016).

The Minister for Emergency Services on the work by volunteers of the Fire and Emergency Services Authority during and after the Perth hail storm on 22 March 2010.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 2549 to 2703 were asked.

Questions on Notice Nos 2099 to 2102, 2104, 2108, 2111, 2112, 2114, 2117 to 2119, 2123 to 2125, 2127, 2128, 2130 to 2132, 2136, 2140, 2143, 2144, 2147 to 2159, 2161, 2167, 2170, 2171, 2173, 2174, 2176 to 2188, 2190, 2191, 2193 to 2202, 2204, 2205, 2207 to 2222, 2224 to 2236, 2238, 2240, 2241, 2243, 2265, 2268 to 2270, 2272, 2274 to 2279, 2281 to 2295, 2298 to 2314, 2316 to 2331, 2334, 2335, 2337, 2338, 2340 to 2347, 2349 to 2352, 2355 to 2362, 2364 to 2372, 2374 to 2378, 2380, 2381, 2383 to 2393, 2395, 2397 to 2406, 2408, 2410, 2412 to 2416, 2418, 2419, 2421, 2424 to 2426, 2430, 2431, 2433 to 2436, 2438 to 2444, 2446, 2447, 2451 to 2455, 2458, 2459, 2462 to 2464, 2466, 2468 to 2471, 2473 to 2477, 2482, 2484, 2486 to 2489, 2492 to 2498, 2500 to 2516, 2518, 2520 to 2541, 2543, 2544, 2546 and 2547 were answered.

Papers

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

By the Minister for Planning; Culture and the Arts –

Question on Notice No. 2212 – Value of Hire/Purchase of Plants for the period of 1 April 2009 to 28 February 2010 for each Department/Agency under the Portfolios of the Minister for Planning; Culture and the Arts (1986).

Question on Notice No. 2178 – Female Staffing in the Ministerial Office of the Minister for Planning; Culture and the Arts as of March 2010 (1987).

By the Attorney General; Minister for Corrective Services –

Question on Notice No. 2453 – Number of Attendees for Rehabilitative Programs provided in Western Australian prisons in 2007–2008, 2008–2009 and to date in 2009–2010 (1988).

Question on Notice No. 2440 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Attorney General portfolio (1989).

By the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education –

Question on Notice No. 2444 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Agriculture and Food; Forestry portfolios (1990).

By the Minister representing the Minister for Energy; Training and Workforce Development –

Question on Notice No. 2179 – Female Staffing in the Ministerial Office of the Minister for Energy; Training and Workforce Development as of 1 March 2010 (1991).

By the Minister for Education; Tourism –

Question on Notice No. 2419 – Copy of Conditions of Consent letter dated 16 March 2007 from the then Minister for Indigenous Affairs, relating to Rottnest Island Aboriginal burial ground (1992).

Question on Notice No. 2433 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Education; Tourism portfolios [Attachment 1] (1993).

Question on Notice No. 2433 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Education; Tourism portfolios [Attachment 2] (1994).

Question on Notice No. 2500 – Gifted and Talented Residential Accommodation, City Beach Residential College, Guidelines on Enrolment 2010 (1995).

Question on Notice No. 2507 – List of Merit Select Primary Schools, Staff Vacancies, and details of how vacancies were filled for the 2010 school year (1996).

Question on Notice No. 2508 – List of Merit Select High Schools, Staff Vacancies, and details of how vacancies were filled for the 2010 school year (1997).

Question on Notice No. 2512 – Number of Students Enrolled for each year at each District High School in Western Australia as at 23 March 2010 (1998).

Question on Notice No. 2512 – Number of Students Enrolled for each year at each District High School in Western Australia as at 23 March 2009 (1999).

Question on Notice No. 2512 – Total Enrolment of each District High School in Western Australia as at 23 March 2010 (2000).

Question on Notice No. 2512 – Number of Full Time Equivalent Teachers Employed at each Western Australian District High School as at 23 March 2008 (2001).

Question on Notice No. 2512 – Number of Full Time Equivalent Teachers Employed at each Western Australian District High School as at 23 March 2009 (2002).

Question on Notice No. 2512 – Number of Full Time Equivalent Teachers Employed at each Western Australian District High School as at 23 March 2010 (2003).

By the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works –

Question on Notice No. 2435 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Treasury; Commerce; Science and Innovation; Housing and Works portfolios [Attachment 1] (2004).

Question on Notice No. 2435 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Treasury; Commerce; Science and Innovation; Housing and Works portfolios [Attachment 2] (2005).

Question on Notice No. 2238 – Department of Treasury and Finance, Revenue from the Commonwealth 2008–2009 (2006).

By the Minister for Water; Mental Health –

Question on Notice No. 2442 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Water; Mental Health portfolios (2007).

Question on Notice No. 2498 – List of all Infill Sewerage stages let since 2005, including properties serviced and cost (2008).

By the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 2430 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Health; Indigenous Affairs portfolios [Attachment 1] (2009).

Question on Notice No. 2430 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Health; Indigenous Affairs portfolios [Attachment 2] (2010).

Question on Notice No. 2430 – Summary of Car Wash and Detail purchases for vehicles allocated in each Department and Agency under the Health; Indigenous Affairs portfolios [Attachment 3] (2011).

Questions on Notice Nos 2106, 2107, 2110, 2120, 2122, 2138, 2145, 2146, 2267, 2273, 2394, 2396, 2411, 2427, 2460, 2461, 2478 and 2479 were answered on 1 April 2010.

4. Petitions

Extension of the Mitchell Freeway North and of Neerabup Road East – Mr A.P. Jacob presented a petition from 404 persons requesting that the Mitchell Freeway be extended northwards from Burns Beach Road to Hester Avenue and that Neerabup Road be extended eastwards from the Connolly Drive intersection to the proposed Flynn Drive realignment on Wanneroo Road (P. 263).

Urban Development South of the Moore River – Mr W.R. Marmion presented a petition from 20 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 264).

Orange Grove's Inclusion in the Industrial Land Strategy 2009 (Perth and Peel) – Mr A.J. Waddell presented a petition from 736 persons requesting that Orange Grove be removed from the list of possible industrial sites as part of the Industrial Land Strategy 2009 (Perth and Peel) (P. 265).

Funding Cuts to Public Libraries – Ms A.J.G. MacTiernan presented a petition from 912 persons requesting that Western Australian public libraries not be subject to any funding cuts (P. 266).

5. Papers

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

By the Clerk –

- Animal Welfare Act 2002 – Regulations (Animal Welfare (General) Amendment Regulations 2010 G.G. 16/03/2010) (1935).
- ANZAC Day Trust – Annual Report 2009 (1936).
- Central TAFE – Annual Report 2009 (1937).
- Challenger Institute of Technology – Annual Report 2009 (1938).
- Conservation and Land Management Act 1984 – Lease No. 1034/97 between the Department of Environment and Conservation and Manjimup Motor Cycle Club (Inc.) for a Motor Cycle Scramble Course on Portion of State Forest No. 37 near Manjimup (2012).
- Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2010 G.G. 13/04/2010) (1939).
- Curtin University of Technology – Annual Report 2009 (1940).
- Curtin University of Technology Act 1966 – Statutes (Curtin University of Technology Statute No. 10 – Student Discipline G.G. 09/04/2010) (1941).
- CY O'Connor TAFE – Annual Report 2009 (1942).
- Dog Act 1976 – Local Laws (Shire of Koorda Dogs Amendment Local Law 2010 G.G. 13/04/2010) (1943).
- Durack Institute of Technology – Annual Report 2009 (1944).
- Duties Act 2008 – Regulations (Duties Amendment Regulations 2010 G.G. 01/04/2010) (1945).
- Edith Cowan University – Annual Report 2009 (1946).
- Electricity Transmission and Distribution Systems (Access) Act 1994 – Regulations (Electricity Distribution Amendment Regulations 2010 G.G. 16/04/2010) (1947).
- Energy Coordination Act 1994 – Regulations (Energy Coordination (Gas Tariffs) Amendment Regulations 2010 G.G. 26/03/2010) (1948).
- Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws 2010 G.G. 26/03/2010) (1949).
- Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2010 G.G. 26/03/2010) (1950).
- Evidence Act 1906 – Regulations (Evidence (Prescribed Persons) Amendment Regulations 2010 G.G. 09/04/2010) (1951).
- Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Shoalwater Islands Marine Park) Order 2010 [959] G.G. 16/04/2010) (1952).
- Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Shoalwater Islands Marine Park) Order 2010 [959] G.G. 16/04/2010) (1953).
- Forest Products Commission – Plantation Product Contract No. 2892 (Plantation Residue Supply) (1954).

- Gas Supply (Gas Quality Specifications) Act 2009 – Regulations (Gas Supply (Gas Quality Specifications) Regulations 2010 G.G. 26/03/2010) (1955).
- Gold Corporation Act 1987 – Regulations (Gold Corporation (Policy Instruments) Regulations 2009 G.G. 01/04/2010) (1956).
- Great Southern TAFE – Annual Report 2009 (1957).
- Health Act 1911 – Local Laws (City of Stirling Health Local Law 2009 G.G. 26/03/2010) (1958).
- Insurance Commission of Western Australia Act 1986 – Regulations (Insurance Commission of Western Australia (Policy Instruments) Regulations 2009 G.G. 01/04/2010) (1959).
- Kimberley TAFE – Annual Report 2009 (1960).
- Local Government Act 1995 – Local Laws (Shire of Dardanup Standing Orders Local Law 2009 G.G. 22/03/2010) (1961).
- Mines Safety and Inspection Act 1994 – Code of Practice: Consultation at Work (1962).
- Mines Safety and Inspection Act 1994 – Code of Practice: Safe Design of Buildings and Structures (1963).
- Misuse of Drugs Act 1981 – Regulations (Misuse of Drugs Amendment Regulations 2010 G.G. 30/03/2010) (1964).
- Murdoch University – Annual Report 2009 (1965).
- Murdoch University – Annual Report Supplement 2009 (1966).
- Painters Registration Board – Annual Report 2009 (1967).
- Perth Parking Management Act 1999 – Regulations (Perth Parking Management Amendment Regulations 2010 G.G. 01/04/2010) (1968).
- Pilbara TAFE – Annual Report 2009 (1969).
- Plant Diseases Act 1914 – Regulations (Plant Diseases Amendment Regulations 2010 G.G. 30/03/2010) (1970).
- Poisons Act 1964 – Regulations (Poisons Amendment Regulations (No. 3) 2010 G.G. 26/03/2010) (1971).
- Polytechnic West – Annual Report 2009 (1972).
- Retail Trading Hours Act 1987 – Regulations (Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations 2010 G.G. 26/03/2010) (1973).
- Rights in Water and Irrigation Act 1914 – Regulations (Rights in Water and Irrigation Amendment Regulations 2010 G.G. 16/03/2010) (1974).
- South-West Regional TAFE – Annual Report 2009 (1975).
- State Superannuation Act 2000 – Regulations (Government Employees Superannuation Board (Policy Instruments) Regulations 2009 G.G. 01/04/2010) (1976).
- Supreme Court Act 1935 – Rules (Supreme Court (Corporations) (WA) Amendment Rules 2010 G.G. 01/04/2010) (1977).
- Trans-Tasman Mutual Recognition (Commonwealth) Act 1997 – Trans-Tasman Mutual Recognition Amendment Regulations 2010 (No. 1) (1978).
- University of Western Australia – Annual Report 2009 (1979).
- Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Water Use) By-laws 2010 G.G. 16/03/2010) (1980).
- Water Agencies (Powers) Act 1984 – Regulations (Water Agencies (Infringements) Amendment Regulations 2010 G.G. 16/03/2010) (1981).
- Water Boards Act 1904 – By-laws (Busselton Water Area Amendment By-laws 2010 G.G. 01/04/2010) (1982).
- West Coast Institute of Training – Annual Report 2009 (1983).
- Western Australian Marine Act 1982 – Regulations (Navigable Waters Amendment Regulations 2010 G.G. 19/03/2010) (1984).
- Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2010 G.G. 19/03/2010) (1985).

6. Notices of Motion

7. Matter of Public Interest – Referral of the issue of Domestic Gas Prices to the Economics and Industry Standing Committee

The Speaker informed the Legislative 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,

- (1) That the House refer the issue of domestic gas prices for industry and consumers to the Economics and Industry Standing Committee for investigation.
- (2) That the Committee specifically investigate:
 - (a) the price of gas for customers throughout Western Australia;
 - (b) the comparison of the price of gas with other States, especially Victoria, and whether there is a significant price differential and if so, why; and
 - (c) the contrast between domestic gas prices in Western Australia and international LNG prices and the LNG contracts that govern these international prices.
- (3) That the Committee make recommendations on any measures that could be implemented to reduce the price of gas in Western Australia.
- (4) That the Committee report by 30 September 2010.

Debate ensued.

Question put and passed.

8. Speaker's Statement – Replacement Explanatory Memoranda

The Acting Speaker advised members that the Speaker had received a request from the Treasurer to substitute new explanatory memoranda for those presented when the following bills were first read in the Legislative Assembly—the Pay-roll Tax Assessment Amendment Bill 2010, the Pay-roll Tax Rebate Bill and the Revenue Laws Amendment Bill 2010.

The Acting Speaker further advised that the new versions of the explanatory memoranda include amendments to clarify the revenue estimates included in the Pay-roll Tax Assessment Amendment Bill 2010 and the Revenue Laws Amendment Bill 2010. Other minor editorial updates were also necessary to ensure the explanatory memoranda are technically correct.

The Acting Speaker also advised members that the Legislative Assembly will now have a record of the original and the substituted versions of the explanatory memoranda. The new explanatory memoranda has been uploaded to the Legislative Assembly's internet site and added to all of the mentioned bills held in the Legislative Assembly Office.

9. Message from the Governor

Message No. 86 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Revenue Laws Amendment and Repeal Bill 2010.

10. Message from the Governor

Message No. 88 from His Excellency the Governor was reported assenting to the Equal Opportunity Amendment Bill 2009, Act No. 2 of 2010.

11. Message from the Lieutenant Governor and Deputy of the Governor

Message No. 89 from His Excellency the Lieutenant Governor and Deputy of the Governor was reported assenting to the Professional Standards Amendment Bill 2009, Act No. 3 of 2010.

12. Standardisation of Formatting Bill 2009

Message No. 66 dated 23 March 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend various written laws to standardise the formatting of certain aspects of those laws.”

The Attorney General moved, That the first reading of the bill be made an Order of the Day for the next sitting of the Legislative Assembly.

13. Equal Opportunity Amendment Bill 2009

Message No. 67 dated 24 March 2010 from the Legislative Council was reported agreeing to the bill without amendment.

14. Approvals and Related Reforms (No. 2) (Mining) Bill 2009

Message No. 68 dated 24 March 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the Mining Act 1978 and for related purposes.”

The Parliamentary Secretary representing the Premier moved, That the first reading of the bill be made an Order of the Day for the next sitting of the Legislative Assembly.

15. Child Pornography and Exploitation Material and Classification Legislation Amendment Bill 2009

Message No. 69 dated 25 March 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend *The Criminal Code* in relation to child exploitation material offences, to make consequential and other amendments to the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* and for related purposes.”

The Attorney General moved, That the first reading of the bill be made an Order of the Day for the next sitting of the Legislative Assembly.

16. Professional Standards Amendment Bill 2009

Message No. 70 dated 25 March 2010 from the Legislative Council was reported agreeing to the bill without amendment.

17. Pay-roll Tax Assessment Amendment Bill 2010

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 45 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Treasurer moved, That the bill be now read a third time.

Question put and passed.

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

18. Pay-roll Tax Rebate Bill 2010

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 5 agreed to.

Clause 6.

The Treasurer moved,

Page 4, line 13 – To insert before “meets”:

“ the employer ”.

Amendment put and passed.

The Treasurer moved,

Page 4, line 16 – To delete “has” and substitute:

“ have ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7.

The Treasurer moved,

Page 6, line 32 – To delete “less than” and substitute:

“ less than ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 8 to 14 agreed to.

Title agreed to.

Consideration in detail concluded.

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

19. Notice of Motion after the Time Prescribed

Mr J.N. Hyde was granted leave to present a late notice of motion.

20. Revenue Laws Amendment Bill 2010

Revenue Laws Amendment and Repeal Bill 2010

The Order of the Day for the resumption of the debate upon the second reading of the Revenue Laws Amendment Bill 2010 was read.

Cognate Debate

Leave was granted to debate the Revenue Laws Amendment and Repeal Bill 2010 in conjunction with this Revenue Laws Amendment Bill 2010.

Debate resumed.

Question put.

The Assembly divided.

Ayes (27)

Mr P. Abetz	Mr J.H.D. Day	Mr P.T. Miles
Mr F.A. Alban	Mr J.M. Francis	Ms A.R. Mitchell
Mr I.C. Blayney	Mr B.J. Grylls	Dr M.D. Nahan
Mr J.J.M. Bowler	Dr K.D. Hames	Mr C.C. Porter
Mr T.R. Buswell	Mrs L.M. Harvey	Mr D.T. Redman

Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable
 Mr M.J. Cowper

Mr A.P. Jacob
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr W.R. Marmion

Mr A.J. Simpson
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Mr J.E. McGrath (*Teller*)

Noes (24)

Ms L.L. Baker
 Ms A.S. Carles
 Mr R.H. Cook
 Ms J.M. Freeman
 Mr J.N. Hyde
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan

Ms A.J.G. MacTiernan
 Mr M. McGowan
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O'Gorman
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk

Mr E.S. Ripper
 Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Legislative Assembly.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.03 p.m. until Wednesday, 21 April 2010 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr C.J. Barnett, Mr I.M. Britza, Dr G.G. Jacobs and Ms R. Saffioti.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly