

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 55****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

WEDNESDAY, 14 OCTOBER 2009**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement - Electoral District of Willagee

The Speaker advised members that he had issued a writ directing the Electoral Commissioner to proceed with an election in the Willagee electoral district. The writ listed the following dates for the purpose of the election.

Last day for nomination of candidates: Thursday, 22 October 2009

Polling Day: Saturday, 28 November 2009

Last day for the return of the writ: Friday, 18 December

3. Petitions

Hilton Police Station, Proposed Closure - Ms M.M. Quirk presented a petition from 1,301 persons requesting that the closure of the Hilton Police Station be opposed (P. 150).

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

Mr M.W. Sutherland from 611 persons (P. 151);

Mr E.S. Ripper from 205 persons (P. 152); and

Mr P.T. Miles from 409 persons (P. 153).

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 [OAG] - Adult Community Mental Health Teams: Availability, Accessibility and Effectiveness of Services, Report No. 10, October 2009 (1534).

By the Clerk –

Acacia Prison Services Agreement - Annual Report 2008–2009 (1535).

Albany Port Authority - Annual Report 2008–2009 (1536).

Broome Port Authority - Statement of Corporate Intent 2009–2010 (1537).

Corrective Services, Department of - Contract for the Provision of Court Security Custodial Services, Annual Report 2008–2009 (1538).

Land Administration Act 1997 - Proposal No. 16/2009 under Sections 42(4) of the Act in relation to the Proposed Cancellation of Class 'A' Reserve 22382 - City of Geraldton-Greenough, dated 12 October 2009 (1539).

Land Administration Act 1997 - Proposal No. 19/2009 under Sections 42(4)(C) of the Act in relation to the Proposed Excision of Class 'A' Reserve 23509 from 'Camping' to 'Parklands', dated 12 October 2009 (1540).

Port Authorities - Report on the Operation and Effectiveness of the Port Authorities Act 1999 (1541).

Port Hedland Port Authority - Annual Report 2008–2009 (1542).

Public Transport Authority Act 2003 - Review under Section 70 of the Act (1543).

Report of Interstate and Overseas Travel Undertaken by Members of Parliament funded by the Imprest System - For the three months ended 30 June 2009 (1544).

5. Notices of Motion

6. Speaker's Statement - Expiration of Notice

The Speaker advised members that Private Members' Business Notice of Motion No. 8, notice of which was given on 5 May 2009, would be removed from the next Notice Paper unless written notification was provided to the Clerk requiring that the notice be continued.

7. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Heritage on the recipients of the 2009–2010 Heritage Grants Program.

Paper

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

By the Minister for Heritage –

Heritage Council of Western Australia - Heritage Grants Program 2009–2010: Recipients (1546).

The Minister for Forestry on progress of the sale of plantation companies Timbercorp and Great Southern Limited.

The Attorney General on the work done in the previous Parliament by the Community Development and Justice Standing Committee in conducting its Inquiry into the Prosecution of Assaults and Sexual Offences.

8. Commercial Tenancy (Retail Shops) Amendment Bill 2009

Mr F.M. Logan, pursuant to notice, moved,

That a bill for “An Act to amend the *Commercial Tenancy (Retail Shops) Agreements Act 1985* to supplement the rights of tenants and enhance the effectiveness of the Act.” be introduced and read a first time.

Question put and passed.

Mr F.M. Logan presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the sitting.

9. Cannabis Law Reform Bill 2009

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to –

- amend the *Misuse of Drugs Act 1981*; and
- amend the *Spent Convictions Act 1988*; and
- amend the *Young Offenders Act 1994*; and
- repeal the *Cannabis Control Act 2003*,

and to provide for related and consequential matters.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

10. Criminal Investigation Amendment Bill 2009

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Criminal Investigation Act 2006*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

11. Acts Amendment (Weapons) Bill 2009

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code* and the *Weapons Act 1999*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

12. Arson Legislation Amendment Bill 2009

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Bush Fires Act 1954* and *The Criminal Code*.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General moved, That the bill be now read a second time.

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

Question put and passed.

13. Aboriginal Housing Legislation Amendment Bill 2009

The Minister for Housing and Works, pursuant to notice, moved,

That a bill for “An Act to amend —

- the *Housing Act 1980*; and
 - the *Aboriginal Affairs Planning Authority Act 1972*,
- and for related purposes.” be introduced and read a first time.

Question put and passed.

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

The Minister for Housing and Works moved, That the bill be now read a second time.

Mr M. McGowan moved, That the debate be adjourned.

Question put and passed.

14. Professional Combat Sports Amendment Bill 2009

The Minister for Sport and Recreation, pursuant to notice, moved,

That a bill for “An Act to amend the *Professional Combat Sports Act 1987*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Sport and Recreation 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. Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009

Mr E.S. Ripper, on behalf of Mr J.R. Quigley, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code* to render unlawful obtaining or dealing with another entity’s identification and/or the possession of equipment capable of copying another person’s identification documentation for the purpose of committing an offence.” be introduced and read a first time.

Question put and passed.

Mr E.S. Ripper, on behalf of Mr J.R. Quigley presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the sitting.

16. Police Amendment Bill 2009

The Order of the Day for the third reading of the bill having been read, the Minister for Police moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Minister for Police speaking in reply) and adjourned until a later stage of the sitting.

17. Speaker's Statement - Sustainability of Parliament House

The Speaker advised members that a reduction in the use of energy and water and the recycling of waste was now a fundamental part of the operations of Parliament House. Over the past several years a raft of measures had been introduced to minimise Parliament House's environmental impact including decommissioning of the fountains, replacing exotic flora with drought tolerant native plants, installing low energy lamps, introducing end-of-journey facilities to encourage bicycle and public transport use, fitting water restrictors to tap wear, recycling waste and replacing inefficient lift motors. Continuing with this theme, Parliament House had now installed an array of solar hot water panels on the roof to provide, on sunny days, 100% of the hot water to the kitchens, main toilets and changing facilities. Both the President and the Speaker were committed to continuing these improvements in the sustainability of Parliament House.

18. Questions

Questions without Notice were taken.

Questions on Notice Nos 1645 to 1693 were asked.

Questions on Notice Nos 1455, 1464, 1479, 1494, 1496, 1498, 1506, 1508 and 1512 were answered.

Paper tabled by the Minister for Transport –

Question on Notice No. 1494 - Public Transport Authority Perth to Bunbury Fast Rail Demand study Travel Survey (1545).

19. Message from the Governor

Message No. 64 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Professional Combat Sports Amendment Bill 2009.

20. Variation to the Order of Business

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

21. Police Amendment Bill 2009

The Order of the Day for the resumption of the third reading of the bill was read.

The Minister resumed his remarks in reply.

Question put.

The Assembly divided.

Ayes (27)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr J.J.M. Bowler
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
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
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
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
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*)

Question thus passed.

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

22. Land Administration Amendment 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 C.J. Tallentire speaking) and adjourned until a later stage of the sitting.

23. Variation to the Order of Business

Ordered, That Private Members’ Business Order of the Day for the second reading of the Commercial Tenancy (Retail Shops) Amendment Bill 2009, Private Members’ Business Order of the Day for the second reading of the Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009, Private Members’ Business Notice of Motion No. 21 and Private Members’ Business Order of the Day No. 11 be next considered.

24. Commercial Tenancy (Retail Shops) Amendment Bill 2009

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

Mr F.M. Logan moved, That the bill be now read a second time.

Mr J.E. McGrath moved, That the debate be adjourned.

Question put and passed.

25. Criminal Code (Identity Theft) Amendment Bill (No. 2) 2009

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

Mr J.R. Quigley moved, That the bill be now read a second time.

Mr J.E. McGrath moved, That the debate be adjourned.

Question put and passed.

26. Directions 2031 Planning Document

Mr M. McGowan, pursuant to notice, moved,

That this House calls on the Minister for Planning to reconsider key elements of the Directions 2031 Planning Document, and the draft Activities Centres policy, with particular reference to:

- (a) the unreliable demographic data underpinning the plan;
- (b) the downgrading of the Armadale and Midland Regional Centres; and
- (c) the miscalculation of opportunities to implement growth strategies in the Peel.

Debate ensued.

Debate interrupted by the Chair (Ms A.S. Carles speaking) and adjourned until a later stage of the sitting.

27. Notice of Motion After the Time Prescribed

The Leader of the House was granted leave to present a late notice of motion.

28. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.01 p.m. until Thursday, 15 October 2009 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr A.P. Jacob and Mrs C.A. Martin.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly