

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 48

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 15 SEPTEMBER 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the announcement by Chevron, Shell and Exxon Mobil of their decision to invest in the Gorgon Gas Project and the signing in Perth of the final agreement to enable the project to proceed.

The Premier on the ministerial response to the recommendations in the Public Accounts Committee's report into the Implications of the New Structure and Functions of the Department of the Premier and Cabinet and the Public Sector Commission.

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#### *Paper*

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

By the Premier –

Public Accounts Committee - Ministerial Response to the Report of the Inquiry into the New Structure and Functions of the Department of the Premier and Cabinet and the Public Sector Commission (1275).

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### 3. Questions

Questions without notice were taken.

Questions on notice Nos 1516 to 1521 were asked.

Questions on notice Nos 1179, 1181, 1182, 1183, 1184, 1186, 1187, 1188, 1190, 1192 to 1195, 1198, 1199, 1200, 1201, 1203 to 1207, 1209 to 1212, 1214 to 1218, 1220 to 1224, 1226 to 1229, 1232 to

1235, 1238, 1239, 1241, 1243 to 1246, 1248 to 1252, 1255 to 1258, 1260, 1262, 1263, 1266, 1268, 1269, 1271, 1274, 1275, 1277, 1279, 1282 to 1286, 1288 to 1290, 1292, 1294 to 1297, 1299 to 1301, 1307 to 1310, 1312 to 1316, 1318 to 1321, 1326 to 1329, 1331, 1335, 1340, 1342, 1343, 1345, 1348, 1349, 1356 to 1360, 1362, 1363, 1365, 1368, 1369, 1372, 1394, 1395, 1399, 1400, 1401, 1402, 1405, 1406, 1411, 1417, 1424, 1427, 1428, 1434, 1435, 1438, 1446 and 1497 were answered.

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Papers tabled by the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 1266 - Details of Employees Engaged in Media, Communications, Marketing and Speechwriting in the Office of the Deputy Premier; Minister for Health; Indigenous Affairs (1265).

Question on Notice No. 1283 - Details of Ministerial Staff Members' Contact with GRA Everingham Representatives since 23 September 2008 in the Office of the Deputy Premier; Minister for Health; Indigenous Affairs (1266).

Paper tabled by the Minister for Housing and Works –

Question on Notice No. 1335 - Details of Specific Lots, Suburbs and Towns in which the Land the State Government is Providing for Housing under the Commonwealth Stimulus Package is Located. (1267).

Papers tabled by the Parliamentary Secretary representing the Minister for Mines and Petroleum –

Question on Notice No. 1284 - Details of Ministerial Staff Members' Contact with GRA Everingham Representatives since 23 September 2008 in the Office of the Minister for Mines and Petroleum; Fisheries; Electoral Affairs (1268).

Question on Notice No. 1250 - Details of Meetings by the Minister for Mines and Petroleum; Fisheries; Electoral Affairs with Registered Lobbyists since 23 September 2008 (1269).

Paper tabled by the Parliamentary Secretary representing the Minister for Child Protection; Community Services; Seniors and Volunteering –

Question on Notice No. 1260 - Details of Meetings by the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests with Registered Lobbyists since 23 September 2008 (1270).

Papers tabled by the Minister for Water; Mental Health –

Question on Notice No. 1261 - Details of Meetings by the Minister for Water; Mental Health with Registered Lobbyists since 23 September 2008 (1271).

Question on Notice No. 1295 - Details of Ministerial Staff Members' Contact with GRA Everingham Representatives since 23 September 2008 in the Office of the Minister for Water; Mental Health (1272).

Papers tabled by Minister representing the Minister for Energy; Training –

Question on Notice No. 1190 - Details of Ministerial Staff Members' Contact with Crosby Textor in the Office of the Minister for Energy; Training since 23 September 2008 (1273).

Question on Notice No. 1207 - Details of Ministerial Staff Members' Contact with Ms Cheryl Edwardes in the Office of the Minister for Energy; Training since 23 September 2008 (1274).

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#### **4. Petitions**

Port Hedland Access Routes - Mr T.G. Stephens presented a petition from 739 persons requesting that the community's objection to the closure of access routes from Port Hedland to the coast and rivers south west of town be supported (P. 135).

Shack Site Communities - Ms A.J.G. MacTiernan presented a petition from 294 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 133).

Recreational Fishing Fees - Mr A.J. Carpenter presented a petition from 138 persons requesting that the Legislative Assembly oppose the introduction of new recreational fishing fees (P. 134).

## **5. Papers**

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

By the Clerk –

Corruption And Crime Commission - Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and other Persons, Fortescue Metals Group Ltd, 14 September 2009 (Received by the Clerk of the Legislative Assembly and deemed tabled 14 September 2009) (1254).

Bunbury Water Board [Aqwest] - Statement of Corporate Intent 2009–2010 (1255).

Busselton Water - Statement of Corporate Intent 2009–2010 (1256).

Conservation and Land Management Executive Body - Lease No. 2265/97 between the Department of Environment and Conservation and Optus Mobile Pty Ltd for a mobile telephone station in portion of State Forest No. 4 (1257).

Conservation and Land Management Executive Body - Lease No. 2284/97 between the Department of Environment and Conservation and Optus Mobile Pty Ltd for a mobile telephone station in portion of State Forest No. 24 (1258).

Edith Cowan University Act 1984 - Statutes (Edith Cowan University - Amending Statute No. 1 of 2009 G.G. 11/09/2009) (1259).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 15) 2009 G.G. 10/09/2009) (1260).

Gorgon Gas Processing and Infrastructure Project Agreement 2003 - Variation Agreement, dated 9 September 2009 (1261).

Health Act 1911 - Local Laws (Town of Claremont Health Amendment Local Law 2009 G.G. 11/09/2009) (1262).

Transport Co-ordination Act 1966 - Regulations (Transport (Country Taxi-car) Amendment Regulations (No. 2) 2009 G.G. 08/09/2009) (1263).

Water Corporation - Statement of Corporate Intent 2009–2010 (1264).

## **6. Notices of Motion**

## **7. Message from the Governor**

Message No. 59 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Gas Supply (Gas Quality Specifications) Bill 2009.

## **8. Major Events (Aerial Advertising) Bill 2009**

Message No. 36 dated 10 September 2009 from the Legislative Council was reported agreeing to the bill without amendment.

## **9. Co-operatives Bill 2009**

Message No. 37 dated 10 September 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Co-operatives 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 Co-operatives Bill 2009*

### **No. 1**

Page 2, line 13 — To delete “paragraph (a);” and insert —

paragraph (b);

### **No. 2**

Page 23, after line 28 — To insert —

- (4) Despite subsection (3), if a transferred co-operative would be registered with rules that give effect to a conversion from being a non-distributing co-operative to a distributing co-operative, or vice versa, the requirement to pass a special resolution is not satisfied unless the resolution is passed in accordance with the requirements in section 177(1)(c).

### **No. 3**

Page 289, line 17 — To delete “this Act” and insert —

this section

Ordered, That consideration in detail of Legislative Council message No. 37 be made an Order of the Day for the next sitting of the Assembly.

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

Ordered, That Government Business Order of the Day No. 3 be next considered.

## **11. 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.

The Minister for Water moved,

Page 4, lines 15 to 17 — To delete “must not be less than 25% of the forecast levy amount for the financial year.” and substitute:

“

must be as follows —

- (a) in the financial year ending 30 June 2010 — an amount not less than the difference between 25% of the forecast levy amount for that financial year and the amount of levy paid or payable for the period 1 July 2009 to 31 December 2009;
- (b) in any other financial year — not less than 25% of the forecast levy amount for the financial year.

”.

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*Deputy Speaker's Ruling - Test Vote*

The Deputy Speaker advised members that two members had indicated a wish to move amendments to Clause 7 of the *Waste Avoidance and Resource Levy Amendment Bill 2009*.

The Minister for Water's amendment to Clause 7 was to delete certain words on page 4, lines 15 to 17 with a view to substituting other words. The member for Fremantle wished to delete certain words in line 16.

If the House was to delete all of the words proposed to be deleted by the Minister for Water, it would effectively prevent the member for Fremantle from moving her amendment to line 16 of the same Clause, because the words would have been removed from the line and therefore could not be further amended. Hence, a test vote was required.

So as to preserve the rights of both members as far as possible, it was the Deputy Speaker's intention to put only part of the Minister's amendment to delete words up to the point where the member for Fremantle's amendment started, more specifically to delete the words up to and including “than”. If that was agreed to by the House, the Deputy Speaker would immediately put the balance of the Minister's proposed deletion.

If the first part of the Minister's amendment was not agreed to, the member for Fremantle was then free to move her amendment.

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Question put as a Test Vote, That the words “must not be less than” be deleted.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

## Ayes (29)

Mr P. Abetz  
 Mr F.A. Alban  
 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 (28)

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

Question thus agreed to.

On the question, That the words “must not be less than” be deleted,  
 Amendment put.

The Assembly divided.

## Ayes (29)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
 Mr I.M. Britza  
 Mr T.R. Buswell  
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 Mr M.P. Whitely  
 Dr J.M. Woollard  
 Mr B.S. Wyatt  
 Mr D.A. Templeman (*Teller*)

Amendment thus agreed to.

On the question, That the words “25% of the forecast levy amount for the financial year.” be deleted,  
Amendment put and passed.

On the question, That the words be inserted –

“

must be as follows —

- (a) in the financial year ending 30 June 2010 — an amount not less than the difference between 25% of the forecast levy amount for that financial year and the amount of levy paid or payable for the period 1 July 2009 to 31 December 2009;
- (b) in any other financial year — not less than 25% of the forecast levy amount for the financial year.

”.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

#### Ayes (28)

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

Question thus passed.

On the question, That the words be inserted,

Amendment put.

The Assembly divided.

## Ayes (28)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
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 Mr M.P. Whitely  
 Dr J.M. Woollard  
 Mr B.S. Wyatt  
 Mr D.A. Templeman (*Teller*)

Amendment thus agreed to.

Clause, as amended, put.

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

Question put and passed.

## 12. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

## 13. Criminal Code Amendment (Graffiti) 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.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

## 14. Gas Supply (Gas Quality Specifications) 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 Minister for State Development 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.

**15. Notice of Motion after the Time Prescribed**

The Leader of the House was granted leave to present a late notice of motion.

**16. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 10.23 p.m. until Wednesday, 16 September 2009 at 12.00 noon.

*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