

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 9

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 15 MAY 2013

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Amended Seating Plan

The Speaker advised members that he had approved an amended seating plan for the government side of the House.

3. Speaker's Statement – Senate Appointment

The Speaker advised members that a Joint Sitting of both Houses was held on this day and that Susan Lines was duly elected as a Senator of the Commonwealth Parliament.

4. Papers

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

By the Speaker –

Auditor General, Office of the – Audit Results Report – Annual Assurance Audits and Across Government Benchmarking Audits, Report 4, May 2013 (308).

By the Clerk –

Conservation and Land Management Act 1984 – Lease No. 2340/100 between the Conservation and Land Management Executive Body and Electricity Networks Corporation trading as Western Power for the purpose of installing a microwave radio site within a portion of Boorabbin National Park (309).

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Treasurer on the deferral of the abolition of transfer duty on non-real business assets and narrowing of State tax exemptions for certain industry bodies.

The Minister for Culture and the Arts on the former Director General of the Department of Culture and the Arts, Ms Allanah Lucas.

The Minister for Mines and Petroleum on the state of the Western Australian minerals and petroleum resources sector.

6. Royal Perth Hospital Protection Bill 2013

Mr R.H. Cook, pursuant to notice, moved,

That a bill for “An Act to provide for the continued operation of Royal Perth Hospital.” be introduced and read a first time.

Question put and passed.

Mr R.H. Cook presented an explanatory memorandum and bill read a first time.

Mr R.H. Cook moved, That the second reading of the bill be made an Order of the Day for a later stage of the day’s sitting.

Question put and passed.

7. Supply Bill 2013

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

Debate resumed.

Suspension of Standing Orders

Mr M. McGowan, 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 condemns the Premier for breaking a commitment to reduce taxation on West Australian small businesses.

Debate ensued.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (36)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
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 S.K. L’Estrange
Mr R.S. Love
Mr W.R. Marmion

Mr J.E. McGrath
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. Farrer
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 D.A. Templeman (*Teller*)

Question thus passed.

On the question, That so much of Standing Orders be suspended,

Question put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J. Farrer

Ms J.M. Freeman

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

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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.

On the question, That the bill be read a second time,

Debate resumed.

Debate interrupted by the Chair (Ms J.M. Freeman speaking) and adjourned until a later stage of the sitting.

8. Questions

Questions without Notice were taken.

Papers

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

By the Premier –

Premier – Letter from the Premiers of New South Wales, Victoria, Queensland and Western Australia to the GST Distribution Review Panel, dated 25 September 2012, regarding a review of the Goods and Services Tax Distribution (314).

By the Treasurer –

Treasurer – Western Australia's Relativity – Western Australian Estimates (315).

Treasurer – Western Australia and Northern Territory GST Grants – Western Australian Estimates (316).

Questions on Notice Nos 223 to 231 were asked.

Questions on Notice Nos 2, 4 to 6, 23, 34, 35, 48 and 55 were answered.

Paper tabled by the Minister for Police; Road Safety; Small Business; Women's Interests –

Question on Notice No. 48 – Details relating to employees engaged in media, communications, marketing or speechwriting for each department and agency under the Minister for Police’s control as at 15 April 2013 (310).

Papers tabled by the Minister for Energy; Finance; Citizenship and Multicultural Interests –

Question on Notice No. 5 – Budgeted expected Western Power profits and dividend payments to Government for the years between 2012 and 2016 (311).

Question on Notice No. 34 – Details relating to the New Buildings Program’s timeframes (312).

Question on Notice No. 55 – Details relating to employees engaged in media, communications, marketing or speechwriting for each department and agency under the Minister for Energy’s control as at 15 April 2013 (313).

9. Message from the Governor

Message No. 1 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Supply Bill 2013.

10. Additional Information

The Minister for Planning provided additional information relating to Question without Notice No. 102 from Ms M.M. Quirk.

11. Variation to the Order of Business

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

12. Supply Bill 2013

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 (Mrs M.H. Roberts speaking) and adjourned until a later stage of the sitting.

13. Variation to the Order of Business

Ordered, That Private Members’ Business Order of the Day for the second reading of the Royal Perth Hospital Protection Bill 2013 and Private Members’ Business Notices of Motion Nos 5 and 3 be next considered.

14. Royal Perth Hospital Protection Bill 2013

The Order of the Day for the second reading of the bill was read.

The Mr R.H. Cook moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

15. Land Supply and Land Approvals

Ms R. Saffioti, pursuant to notice, moved,

That this House condemns the Barnett Government on its failure to provide adequate land supply and land approvals in Western Australia to meet increasing housing demand.

Debate ensued.

Paper

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

Housing, Minister for – Joint Venture Information for the Department of Housing (317).

Debate interrupted by the Chair (Mr D.A. Templeman speaking) and adjourned until a later stage of the sitting.

16. Message from the Legislative Council

Message No. 1 dated 15 May 2013 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the following resolution and invites the Legislative Assembly to concur with the resolution –

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Delegated Legislation.

SCHEDULE

6. Joint Delegated Legislation Committee

- 6.1 A *Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4
 - (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
 - (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument —
 - (a) is within power;
 - (b) has no unintended effect on any person's existing rights or interests;
 - (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on —
 - (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 6.8 In this order —

“instrument” means —

- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
- (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;

“subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Ordered, That consideration in detail of Legislative Council Message No. 1 be made an Order of the Day for the next sitting of the Assembly.

17. Message from the Legislative Council

Message No. 2 dated 15 May 2013 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the following resolution and invites the Legislative Assembly to concur with the resolution –

That the Legislative Assembly be invited to agree to the rules and orders of the Legislative Council contained in the schedule for the constitution, powers and procedure of a Joint Standing Committee on Audit.

SCHEDULE

9. Joint Audit Committee

- 9.1 A *Joint Audit Committee* is established.
- 9.2 The Committee consists of 4 Members (including the Chair) of the Legislative Council Standing Committee on Estimates and Financial Operations and 4 Members of the Legislative Assembly Public Accounts Committee, 2 of whom from each House support the Government.
- 9.3 The Members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section 9.2 are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 164. The requirement for leave under Standing Order 164 does not apply to these appointments.
- 9.4 The Chair of the Standing Committee on Estimates and Financial Operations will be the Chair of the Joint Audit Committee.
- 9.5 The Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

Ordered, That consideration in detail of Legislative Council Message No. 2 be made an Order of the Day for the next sitting of the Assembly.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.02 p.m. until Thursday, 16 May 2013 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND

Speaker of the Legislative Assembly