

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 175

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 20 OCTOBER 2011

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Clarkson Police Station – Mr J.R. Quigley presented a petition from 1,447 persons requesting that the Clarkson Police Station be urgently assigned a significant increase in police numbers so as to provide for 7 days a week 24 hour policing and for the police station to remain open at least until 1 hour after closing time of the Whale and Ale Tavern in Clarkson and the Cornerstone Tavern in Butler. (P. 486).

Speaker's Statement

The Speaker drew members' attention to the Standing Orders on petitions and to the temperate language that should be used in them.

Container Deposit Scheme – Mr M.P. Murray presented a petition from 113 persons requesting that Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 487).

3. Papers

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

By the Clerk –

Acacia Prison Services Agreement – Annual Report 2010–2011 (4135).

Conservation Commission of Western Australia – Annual Report 2010–2011 (4136).

Economic Regulation Authority – Inquiry into State Underground Power Program Cost Benefit Study, Final Report (4137).

Waste Authority – Annual Report 2010–2011 (4138).

4. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 21 September 2011 –

Heritage Council of Western Australia – Annual Report 2010–2011 – Correction (3891A).

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Emergency Services on Bushfire Action Week.

The Minister for Education on the Teacher Awards 2011.

The Minister for Health on the Government's Response to the recommendations in Education and Health Standing Committee Report No. 9: Changing Patterns of Illicit Drug Use in Western Australia.

Paper

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

By the Minister for Health –

Education and Health Standing Committee – Government Response to Report No. 9: Changing Patterns of Illicit Drug Use in Western Australia (4139).

6. Grievances

The Speaker called for grievances which were then made.

7. Economics and Industry Standing Committee

Dr M.D. Nahan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Report No. 10: Response to House – Matter of Park Home Residents (4140).

Dr M.D. Nahan, Mr W.J. Johnston, Mr D.A. Templeman and Mr I.C. Blayney spoke on the report.

8. Manslaughter Legislation Amendment Bill 2011

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend –

- *The Criminal Code*; and
- the *Road Traffic Act 1974*,

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.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

9. Criminal Investigation (Covert Powers) Bill 2011

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.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

Ms M.M. Quirk moved,

Page 2, lines 21 and 22 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan

Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
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 P.C. Tinley
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (27)

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
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
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic

Mr J.E. McGrath
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Ms M.M. Quirk moved,

Page 2, lines 28 to 30 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan

Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
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 P.C. Tinley
Mr A.J. Waddell
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (26)

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
 Mr V.A. Catania
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Mr J.E. McGrath
 Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr C.C. Porter
 Mr D.T. Redman
 Mr T.K. Waldron
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Ms M.M. Quirk moved,

Page 3, lines 1 and 2 – To delete the lines.

Amendment put and negatived.

Ms M.M. Quirk moved,

Page 3, line 14 – To delete the line.

Amendment put and negatived.

Ms M.M. Quirk moved,

Page 3, lines 22 and 23 – To delete the lines.

Amendment put and negatived.

Ms M.M. Quirk moved,

Page 4, lines 10 to 12 – To delete the lines.

Amendment put and negatived.

Ms M.M. Quirk moved,

Page 4, lines 19 to 25 – To delete all words after “*jurisdiction*” and substitute:

“ means Western Australia. ”.

Amendment put and negatived.

On the question, That Clause 3 stand as printed,

The Assembly divided.

Ayes (27)

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
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
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 Mr F.M. Logan
 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
 Mrs M.H. Roberts
 Ms R. Saffioti

Mr T.G. Stephens
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr A.J. Waddell
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Clause thus agreed to.

Clause 4 agreed to.

Clause 5.

Ms M.M. Quirk moved,

Page 6, line 25 – To delete “3” and substitute:

“ 7 ”.

Amendment put.

The Assembly divided.

Ayes (22)

Ms L.L. Baker
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr F.M. Logan
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
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Mr J.E. McGrath
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Clause 5 agreed to.

Clauses 6 to 53 agreed to.

Clause 54.

The Minister for Police moved,

Page 49, line 29 — To delete “law;” and substitute:

“ law; or ”.

Page 49, after line 29 — To insert:

“

- (iii) the chief officer of an intelligence agency (within the meaning of paragraph (a) of the definition of *chief officer* in the *Crimes Act 1914* (Commonwealth) section 15K);

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 55 to 78 agreed to.

Clause 79.

The Minister for Police moved,

Page 62, after line 25 — To insert:

“

intelligence agency has the meaning given in the *Crimes Act 1914* (Commonwealth) section 15K;

”.

Amendment put and passed.

The Minister for Police moved,

Page 63, line 6 — To delete “department.” and substitute:

“ department; ”.

Amendment put and passed.

The Minister for Police moved,

Page 63, after line 6 — To insert:

“

- (d) in relation to an intelligence agency — a senior officer as defined in paragraphs (f) and (g) of the definition of *senior officer* in the *Crimes Act 1914* (Commonwealth) section 15LH(3).

”.

Amendment put and passed.

The Minister for Police moved,

Page 63, after line 15 — To insert:

“

- (4) A chief officer of an intelligence agency (within the meaning of paragraph (a) of the definition of *chief officer* in the *Crimes Act 1914* (Commonwealth) section 15K) may delegate to a senior officer of the agency any of the chief officer’s functions under this Part relating to the making of applications under section 54 or 56.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 80 to 126 agreed to.

Title agreed to.

Consideration in detail concluded.

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

10. Members’ Statements

The Speaker called for members’ statements which were then made.

11. Questions

Questions without Notice were taken.

Questions on Notice Nos 6361 to 6445 were asked.

Questions on Notice Nos 6068, 6129, 6136, 6143, 6153 and 6161 were answered.

Paper

Paper tabled by the Minister for Road Safety –

Question on Notice No. 6161 – Summary of approved funding for the road trauma trust fund in the 2010–11 financial year referred to in Legislative Council Question on Notice 3995. (4141).

12. Paper

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report No. 74: Review of Regional Youth Custodial Transport Services in Western Australia (Received by the Clerk of the Legislative Assembly on 6 September 2011 and held for a period of thirty days in accordance with the Inspector of Custodial Services Act 2003) (4142).

13. Industrial Legislation Amendment Bill 2011

Message No. 185 dated 19 October 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the following Acts —

- the Construction Industry Portable Paid Long Service Leave Act 1985;
 - the Industrial Relations Act 1979;
 - the Minimum Conditions of Employment Act 1993;
 - the Employment Dispute Resolution Act 2008,
- and to make minor amendments to other Acts.”

The Minister for Transport moved, That the bill be read a first time.

Question put and passed.

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

Leave was granted to proceed forthwith to the second reading of the bill.

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

14. Agricultural Practices (Disputes) Repeal Bill 2011

Message No. 186 dated 20 October 2011 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to repeal the Agricultural Practices (Disputes) Act 1995 and for related purposes.”

The Minister for Agriculture and Food moved, That the bill be read a first time.

Question put and passed.

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

Leave was granted to proceed forthwith to the second reading of the bill.

The Minister for Agriculture and Food moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

15. Electoral and Constitutional Amendment Bill 2011

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

Debate resumed.

The Premier was granted leave to continue his remarks at a later stage of the sitting.

16. Special Adjournment

The Premier moved, That the House at its rising adjourn until Tuesday, 1 November 2011 at 2.00 p.m.

Question put and passed.

17. Adjournment

The Premier moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 5.10 p.m. until Tuesday, 1 November 2011 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr G.M. Castrilli, Mrs L.M. Harvey, Mr W.R. Marmion and Dr J.M. Woollard.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly