

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 44

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 20 AUGUST 2009

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

Shack Site Coastal Communities in Western Australia - Petitions requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations were presented by –

Ms A.S. Carles from 82 persons (P. 108);

Mr A.J. Waddell from 157 persons (P. 112); and

Mr M.P. Whitely from 186 persons (P. 114).

In-fill Sewerage Program - Petitions requesting that the Government honour previous commitments made to complete the Spearwood in-fill sewerage program by 2010 were presented by –

Mr F.M. Logan from 186 persons (P. 109);

Mr A.J. Carpenter from 559 persons (P. 113).

Mirraboooka Bus Service - Ms J.M. Freeman presented a petition from 50 persons requesting that the Department of Transport take steps to introduce a bus to service Mirraboooka Avenue on a Sunday (P. 110).

In-fill Sewerage Program for Port Hedland - Mr T.G. Stephens presented a petition from 166 persons requesting that the Government honour previous commitments made to complete the Port Hedland in-fill sewerage program (P. 111).

3. Papers

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

By the Clerk –

Education Service Providers (Full Fee Overseas Students) Registration Act 1991 - Regulations (Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2009 G.G. 14/08/2009) (1189).

Fish Resources Management Act 1994 - Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment (No. 2) 2009 G.G. 11/08/2009) (1190).

Higher Education Act 2004 - Regulations (Higher Education Amendment Regulations 2009 G.G. 14/08/2009) (1191).

Local Government Act 1995 - Local Laws (Shire of Exmouth Activities on Thoroughfares and Trading In Thoroughfares and Public Places Amendment Local Law 2009 G.G. 11/08/2009) (1192).

Local Government Act 1995 - Regulations (Local Government (Elections) Amendment Regulations 2009 G.G. 14/08/2009) (1193).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Commerce on the approval of additional trading hours for December 2009 as part of the usual extended trading hours to allow for Christmas shopping.

The Minister for Regional Development on the establishment of a new Australian Flight Instructor Training School to be located at the Northam airfield.

The Minister for Education on the Government's plan to address poor attendance and poor performance in Western Australian public schools.

Paper

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

By the Minister for Education –

Education and Training, Department of - Better Attendance: Brighter Futures, Mutual obligation to improve school attendance in Western Australian public schools (1195).

The Minister for Water on the progress and success of the Winter Sprinkler Ban Trial.

5. Grievances

The Speaker called for grievances which were then made.

6. Speaker's Statement - Pages of Petition Ruled Out of Order

The Speaker advised members that the petition on Shack Site Communities in Western Australia presented today by Mr M.P. Whitely contained three pages that were not addressed to the Legislative Assembly, and did not contain the remedy sought from the Legislative Assembly. The Speaker directed that those pages be returned to the member, and that the records of the House be adjusted to show the revised number of signatories.

7. Suspension of Standing Orders

Ms A.J.G. MacTiernan, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to seek an explanation from the Premier as to why neither he nor his representative in the Legislative Council has complied with section 82 of the *Financial Management Act 2006* following the Premier's refusal in May 2009 to provide the Parliament with a copy of the Oakajee Port Agreement executed in March 2009.

Debate ensued.

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

Question put.

The Assembly divided.

Ayes (30)

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

Noes (27)

Ms L.L. Baker	Ms A.J.G. MacTiernan	Mrs M.H. Roberts
Ms A.S. Carles	Mr M. McGowan	Ms R. Saffioti
Mr A.J. Carpenter	Mrs C.A. Martin	Mr T.G. Stephens
Mr R.H. Cook	Mr M.P. Murray	Mr C.J. Tallentire
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	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

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

Question put.

The Assembly divided.

Ayes (27)

Ms L.L. Baker	Ms A.J.G. MacTiernan	Mrs M.H. Roberts
Ms A.S. Carles	Mr M. McGowan	Ms R. Saffioti
Mr A.J. Carpenter	Mrs C.A. Martin	Mr T.G. Stephens
Mr R.H. Cook	Mr M.P. Murray	Mr C.J. Tallentire
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	Mr D.A. Templeman (<i>Teller</i>)

Noes (30)

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

Question thus negatived.

8. Procedure and Privileges Committee – Report

Mr M.W. Sutherland, as Deputy Speaker, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Report on the Sitting Times of the Legislative Assembly, Report No. 4, 2009 (1196).

Mr M.W. Sutherland, Mr M. McGowan spoke on the report and Mr D.A. Templeman, by leave, also spoke on the report.

9. Royalties for Regions Bill 2009

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 (Mr W.J. Johnston speaking) and adjourned until a later stage of the sitting.

10. Members' Statements

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

11. Speaker's Statement - New Sound for Legislative Council Bells and Parliament House Emergency Alarm Testing

The Speaker reminded members that on 6 May 2009 there was some confusion created for members when the Legislative Council bells rung concurrently with Legislative Assembly bells. As a result of this, when the Houses meet again on 8 September 2009 there will be a new bell sound for the Legislative Council.

The Speaker also reminded members that an interruption would occur at three o'clock today, when a demonstration of the Parliament House emergency evacuation alarm system would be conducted.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 1441 to 1448 were asked.

Question on Notice No. 1129 was answered.

13. Distinguished Visitor

The Speaker noted the presence in the Speaker's Gallery of the former member for Southern River, Paul Andrews.

14. Personal Explanation

Mr E.S. Ripper made a personal explanation on the Premier's comments about the polling commissioned by the previous Government and where this information is located.

15. Matter of Public Interest - Creation of New Committees and Reviews

The Speaker informed the 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,

Sitting suspended from 2.59 p.m. to 3.02 p.m.

Mr M. McGowan moved,

That the House condemns the Barnett Government for creating 141 new committees and reviews in its first ten and a half months in office at a cost of \$7 million while at the same time cutting support for needy Western Australians.

Debate ensued.

On the question, That the motion be agreed to,

Question put.

The Assembly divided.

Ayes (26)

Ms L.L. Baker
Ms A.S. Carles
Mr A.J. Carpenter
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

Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day

Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr A.J. Simpson
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Question thus negatived.

16. Variation to the Order of Business

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

17. Royalties for Regions Bill 2009

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

Debate resumed.

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

Question put and passed.

18. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

19. National Gas Access (WA) Bill 2008

The Order of the Day for the consideration in detail of Legislative Council message No. 30 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *National Gas Access (WA) Bill 2008* 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 National Gas Access (WA) Bill 2008.

No. 1

Page 16, after line 10 — To insert —

(1A) The national provisions do not affect the continuance or operation of an exempt contract.

No. 2

Page 16, line 12 — To insert after “apply” —

to a contract other than an exempt contract

No. 3

Page 16, lines 16 to 20 — To delete the lines and insert —

exempt contract —

- (a) means a contract in respect of which a declaration under the *Gas Corporation Act 1994* Schedule 5 clause 6 was in force immediately before the coming into operation of the *Dampier to Bunbury Pipeline Act 1997* Schedule 4 clause 17(4); and

- (b) includes a contract entered into —
 - (i) in substitution for a contract referred to in paragraph (a) or any provision of such a contract; or
 - (ii) by way of amendment of a contract referred to in paragraph (a) or subparagraph (i);

national provisions means the National Gas Access (Western Australia) Law, the Rules made under that Law, and the National Gas Access (Western Australia) Regulations;

relevant national provisions means any of the national provisions having the same purpose as a provision of the Gas Code, as defined in the National Gas Access (Western Australia) Law section 2.

No. 4

Page 18, line 10 — To delete “a review to be carried out” and insert —

a person, other than an officer of a department or body for which the Minister is responsible, to carry out a review

No. 5

Page 18, after line 26 — To insert —

- (2A) The person carrying out the review is to prepare and give to the Minister a report based on the review within sufficient time to enable the Minister to comply with subsection (3).

No. 6

Page 18, lines 27 to 31 — To delete the lines and insert —

- (3) The Minister is to prepare a response to the report and, as soon as is practicable after the response is prepared, and in any event not more than 12 months after the review day described in subsection (2), cause the report and the response to be laid before each House of Parliament.

CONSIDERATION IN DETAIL

The Premier moved, That amendments Nos 1 to 6 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 8 September 2009 at 2.00 p.m.

Question put and passed.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.47 p.m. until Tuesday, 8 September 2009 at 2.00 p.m..

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

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly