

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 49

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 16 SEPTEMBER 2009

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Presentation of the Address in Reply

The Speaker announced that today, accompanied by Ms A.R. Mitchell, Mr A.J. Waddell and Ms A.S. Carles he attended upon His Excellency the Governor and presented the Address in Reply to His Excellency the Governor's speech in opening Parliament and that His Excellency the Governor was pleased to reply in the following terms –

Dear Mr Speaker

I thank you and members of the Legislative Assembly for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your address-in-reply to my speech to Parliament on the occasion of the opening of the first session of the Thirty-Eighth Parliament.

Yours sincerely

KEN MICHAEL

GOVERNOR

3. Petition

Recreational Fishing Fees - Mr F.M. Logan presented a petition from 63 persons requesting that the Government oppose the introduction of fees and licences (P. 136).

4. Paper

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

By the Clerk –

Economics Regulation Authority - Inquiry into Tariffs of the Water Corporation, Aqwest and Busselton Water, Final Report, dated 14 August 2009 (1276).

5. Speaker's Statement - Expiration of Notice

The Speaker advised members that Private Members' Business Notices of Motion Nos 5 and 6, notice of which was given on 31 March 2009, would be removed from the next Notice Paper unless written notification was provided to the Clerk requiring that the notice be continued.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Regional Development on the Minister's recent official travel to India in an effort to build a stronger trade relationship between the two countries.

The Attorney General on the ministerial response to the recommendations of the Joint Standing Committee on the Commissioner for Children and Young People's Report of the Review of the 2007-2008 Annual Report of the Commissioner for Children and Young People.

7. Bush Fires Amendment Bill 2009

The Minister for Emergency Services, pursuant to notice, moved,

That a bill for "An Act to amend the *Bush Fires Act 1954* and, in consequence, to amend the *Environmental Protection Act 1986*." be introduced and read a first time.

Question put and passed.

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

The Minister for Emergency Services 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. Police Amendment Bill 2009

The Minister for Police, pursuant to notice, moved,

That a bill for "An Act to amend the *Police Act 1892* and to consequentially amend various other Acts." 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.

9. Suspension of Standing Orders – Bill to Proceed Without Delay

The Leader of the House, pursuant to notice, moved,

That so much of Standing Orders be suspended as is necessary to enable the Waste Avoidance and Resource Recovery Amendment Bill 2009 to proceed through all remaining stages without delay between the stages.

Debate ensued.

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

Question put.

The Assembly divided.

Ayes (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 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
Mr J.E. McGrath (*Teller*)

Noes (26)

Ms L.L. Baker
Ms A.S. Carles
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 M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Ms M.M. Quirk
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
Dr J.M. Woollard
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus passed.

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

The Assembly divided.

Ayes (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
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 Mr P.B. Watson
 Mr M.P. Whitely
 Dr J.M. Woollard
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

10. Waste Avoidance and Resource Recovery Amendment Bill 2009

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

CONSIDERATION IN DETAIL

Clause 7, as amended.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

11. Speaker's Statement - Supplementary Questions

The Speaker advised members that, members may recall that yesterday in this place he reflected on how supplementary questions were presented. There have been recent differences of view in the chamber about the practice surrounding supplementary questions. The Speaker had looked at a range of rulings in the past on supplementary questions and provided the following advice.

Supplementary questions may be used by a member only to elucidate or clarify a matter raised in the member’s original question or in the answer given to that question by the responding minister. Only one supplementary question may be asked and it must be directly relevant to the original question or answer that immediately precedes the supplementary question.

A supplementary question should be a single question, precise in content and without preamble. Supplementary questions must also conform to the rules of content and form established in the standing orders of the Legislative Assembly related to questions. For example, they should not be based on supposition, opinion or argument, statements or inferences or seek to impugn a member through suggestions of improper motive or personal reflection.

Whilst supplementary questions are an integral part of question time, they are restricted in their latitude and the asking of those questions remains at my discretion the discretion of the Speaker.

Ministers responding to supplementary questions should ensure that their responses are brief and directly relevant to the questions asked Questions.

Questions without notice were taken.

Paper

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

By the Minister for Planning –

Landcorp Briefing Note - Media backgrounder: Pilbara and Kimberley land supply (1279).

Questions on notice Nos 1522 to 1531 were asked.

Questions on notice Nos 1185, 1191, 1196, 1202, 1208, 1213, 1219, 1225, 1230, 1236, 1242, 1247, 1253, 1259, 1264, 1270, 1276, 1281, 1287, 1293, 1298, 1311, 1322, 1330, 1333, 1336, 1344, 1350, 1355, 1364, 1370, 1375, 1396 to 1398 and 1453 were answered.

Paper tabled by the Parliamentary Secretary representing the Minister for Transport –

Question on Notice No. 1185 - Details of Ministerial Staff Members' Contact with Crosby Textor, in the Office of the Minister for Transport; Disability Services (1277).

Paper tabled by the Minister representing the Minister for Environment –

Question on Notice No. 1333 - Details and Costs Relating to the Contract Appointment of Mr Chris Ellison as a Community Consultant (1278).

12. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Health provided additional information relating to Question without Notice No. 731 from Mr R.H. Cook in relation to a phone call about an investigation into the death of a child.

13. Matter of Public Interest - Minister for Mental Health and Portfolio

The Speaker informed the Assembly that he was in receipt of a notice from Mr R.H. Cook that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr R.H. Cook moved,

That the House notes the failure of the Minister for Mental Health after a year in office to deliver on the Premier's 100 day plan and his failure to protect the mental health portfolio from damaging cuts to services.

Debate ensued.

Question put.

The Assembly divided.

Ayes (26)

Ms L.L. Baker
Ms A.S. Carles
Mr A.J. Carpenter
Mr R.H. Cook
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)

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 Mr G.M. Castrilli
 Mr V.A. Catania
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 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. Variation to the Order of Business

Ordered, That Private Members' Business Orders of the Day Nos 15, 12, 13, 9 and 7 be next considered.

15. Tobacco Products Control Amendment Bill 2008

The Order of the Day for the consideration in detail of Legislative Council message No. 34 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Tobacco Products Control Amendment Bill 2008* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

No. 1

Page 4, after line 25 — To insert —

- (4) A responsible person in relation to licensed premises may allocate as a smoking zone for the premises one or more places in one or more outdoor eating areas to which a restaurant licence does not apply, but the total area of all the smoking zones for the premises must not exceed 50% of the total area of all the outdoor eating areas to which a restaurant licence does not apply.

No. 2

Page 9, line 19 — To delete “that — ” and insert —

allocated under section 107B(4);

No. 3

Page 9, lines 20 to 25 — To delete the lines.

No. 4

Page 3, after line 10 — To insert —

6A. Section 24 amended

In section 24(1) after “products” insert:

or smoking implements

No. 5

Page 3, after line 10 — To insert —

6B. Section 32 amended

In section 32(1):

(a) in paragraph (d) after “tobacco products” insert:

or smoking implements

(b) in paragraph (d) after “those products” insert:

or implements

(c) in paragraph (f) after “product” insert:

or smoking implement

CONSIDERATION IN DETAIL

Dr J.M. Woollard moved, That amendment Nos 1 to 5 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

16. Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009

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

Mr E.S. Ripper moved, That the bill be now read a second time.

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

Question put and passed.

17. Equal Opportunity 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.

Mrs M.H. Roberts 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.

18. Butane Products Control Bill 2009

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

Mr R.H. Cook moved, That the bill be now read a second time.

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

Question put and passed.

19. Criminal Code (Identity Theft) 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.

The Assembly divided.

Ayes (25)

Ms L.L. Baker
Ms A.S. Carles
Mr A.J. Carpenter
Mr R.H. Cook
Mr J.N. Hyde
Mr W.J. Johnston
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
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Mr R.F. Johnson
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Mr W.R. Marmion
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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*)

Question thus negatived.

20. Fisheries Adjustment Schemes Amendment Bill 2009

Message No. 38 dated 15 September 2009 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Fisheries Adjustment Schemes Act 1987*.”

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

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 6.37 p.m. until Thursday, 17 September 2009 at 9.00 a.m.

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

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly