

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 63

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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WEDNESDAY, 18 NOVEMBER 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

Urban Development South of Moore River - Petitions requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development were presented by –

Mr C.J. Tallentire from 179 persons (P. 181); and

Mr G.A. Woodhams from 20 persons (P. 182).

Shack Site Communities - Mr G.A. Woodhams presented a petition from 248 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 183).

### 3. Correction to Tabled Paper

The Speaker announced that he had authorised corrections under Standing Order No. 156 to the following Tabled Paper tabled on 17 September 2009 –

Procedure and Privileges Committee - Inquiry into Allegations Associated with the Removal of 'The Cliffe' from the State Register of Heritage Places, Report No. 5 (1290).

### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the details of the Government's recent submissions to Infrastructure Australia.

The Minister for Commerce on the proposed expansion to current tourism precinct boundaries.

The Minister for Education on the results of the 2009 Australian Awards for Teaching Excellence.

### **5. Approval and Related Reforms (No. 3) (Crown Land) Bill 2009**

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to amend various Acts in relation to Crown land and for related purposes.” 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.

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

Question put and passed.

### **6. Approval and Related Reforms (No. 4) (Planning) Bill 2009**

The Minister for Planning, pursuant to notice, moved,

That a bill for “An Act –

- to amend the *Planning and Development Act 2005*; and
- to consequentially amend various other Acts,

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

Question put and passed.

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

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

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

Question put and passed.

### **7. Criminal Code Amendment (Identity Crime) Bill 2009**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend *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.

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

Question put and passed.

### **8. Criminal Code Amendment Bill (No. 2) 2009**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend *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 M. McGowan moved, That the debate be adjourned.

Question put and passed.

## 9. Public Sector Commissioner

The Premier, pursuant to notice, moved,

That in accordance with sections 18(6) and 28 of the *Public Sector Management Act 1994*, this House authorises Malcom 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, and requests the Legislative Council to agree to a similar resolution.

Debate ensued.

The Leader of the House moved, That the debate be adjourned until a later stage of this day's sitting.

Question put and passed.

## 10. Variation to the Order of Business

Ordered, That Government Business Order of the Day for the second reading of the *Criminal Code Amendment Bill (No. 2) 2009* be next considered.

## 11. Criminal Code Amendment Bill (No. 2) 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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### *Urgent Bill*

The Leader of the House, on behalf of the Attorney General moved, That the *Criminal Code Amendment Bill (No. 2) 2009* be considered an urgent bill.

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Debate ensued.

Debate interrupted by the Chair (Attorney General speaking) and adjourned until a later stage of the sitting.

## 12. Questions

Questions without Notice were taken.

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### *Speaker's Statement - Distinguished Visitors*

The Speaker noted the presence in the Speaker's Gallery of educational specialists from Beijing led by Madam Zhou Xan.

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Questions on Notice Nos 1902 to 1930 were asked.

Questions on Notice Nos 1663, 1666, 1668, 1680, 1683, 1691 to 1693, 1706, 1776, 1815, 1817 and 1818 were answered.

## 13. Matter of Public Interest - Government Wages and Funding Cuts

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

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*Speaker's Ruling - Format for Matter of Public Interest*

The Speaker ruled that the Matter of Public Interest about to be put before the House would be deemed in order in this instance; however, members were reminded of Standing Order 145 which states that a Matter of Public Interest should only contain one topic for debate.

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At least five members having risen in support,

Mr E.S. Ripper moved,

That this House condemns the Barnett Government for its lack of care and compassion towards those Western Australians most in need including:

1. its failure to support the state's education assistants, gardeners and cleaners secure a fair pay increase; and
2. its decision to cut Redress WA funding at a time when the Federal Government and Opposition has apologised and recognised the struggle of those abused in care.

Debate ensued.

The Leader of the House moved,

To delete all words after "House" and substitute –

“supports decent and fair pay rates for education assistants, gardeners and cleaners employed in cleaning government buildings and offices and also supports the fair and equitable distribution of the funds allocated for the original Redress WA scheme to all eligible applicants.”

On the question, That the words be deleted,

Question put.

The Assembly divided.

Ayes (28)

Mr P. Abetz  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
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 T.K. Waldron  
Dr J.M. Woollard  
Mr J.E. McGrath (*Teller*)

Noes (23)

Ms L.L. Baker  
Ms A.S. Carles  
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  
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  
Ms R. Saffioti (*Teller*)

Question thus passed.

On the question, That the words be inserted,

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

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

Ordered, That Private Members' Business Notices of Motion Nos 22 and 8 be next considered.

#### **15. Public Funding of the State's Critical Port Infrastructure**

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

That this House calls upon the Premier to explain:

- (a) his contradictory position on public funding of the State's critical port infrastructure;
- (b) his Government's clear intention not to proceed with the publicly owned Fremantle Outer Harbour container facility – a decision which imposes unsustainable traffic burden on the local communities and jeopardises the State's economic growth.

Debate ensued.

Debate interrupted by the Chair (Premier speaking) and adjourned until a later stage of the sitting.

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

Ordered, That debate on the motion for Government Business Order of the Day for the *Criminal Code Amendment Bill (No. 2) 2009* to be considered an urgent bill, be resumed.

#### **17. Criminal Code Amendment Bill (No. 2) 2009**

The Order of the Day for the resumption of the debate upon the motion for the bill to be considered an urgent bill was read.

Debate resumed.

Question put and passed.

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On the question, That the bill be read a second time,

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 forwarded to the Legislative Council for concurrence.

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

Ordered, That consideration of Government Business Order of the Day for the motion on the Public Sector Commissioner be resumed.

#### **19. Public Sector Commissioner**

The Order of the Day for the resumption of the debate upon the motion was read.

The Premier, pursuant to notice, had moved (see paragraph 9).

Debate resumed.

Question put.

The Assembly divided.

**Ayes (24)**

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
Mr I.M. Britza  
Mr T.R. Buswell  
Dr E. Constable

Mr M.J. Cowper  
Mr J.M. Francis  
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  
Dr M.D. Nahan  
Mr C.C. Porter  
Mr A.J. Simpson  
Mr M.W. Sutherland  
Mr T.K. Waldron  
Mr J.E. McGrath (*Teller*)

**Noes (20)**

Ms L.L. Baker  
Ms J.M. Freeman  
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 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 A.P. O’Gorman (*Teller*)

Question thus passed.

**20. Messages from the Legislative Council**

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

18 November 2009

Land Administration Amendment Bill 2009 (Message No. 53).

Valuation of Land Amendment (Assessed Value) Bill 2009 (Message No. 54).

**21. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 10.00 p.m. until Thursday, 19 November 2009 at 9.00 a.m.

*Members present during any part of the day's proceedings* - All the members except, 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