

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 228

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 26 SEPTEMBER 2012

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Dog Breed Regulations – Mr J.N. Hyde presented a petition from 86 persons requesting that the Legislative Assembly remove all legal restrictions currently on certain breeds deeming them automatically dangerous, and replace this with a system that considers all dog breeds to be not dangerous, unless an individual investigation of the dog and owner proves the dog is a true danger to society (P. 644).

Household Fees and Charges – Mr C.J. Tallentire presented a petition from 23 persons requesting that the Legislative Assembly voices the case of householders aggrieved by increases in fees and charges and provides relief for Western Australians trying to balance the household budget (P. 645).

3. Papers

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

By the Speaker –

Auditor General, Office of the – Second Public Sector Performance Report 2012, Report 11 – September 2012 (5303).

By the Clerk –

Acacia Prison Services Agreement – Annual Report 2011–2012 (5304).

Contract for the Provision of Court Security and Custodial Services – Annual Report 2011–2012 (5305).

Disability Services Commission – Annual Report 2011–2012 (5306).

Finance, Department of – Annual Report 2011–2012 (5307).

Fire and Emergency Services Authority – Annual Report 2011–2012 (5308).

Gascoyne Development Commission – Annual Report 2011–2012 (5309).

Goldfields-Esperance Development Commission – Annual Report 2011–2012 (5310).

Government Employees Superannuation Board – Annual Report 2011–2012 (5311).

Great Southern Development Commission – Annual Report 2011–2012 (5312).

Health and Disability Services Complaints Office – Annual Report 2011–2012 (5313).
 Insurance Commission of Western Australia – Annual Report 2011–2012 (5314).
 Kimberley Development Commission – Annual Report 2011–2012 (5315).
 Land Administration Act 1997 – Proposal No. 10 under section 42(4) of the Act relating to the cancellation of Class A Reserve 24331 to facilitate the redevelopment of the Manning Community Hub (5316).
 Landcorp – Annual Report 2011–2012 (5317).
 Landgate – Annual Report 2011–2012 (5318).
 Local Government, Department of – Annual Report 2011–2012 (5319).
 Local Health Authorities Analytical Committee – Annual Report 2011–2012 (5320).
 Main Roads Western Australia – Annual Report 2011–2012 (5321).
 Mental Health Commission – Annual Report 2011–2012 (5322).
 Mid West Development Commission – Annual Report 2011–2012 (5323).
 National Trust of Western Australia – Annual Report 2011–2012 (5324).
 Peel Development Commission – Annual Report 2011–2012 (5325).
 Perth Market Authority – Annual Report 2011–2012 (5326).
 Pilbara Development Commission – Annual Report 2011–2012 (5327).
 Public Transport Authority – Annual Report 2011–2012 (5328).
 Quadriplegic Centre – Annual Report 2011–2012 (5329).
 Queen Elizabeth II Medical Centre – Annual Report 2011–2012 (5330).
 Rottnest Island Authority – Annual Report 2011–2012 (5331).
 South West Development Commission – Annual Report 2011–2012 (5332).
 State Supply Commission – Annual Report 2011–2012 (5333).
 Western Australian Building Management Authority – Annual Report 2011–2012 (5334).
 Western Australian Coastal Shipping Commission – Annual Report 2011–2012 (5335).
 Western Australian Meat Industry Authority – Annual Report 2011–2012 (5336).
 Western Australian Police – Annual Report 2011–2012 (5337).
 Western Australian Regional Development Trust – Annual Report 2011–2012 (5338).
 Western Australian Reproductive Technology Council – Annual Report 2011–2012 (5339).
 Western Australian Treasury Corporation – Annual Report 2011–2012 (5340).
 Wheatbelt Development Commission – Annual Report 2011–2012 (5341).
 Workcover – Annual Report 2011–2012 (5342).\

4. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 2 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the Swan Valley Land Use and Management Discussion Paper.

Papers

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

By the Minister for Planning –

Minister for Planning – Swan Valley Land Use and Management Discussion Paper, September 2012 (5343).

The Minister for Environment on the breed-for-release program at Perth Zoo, aimed at protecting Western Australia's most threatened fauna.

The Treasurer on the tabling of the 2011–12 Annual Report on State Finances.

Paper

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

By the Treasurer –

Treasurer of Western Australia – 2011–12 Annual Report on State Finances (5344).

6. Private Members' Business

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

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have priority from 4.00 p.m. to 8.00 p.m. on Wednesday, 26 September 2012.

Question put and passed.

7. Criminal Code Amendment (Domestic Violence) Bill 2012

Mrs M.H. Roberts, on behalf of Mr M. McGowan, 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.

Mrs M.H. Roberts, on behalf of Mr M. McGowan presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the sitting.

8. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3 and 4 be next considered.

9. 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 debate on the second reading of the Mining Rehabilitation Fund Bill 2012 and the Mining Rehabilitation Fund Amendment Bill 2012 to proceed as a cognate debate, noting that two members have already spoken, and that the Mining Rehabilitation Fund Bill 2012 be declared the principal bill for the debate.

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.

10. Mining Rehabilitation Fund Bill 2012

Mining Rehabilitation Fund Amendment Bill 2012

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

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 37 agreed to.

New clause.

Mr W.J. Johnston moved,

Page 22, after line 17 – To insert:

“

37A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as is practicable after the end of the period of 10 years beginning on the day on which this Act receives the Royal Assent.
- (2) The Minister must prepare a report based on the review and must cause the report to be laid before each House of Parliament as soon as is practicable after it is prepared and, in any event, not later than 18 months after the end of the period referred to in subsection (1).

”.

Amendment, by leave withdrawn.

Clause 38 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Premier moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

11. Mining Rehabilitation Fund Amendment Bill 2012

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

Question put and passed.

Bill read a second time.

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

The Premier moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

12. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 24 be next considered.

13. Workers' Compensation and Injury Management Amendment (Jockeys) Bill 2012

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to amend the *Workers’ Compensation and Injury Management Act 1981*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Mr J.N. Hyde moved, That the debate be adjourned.

Question put and passed.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 10 be next considered.

15. Loan Bill 2012

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

Debate interrupted by the Chair (Mr J.N. Hyde speaking) and adjourned until a later stage of the sitting.

16. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Training and Workforce Development –

Training and Workforce Development, Minister for – Details of the Winners at the Western Australian Training Awards (5345).

Questions on Notice Nos 8727 to 8800 were asked.

17. Additional Information

The Minister for Sport and Recreation provided additional information relating to Question without Notice No. 546 from Mr B.S. Wyatt.

18. Matter of Public Interest – Western Australian Energy System

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

At least five members having risen in support,

Mr W.J. Johnston moved,

That this House condemns the Barnett Government for failures in managing the State's energy system, particularly in relation to the:

- (a) Pilbara energy demands;
- (b) the Muja power refurbishment; and
- (c) the Verve efficiency dividend.

Debate ensued.

Question put.

The Assembly divided.

Ayes (25)

Ms L.L. Baker

Dr A.D. Buti

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

Mr M. McGowan

Mr M.P. Murray

Mr A.P. O'Gorman

Mr P. Papalia

Mr J.R. Quigley

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 P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (29)

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

Question thus negatived.

19. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 10 be resumed.

20. Loan Bill 2012

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

Debate resumed.

Debate interrupted by the Chair (Mr J.N. Hyde speaking) and adjourned until a later stage of the sitting.

21. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Criminal Code Amendment (Domestic Violence) Bill 2012 and Private Members' Business Notices of Motion Nos 17 and 18 be next considered.

22. Criminal Code Amendment (Domestic Violence) Bill 2012

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

Mr M. McGowan moved, That the bill be now read a second time.

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

Question put and passed.

23. Water Services in Western Australia

Mr F.M. Logan, pursuant to notice, moved,

That this House condemns the Barnett Government and Minister for Water for failing to:

- (1) deliver affordable water services to the households of Western Australia; and
- (2) control the excesses of the Government-owned Water Corporation.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Dr A.D. Buti
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Mrs C.A. Martin

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 C.J. Tallentire
Mr P.C. Tinley
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Ms R. Saffioti (*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 G.M. Castrilli
Mr V.A. Catania

Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
Mr A. Krsticevic

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

Question thus negatived.

24. Variation to the Order of Business

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

25. Western Australian Future Fund Bill 2012

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 to 4 agreed to.

Clause 5.

Mr J.J.M. Bowler moved,

Page 3, after line 12 – To insert:

“

- (5) Notwithstanding the requirements of subsection (4), ten percent of the money standing to the credit of the Future Fund referred to in subsection (4) must be held in gold.

”.

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

Question put and passed.

26. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 9 be next considered.

27. Electoral Amendment Bill 2012

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 to 30 agreed to.

Clause 31.

Clause put and negatived.

Clauses 32 to 34 agreed to.

Title agreed to.

Consideration in detail concluded.

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

28. Retirement Villages Amendment Bill 2012

Message No. 239 dated 26 September 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Retirement Villages Act 1992*.”

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

29. Sentencing Amendment Bill 2012

Message No. 240 dated 26 September 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Sentencing Act 1995*.”

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

30. Revenue Laws Amendment Bill 2012

Message No. 241 dated 26 September 2012 from the Legislative Council was reported agreeing to the bill without amendment.

31. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.38 p.m. until Thursday, 27 September 2012 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr C.C. Porter.

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
 Speaker of the Legislative Assembly