

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 67

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 26 NOVEMBER 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

Air-Conditioning at Serpentine Primary School - Mr A.J. Simpson presented a petition from 66 persons requesting that the policy for the provision of air-conditioning to all schools be reviewed (P. 203).

Liquor Control Act 1988 - Mrs C.A. Martin presented a petition from 542 persons requesting that the Act be amended to ensure a more consultative process regarding the prohibition of alcohol (P. 204).

Urban Development South of the Moore River - Ms L.L. Baker presented a petition from 31 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 205).

Parking at Yale Primary School - Mr C.J. Tallentire presented a petition from 237 persons requesting that more parking bays be provided at Yale Primary School (P. 206).

### 3. Papers

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

By the Speaker –

Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Series Report Seven: Managing Interests in the Western Australian Public Sector (1667).

Public Sector Standards Commissioner, Office of the [OPSSC] - State of the Service Report 2009 (1668).

By the Clerk –

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 2) 2009 G.G. 24/11/2009) (1669).

Dental Act 1939 - Rules (Dental Board Amendment Rules 2009 G.G. 24/11/2009) (1670).

Local Government Act 1995 - Local Laws (Shire of Dardanup Parking and Parking Facilities Local Law 2009 G.G. 23/11/2009) (1671).

Local Government Act 1995 - Local Laws (Town of Claremont Parking and Parking Facilities Local Law 2009 G.G. 24/11/2009) (1672).

Retail Trading Hours Act 1987 - Regulations (Retail Trading Hours (Tourism Precincts and Holiday Resorts) Amendment Regulations (No. 2) 2009 G.G. 24/11/2009) (1673).

State Superannuation Act 2000 - Regulations (State Superannuation Amendment Regulations 2009 G.G. 24/11/2009) (1674).

Waste Authority - Annual Report 2008–2009 (1675).

Genetically Modified Crops Free Areas Act 2003 - Report on the Review of the Act under Section 19, November 2009 (1676).

Fisheries, Department of - State of the Fisheries Report 2008–2009 (1677).

#### **4. Public Accounts Committee - Advice of Conduct of Hearing**

The Speaker advised members that he had received a letter dated 25 November 2009 from Mr J.C. Kobelke MLA, Chairman of the Public Accounts Committee, advising that the Committee had resolved to conduct a hearing regarding the metropolitan public hospitals drawing on restricted funds.

The letter read as follows –

“

Dear Mr Speaker

I wish to advise that the Public Accounts Committee has resolved to follow up the Qualified Opinion issued in the Auditor General's *Audit Results Report: 2008–2009 Assurance Audits* with respect to the Metropolitan Public Hospitals drawing on restricted funds at the end of the 2008–2009 financial year.

To this end, the Committee will be conducting a hearing and taking evidence from Dr Peter Flett, Director General of the Department of Health, on Wednesday 2 December 2009.

”.

The Speaker also advised that he had arranged for a copy of this notice to be placed on the notice board of the Assembly.

#### **5. Public Accounts Committee - Terms of Reference**

The Speaker advised members that he had received a letter dated 25 November 2009 from Mr J.C. Kobelke MLA, Chairman of the Public Accounts Committee, advising that the Committee had resolved to conduct an inquiry in relation to Project Planning and Funding Applications for Major Western Australian Infrastructure Projects.

The letter read as follows –

“

Dear Mr Speaker

I wish to advise that on 25 November 2009 the Public Accounts Committee resolved to conduct an inquiry with the following terms of reference:

The Public Accounts Committee will examine and report on the best approaches to decision making for major infrastructure projects in Western Australia, with particular reference to:

- (a) the robustness of project planning and assessment processes; and
- (b) whether funding cases are appropriately developed and presented to maximise access to Federal Government funding.

The Committee will report to the House by 21 October 2010.

”.

In accordance with Standing Order 255(1), the Speaker had arranged for the Committee's terms of reference to be placed on the notice board of the Assembly.

## **6. Notice of Motion**

## **7. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Planning on the draft Industrial Land Strategy for the Perth and Peel regions.

The Minister for Police on the meeting of the Ministerial Council for Police and Emergency Services Ministers.

The Minister for Citizenship and Multicultural Interests on the 2009 Western Australian Multicultural Community Services Awards to be held on 1 December at Government House.

## **8. Grievances**

The Speaker called for grievances which were then made.

## **9. Corruption and Crime Commission Joint Standing Committee**

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

Corruption and Crime Commission Joint Standing Committee - Hearing with Robert Cock QC, Report No. 7 (1678).

Mr J.N. Hyde spoke on the report.

## **10. Public Accounts Committee**

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

Public Accounts Committee - Review of the Reports of the Auditor General 2008–2009, Report No. 5 (1679).

Mr J.C. Kobelke, Mr C.J. Tallentire and Mr A. Krsticevic spoke on the report.

### 11. Community Development and Justice Committee

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

Community Development and Justice Standing Committee - Inquiry into the Inside Australia Project at Lake Ballard (Menzies), Report No. 3 and Submissions (1680).

Ms A.J.G. MacTiernan, Mr A.P. Jacob, Mr T.G. Stephens and Mr I.M. Britza spoke and Mr J.J.M. Bowler, by leave, also spoke on the report.

### 12. Delegated Legislation Joint Standing Committee

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 - Unauthorised Disclosure of Confidential Committee Correspondence by the City of Joondalup, Report 37 (1681).

Mr J.M. Francis spoke on the report.

### 13. Suspension of Standing Orders

Mr E.S. Ripper, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the Leader of the Opposition to move the following motion –

This House notes that the 2009–2010 State budget is a discredited document and calls on the Barnett Government to present an honest account of the State's finances in the forthcoming Government Mid-Year Financial Projections Statement.

Debate ensued.

Mr J.E. McGrath moved, That the question be now put.

Question put.

The Assembly divided.

#### Ayes (27)

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

#### Noes (24)

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

Question thus passed.

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

Question put.

The Assembly divided.

Ayes (25)

Ms L.L. Baker  
Mr J.J.M. Bowler  
Ms A.S. Carles  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr J.N. Hyde  
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

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

Noes (28)

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 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.

#### 14. Distinguished Visitors

The Treasurer and Ms A.J.G. MacTiernan noted the presence in the Public Gallery of representatives of the Wadjarri Yamaji people of the Mid West region of Western Australia, signatories to the Indigenous Land Use Agreement for the Murchison Radio-Astronomy Observatory (MRO) and Officers of the Yamaji Marlpa Aboriginal Corporation.

#### 15. Railway (Butler to Brighton) Bill 2009

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

That a bill for “An Act to authorise the construction of a railway from Butler to Brighton.” be introduced and read a first time.

Question put and passed.

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

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

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*Paper*

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

By the Parliamentary Secretary representing the Minister for Transport –

Railway (Butler to Brighton) Bill 2009 - Report as required under section 18A of *Transport Co-ordination Act 1966* (1682).

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Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

**16. National Environment Protection Council (Western Australia) 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.

**17. Members' Statements**

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

**18. Questions**

Questions without Notice were taken.

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*Papers*

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

By the Minister for Education –

Education and Training, Department of - Review of the Physical Safety of Cleaners in Western Australian Schools (1685).

By the Minister for Health –

Health, Department of - A Roadmap towards Better Health Program, Looma Health Assessment Program, Medical Examination Report, October 2009 (1686).

By the Minister for Regional Development –

Regional Development and Lands, Department of - Royalties for Regions Progress Report, December 2008 – June 2009 (1687).

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Questions on Notice Nos 2043 to 2098 were asked.

Questions on Notice Nos 1885 and 1901 were answered.

**19. Community Development and Justice Committee - Terms of Reference**

The Speaker advised members that he had received a letter dated 26 November 2009 from Ms A.J.G. MacTiernan MLA, Chairman of the Community Development and Justice Committee, advising that the Committee had resolved to conduct an inquiry in relation to 'Making our Prisons Work', an Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies.

The letter read as follows –

“

Dear Mr Speaker

I wish to advise that the Community Development and Justice Standing Committee has resolved to conduct an inquiry with the following terms of reference:

The Community Development and Justice Standing Committee will examine and report by 25 November 2010 on:

- (a) opportunities for work and the development of a workplace culture within Western Australian prisons;
- (b) current rehabilitative programs and strategies in Western Australian prisons;
- (c) the impact of prison education and training programs on post-release outcomes and the data collection capacity within government to evaluate the effectiveness of existing programs;
- (d) the gaps in post-release outcomes between Aboriginal and non-Aboriginal offenders;
- (e) the legislative and community incentives and impediments to prisoner employment, education and training;
- (f) the integration of behaviour management, education and training strategies with real work opportunities;
- (g) the success of alternative strategies, nationally and internationally in reducing recidivism; and
- (h) any major issue that emerges that the Committee considers should be included in the inquiry.

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In accordance with Standing Order 255(1), the Speaker had arranged for the Committee's terms of reference to be placed on the notice board of the Assembly.

## **20. Speaker's Statement - Committee Terms of Reference**

The Speaker advised members that the Standing Orders clearly indicated that the House was to be notified of the matters about which a committee intends to inquire. Including in the terms of reference a statement that the Committee will also inquire into any other major issue which emerges is not satisfactory. Should an issue emerge which is not covered by existing terms of reference, the appropriate course of action is for the Committee to consider whether the terms of reference need to be extended and if so, to formally resolve accordingly with the House.

## **21. Speaker's Statement - Exercise of the Casting Vote by the Speaker**

Further to the Speaker's advice to Members on 23 September 2009, the Speaker advised members he provided information to members regarding the role of the Speaker and the use of the casting vote.

## **22. Messages from the Legislative Council**

Messages from the Legislative Council were reported returning the following bills without amendment –

25 November 2009

Higher Education Amendment Bill 2009 (Message No. 57).

Royalties for Regions Bill 2009 (Message No. 58).

26 November 2009

Police Amendment Bill 2009 (Message No. 59).

Arson Legislation Amendment Bill 2009 (Message No. 60).

Mines Safety and Inspection Amendment Bill 2009 (Message No. 61).

### **23. Unanswered Questions on Notice**

Under Standing Order 80, Mr M. McGowan asked why no answers had been received in respect of his Questions on Notice Nos 1179, 1271, 1365 and 1345.

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#### *Paper*

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

By the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works –

Question on Notice No. 1345 - Total Number of Employees Suspended without Pay and Dismissed (1688).

Question on Notice No. 1179 - Amount of State-Owned Housing per Suburb in the Metropolitan Area (1689).

Question on Notice No. 1365 - Percentage or Ratio of Staff Employed in all Agencies within the Treasurer's Portfolios with an 'Acting' or 'Relieving' Position (1690).

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### **24. Papers**

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

By the Clerk –

Financial Management Act 2006 - Notice under Section 82 of the Act that the Minister for Transport; Disability Services is unable to provide an answer to Legislative Council Question on Notice 1200 (1683)

Conservation Commission of Western Australia - Annual Report 2008–2009 (1684)

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

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

### **26. National Environment Protection Council (Western Australia) 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.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister representing the Minister for Environment moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

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

Ordered, That Government Business Orders of the Day Nos 2 and 5 be next considered.



**28. Statutes (Repeals and Minor Amendments) Bill 2009**

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

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

**29. Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009****Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009**

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

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*Cognate Debate*

Leave was granted to debate the Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009 in conjunction with the Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009.

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Debate resumed.

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

Question put and passed.

**30. Correction to Tabled Paper**

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 6 October 2009 –

Western Power Annual Report 2008–2009 (1466).

**31. Criminal Code Amendment Bill (No. 2) 2009**

Message No. 62 dated 26 November 2009 from the Legislative Council was reported agreeing to the bill without amendment.

**32. Message from the Legislative Council - Public Sector Commissioner**

Message No. 63 dated 26 November 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 70, that it agrees to the following resolution –

That in accordance with sections 18(6) and 28 of the *Public Sector Management Act 2004*, this House authorises Malcolm Charles Wauchope to continue to hold the office of Public Sector Commissioner, being an office referred to in Part 1 of Schedule V of the *Constitution Acts Amendment Act 1899*, upon an appointment by the Governor of him as Acting Commissioner for Public Sector Standards.

**33. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Debate ensued.

Question put and passed.

**34. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 7.18 p.m. until a date and time to be fixed by the Speaker.

*Members present during any part of the day's proceedings* - All the members except Mr W.J. Johnston and Mr D.A. Templeman.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly