

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 5

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 25 NOVEMBER 2008

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

The following Brief Ministerial Statements were made by –

The Minister for Women's Interests on White Ribbon Day, a day when men throughout the world say no to violence towards women.

The Minister for Local Government on the death of Charlie Gregorini, AM, JP, Mayor of the City of Swan and Chairperson of the Local Government Advisory Board.

The Minister for Health on his official travel as part of a multi-professional delegation to the United Kingdom to view an initiative introduced by the United Kingdom's National Health Service to manage acute patient care, improve access and reduce waiting times for patients presenting to Emergency Departments.

The Minister for Mental Health on the Council of Official Visitors Annual Report 2007–2008.

Paper

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

By the Minister for Mental Health –

Council of Official Visitors – Annual Report 2007–2008 (441).

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 147 to 221 were asked.

Questions on Notice Nos 43, 49, 52 and 77 were answered.

Paper tabled by the Treasurer –

Question on Notice No. 77 – Employment details of Premier's Ministerial Staff (440).

4. Speaker's Statement – Bunbury Regional Parliament

The Speaker advised members that he had proposed a regional Parliament be held in Bunbury on 20 and 21 October 2009. He further advised that the Parliamentary Education Office would organise a Bunbury Student Regional Parliament to be held on Thursday, 22 October 2009.

5. Speaker's Ruling – Material available to Parliamentary Committees

The Speaker advised members that –

As our Committees are being re-established for the current Parliament, it is appropriate to consider what material they may access from standing committees of the previous Parliament.

Upon dissolution of the House in August 2008 all Assembly committees, and joint committees, ceased to exist. Most of these committees were still undertaking inquiries at that time, and these inquiries were also terminated upon dissolution.

Although the standing committees appointed in this Parliament have the same terms of reference, powers and titles as those of the committees of the previous Parliament, they are entirely different committees, with different memberships. Subject to any direction from the House, they can undertake such inquiries as they consider appropriate. While it is open to them to undertake inquiries which were underway in the previous Parliament there is no direction or requirement for them to do so. If a committee decides to undertake an inquiry similar to one initiated by their predecessor, Standing Order 269 allows them access to certain materials of the previous committee and provides as follows:

269. Where a committee ceases to exist before it can report on a matter it has been investigating, the evidence will be available to any like committee appointed in the same or the next Parliament.

The word 'evidence' in this Standing Order should be taken to mean anything gathered or used by a previous committee to inform itself about the matter it was investigating in preparation for its report to Parliament. This includes all documents collected or produced by the Committee in relation to that inquiry, such as correspondence, submissions, hearing transcripts, briefing papers and draft reports, but not unreported minutes. What cannot be provided is material which specifically indicates the views of individual members, excepting that of the previous chairman insofar as a view is evidenced by a draft report.

Transcripts of evidence include evidence taken in closed session and in camera, on the basis that any commitment made by a previous committee to a witness in terms of the disclosure of that evidence would be honoured. Of course the Standing Orders in relation to limitations on disclosure of evidence still apply.

In relation to follow-up inquiries, where a committee wishes to access evidence held by a previous committee on a matter which was completed and reported to Parliament, that committee may seek the formal approval of the House by way of motion.

6. Petitions

Asphalt Plant, Stakehill Road, Karnup – Mr P. Papalia presented a petition from 179 persons requesting that the Legislative Assembly intervene to ensure production does not proceed at this site and that a more suitable site is found for the asphalt (P. 14).

North Perth Bus Routes – Mr J.N. Hyde presented a petition from 49 persons requesting that Government increase bus capacity along the route from North Perth to the Wellington Bus Depot, specifically on the 347, 354 and 363 bus routes (P. 15).

Electric Winches on Recreational Vessels in Western Australia – Mr I.C. Blayney presented a petition from 142 persons requesting that the Legislative Assembly consider opposing the introduction of a ban on electronic winches on recreational lobster vessels in Western Australia (P. 16).

Pearl Oyster Farm, Montebello Islands – Mr V.A. Catania presented a petition from 465 persons requesting that the Legislative Assembly oppose the application of Morgan & Co Pty Ltd to modify the catchment area of its pearl oyster farm in the Montebello Islands (P. 17).

Beckenham Primary School Out of School Care Service – Mr W.J. Johnston presented a petition from 46 persons requesting that the Legislative Assembly recognise the negative impact on the school community and local families and allow the transportable classroom to stay for the next twelve months to allow the local community to develop a long-term plan to secure this service (P. 18).

Church of St Mary the Virgin, South Perth – Mr J.E. McGrath presented a petition from 554 persons requesting that Legislative Assembly support the \$1.5 million appeal to finance the work that is urgently required to ensure the heritage-listed building remains part of the South Perth landscape for future generations to enjoy (P. 19).

7. Papers

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

By the Speaker –

Public Sector Standards Commissioner – State of the Service Report 2008 (419).

By the Clerk –

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct in Connection with the Activities of Lobbyists and Other Persons: the Hon Anthony David McRae MLA and Mr Rewi Edward Lyall (Received by the Clerk of the Legislative Assembly and deemed tabled on 21 November 2008) (415).

Bush Fires Act 1954 – Local Laws (City of Gosnells Repeal Local Law 2008 G.G. 21/11/2008) (416).

Commission for Occupational Safety and Health – Annual Report 2007–2008 (417).

Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations (No. 2) 2008 G.G. 14/11/2008) (418).

Electoral Act 1907 – Regulations (Electoral (Ballot Paper Forms) Amendment Regulations 2008 G.G. 21/11/2008) (420).

Electoral Act 1907 – Regulations (Electoral Amendment Regulations 2008 G.G. 21/11/2008) (421).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 2) 2008 [884, 890] G.G. 12/11/2008) (422).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 11) 2008 G.G. 21/11/2008) (423).

Land Administration Act 1997 – Proposal No. 11/2008 under section 42(4) of the Act in relation to excision from Class ‘A’ Reserve 45409, dated 11 November 2008 (424).

Land Administration Act 1997 – Proposal No. 8/2008 under section 42(4) of the Act for the change of purpose of Class ‘A’ Reserve 26646, dated 11 November 2008 (425).

Local Government Act 1995 – Local Laws (City of Wanneroo Standing Orders Local Law 2008 G.G. 21/11/2008) (426).

Local Government Act 1995 – Local Laws (Shire of Bridgetown-Greenbushes Standing Orders Local Law 2008 G.G. 14/11/2008) (427).

Local Government Act 1995 – Local Laws (Shire of Denmark Amendment Local Law 2008 G.G. 14/11/2008) (428).

Local Government Standards Panel – Annual Report 2007–2008 (429).

Midland Redevelopment Act 1999 – Ministerial Approval for the acquisition of land valued in excess of \$1 million from International Enterprises Pty Ltd in accordance with section 20(2)(a) of the Act (430).

Midland Redevelopment Act 1999 – Ministerial Direction under section 32(4) giving consent to public notification of a proposed amendment to the Midland Redevelopment Scheme for a period of 42 days in accordance with section 37 of the Scheme (431).

Premier and Cabinet, Department of – Community Attitude Monitor April 2008 (432).

Premier and Cabinet, Department of – Community Attitude Monitor July 2008 (433).

Referendums Act 1983 – Regulations (Referendums Amendment Regulations 2008 G.G. 21/11/2008) (434).

Supervised Release Review Board – Annual Report 2007–2008 (435).

Taxation Administration Act 2003 – Notices (Taxation Administration (Pre-enactment Provisions Determination) Notice 2008 G.G. 14/11/2008) (436).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations (No. 3) 2008 G.G. 11/11/2008) (437).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training Amendment Regulations (No. 2) 2008 G.G. 21/11/2008) (438).

Water Boards Act 1904 – Regulations (Water Boards (Busselton) Amendment Regulations 2008 G.G. 11/11/2008) (439).

8. Notices of Motion

9. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Planning provided additional information relating to a question without notice Nos 64 and 65 from Mr M. McGowan regarding planning amendment 458 in the City of Stirling.

10. 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.

Mr P.B. Watson moved, To add to the Address in Reply the following -

“But regrets to inform His Excellency that the Government has failed to commit to many important infrastructure, community and housing projects that would greatly benefit the people of Western Australia.”.

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 J.N. Hyde
 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
 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*)

Noes (30)

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
 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*)

Question thus negatived.

On the question, That the Address in Reply be agreed to,

Debate resumed.

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

Question put and passed.

11. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.07 p.m. until Wednesday, 26 November 2008 at 12 noon.

Members 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