

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 10****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

THURSDAY, 4 DECEMBER 2008**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

Transport Services for Patients Undergoing Cancer Treatment – Mr P. Papalia presented a petition from 601 persons requesting that Legislative Assembly consider the implementation of a dedicated transport service for cancer patients in the Rockingham, Singleton, Golden Bay and Secret Harbour areas undergoing treatment in major Perth hospitals (P. 35).

Pedestrian Railway Crossing Upgrade at Bibra Lake – Mr J.M. Francis presented a petition from 198 persons requesting that the Legislative Assembly support the upgrade of the pedestrian railway crossing from a ‘passive’ to an ‘active’ one at Prout Way and Little Rush Close, Bibra Lake (P. 36).

Children’s Crossing at Pacific Way and Gradient Way Beldon – Ms M.M. Quirk presented a petition from 467 persons requesting that Legislative Assembly maintain the current ‘A’ warrant status at Pacific Way and Gradient Way Beldon for the protection of children attending Beldon Primary School (P. 37).

Democratic Republic of Congo – Mr W.J. Johnston presented a petition from 4 persons requesting that the Legislative Assembly note the concerns of the Congolese Community of Western Australia about the war in the eastern part of the Democratic Republic of Congo and support the Congolese Community in their efforts to stop the war in Congo (P. 38).

Cockburn Central Railway Station Car Parking Facilities – Mr F.M. Logan presented a petition from 626 persons requesting that the Legislative Assembly commit to the construction of adequate parking facilities at Cockburn Central to enable the public use of a safe and world standard parking facility during the term of this Government (P. 39).

Voluntary Euthanasia – Mr M.P. Whitely presented a petition from 1 person requesting that Legislative Assembly grant more options to people with a terminal illness or those suffering severely debilitating diseases, including the right to voluntary euthanasia (P. 40).

Police and Citizens' Youth Club – Mr P. Papalia presented a petition from 29 persons requesting that the Legislative Assembly endorse the continued future of the Rockingham Police and Citizens' Youth Club and ensure that sufficient resources and funding are allocated to enable that to occur (P. 41).

3. Papers

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

By the Clerk –

Salaries and Allowances Act 1975 – Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission, under Section 7 of the Act (480).

Land Administration Act 1997 – Proposal No. 14/2008 under Section 42(4) of the Act in relation to the grant of an easement over portion of Class 'A' Reserve 45409 (Bold Park) (481).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by –

The Minister for Education on the new pay agreement for teachers and school administrators in Western Australia.

The Minister for Emergency Services on International 'Thank a Volunteer Day' on Friday, 5 December 2008.

The Minister for Planning on the Metropolitan Region Scheme Amendment Nos 1127/41, 1128/41, 1129/41, 1130/41 in Baldivis.

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 No. 1127/41 Baldivis Urban Expansion Plan Area 1, City of Rockingham: Report on Submissions and Submissions, November 2008 (485).

Metropolitan Region Scheme – Amendment No. 1127/41 Baldivis Urban Expansion Plan Area 1, City of Rockingham: Plan Number 3.2066/1 (487).

Metropolitan Region Scheme – Amendment No. 1128/41 Baldivis Urban Expansion Plan Area 2, City of Rockingham: Report on Submissions and Submissions, November 2008 (484).

Metropolitan Region Scheme – Amendment No. 1128/41 Baldivis Urban Expansion Plan Area 2, City of Rockingham: Plan Number 3.2067/1 (490).

Metropolitan Region Scheme – Amendment No. 1129/41 Baldivis Urban Expansion Plan Area 3, City of Rockingham: Report on Submissions and Submissions, November 2008 (483).

Metropolitan Region Scheme – Amendment No. 1129/41 Baldivis Urban Expansion Plan Area 3, City of Rockingham: Plan Number 3.2068/1 (489).

Metropolitan Region Scheme – Amendment No. 1130/41 Baldivis Urban Expansion Plan Area 4, City of Rockingham: Report on Submissions and Submissions, November 2008 (482).

Metropolitan Region Scheme – Amendment No. 1130/41 Baldivis Urban Expansion Plan Area 4, City of Rockingham: Plan Number 3.2065/1 (488).

Metropolitan Region Scheme – Amendments within the South West District, Transcripts of Hearings, Amendment Nos 1127/41, 1128/41, 1129/41 and 1130/41, City of Rockingham, November 2008(486).

The Treasurer on the Government's response to Report No. 10 of the Economics and Industry Standing Committee in relation to Karrinyup Lakes Lifestyle Village.

Paper

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

By the Treasurer –

Economics and Industry Standing Committee – Government Response to Report No. 10 of the Economics Industry Standing Committee in relation to Karrinyup Lakes Lifestyle Village (491).

5. Grievances

The Speaker called for grievances which were then made.

6. Procedure and Privileges Committee – Report

Mr M.W. Sutherland, as Deputy Speaker, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Procedure and Privileges Committee's Response to Matters Raised in Corruption and Crime Commission Reports Referred Under 27A of the CCC Act, Report No. 1, 2008 (38th Parliament) (492) .

Mr M.W. Sutherland spoke on the report.

7. Suspension of Standing Orders

Mr E.S. Ripper, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House censure the Premier for misleading the House in relation to the appointment of Mr Peter Conran and in particular in relation to his knowledge of the composition of the selection panel which appointed him.

Debate ensued.

The Leader of the House moved, To add –

“ and the debate proceed in accordance with the time limits of a matter of public interest ”.

Amendment put and passed.

Question put.

The Speaker having counted the House, and an absolute majority present and there being no dissentient voice, the motion was declared by the Speaker to be carried with the concurrence of an absolute majority of the whole number of members of the House.

8. Censure of the Premier – Appointment of Mr Peter Conran

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That this House censure the Premier for misleading the House in relation to the appointment of Mr Peter Conran and in particular in relation to his knowledge of the composition of the selection panel which appointed him.

Debate ensued.

Paper

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

By the Premier –

Premier and Cabinet, Department of – Note to the Premier regarding the meeting held on 28 October 2008 with Ruth Shean, called at her request, to clarify the priorities of the Department of Premier and Cabinet and the State Government’s priorities for COAG (493).

Question put.

The Assembly divided.

Ayes (27)

Ms L.L. Baker
Mr A.J. Carpenter
Mr V.A. Catania
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 J.A. McGinty
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 B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

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
Dr E. Constable
Mr M.J. Cowper

Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
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*)

Question thus negatived.

9. Criminal Code Amendment Bill 2008

The Attorney General, 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.

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.

10. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008

The Minister for State Development, pursuant to notice, moved,

That a bill for “An Act to amend the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002*.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Debate interrupted by the Chair (Minister for State Development, in reply, speaking) and adjourned until a later stage of the sitting.

11. Members’ Statements

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

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 361 to 408 were asked.

Questions on Notice Nos 1 to 5, 10, 13 to 17, 19 to 27, 39, 40, 54, 55, 78, 84, 88 to 91, 101, 102, 104, 106, 107, 111 to 114, 118, 120, 135, 145, 146, 158, 185, 187, 189, 190, 194, 195, 197, 198, 201, 202, 204, 205, 207, 208, 211, 214 and 298 were answered.

Papers tabled by the Minister for Water; Mental Health –

Question on Notice No. 90 – Ministerial Office Staffing as at 30 October 2008 for the Minister for Water; Mental Health (498).

Question on Notice No. 113 – Details of mobile phones for Ministerial Office Staff for the Minister for Water; Mental Health (501).

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

Question on Notice No. 78 – Ministerial Office Staffing as at 30 October 2008 for the Deputy Premier; Minister for Health; Indigenous Affairs (494).

Question on Notice No. 101 – Details of mobile phones for Ministerial Office Staff for the Deputy Premier; Minister for Health; Indigenous Affairs (499).

Question on Notice No. 201 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Deputy Premier; Minister for Health; Indigenous Affairs (502).

Papers tabled by the Attorney General; Minister for Corrective Services –

Question on Notice No. 88 – Ministerial Office Staffing as at 30 October 2008 for the Attorney General; Minister for Corrective Services (496).

Question on Notice No. 211 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Attorney General; Minister for Corrective Services (507).

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

Question on Notice No. 84 – Ministerial Office Staffing as at 30 October 2008 for the Minister for Police; Emergency Services; Road Safety (495).

Question on Notice No. 207 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Minister for Police; Emergency Services; Road Safety (506).

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

Question on Notice No. 89 – Ministerial Office Staffing as at 30 October 2008 for the Minister for Child Protection; Community Services; Seniors and Volunteering (497).

Paper tabled by the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works –

Question on Notice No. 106 – Details of mobile phones for Ministerial Office Staff for the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works (500).

Paper tabled by the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs –

Question on Notice No. 202 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Minister for Mines and Petroleum; Fisheries; Electoral Affairs (503).

Paper tabled by the Minister for Education; Tourism; Women's Interests –

Question on Notice No. 204 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Minister for Education; Tourism; Women's Interests (504).

Paper tabled by the Minister representing the Minister for Transport; Disability Services –

Question on Notice No. 205 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Minister for Transport; Disability Services (505).

Paper tabled by the Minister for Local Government; Heritage; Citizenship and Multicultural Interests –

Question on Notice No. 214 – Details of mobile phones and credit cards provided to Ministerial Office Staff for the Minister for Local Government; Heritage; Citizenship and Multicultural Interests (508).

13. Matter of Public Interest – State Budget

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 condemns the Barnett Government for its failures, in particular its admission that the State Budget may go into deficit.

Debate ensued.

Mr J.M. Francis moved, To delete all words after “condemns” and insert –

“ the Leader of the Opposition and former Treasurer for misleading the people of Western Australia on his failure to disclose the true financial position of our State to the people prior to the election, and for overseeing the overt \$750 million blow-out in Treasurer's Advance Account from extra government spending ”.

Deputy Speaker's Ruling - Amendment Out of Order

The Deputy Speaker ruled that the amendment was out of order as it was not relevant to the original motion.

Question put.

The Assembly divided.

Ayes (26)

Ms L.L. Baker
 Mr A.J. Carpenter
 Mr V.A. Catania
 Mr R.H. Cook
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Ms A.J.G. MacTiernan

Mr J.A. McGinty
 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 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 I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Mr J.H.D. Day

Mr J.M. Francis
 Mr B.J. Grylls
 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*)

Question thus negatived.

14. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

15. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008

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 6 agreed to.

Title agreed to.

Consideration in detail concluded.

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 passed.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 7 be next considered.

17. Section 38 of the *Constitution Acts Amendment Act 1899* – Ms Mia Davies

The Order of the Day for the consideration of Legislative Council message No. 9 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution —

That this House direct that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899* and that the Legislative Assembly be invited to pass a similar resolution.

and now presents the same to the Legislative Assembly for its concurrence.

The Premier moved,

That the Legislative Assembly directs that Ms Mia Davies on becoming the holder of an office or place at the material time shall be disregarded for the purposes of section 38 of the *Constitution Acts Amendment Act 1899*.

Debate ensued.

Question put and passed.

The Leader of the House moved, That the Legislative Council be acquainted accordingly.

Question put and passed.

18. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Debate ensued.

Question put and passed.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.22 p.m. until a date and time to be fixed by the Speaker.

Members present during any part of the day's proceedings – All the members except Dr K.D. Hames.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly