

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 29

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 14 MAY 2009

**1. Meeting of Assembly**

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

The Speaker took the Chair.

Prayers were read.

**2. Speaker's Statement - Media Arrangements for Budget Day**

The Speaker advised members that he had approved the presence of photographers and a news camera at the northern side door of the Chamber from 2.00 p.m. to enable coverage of the budget.

**3. Papers**

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

By the Clerk –

Disability Services Act 1993 - Ministerial Review of the operation and effectiveness of the Act in accordance with Section 57(5) of the Act, dated February 2009 (886).

Genetically Modified Crops Free Areas Act 2003 - Orders (Genetically Modified Crops Free Areas Exemption Order (No. 2) 2009 G.G. 14/04/2009) (887).

**4. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the outcome of an imposed alcohol ban on the community of Oombulgurri, including the formation of a Young Men's Group.

The Minister for Mental Health on the measures taken to reduce the level of alcohol-related harm which is occurring in the community of Halls Creek.

The Attorney General on the recent judicial appointments made to the State's higher courts.

## 5. Grievances

The Speaker called for grievances which were then made.

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### *Suspension of Standing Orders*

Mr M. McGowan, without notice, moved, That so much of the Standing Orders be suspended as to enable the following motion to be debated forthwith –

That this House censure the Premier for his arrogant refusal to answer the grievance of the Member for West Swan and his lack of commitment to accountability to the Parliament and people of Western Australia.

Debate ensued.

Mr J.E. McGrath moved, That the question be now put.

Question put.

The Assembly divided.

#### Ayes (28)

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

#### Noes (25)

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 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  
Ms R. Saffioti

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

Question thus passed.

On the question, That so much of Standing Orders be suspended,

Question put.

The Assembly divided.

## Ayes (25)

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 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  
 Ms R. Saffioti

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 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 M.W. Sutherland  
 Mr T.K. Waldron  
 Dr J.M. Woollard  
 Mr J.E. McGrath (*Teller*)

Question thus negated.

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The Speaker called for further grievances which were then made.

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*Paper*

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

By the Minister for Water –

Environment and Conservation Department of - Midge Management Strategy Partnership Agreement 2005-2010 (897).

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**6. Joint Standing Committee on the Commissioner for Children and Young People**

Mr M.P. Whitely, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Commissioner for Children and Young People, Joint Standing Committee - Review of the 2007–2008 Annual Report of the Commissioner for Children and Young People, Report No. 1, 2009 (888).

Mr M.P. Whitely and Ms A.R. Mitchell spoke on the report.

**7. Joint Standing Committee on Delegated Legislation**

Mr J.M. Francis, as Chairman, presented the following reports which were ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee - Annual Report 2008, Report 30 (889).

Delegated Legislation, Joint Standing Committee - Issues of Concern Raised by the Committee between 1 May 2007 and 30 April 2009 with respect to Local Laws, Report 31 (891).

Mr J.M. Francis spoke on the reports.

#### **8. Joint Standing Committee on Delegated Legislation**

Mr J.M. Francis, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee - Supreme Court (Fees) Amendment Regulations (No. 2) 2008, Children's Court (Fees) Amendment Regulations (No. 2) 2008, District Court (Fees) Amendment Regulations 2008, Magistrates Court (Fees) Amendment Regulations (No. 2) 2008, Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2007 and Other Court Fee Instruments, Report 32 (890).

Mr J.M. Francis spoke on the report.

#### **9. Variation to the Order of Business**

The Leader of the House moved, That Bills Notice of Motion Nos 1, 2 and 3 be postponed to a later stage of the sitting.

Debate ensued.

Question put and passed.

#### **10. Statutes (Repeals and Miscellaneous Amendments) Bill 2008**

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 (the Attorney General speaking in reply) 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 867 to 868 were asked.

Questions on Notice Nos 745, 790, 831 and 838 were answered.

#### **13. Variation to the Order of Business**

Ordered, That Bills Notices of Motion Nos 1, 2 and 3 be next considered.

#### **14. Appropriation (Consolidated Account) Recurrent 2009–10 Bill 2009**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2010.” 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.

### *Papers*

The following papers were presented and ordered to lie upon the Table of the House -  
By the Treasurer -

- Budget 2009–2010 - Budget Paper No. 1, Budget Speech, 14 May 2009 (891).
- Budget 2009–2010 - Budget Paper No. 2, Budget Statements, Volume 1 (892).
- Budget 2009–2010 - Budget Paper No. 2, Budget Statements, Volume 2 (893).
- Budget 2009–2010 - Budget Paper No. 2, Budget Statements, Volume 3 (894).
- Budget 2009–2010 - Budget Paper No. 3, Economic and Fiscal Outlook (895).

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

Question put and passed.

### **15. Appropriation (Consolidated Account) Capital 2009–10 Bill 2009**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2010.” 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.

### **16. Loan Bill 2009**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to authorise the borrowing of a sum of eight billion three hundred and sixteen million one hundred and ninety seven thousand 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.

### **17. Education and Health Standing Committee - Terms of Reference**

The Speaker advised members that he had received a letter dated today from Dr J.M. Woollard, MLA, Chairman of the Education and Health Standing Committee, advising that the Committee had resolved to conduct an inquiry into the prevention and treatment services for alcohol and illicit drug problems in Western Australia.

Specifically, the Committee adopted the following terms of reference –

“

- (1) To inquire into the adequacy and appropriateness of prevention and treatment services for alcohol and illicit drug problems in Western Australia, with particular reference to:
  - (a) the evidence base, content, implementation and resourcing (including teacher training) for health education and other interventions on alcohol and illicit drugs for school-aged students;
  - (b) the evidence base, adequacy, accessibility and appropriateness of the broad range of services for treatment and support of people with alcohol and drug problems and their families, and the most appropriate ways to ensure integrated care; and
  - (c) the adequacy of the current education and training of medical and allied health professionals in the alcohol and drug field.
- (2) To report to the House by 30 March 2010.

”.

In accordance with Standing Order 255 (1), the Speaker had arranged for the Committee's terms of reference to be placed on the notice boards of the Legislative Assembly.

### **18. Variation to the Order of Business**

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

### **19. Statutes (Repeals and Miscellaneous Amendments) 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 38 agreed to.

Clause 39.

Ms J.M. Freeman moved,

Page 17, after line 26 - To insert:

“

- (3) In section 6(1)(c) delete “the Trades and Labor Council of Western Australia” and insert:

UnionsWA

”.

Amendment, by leave, withdrawn.

Clause 39 agreed to.

Clauses 40 to 141 agreed to.

Title agreed to.

Consideration in detail concluded.

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.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

**20. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 4 be next considered.

**21. Address in Reply**

The Order of the Day for the resumption of debate upon the Address in Reply to His Excellency the Governor's speech was read.

Debate resumed.

Question put and passed.

**22. Veterinary Surgeons 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 Minister for Agriculture and Food moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

**23. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 4.24 p.m. until Tuesday, 19 May 2009 at 2.00 p.m.

*Members were present during any part of the day's proceedings - All the members were present.*

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**  
Speaker of the Legislative Assembly