

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 43

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 19 AUGUST 2009

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Speed Limit Reduction on North Road - Mr P.B. Watson presented a petition from 37 persons requesting that action be taken to reduce the speed limit on North Road between Minerva Street and Barnesby Drive (P. 106).

In-fill Sewerage Program - Mr F.M. Logan presented a petition from 130 persons requesting that the Government honour previous commitments made to complete the Spearwood in-fill sewerage program by 2010 (P. 107).

3. 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] - Opinion on Ministerial Notification: Ministerial Decision to Not Provide Information to Parliament - Country Age Pension Fuel Card, Report No. 8, August 2009 (1187).

Auditor General, Office of the [OAG] - Every Day Counts: Managing Student Attendance in Western Australian Public Schools, Report No. 9, August 2009 (1188).

4. Joint Standing Committee of the Commissioner for Children and Young People

The Speaker reported that a response to the recommendations of the Joint Standing Committee on the Commissioner for Children and Young People's "Report on the Review of the 2007–2008 Annual Report of the Commissioner for Children and Young People" by the Attorney General had not been received by the required time.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the National Organ and Tissue Donation reform program.

The Minister for Agriculture and Food on the outcome of the Minister's recent visit to the United States and Canada to investigate their policies and practices in relation to GM canola.

The Minister for Sport and Recreation on the Subiaco Oval Structural Assessment Report commissioned in December 2008.

6. Criminal Code Amendment (Graffiti) Bill 2009

The Attorney General, pursuant to notice, moved,

That a bill for "An Act to amend the *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.

7. Gas Supply (Gas Quality Specifications) Bill 2009

The Premier, pursuant to notice, moved,

That a bill for "An Act to provide for –

- the supply of gas that does not meet certain gas quality specifications; and
- the control of the quality of such gas and its impact on gas transmission pipelines; and
- the payment of compensation to certain gas consumers, operators of gas transmission pipelines and operators of gas storage facilities who are adversely affected by receiving such gas; and
- a programme to modify or replace certain gas appliances and installations that might be rendered unsafe by the supply of such gas, in preparation for its supply; and
- the operation of an account for contributions by gas producers to the costs of the programme,

and for related purposes." be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

8. Health and Disability Services Legislation Amendment Bill 2009

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Health Services (Conciliation and Review) Act 1995*; and
- the *Disability Services Act 1993*; and
- various other Acts,

and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

9. Valuation of Land Amendment (Assessed Value) Bill 2009

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to the *Valuation of Land Act 1978*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Lands 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. Land Administration Amendment Bill 2009

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to amend the *Land Administration Act 1997*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Lands 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. Butane Products Control Bill 2009

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

That a bill for “An Act to reduce the incidence of illness and death related to the use of butane products by prohibiting the supply of butane products to young persons, and for related purposes.” 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 the next sitting of the House.

Question put and passed.

12. Waste Avoidance and Resource Recovery 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 J.N. Hyde speaking) and adjourned until a later stage of the sitting.

13. Speaker's Statement - Fire and Emergency System Test

The Speaker advised members that the Parliament would conduct a test of the fire and emergency system alarm at 3.00 p.m. on Thursday, 20 August 2009.

14. Public Accounts Committee - Terms of Reference and Extension of Reporting Date

The Speaker advised members that in relation to the Public Accounts Committee's Inquiry into the Distribution of Grant Funds from the Confiscation Proceeds Account, which has the following terms of reference:

The Public Accounts Committee will examine and report on whether grant funding from the Confiscation Proceeds Account has been allocated:

- (a) in compliance with the Criminal Property Confiscation Act 2000; and
- (b) on the basis of an impartial and politically neutral process.

the Chairman has today advised that the Committee has extended its reporting date from 20 August 2009 to 17 September 2009.

15. Questions

Questions without Notice were taken.

Questions on Notice Nos 1413 to 1440 were asked.

Question on Notice No. 1164 was answered.

16. Community Development and Justice Standing Committee - Terms of Reference

The Speaker advised members that he had received a letter dated 19 August 2009 from Ms A.J.G. MacTiernan, MLA, Chairman of the Community Development and Justice Standing Committee, advising that the Committee had resolved to conduct an inquiry into the 'Inside Australia' Project at Lake Ballard.

The letter read as follows –

“

Dear Mr Speaker,

I wish to advise that the Community Development and Justice Standing Committee resolved at a deliberative meeting of the Committee on 19 August 2009 to conduct an *Inquiry into the 'Inside Australia' project at Lake Ballard*. The Terms of Reference are as follows:

To inquire into the “*Inside Australia*” project at Lake Ballard (Menzies) and to report on:

- a) the history behind the instigation and installation of this project, providing in particular information about the original scope and vision for the project;
- b) the role taken by the Department of Culture and the Arts and the Art Gallery of Western Australia and other government departments and agencies in reference to this project;
- c) the costs and benefits and role this art installation project is currently providing to the local community of Menzies, the wider goldfields region, and to the wider Australian community;
- d) any support that is needed to assist the Shire of Menzies and the local Menzies community in helping maintain and protect the project;
- e) what steps, if any, need to be taken to promote this project as a significant visitor destination in WA;
- f) the risks associated with any ongoing deterioration of or damage to the project;
- g) the opportunities for fully completing this project in accordance with the original scope and vision for the project;
- h) what organisational framework and financial support is necessary to protect this project into the future; and
- i) what opportunities and benefits, if any, exist for additional art installation projects of this type in Western Australia.

The Committee will table the report of its inquiry at the sitting of 19 November 2009.

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In accordance with Standing Order 287(4), the Speaker had arranged for the Committee’s terms of reference to be placed on the notice boards of the Legislative Assembly.

17. Personal Explanation

Mr J.R. Quigley made a personal explanation on the subject of an article appearing in ‘Inside Cover’ of *The West Australian* on Wednesday, 19 August 2009.

18. Variation to the Order of Business

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

19. Waste Avoidance and Resource Recovery 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 J.C. Kobelke speaking) and adjourned until a later stage of the sitting.

20. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day No. 10, Private Members' Business Notice of Motion No. 19 and Private Members' Business Order of the Day No. 5 be next considered.

21. Recreational Fishing Fees

The Order of the Day having been read for the resumption of debate on the motion moved by Mr E.S. Ripper,

That the House condemns the Barnett Government's unjustified attack on recreational fishing and calls upon the Government to withdraw the huge fees it is imposing on ordinary West Australian families.

Debate resumed.

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

Question put.

The Assembly divided.

Ayes (30)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Ms A.S. Carles
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*)

Noes (26)

Ms L.L. Baker
Mr J.J.M. Bowler
Mr A.J. Carpenter
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
Mrs C.A. Martin
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*)

Question thus passed.

22. Renewable Energy in Western Australia

Ms A.J.G. MacTiernan, pursuant to notice, moved,

That the House condemns the Barnett Government for its lack of leadership in driving forward renewable energy in Western Australia.

Debate ensued.

Debate interrupted by the Chair (Dr M.D. Nahan speaking) and adjourned until a later stage of the sitting.

23. Paper

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

By the Attorney General –

Commissioner for Children and Young People - Letter dated 6 July 2009 to the Attorney General with regard to the exclusion of young people from the mandatory sentencing provisions in the Criminal Code Amendment Bill 2008 (1194).

24. Message from the Governor

Message No. 57 from His Excellency the Governor was reported assenting to the Local Government Amendment (Elections) Bill 2009, Act No. 15 of 2009.

25. 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, 20 August 2009 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except
Mr G.M. Castrilli.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly