

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 46

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 9 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. Papers

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

By the Clerk –

Agriculture and Related Resources Protection Act 1976 - Local Laws (Shire of Bridgetown-Greenbushes - Pest Plants Local Law 2009 G.G. 28/08/2009) (1219).

Children's Court of Western Australia Act 1988 - Regulations (Children's Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009) (1220).

Civil Judgments Enforcement Act 2004 - Regulations (Civil Judgments Enforcement Amendment Regulations (No. 3) 2009 G.G. 04/09/2009) (1221).

Conservation and Land Management Act 1984 - Orders (Walpole and Nornalup Inlets Marine Park Amendment Order 2009 G.G. 01/09/2009) (1222).

Conservation and Land Management Act 1984 - Regulations (Conservation and Land Management Amendment Regulations 2009 G.G. 28/08/2009) (1223).

Coroners Act 1996 - Regulations (Coroners Amendment Regulations 2009 G.G. 04/09/2009) (1224).

District Court of Western Australia Act 1969 - Regulations (District Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009) (1225).

Electricity Act 1945 - Regulations (Electricity (Licensing) Amendment Regulations (No. 5) 2009 G.G. 01/09/2009) (1226).

Energy Safety Act 2006 - Regulations (Energy Safety Amendment Regulations 2009 G.G. 25/08/2009) (1227).

Environmental Protection Act 1986 - Orders (Environmental Protection (Ozone Protection) Policy Revocation Order 2009 G.G. 01/09/2009) (1228).

Evidence Act 1906 - Regulations (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2009 G.G. 04/09/2009) (1229).

Licensed Surveyors Act 1909 - Regulations (Licensed Surveyors (Licensing and Registration) Amendment Regulations 2009 G.G. 01/09/2009) (1230).

Local Government (Miscellaneous Provisions) Act 1960 - Regulations (Building Amendment Regulations (No. 4) 2009 G.G. 01/09/2009) (1231).

Local Government Act 1995 - Local Laws (Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2009 G.G. 04/09/2009) (1232).

Local Government Act 1995 - Regulations (Local Government (Constitution) Amendment Regulations 2009 G.G. 28/08/2009) (1233).

Local Government Act 1995 - Regulations (Local Government (Elections) Amendment Regulations (No. 2) 2009 G.G. 28/08/2009) (1234).

Magistrates Court Act 2004 - Regulations (Magistrates Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009) (1235).

Occupational Safety and Health Act 1984 - Regulations (Occupational Safety and Health Amendment Regulations (No. 5) 2009 G.G. 25/08/2009) (1236).

Real Estate and Business Agents Act 1978 - Regulations (Real Estate and Business Agents (General) Amendment Regulations (No. 3) 2009 G.G. 28/08/2009) (1237).

State Administrative Tribunal Act 2004 - Regulations (State Administrative Tribunal Amendment Regulations 2009 G.G. 04/09/2009) (1238).

Supreme Court Act 1935 - Regulations (Supreme Court (Fees) Amendment Regulations (No. 2) 2009 G.G. 04/09/2009) (1239).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the Metropolitan Region Scheme Amendment No. 1160/41 which will facilitate the residential development of approximately 29.65ha of land in Helena Valley.

Paper

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment No. 1160/41, Helena Valley Precinct Map (1240).

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment No. 1160/41, Helena Valley Precinct: Report on Submissions, Submissions, Transcript of Hearings, August 2009 (1241).

The Minister for Local Government on the opening of nominations for the 2009 Western Australian Local Government elections.

4. Regional Sitting of the Legislative Assembly in Bunbury

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

That unless otherwise ordered, this House adopts the following arrangements for the sitting of the Legislative Assembly in Bunbury in 2009 –

- (1) Subject to an appropriate proclamation being issued by the Governor, the Legislative Assembly will sit in the Bunbury Regional Entertainment Centre on Tuesday, 20 October 2009 from 2.00 p.m. and on Wednesday, 21 October 2009 from 9.00 a.m.
- (2) The stage of the Bunbury Regional Entertainment Centre will be the meeting Chamber, the auditorium will be regarded as Chamber galleries, and the whole of the building and temporary structure, to be used for educational purposes, will be regarded as parliamentary precincts.
- (3) The Leader of the House will provide to the Clerk by 12 noon on Tuesday, 13 October 2009, for distribution to members, a schedule of Government Business to be considered on the following Tuesday and Wednesday.
- (4) Private Members will provide to the Clerk by 11.00 a.m. on Monday, 19 October 2009, for distribution to members, a schedule of Private Members' Business to be considered on the following Wednesday.
- (5) Questions without Notice will be taken on the Tuesday after Prayers, Petitions, Papers, Notices of Motion and Brief Ministerial Statements and on the Wednesday at 2.00 p.m.
- (6) A Matter of Public Interest under Standing Order 145 may be taken after Questions without Notice on the Tuesday if notice of the proposed matter is provided to the Clerk by 11.00 a.m. on Monday, 19 October 2009.
- (7) Private Members' Business will have precedence on the Wednesday, 21 October from 3.20 p.m. to 4.50 p.m. and Government Business will have precedence at other times.
- (8) Members' Statements under Standing Order 147 will be taken on the Tuesday at 5.50 p.m. and on the Wednesday at 4.50 p.m.
- (9) Statements of up to 5 minutes may be made by the Premier, the Leader of the Opposition, and the Leader of the National Party after Members' Statements on the Wednesday.
- (10) In relation to any procedural matter arising as a result of the Bunbury sitting and not adequately dealt with under the Standing Orders, the Legislative Assembly acknowledges that the Speaker will issue an appropriate ruling to resolve the matter to the extent necessary and possible.
- (11) Standing Orders are suspended accordingly to the extent necessary to effect these arrangements.

Debate ensued.

Question put and passed.

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

Mr E.S. Ripper, pursuant to notice, moved,

That a bill for "An Act to amend the –

- *Inspector of Custodial Services Act 2003*;
- *Prisons Act 1981*;
- *Court Security and Custodial Services Act 1999*;

- *Criminal Law (Mentally Impaired Accused) Act 1996*; and
- *Young Offenders Act 1994*.” be introduced and read a first time.

Question put and passed.

Mr E.S. Ripper presented an explanatory memorandum and bill read a first time.

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

6. 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 5.

On the question, That the clause be agreed to,

Question put.

The Assembly divided.

Ayes (27)

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

Noes (24)

Ms L.L. Baker	Mr J.C. Kobelke	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr F.M. Logan	Ms R. Saffioti
Ms A.S. Carles	Mr M. McGowan	Mr T.G. Stephens
Mr A.J. Carpenter	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.N. Hyde	Ms M.M. Quirk	Mr M.P. Whitely
Mr W.J. Johnston	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)

Clause thus passed.

Clause 6.

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

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 1498 to 1511 were asked.

Questions on notice Nos 1112, 1114, 1116, 1118 to 1127, 1132, 1135, 1148, 1152, 1153, 1158, 1167 to 1175, 1178, 1189, 1240, 1267, 1278, 1291, 1341 and 1352 were answered.

8. Variation to the Order of Business

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

9. 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 6 agreed to.

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

Question put and passed.

10. Acts Amendment (Bankruptcy) 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.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

11. Variation to the Order of Business

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

12. 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.

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

Question put and passed.

13. Job Losses and Cuts to Core Services

Ms R. Saffioti, pursuant to notice, moved,

That the House condemns the Barnett Government for budget cuts that are leading to job losses and cuts to core services.

Debate ensued.

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

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 p.m. until Thursday, 10 September 2009 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr B.J. Grylls, Ms A.J.G. MacTiernan and Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly