

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 62

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 17 NOVEMBER 2009

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Death of Paul William Andrews - a former Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret of the death of Paul William Andrews and tenders its deep sympathy to his family.

The motion was supported by Mr E.S. Ripper, Mr T.K. Waldron, Ms A.J.G. MacTiernan, Mr M.P. Whitely, Mr J.J.M. Bowler, Mr J.R. Quigley, Dr K.D. Hames, Mr P.B. Watson, Mr R.F. Johnson, Mr M. McGowan, Mr A.P. O’Gorman, Dr G.G. Jacobs, Mr M.P. Murray, Mrs C.A. Martin, Mr P. Abetz, Mr T.G. Stephens, Mr J.E. McGrath, Mr W.J. Johnston, Mrs M.H. Roberts, Mr F.M. Logan, Mr J.H.D. Day and Mr P. Papalia.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Suspension of Standing Orders

The Leader of the House, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That the Corruption and Crime Commission *Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons: A Ministerial Decision in Relation to Applications for a Mining Tenement at Yeelirrie*, tabled in the Legislative Assembly on Monday, 16 November 2009, be referred to the Procedure and Privileges Committee for consideration as to what action, if any, can be taken by the House in relation to the report.

Debate ensued.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

4. Referral of Matter to the Procedure and Privileges Committee

The Leader of the House, pursuant to the foregoing motion, moved,

That the Corruption and Crime Commission Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons: A Ministerial Decision in Relation to Applications for a Mining Tenement at Yeelirrie, tabled in the Legislative Assembly on Monday, 16 November 2009, be referred to the Procedure and Privileges Committee for consideration as to what action, if any, can be taken by the House in relation to the report.

Debate ensued.

Question put and passed.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the death of Jack Wong Sue OAM DCM who died on 16 November 2009.

The Minister for Lands on the WALIS (Western Australian Land Information System) International Forum held from 11 to 13 November 2009.

The Minister for Education on the Community Development and Justice Standing Committee's report tabled in the Legislative Assembly on 24 September 2009 and advice to the House that a response will be completed in the near future.

The Premier on recent changes to the Ministry resulting in the Hon. Peter Collier MLC being appointed as Minister for Energy; Training and Workforce Development.

Paper

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

By the Premier –

Western Australia State Government Ministry - State Government Ministerial Offices, 17 November 2009 (1645).

Ministers' Representation List - Ministers' Representation in the Other House - Allocation of Portfolios, 17 November 2009 (1644).

6. Questions

Questions without Notice were taken.

Questions on Notice Nos 1898 to 1901 were asked.

Questions on Notice Nos 1645 to 1648, 1650, 1652, 1656 to 1662, 1664, 1665, 1667, 1669 to 1679, 1681, 1682, 1684 to 1690, 1694, 1696 to 1698, 1701, 1705, 1707, 1813 and 1821 were answered.

Papers tabled by the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education –

Question on Notice No. 1648 - South West Region Logging Coupes from 1999 to 2009 (1640).

Question on Notice No. 1694 - Financial Statements for the Gascoyne Murchison Strategy Board for the period April 1998 to August 2004 (1642 A).

Question on Notice No. 1694 - Details of the 180 Grants awarded under the Gascoyne Murchison Strategy (1642 B).

Question on Notice No. 1694 - Evaluation and Monitoring Program Reports under the Intergovernmental Agreement governing the Gascoyne Murchison Strategy (1642 C).

Paper tabled by the Premier –

Question on Notice No. 1656 - Total Salary and Entitlements Packages of the Directors General of various Agencies as at 1 July 2008 and 1 July 2009 (1641).

Paper tabled by the Minister for Mental Health –

Question on Notice No. 1821 - Staffing Positions and Full-Time or Part-Time Equivalents for Each Position at Peel Mental Health as at 1 June 2009 and 16 October 2009 (1643).

7. Education and Health Standing Committee - Extension of Reporting Date

The Acting Speaker advised members that the Speaker had received a letter from the Chairman of the Education and Health Standing Committee extending the reporting date on its Review of Western Australia's Current and Future Hospital and Community Health Care Services until 6 May 2010.

8. Community Development and Justice Standing Committee - Extension of Reporting Date

The Acting Speaker advised members that the Speaker had received a letter from the Chairman of the Community Development and Justice Standing Committee extending the reporting date on its Inquiry into the Inside Australia Project at Lake Ballard until 26 November 2009.

9. Unanswered Questions on Notice

Under Standing Order 80(2), Mr M. McGowan asked why no answer had been received in respect of his Questions on Notice Nos 1179, 1271, 1345 and 1365.

10. Petitions

Urban Development South of Moore River - Ms L.L. Baker presented a petition from 17 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 179).

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.J. Cowper from 107 persons (P. 177);

Mr J.N. Hyde from 190 persons (P. 178); and

Mr A.P. O’Gorman from 325 persons (P. 180).

11. Papers

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

By the Clerk –

Corruption and Crime Commission of Western Australia - Report on the Investigation into Allegations of Misconduct by Councillors or Employees of the City of Bayswater (Received by the Clerk of the Legislative Assembly and deemed tabled 13 November 2009) (1628).

Corruption and Crime Commission of Western Australia - Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons: a Ministerial Decision in Relation to Applications for a Mining Tenement at Yeelirrie (Received by the Clerk of the Legislative Assembly and deemed tabled 16 November 2009) (1629).

Armadale Redevelopment Act 2001 - Ministerial Approval under section 17(4) of the Act to a transaction greater than \$1 million (Contract for Services with the West Australian Land Authority), dated 28 October 2010 (1630).

Dog Act 1976 - Local Laws (Shire of Gnowangerup Dogs Amendment Local Law 2009 G.G. 10/11/2009) (1631).

Marine Parks and Reserves Authority - Annual Report 2008–2009 (1632).

Occupational Therapists Act 2005 - Regulations (Occupational Therapists Amendment Regulations (No. 3) 2009 G.G. 13/11/2009) (1633).

Real Estate and Business Agents Act 1978 - Regulations (Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2009 G.G. 10/11/2009) (1634).

Road Traffic Act 1974 - Regulations (Road Traffic (Infringements) Amendment Regulations 2009 G.G. 13/11/2009) (1635).

Road Traffic Act 1974 - Regulations (Road Traffic Code Amendment Regulations (No. 4) 2009 G.G. 13/11/2009) (1636).

Road Traffic Act 1974 - Regulations (Road Traffic Code Amendment Regulations 2009 G.G. 13/11/2009) (1637).

School Education Act 1999 - Regulations (School Education Amendment Regulations 2009 G.G. 13/11/2009) (1638).

Western Australian Marine Act 1982 - Regulations (Western Australian Marine (Infringements) Amendment Regulations (No. 2) 2009 G.G. 13/11/2009) (1639).

12. Notices of Motion

13. Messages from the Governor

Messages from His Excellency the Governor were reported recommending the purpose of the appropriations for the following bills –

Higher Education Amendment Bill 2009 (Message No. 75).

Approvals and Related Reforms (No. 4) (Planning) Bill 2009 (Message No. 76).

14. Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to amend the *Retail Trading Hours Act 1987*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

15. Variation to the Order of Business

Ordered, That Government Business Notice of Motion No. 1 be postponed to a later stage of the sitting.

16. Statutes (Repeals and Minor Amendments) Bill 2009

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the statute law by –

- repealing various written laws; and
- making minor amendments to various other written laws, and for related purposes.” 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.

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

Question put and passed.

17. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3, 5 and 2 be next considered.

18. Higher Education Amendment Bill 2009

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

Urgent Bill

The Leader of the House, on behalf of the Minister for Education moved, That the *Higher Education Amendment Bill 2009* be considered an urgent bill.

Question put and passed.

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 for Education 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.

19. Gas Supply (Gas Quality Specifications) Bill 2009

The Order of the Day for the consideration in detail of Legislative Council message No. 44 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Gas Supply (Gas Quality Specifications) Bill 2009* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Gas Supply (Gas Quality Specifications) Bill 2009

No. 1

Page 3, lines 1 and 2 — To delete the lines and insert —

Gas Access Law means —

- (a) the National Gas Access (Western Australia) Law, the Rules made under that Law and the regulations made under the *National Gas Access (WA) Act 2009*; or
- (b) the Gas Pipelines Access (Western Australia) Law, and the regulations, in force under the *Gas Pipelines Access (Western Australia) Act 1998* before the commencement of the *National Gas Access (WA) Act 2009* section 30;

No. 2

Page 4, lines 25 to 28 — To delete the lines and insert —

pipeline service has the meaning given in the National Gas Access (Western Australia) Law section 2;

No. 3

Page 5, lines 16 and 17 — To delete the lines.

No. 4

Page 6, line 17 — To insert after “gas transmission pipeline” —
or a part of a gas transmission pipeline

No. 5

Page 6, after line 21 — To insert —

- (3) In this Act, a reference to a gas transmission pipeline includes a reference to a part of a gas transmission pipeline when the context requires.

No. 6

Page 13, lines 4 to 9 — To delete the lines and insert —

- (b) provide for disputes about —
 - (i) the relevant effects on the capacity of a PIA pipeline; or
 - (ii) the effects on users' rights (under pipeline services agreements) resulting from the way in which the relevant effects on the capacity of the pipeline were or were not dealt with in the pipeline impact agreement,
 to be resolved by the determination of an expert chosen in accordance with the regulations and for such determinations to be final and binding on the parties to the dispute;

No. 7

Page 24, line 8 — To delete “Part 1A;” and insert —

Part 2;

No. 8

Page 24, after line 8 — To insert —

Director means the Director of Energy Safety referred to in the *Energy Coordination Act 1994* section 5;

No. 9

Page 24, line 21 — To delete “by the Minister”.

No. 10

Page 25, line 12 — To delete “Coordinator” and insert —

Director

No. 11

Page 25, line 20 — To delete “Coordinator” and insert —

Director

No. 12

Page 25, line 21 — To delete “Coordinator,” and insert —

Director,

No. 13

Page 26, line 7 — To delete “Coordinator” and insert —

Director

No. 14

Page 26, line 18 — To delete “Coordinator” and insert —

Director

No. 15

Page 26, line 20 — To delete “Coordinator” and insert —

Director

No. 16

Page 34, lines 9 to 11 — To delete the clause.

No. 17

Page 34, after line 8 — To insert —

37. Act amended

This Division amends —

- (a) if this section comes into operation before the day on which the *National Gas Access (WA) Act 2009* section 26 comes into operation — the *Gas Pipelines Access (Western Australia) Act 1998*; or
- (b) otherwise — the *Gas Pipelines Access (Western Australia) Act 1998* (as amended by the *National Gas Access (WA) Act 2009* and cited as the *Energy Arbitration and Review Act 1998*).

CONSIDERATION IN DETAIL

The Premier moved, That amendment Nos 1 to 17 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 14 and 4 be next considered.

21. Premier's Statement

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

Question put and passed.

22. Cannabis Law Reform Bill 2009

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

Debate resumed.

The Attorney General moved, That the debate be adjourned.

Question put and passed.

23. Messages from the Legislative Council

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

17 November 2009

Racing and Wagering Legislation Amendment Bill 2009 (Message No. 49).

Racing Bets Levy Bill 2009 (Message No. 50).

Bookmakers Betting Levy Amendment Bill 2009 (Message No. 51).

Busselton Water Board (Supply of Water to Dunsborough) Bill 2009 (Message No. 52).

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.52 p.m. until Wednesday, 18 November 2009 at 12.00 noon.

Members present during any part of the day's proceedings - All the members except Mr G.M. Castrilli, Mr D.A. Templeman and Mr B.S. Wyatt.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly