

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 229

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 27 SEPTEMBER 2012

### 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

Permanent doctor for Denham – Mr V.A. Catania presented a petition from 135 persons requesting that the Legislative Assembly ensures the employment of a full time doctor in Denham to provide essential medical services and sufficient resources to meet requirements (P. 646).

Uphill Place, Wangara – Mr P.T. Miles presented a petition from 8 persons requesting that the Legislative Assembly opens Uphill Place Wangara onto Wanneroo Road by constructing a left-in only entrance from Wanneroo Road into Uphill Place (P. 647).

Passive smoking at sporting grounds – Mr I.C. Blayney presented a petition from 125 persons requesting that the Legislative Assembly recommend a ban to be placed on smoking at sporting grounds (P. 648).

### 3. Papers

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

By the Speaker –

Corruption and Crime Commission – Annual Report 2011–2012 (5346).

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2011–2012 (5347).

By the Clerk –

Albany Port Authority – Annual Report 2011–2012 (5348).

Anzac Day Trust – Annual Report 2011 (5349).

Aqwest – Annual Report 2011–2012 (5350).

Attorney General, Department of the – Annual Report 2011–2012 (5351).

Botanic Gardens and Parks Authority – Annual Report 2011–2012 (5352).

Broome Port – Annual Report 2011–2012 (5353).

Bunbury Port Authority – Annual Report 2011–2012 (5354).

Busselton Water Board – Annual Report 2011–2012 (5355).  
 Commerce, Department of – Annual Report 2011–2012 (5356).  
 Commissioner for Children and Young People – Annual Report 2011–2012 (5357).  
 Corrective Services, Department of – Annual Report 2011–2012 (5358).  
 Country High School Hostels Authority – Annual Report 2011–2012 (5359).  
 Criminal Injuries Compensation, Office of – Annual Report 2011–2012 (5360).  
 Economic Regulation Authority – Annual Report 2011–2012 (5361).  
 Education Services, Department of – Annual Report 2011–2012 (5362).  
 Education, Department of – Annual Report 2011–2012 (5363).  
 Electricity Corporations Act 2005 – Ministerial Direction “Electricity Networks Corporation September 2012 Access Arrangement Review Direction” (5364).  
 Environment and Conservation, Department of – Annual Report 2011–2012 (5365).  
 Environmental Protection Authority and Office of the Environmental Protection Authority – Annual Report 2011–2012 (5366).  
 Equal Opportunity Commission – Annual Report 2011–2012 (5367).  
 Esperance Ports – Annual Report 2011–2012 (5368).  
 Forest Products Commission – Annual Report 2011–2012 (5369).  
 Fremantle Ports – Annual Report 2011–2012 (5370).  
 Gender Reassignment Board of Western Australia – Annual Report 2011–2012 (5371).  
 Geraldton Port Authority – Annual Report 2011–2012 (5372).  
 Government Employees Superannuation Board – Statement of Corporate Intent 2012–2013 (5373).  
 Health, Department of – Review of the WA Tobacco Products Control Act 2006 (5374).  
 Horizon Power – Annual Report 2011–2012 (5375).  
 Housing Authority – Annual Report 2011–2012 (5376).  
 Housing, Department of – Annual Report 2011–2012 (5377).  
 Indigenous Affairs, Department of – Annual Report 2011–2012 (5378).  
 Keep Australia Beautiful Council (WA) – Annual Report 2011–2012 (5379).  
 Lands, Department of – Review of the Land Information Authority Act 2006 (5380).  
 Law Reform Commission of Western Australia – Annual Report 2011–2012 (5381).  
 Legal Aid Western Australia – Annual Report 2011–2012 (5382).  
 Legal Contribution Trust – Financial Report for the six months ended 30 June 2012 (5384).  
 Legal Contribution Trust – Financial Report for the six months ended 31 December 2011 (5383).  
 Legal Costs Committee – Annual Report 2011–2012 (5385).  
 Port Hedland Port Authority – Annual Report 2011–2012 (5386).  
 Professional Standards Council of Western Australia – Annual Report 2011–2012 (5387).  
 Professional Standards Council of Western Australia – Financial Statements for the year ended 30 June 2012 (5388).  
 Public Advocate of Western Australia – Annual Report 2011–2012 (5389).  
 Public Education Endowment Trust – Annual Report 2011–2012 (5390).  
 Public Trustee – Annual Report 2011–2012 (5391).  
 Regional Development and Lands, Department of – Annual Report 2011–2012 (5392).  
 Rural Business Development Corporation – Annual Report 2011–2012 (5393).  
 School Curriculum and Standards Authority – Annual Report 2011–2012 (5394).  
 Small Business Development Corporation – Annual Report 2011–2012 (5395).  
 State Coroner, Office of – Annual Report 2011–2012 (5396).  
 Swan River Trust – Annual Report 2011–2012 (5397).

Tourism Western Australia – Annual Report 2011–2012 (5398).  
 Training and Workforce Development, Department of – Annual Report 2011–2012 (5399).  
 Transport, Department of – Annual Report 2011–2012 (5400).  
 Treasury, Department of – Annual Report 2011–2012 (5401).  
 Verve Energy – Annual Report 2011–2012 (5402).  
 Veterinary Surgeons' Board – Annual Report 2011–2012 (5403).  
 Water Corporation – Statement of Corporate Intent 2012–2013 (5404).  
 Water, Department of – Annual Report 2011–2012 (5405).  
 Western Australian Energy Disputes Arbitrator – Annual Report 2011–2012 (5406).  
 Zoological Parks Authority – Annual Report 2011–2012 (5407).

#### **4. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Environment on the Department of Environment and Conservation's prescribed burning program.

The Minister for Local Government on the results of the Metropolitan Cemeteries Board's annual customer satisfaction survey.

The Minister for Agriculture and Food on the partnership between the Department of Agriculture and Food and the Western Australian Chamber of Commerce and Industry to provide advocacy and support services for the Western Australian food industry.

#### **5. Grievances**

The Speaker called for grievances which were then made.

#### **6. Joint Standing Committee on the Corruption and Crime Commission**

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

Corruption and Crime Commission, Joint Standing Committee on the – Annual Report 2011–2012, Report No. 30 (5408).

Mr J.N. Hyde spoke on the report.

#### **7. Community Development and Justice Standing Committee**

Mr A.P. O'Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – The Toll of Trauma on Western Australian Emergency Staff and Volunteers, Report No. 10 (5409).

Community Development and Justice Standing Committee – The Toll of Trauma on Western Australian Emergency Staff and Volunteers – Submissions (5410).

Mr A.P. O'Gorman, Ms M.M. Quirk, Mr T.G. Stephens, Mr I.M. Britza and, by leave, Mr A.P. Jacob spoke on the report.

#### **8. Education and Health Standing Committee**

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

Education and Health Standing Committee – The Role of ICT in Western Australian Education: Living and Working in a Digital World, Report No. 16 (5411).

Dr J.M. Woollard, Ms L.L. Baker, Dr G.G. Jacobs, Mr P.B. Watson and Mr P. Abetz spoke on the report.

## **9. Education and Health Standing Committee**

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

Education and Health Standing Committee – Annual Report 2011–2012, Report No. 17 (5412).

Dr J.M. Woollard, Mr P. Abetz, Ms L.L. Baker and Dr G.G. Jacobs spoke on the report.

## **10. Joint Standing Committee on Delegated Legislation**

Mr P.T. Miles, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Shire of Broomehill–Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012, Report No. 57 (5413).

Mr P.T. Miles and Mr A.J. Waddell spoke on the report.

## **11. Economics and Industry Standing Committee**

Ms A.R. Mitchell, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Inquiry into the 2011 Kimberley Ultramarathon – tabling of formal evidence and other documents, Report No. 14 (5414).

Economics and Industry Standing Committee – Inquiry into the 2011 Kimberley Ultramarathon – tabling of formal evidence and other documents – Submissions (5415).

Ms A.R. Mitchell and Mr W.J. Johnston spoke on the report.

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

## **12. Members' Statements**

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

## **13. Questions**

Questions without Notice were taken.

Questions on Notice 8801 to 8858 were asked.

## **14. Personal Explanation**

The Minister for Police made a personal explanation relating to the Question without Notice from Mrs M.H. Roberts.

## **15. Papers**

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

By the Speaker –

Legislative Council, Department of – Annual Report 2011–2012 (5416).

By the Clerk –

Child Protection, Department for – Annual Report 2011–2012 (5417).

Communities, Department for – Annual Report 2011–2012 (5418).

Dampier Port Authority – Annual Report 2011–2012 (5419).

Financial Management Act 2006 – Notice under section 65 of the Act, from the Minister for Agriculture and Food, advising that the Department of Agriculture and Food's Annual Report 2010–2011 will not be tabled within the prescribed period (5421).

Fire and Emergency Services Superannuation Board – Annual Report 2011–2012 (5420).

Health, Department of – Annual Report 2011–2012 (5422).  
 Metropolitan Health Service – Annual Report 2011–2012 (5423).  
 WA Country Health Service – Annual Report 2011–2012 (5424).

**16. Notice of Motion after the Time Prescribed**

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

**17. Variation to the Order of Business**

Ordered, That Business of the Assembly Order of the Day for the continuation of the presentation of the Economics and Industry Standing Committee Report No. 15 be next considered.

**18. Economics and Industry Standing Committee Report – Continuation of Remarks**

The Order of the Day for the continuation of the presentation of the Economics and Industry Standing Committee Report No. 15 was read (see paragraph 11).

Mr W.J. Johnston and Mrs M.H. Roberts spoke on the report.

**19. Speaker's Statement – Tabling of Electronic Media**

The Speaker advised members that the Standing Orders provide for the tabling of formal evidence with a Committee report, along with minutes of proceedings and other documents. He had determined that the recording of video, audio, graphic files and photos in digital form fell within the expression 'and other documents' referred to in Standing Order 278(2). The Speaker further advised that despite this, it was preferable for Committees to table evidence in paper form.

**20. Procedure and Privileges Committee**

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 a Corporation Adversely Referred to in the Legislative Assembly – RacingThePlanet, Report No. 14 (5425).

Mr M.W. Sutherland moved, That the report be adopted.

Question put and passed.

**21. Variation to the Order of Business**

Ordered, That Government Business Orders of the Day Nos 24 and 23 be next considered.

**22. Sentencing Amendment Bill 2012**

The Minister for Planning, pursuant to notice, moved,

That a bill for "An Act to amend the *Sentencing Act 1995*." be introduced and read a first time.

Question put and passed.

The Minister for Planning presented an explanatory memorandum and bill read a first time.

The Minister for Planning moved, That the bill be now read a second time.

Ms J.M. Freeman moved, That the debate be adjourned.

Question put and passed.

**23. Retirement Villages Amendment Bill 2012**

The Parliamentary Secretary representing the Minister for Small Business, pursuant to notice, moved,

That a bill for "An Act to amend the *Retirement Villages Act 1992*." be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary representing the Minister for Small Business presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary representing the Minister for Small Business moved, That the bill be now read a second time.

Ms J.M. Freeman moved, That the debate be adjourned.

Question put and passed.

#### **24. Variation to the Order of Business**

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

#### **25. Western Australian Future Fund Bill 2012**

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

#### *CONSIDERATION IN DETAIL*

Clause 5.

Mr J.J.M. Bowler had moved,

Page 3, after line 12 – To insert:

“

- (5) Notwithstanding the requirements of subsection (4), ten percent of the money standing to the credit of the Future Fund referred to in subsection (4) must be held in gold.

”.

Amendment, by leave, withdrawn.

Mr J.J.M. Bowler moved,

Page 3, after line 12 – To insert:

“

- (5) Despite subsection (4), money standing to the credit of the Future Fund referred to in subsection (4) may be invested in gold.

”.

Amendment put and passed.

Mr B.S. Wyatt moved,

Page 3, after line 12 – To insert:

“

- (6) No money is to be credited to the Future Fund until there is no net debt existing for the general government sector.

”.

Amendment put.

The Assembly divided.

#### *Ayes (22)*

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr J.N. Hyde

Mr W.J. Johnston

Mr J.C. Kobelke

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr A.P. O’Gorman

Mr P. Papalia

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 P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Ms R. Saffioti (*Teller*)

## Noes (26)

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  
 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 A. Krsticevic

Mr W.R. Marmion  
 Mr P.T. Miles  
 Ms A.R. Mitchell  
 Dr M.D. Nahan  
 Mr D.T. Redman  
 Mr M.W. Sutherland  
 Mr T.K. Waldron  
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Clause, as amended, agreed to.

Clause 6.

Mr B.S. Wyatt moved,

Page 3, after line 30 – To insert:

“

- (3) Notwithstanding subsection (2), no money can be credited to the Future Fund in any year where the general government sector borrows money.

”.

Amendment put.

The Assembly divided.

## Ayes (22)

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

Mr M. McGowan  
 Mr M.P. Murray  
 Mr A.P. O’Gorman  
 Mr P. Papalia  
 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 P.B. Watson  
 Mr M.P. Whitely  
 Mr B.S. Wyatt  
 Ms R. Saffioti (*Teller*)

## Noes (27)

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  
 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 A. Krsticevic

Mr W.R. Marmion  
 Mr P.T. Miles  
 Ms A.R. Mitchell  
 Dr M.D. Nahan  
 Mr D.T. Redman  
 Mr M.W. Sutherland  
 Mr T.K. Waldron  
 Dr J.M. Woollard  
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9.

Mr W.J. Johnston moved,

Page 5, after line 13 – To insert:

“

*After inflation income* means income derived from the money standing to the credit of the Future Fund in each year discounted by the inflation rate for that year, so as to ensure that the principal of the Future Fund is protected against the effects of inflation.

”.

Page 5, line 21 – To delete “2032” and substitute:

“ 2062 ”.

Page 5, line 26 – To delete “Income” and substitute:

“ After inflation income ”.

Page 5, line 26 – To delete “2032” and substitute:

“ 2062 ”.

Page 6, line 1 – To delete “Income” and substitute:

“ After inflation income ”.

Amendments put and negatived.

Clause 9 agreed to.

Clause 10.

On the question, That clause 10 be agreed to,

Question put.

The Assembly divided.

#### Ayes (25)

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  
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 A. Krsticevic  
Mr W.R. Marmion  
Mr P.T. Miles

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

#### Noes (20)

Ms L.L. Baker  
Dr A.D. Buti  
Mr R.H. Cook  
Mr J.N. Hyde  
Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr F.M. Logan

Mr M. McGowan  
Mr M.P. Murray  
Mr A.P. O’Gorman  
Mr P. Papalia  
Ms M.M. Quirk  
Mr E.S. Ripper  
Mrs M.H. Roberts

Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Ms R. Saffioti (*Teller*)

Clause thus passed.

Clauses 11 and 12 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 Assembly.

## 26. Variation to the Order of Business

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



**27. Electoral Amendment Bill 2012**

The Order of the Day for the third reading of the bill having been read, the Premier 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.

**28. Building Amendment Bill 2012**

Message No. 242 dated 27 September 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Building Act 2011* and validate certain actions and for related matters.”

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

**29. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 16 October 2012 at 2.00 p.m.

Question put and passed.

**30. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 5.16 p.m. until Tuesday, 16 October 2012 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mrs C.A. Martin.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly