

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 45****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

TUESDAY, 8 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 Minister for Health on the Minister's recent official trip to Tanzania to investigate ways in which Western Australia may benefit from working with Tanzania in the area of maternal and child health.

The Minister for Education on the refining of the scaling system used for marking Year 12 examinations.

The Minister for Agriculture and Food on the Western Australian Food Industry Association Awards held on Friday, 4 September 2009.

The Premier on the impact of the findings and recommendations of the Commissioner for Public Sector Standards on the selection process for the appointment of Mr David Caporn as Executive Director Community Development of the Fire and Emergency Services Authority.

Papers

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

By the Premier –

Public Sector Standards, Commissioner of - Advice on the Appointment of Executive Director Community Development, FESA – Comment from Commissioner of Police (1217).

Public Sector Standards, Commissioner of - Report on the Impact of the Findings and Recommendations of the Commissioner for Public Sector Standards on the Selection Process for the Executive Director Community Development FESA (1242).

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 1449 to 1497 were asked.

Questions on Notice Nos 1113, 1128, 1130, 1133, 1134, 1136, 1137, 1144, 1154, 1160 to 1165, 1180, 1197, 1231, 1237, 1254, 1265, 1272, 1273, 1280, 1302 to 1306, 1323, 1332, 1334, 1338, 1339, 1346, 1347, 1351, 1353, 1354, 1361, 1366, 1367, 1371, 1373, 1374, 1403, 1404, 1408, 1409, 1412, 1415, 1422, 1440, 1441, 1447 and 1483 were answered.

Paper tabled by the Minister for Police; Emergency Services; Road Safety –

Question on Notice No. 1272 - Details of Employees Engaged in Media, Communications, Marketing, or Speechwriting in the Office of the Minister for Police; Emergency Services; Road Safety (1212).

Paper tabled by the Premier –

Question on Notice No. 1302 - Details of Contact Between Mr Paul Everingham and Mr Peter Conran since 23 September 2008 (1213).

Paper tabled by the Minister for Health –

Question on Notice No. 1136 - Arredondo, E., Castaneda, D., Elder, J.P., et al. (2009). 'Brand Name Logo Recognition of Fast Food and Healthy Food among Children', *Journal of Community Health*, 34 (1): 73-78 (1214).

Paper tabled by the Minister for Agriculture and Food –

Question on Notice No. 1133 - Details of Employees in Department of Agriculture and Food Regional Offices (1215).

4. Petitions

Secret Harbour Police Station - Mr P. Papalia presented a petition from 49 persons requesting that the Government take immediate steps to progress the construction of the Secret Harbour Police Station, and not remove officers from the Rockingham Police Station to staff it (P. 115).

In-fill Sewerage Program - Mr F.M. Logan presented a petition from 24 persons requesting that the Government honour previous commitments made to complete the Spearwood in-fill sewerage program by 2010 (P. 118).

Vandalism and Graffiti on Public Property - Mr J.R. Quigley presented a petition from 1,892 persons requesting that the Legislative Assembly give greater power to police and courts to penalise persons guilty of committing acts of vandalism and graffiti (P. 119).

Medication for Companion Dogs - Mr C.J. Tallentire presented a petition from 112 persons requesting that Western Australian veterinarians provide owners of companion animals with expiry date and batch number details of all tablet medicines they dispense for companion animals (P. 124).

Recreational Fishing Fees and Licences - Petitions requesting that the Government oppose the introduction of fees and licences were presented by -

Mr P. Papalia from 16 persons (P. 116);

Mr F.M. Logan from 107 persons (P. 117);

Mr P.B. Watson from 217 persons (P. 120);

Mr A.J. Waddell from 35 persons (P. 121);

Mr C.J. Tallentire from 81 persons (P. 123);

Mr J.C. Kobelke from 65 persons (P. 125);

Mr R.H. Cook from 73 persons (P. 126); and

Mr T.G. Stephens from 154 persons (P. 127).

Recreational Fishing Fees and Licences - Mr M.P. Murray presented a petition from 554 persons requesting that the Government look at alternative methods to conserve fish stocks, such as stricter bag limits, increased research and season restrictions (P. 122)

5. Papers

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

By the Speaker –

Auditor General, Office of the [OAG] - Annual Report 2008–2009 (Received by the Clerk of the Legislative Assembly and deemed tabled on 27 August 2009) (1197).

By the Clerk –

Corruption and Crime Commission of Western Australia - Supplementary Report on the Investigation of Alleged Public Sector Misconduct Linked to the Smiths Beach Development at Yallingup (Received by the Clerk of the Legislative Assembly on 27 August 2009 and deemed tabled) (1198).

Armadale Redevelopment Act 2001 - Ministerial Approval under Section 17(4) of the Act in relation to the Armadale Redevelopment Authority entering into a contract with the City of Armadale for \$3,385,000 to fund further works for Champion Lakes Regatta Centre, dated 28 August 2009 (1199).

Coal Industry Superannuation Act 1989 - Regulations (Coal Industry Superannuation Amendment Regulations 2009 G.G. 21/08/2009) (1200).

Conservation and Land Management Act 1984 - Lease No. 2280/97 Public Recreation Site within Portion of State Forrest No. 22, between the Department of Environment and Conservation and the Shire of Serpentine-Jarrahdale, dated 7 September 2009 (1201).

Curtin University of Technology Act 1966 - Statutes (Statute No. 14 - Curtin University of Technology Foundation G.G. 21/08/2009) (1202).

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations 2009 G.G. 21/08/2009) (1203).

Education and Health Standing Committee - Government Response to the Education and Health Standing Committee's Report No. 2, Healthy Child-Healthy State Improving Western Australia's Child Health Screening Programs (1216).

Fire and Emergency Services Superannuation Act 1985 - Regulations (Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2009 G.G. 21/08/2009) (1204).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 12) 2009 G.G. 18/08/2009) (1205).

Land Administration Act 1997 - Proposal No. 15/2009 under Sections 42(4), 44(1), 45(4) of the Act in relation to the Proposed Cancellation of Class 'A' Reserve 30281 - Shire of Cranbrook, dated 25 August 2009 (1206).

Mines Safety and Inspection Act 1994 - Regulations (Mines Safety and Inspection Amendment Regulations (No. 3) 2009 G.G. 21/08/2009) (1207).

Road Traffic Act 1974 - Regulations (Road Traffic (Charges and Fees) Amendment Regulations 2009 G.G. 18/08/2009) (1208).

Spent Convictions Act 1988 - Regulations (Spent Convictions (Act Amendment) Regulations 2009 G.G. 18/08/2009) (1209).

State Witness Protection Program - Annual Report 2008–2009 (1210).

6. Notices of Motion

7. Matter of Public Interest - Boat Fishing Licence Fees

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.

At least five members having risen in support,

Mr E.S. Ripper moved,

That the House does not support general boat fishing licence fees which are revenue raising measures that will not preserve fish stocks and calls on the Government to bring forward a credible plan to sustainably manage threatened fish stocks.

Debate ensued.

Mr M.J. Cowper moved, To delete all words after “House” and substitute

“acknowledges that the Government will bring forward a credible plan to sustainably manage threatened fish stocks”.

Debate ensued.

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 I.M. Britza
Mr T.R. Buswell
Ms A.S. Carles
Mr G.M. Castrilli
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day

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
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
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Noes (25)

Ms L.L. Baker
Mr J.J.M. Bowler
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

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
Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the words be inserted,

Question put.

The Assembly divided.

Ayes (28)

Mr P. Abetz
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Ms A.S. Carles
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper
 Mr J.H.D. Day

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
 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
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

Noes (25)

Ms L.L. Baker
 Mr J.J.M. Bowler
 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

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
 Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Assembly divided.

Ayes (28)

Mr P. Abetz
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Ms A.S. Carles
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper
 Mr J.H.D. Day

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
 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
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

Noes (25)

Ms L.L. Baker
 Mr J.J.M. Bowler
 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

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
 Mr D.A. Templeman (*Teller*)

Question thus passed.

8. Waste Avoidance and Resource Recovery Amendment Bill 2009

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

Debate resumed.

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

Question put.

The Assembly divided.

Ayes (29)

Mr P. Abetz
Mr F.A. Alban
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
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
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Noes (23)

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
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Ms M.M. Quirk
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
Mr D.A. Templeman (*Teller*)

Question thus passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clause 1 agreed to.

Clause 2.

The Minister for Water moved,

Page 2, line 8 — To insert after “Royal Assent”:

“ (*assent day*) ”.

Page 2, after line 8 — To insert:

“ (b) sections 3 and 9 and Part 3 — on the day after assent day; ”.

Paper

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

By the Minister for Water –

Waste Avoidance and Resource Recovery Amendment Bill 2009 - Memo to Minister for Environment from the Treasurer - Shortfall in Landfill Levy Revenue, 22 June 2009 (1218).

Amendments put and passed.

The Minister for Water moved,

Page 2, line 9 — To delete “the day after that day.” and substitute:

“

a day fixed by proclamation, and different days may be fixed for different provisions.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5.

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

Question put and passed.

9. Local Government Amendment Bill 2009

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

CONSIDERATION IN DETAIL

Clauses 1 to 48 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Local Government moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

10. Cross-border Justice Amendment 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.

11. Message from the Governor

Message No. 58 from His Excellency the Governor was reported assenting to the National Gas Access (WA) Bill 2008, Act No. 16 of 2009.

12. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.33 p.m. until Wednesday, 9 September 2009 at 12.00 noon.

Members present during any part of the day's proceedings - All the members except Mr B.J. Grylls, Ms A.J.G. MacTiernan and Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly