

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 82

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 6 MAY 2010

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

Funding Cuts to Public Libraries – Mr B.S. Wyatt presented a petition from 19 persons requesting that the Government reverse its decision to cut funding to public libraries (P. 282).

Work Practices of Trolley Pushers at Karratha Centro Shopping Centre – Mr V.A. Catania presented a petition from 576 persons requesting that the unsafe work practices of Trolley Pushers at the Karratha Centro Shopping Centre be addressed (P. 283).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mental Health on funding for Lifeline's 'suicideTALK' program to encourage communities to talk about suicide.

The Minister for Planning on the Greater Bunbury Region Scheme (GBRS) Amendments 0004/41 and 0006/41 – Capel East and Capel Townsite, Shire of Capel.

Papers

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

By the Minister for Planning –

Planning, Department of – Greater Bunbury Region Scheme Amendment 0004/41: Capel East, Shire of Capel, Report on Submissions and Submissions, March 2010 (2055).

Planning, Department of – Greater Bunbury Region Scheme Amendment 0006/41: Areas Identified in the Capel Townsite Strategy, Shire of Capel, Report on Submissions and Submissions, March 2010 (2056).

The Minister for Sport and Recreation on a recent presentation by author and futurist, Richard Louv, and the launch of the Nature Play WA initiative.

4. Grievances

The Speaker called for grievances which were then made.

5. Education and Health Standing Committee

Dr J.M. Woppard, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Education and Health Standing Committee – Destined to Fail: Western Australia's Health System, Volume 1 – Hospital Sector, Report No. 6 (2057).

Education and Health Standing Committee – Destined to Fail: Western Australia's Health System, Volume 2 – Community Health Sector, Report No. 6 (2058).

Education and Health Standing Committee – Destined to Fail: Western Australia's Health System, Submissions (2059).

Dr J.M. Woppard, Mr P.B. Watson, Mr P. Abetz, Ms L.L. Baker and Mr I.C. Blayney spoke on the report.

6. Joint Standing Committee on Delegated LegislationDelegated Legislation, Joint Standing Committee on

Mr J.M. Francis, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Annual Report 2009, Report No. 39 (2060).

Mr J.M. Francis, Ms J.M. Freeman and Mr A.J. Waddell spoke on the report.

7. Economics and Industry Standing Committee – Reporting Date

The Leader of the House, pursuant to notice, moved,

That the date for presentation of the report on the Economics and Industry Standing Committee's Inquiry into Domestic Gas Prices be extended to 28 February 2011.

Debate ensued.

Question put and passed.

8. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 11.

Dr J.M. Woppard had moved –

Page 7, after line 13 – To insert:

“

- (2) The Minister must not approve an improvement scheme or an amendment to an improvement scheme in accordance with section 87, if it allows structures 36 metres tall or higher, unless –
 - (a) the improvement scheme or amendment has been laid before each House of Parliament; and
 - (b) after a period of at least 14 sitting days after that improvement scheme or amendment was laid before it, each House has passed a resolution approving it.

”

Amendment put.

The Assembly divided.

Ms A.S. Carles	Ayes (2)	Dr J.M. Woppard (<i>Teller</i>)
Noes (49)		
Mr P. Abetz	Dr G.G. Jacobs	Mr D.T. Redman
Mr F.A. Alban	Mr R.F. Johnson	Mr E.S. Ripper
Ms L.L. Baker	Mr W.J. Johnston	Mrs M.H. Roberts
Mr C.J. Barnett	Mr J.C. Kobelke	Ms R. Saffioti
Mr I.C. Blayney	Mr A. Krsticevic	Mr A.J. Simpson
Mr T.R. Buswell	Mr F.M. Logan	Mr T.G. Stephens
Mr G.M. Castrilli	Mr M. McGowan	Mr M.W. Sutherland
Mr V.A. Catania	Mr J.E. McGrath	Mr C.J. Tallentire
Mr R.H. Cook	Mrs C.A. Martin	Mr P.C. Tinley
Mr M.J. Cowper	Mr P.T. Miles	Mr A.J. Waddell
Mr J.H.D. Day	Ms A.R. Mitchell	Mr T.K. Waldron
Mr J.M. Francis	Mr M.P. Murray	Mr P.B. Watson
Ms J.M. Freeman	Dr M.D. Nahan	Mr M.P. Whitely
Mr B.J. Grylls	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mrs L.M. Harvey	Mr P. Papalia	Mr D.A. Templeman (<i>Teller</i>)
Mr J.N. Hyde	Mr J.R. Quigley	
Mr A.P. Jacob	Ms M.M. Quirk	

Amendment thus negated.

Clause agreed to.

Clauses 12 to 42 agreed to.

Clause 43.

Ms J.M. Freeman, on behalf of Mr M. McGowan, moved,

Page 31, after line 19 – To insert:

“

- (5) Notwithstanding anything contained in this Part, no matter that is valued at less than four million dollars will go before a DAP for decision.

”.

Amendment, by leave, withdrawn.

Paper

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

By the Minister for Planning –

Approvals and Related Reforms (No. 4) (Planning) Bill 2009 – Legislative and policy framework for the establishment and operation of Development Assessment Panels (2061).

Ms J.M. Freeman moved,

Page 33, line 17 – To insert after “the”:

“ paid ”.

Amendment put and passed.

The Minister for Planning moved,

Page 33, line 17 – To delete “who want to be eligible” and substitute

“ appointed ”.

Amendment put and passed.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

9. Members' Statements

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

10. Questions

Questions without Notice were taken.

Questions on Notice Nos 2878 to 2882 were asked.

11. Public Accounts Committee – Terms of Reference

The Speaker advised members that he had received a letter from Mr J.C. Kobelke, MLA, Chairman of the Public Accounts Committee, advising that the Committee had resolved to inquire into Government payments to Ms Tirzah Bell in the 2008–2009 financial year and the employment or contractual arrangements on which any payments were based. The Committee would report to the House by 24 June 2010.

The Speaker further advised members that he had arranged for the Committee's terms of reference to be placed on the notice boards of the Legislative Assembly.

12. Suspension of Standing Orders

Mr M. McGowan, without notice, moved, That so much of the Standing Orders be suspended as is necessary to allow Question Time to continue for another 30 minutes.

Debate ensued.

Question put.

The Assembly divided.

Ayes (27)

Ms L.L. Baker	Ms A.J.G. MacTiernan	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mrs C.A. Martin	Mr C.J. Tallentire
Mr R.H. Cook	Mr M.P. Murray	Mr P.C. Tinley
Ms J.M. Freeman	Mr A.P. O'Gorman	Mr A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr P.B. Watson
Mr W.J. Johnston	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.C. Kobelke	Ms M.M. Quirk	Mr B.S. Wyatt
Mr F.M. Logan	Mr E.S. Ripper	Ms R. Saffioti (<i>Teller</i>)

Noes (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 C.J. Barnett	Mr B.J. Grylls	Dr M.D. Nahan
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr T.R. Buswell	Mrs L.M. Harvey	Mr A.J. Simpson
Mr G.M. Castrilli	Mr A.P. Jacob	Mr M.W. Sutherland
Mr V.A. Catania	Dr G.G. Jacobs	Mr T.K. Waldron
Dr E. Constable	Mr R.F. Johnson	Dr J.M. Woppard
Mr M.J. Cowper	Mr A. Krsticevic	Mr J.E. McGrath (<i>Teller</i>)

In the absence of an absolute majority, the question was thus resolved in the negative.

The votes being equal, the Speaker cast his vote with the noes.

13. Variation to the Order of Business

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

14. Approvals and Related Reforms (No. 4) (Planning) Bill 2009

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

On the question, That Clause 43, as amended, be agreed to,

Mr M. McGowan moved,

Page 34, after line 26 – To insert:

“

Notwithstanding anything contained in this Part, the cost of staffing facilities and services of a DAP will be met by the State.

”.

Amendment put.

The Assembly divided.

Ayes (25)

Ms L.L. Baker	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mrs C.A. Martin	Mr P.C. Tinley
Mr R.H. Cook	Mr M.P. Murray	Mr A.J. Waddell
Ms J.M. Freeman	Mr P. Papalia	Mr P.B. Watson
Mr J.N. Hyde	Mr J.R. Quigley	Mr M.P. Whitely
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr E.S. Ripper	Ms R. Saffioti (<i>Teller</i>)
Mr F.M. Logan	Mrs M.H. Roberts	
Ms A.J.G. MacTiernan	Mr T.G. Stephens	

Noes (26)

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 C.J. Barnett	Mr B.J. Grylls	Dr M.D. Naham
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr A.J. Simpson
Mr G.M. Castrilli	Mr A.P. Jacob	Mr M.W. Sutherland
Mr V.A. Catania	Dr G.G. Jacobs	Mr T.K. Waldron
Dr E. Constable	Mr R.F. Johnson	Mr J.E. McGrath (<i>Teller</i>)
Mr M.J. Cowper	Mr A. Krsticevic	

Amendment thus negated.

Clause, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46.

Mr C.J. Tallentire moved,

Page 36, after line 16 – To insert:

“

(b) If the Minister receives a recommendation from the Commission to issue a direction and the Minister elects not to follow that recommendation, the Minister must publish in the *Gazette* the reasons for not issuing such direction.

”.

Amendment, by leave, withdrawn.

The Minister for Planning moved,
Page 37, after line 4 – To insert:

“

- (5) If –
 - (a) the Commission makes a recommendation for the purposes of subsection (1); and
 - (b) the Minister decides not to make an order pursuant to the recommendation, the Minister must, as soon as is practicable –
 - (c) give the Commission written reasons for the Minister’s decision; and
 - (d) cause a copy of the reasons to be laid before each House of Parliament or dealt with under section 268A.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 47 to 49 agreed to.

Clause 50.

The Minister for Planning moved,

Page 38, line 6 – To insert after “77A(4)”:

“ or (5) ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 51 to 70 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Planning moved,

“

That the Approvals and Related Reforms (No. 4) (Planning) Bill 2009 be reconsidered in detail for the purpose only of considering amendments to Clause 43.

”.

Question put and passed.

RECONSIDERATION IN DETAIL

Upon reconsideration in detail of Clause 43.

The Minister for Planning moved,

Page 34, lines 4 and 5 – To insert after “DAPs by”:

“ the chief executive officer or by ”.

Amendment put and passed.

Mr M. McGowan moved,

Page 34, lines 9 to 14 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mrs C.A. Martin	Mr P.C. Tinley
Mr R.H. Cook	Mr M.P. Murray	Mr A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr P.B. Watson
Mr W.J. Johnston	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.C. Kobelke	Ms M.M. Quirk	Mr B.S. Wyatt
Mr F.M. Logan	Mr E.S. Ripper	Ms R. Saffioti (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mrs M.H. Roberts	

Noes (26)

Mr P. Abetz	Mr M.J. Cowper	Mr P.T. Miles
Mr F.A. Alban	Mr J.H.D. Day	Ms A.R. Mitchell
Mr C.J. Barnett	Mr J.M. Francis	Dr M.D. Naham
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr A.J. Simpson
Mr T.R. Buswell	Mr A.P. Jacob	Mr M.W. Sutherland
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr T.K. Waldron
Mr V.A. Catania	Mr R.F. Johnson	Mr J.E. McGrath (<i>Teller</i>)
Dr E. Constable	Mr A. Krsticevic	

Amendment thus negatived.

Clause, as amended, agreed to.

Reconsideration in detail concluded.

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

15. Pay-roll Tax Rebate Bill 2010

Message No. 77 dated 6 May 2010 from the Legislative Council was reported agreeing to the bill without amendment.

16. Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009

Message No. 76 dated 6 May 2010 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009* 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 Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009

No. 1

Page 8, line 10 — To delete “person” and insert —

public service officer of the department that is principally assisting in the administration of the relevant Act, who is

No. 2

Page 13, line 15 — To delete “lands,” and insert —

land,

No. 3

Page 13, line 18 — To delete “lands,” and insert —

land,

No. 4

Page 13, line 26 — To delete “grantee” and insert —

grantor

Ordered, That consideration in detail of Legislative Council Message No. 76 be made an Order of the Day for the next sitting of the Assembly.

17. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 18 May 2010 at 2.00 p.m.

Question put and passed.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.40 p.m. until Tuesday, 18 May 2010 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Mr W.R. Marmion and Mr C.C. Porter.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly