

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 219

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 15 AUGUST 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

Heavy Haulage on Albany Highway – Dr A.D. Buti presented a petition from 110 persons requesting that the use of alternate routes for heavy haulage vehicles using Albany Highway between Armadale and Kelmscott be promoted, by installing signage on Tonkin Highway, Albany Highway and Armadale Road (P. 629).

Container Deposit Scheme – Ms L.L. Baker presented a petition from 19 persons requesting that the Legislative Assembly calls upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 630)

Moore River Estuary Development – Ms L.L. Baker presented a petition from 56 persons requesting that the Legislative Assembly recommends that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 631).

3. Papers

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

By the Clerk –

Land Administration Act 1997 – Submission No. 11/2012 under section 44(1) of the Act for excision from Class A Reserve 24913, proposed amendment of route for previously approved power and access easements, Shire of Denmark (5115).

Land Administration Act 1997 – Submission No. 12/2012 under section 44(1) of the Act for excision from a portion of Class A Reserve 14943 for dedication of an extension of Cape Riche Road, City of Albany (5116).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the Metropolitan Region Scheme Amendment 1215/41 – Cardup Industrial Precinct.

Papers

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1215/41 Cardup Industrial Precinct, Report on Submissions, Submissions, Transcript of Hearings (5117).

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1215/41 – Map number 28/38m (5118).

The Minister for Environment on the release of the Draft Forest Management Plan for public comment.

The Minister for Corrective Services on cabinet's approval of the drafting of amendments to the *Dangerous Sexual Offenders Act 2006* to provide for electronic monitoring of dangerous sexual offenders to enhance community safety.

6. Electoral Amendment Bill 2012

The Premier, pursuant to notice, moved,

That a bill for “An Act to to amend the *Electoral Act 1907* and to repeal the *Franchise Act 1916*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

7. Mining Rehabilitation Fund Bill 2012

The Premier, pursuant to notice, moved,

That a bill for “An Act to provide for —

- the establishment of the Mining Rehabilitation Fund; and
- the declaration of abandoned mine sites; and
- a levy payable in respect of mining authorisations,

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

Question put and passed.

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

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

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

Question put and passed.

8. Mining Rehabilitation Fund Amendment Bill 2012

The Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Mining Rehabilitation Fund Act 2012* to impose the mining rehabilitation levy.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.
 The Premier 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. Western Australian Future Fund Bill 2012

The Treasurer, pursuant to notice, moved,
 That a bill for “An Act to establish the Western Australian Future Fund and for related purposes.” 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 D.A. Templeman moved, That the debate be adjourned.
 Question put and passed.

10. Loan Bill 2012

The Treasurer, pursuant to notice, moved,
 That a bill for “An Act to authorise the borrowing of a sum of five billion dollars for public purposes.” 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 D.A. Templeman moved, That the debate be adjourned.
 Question put and passed.

11. Local Government Amendment Bill (No. 2) 2012

The Minister for Local Government, pursuant to notice, moved,
 That a bill for “An Act to amend the *Local Government Act 1995* to enable local governments to form regional subsidiaries, to make consequential amendments to other Acts and for related purposes.” be introduced and read a first time.
 Question put and passed.
 The Minister for Local Government presented an explanatory memorandum and bill read a first time.
 The Minister for Local Government moved, That the bill be now read a second time.
 Mr D.A. Templeman moved, That the debate be adjourned.
 Question put and passed.

12. Electoral Amendment (Publicly Funded Advertising) Bill 2012

Mr B.S. Wyatt, pursuant to notice, moved,
 That a bill for “An Act to amend the *Electoral Act 1907*.” be introduced and read a first time.
 Question put and passed.
 Mr B.S. Wyatt 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.

13. Commercial Arbitration Bill 2011

The Order of the Day for the consideration in detail of Legislative Council Message No. 197 was read.
 The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Arbitration Bill 2011* 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 Commercial Arbitration Bill 2011

No. 1

Page 13, lines 11 to 16 — To delete the lines and insert —

- (5) A decision within the limits of the Court's authority on a matter entrusted by subsection (3) or (4) to the Court is final.

No. 2

Page 15, lines 17 to 21 — To delete the lines and insert —

- (5) A decision of the Court under subsection (4) that is within the limits of the authority of the Court is final.

No. 3

Page 16, lines 9 to 13 — To delete the lines and insert —

- (3) A decision of the Court under subsection (2) that is within the limits of the authority of the Court is final.

No. 4

Page 18, lines 4 to 8 — To delete the lines and insert —

- (10) A decision of the Court under subsection (9) that is within the limits of the authority of the Court is final.

No. 5

Page 40, lines 9 to 13 — To delete the lines and insert —

- (5) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 6

Page 41, lines 9 to 13 — To delete the lines and insert —

- (4) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 7

Page 61, the Table item 14 the 1st row — To delete “14(4),” and insert —
14(3),

CONSIDERATION IN DETAIL

The Minister for Planning moved, That amendment Nos 1 to 6 be agreed to.

Question put and passed.

The Minister for Planning moved, That amendment No. 7 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Integrity (Lobbyists) 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 and 2 agreed to.

Clause 3.

Dr E. Constable moved,

Page 2, line 22 – To delete “*government representative*” and substitute:

“ *public official* ”.

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

15. Questions

Questions without Notice were taken.

Questions on Notice Nos 8475 to 8496 were asked.

Questions on Notice Nos 8271, 8374, 8440 and 8445 were answered.

16. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

17. Integrity (Lobbyists) Bill 2011

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 3.

Dr E. Constable had moved,

Page 2, line 22 – To delete “*government representative*” and substitute:

“ *public official* ”.

Question put and negatived.

Dr E. Constable moved,

Page 3, line 19 – To insert after “*lobbying*”:

“ *activity* ”.

Question put and passed.

Dr E. Constable moved,

Page 4, lines 23 and 24 – To delete the lines and substitute:

“

registered lobbyist means a person who is a lobbyist listed in the register;

”.

Amendment put.

The Assembly divided.

Ayes (28)

Ms L.L. Baker	Mrs C.A. Martin	Mr T.G. Stephens
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mr M.P. Murray	Mr P.C. Tinley
Dr E. Constable	Mr A.P. O’Gorman	Mr A.J. Waddell
Mr R.H. Cook	Mr P. Papalia	Mr P.B. Watson
Ms J.M. Freeman	Mr J.R. Quigley	Dr J.M. Woollard
Mr J.N. Hyde	Ms M.M. Quirk	Mr B.S. Wyatt
Mr W.J. Johnston	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)
Mr J.C. Kobelke	Mrs M.H. Roberts	
Mr F.M. Logan	Ms R. Saffioti	

Noes (28)

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

The votes being equal, the Speaker cast his vote with the noes and the question was resolved in the negative.

Clause, as amended, agreed to.

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

18. Variation to the Order of Business

Ordered, That Private Members’ Business Order of the Day for the second reading of the Electoral Amendment (Publicly Funded Advertising) Bill 2012 and Private Members’ Business Orders of the Day Nos 12 and 22 be next considered.

19. Electoral Amendment (Publicly Funded Advertising) Bill 2012

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

Mr B.S. Wyatt moved, That the bill be now read a second time.

Mr A.P. Jacob moved, That the debate be adjourned.

Amendment put and passed.

20. Local Government Amalgamations

The Order of the Day having been read for the resumption of debate on the motion moved by Mr J.N. Hyde,

That this House calls on the Barnett Government to:

- (1) provide advice as to the cost of its flawed and failed amalgamation process to date, and the cost to both the State Government and local governments; and
- (2) rule out forced amalgamations of councils in Western Australia.

Debate resumed.

Mr A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

21. Workers' Compensation and Injury Management (Fair Protection for Firefighters) 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.

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

22. 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, 16 August 2012 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr M.P. Whitely.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly