

WESTERN AUSTRALIA

## **LEGISLATIVE ASSEMBLY**

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### **VOTES AND PROCEEDINGS**

**No. 79**

#### **FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

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**THURSDAY, 22 APRIL 2010**

##### **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**

Stop and search legislation – Petitions requesting that the Legislative Assembly remove its support for the stop and search legislation were presented by –

Mr D.A. Templeman, on behalf of Ms M.M. Quirk from 345 persons (P. 270);

Mr A.J. Waddell from 394 persons (P. 272); and

Ms J.M. Freeman from 342 persons (P. 273).

Swanleigh Residential College – Mrs M.H. Roberts presented a petition from 360 persons requesting that the decision to cease funding Swanleigh Residential College be reversed (P. 271).

##### **3. Paper**

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Misconduct Handling Procedures in the Western Australian Public Sector: WA Health (2024).

##### **4. Notices of Motion Removal**

The Speaker advised Members that Private Members' Business Notices of Motion Nos 1 and 2, notices of which were given on 31 March 2009 and renewed for a further 30 sitting days on 16 September 2009 had lapsed and would be removed from the next Notice Paper.

##### **5. Removal of Orders of the Day**

The Speaker advised that Private Members' Business Orders of the Day Nos 1 and 2 had not been debated for more than 12 calendar months and would be removed from the next Notice Paper.

## **6. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier on his recent official trade mission to the United States.

The Minister for Emergency Services on the earthquake in Kalgoorlie-Boulder.

The Minister for Water on the recent declaration of drought in the Gascoyne irrigation district.

## **7. Grievances**

The Speaker called for grievances which were then made.

## **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 on – Issues of Concern raised by the Committee between 1 May 2009 and 31 December 2009 with respect to Local Laws, Report No. 38 (2025) .

Mr J.M. Francis, Mr A.J. Waddell and Ms J.M. Freeman spoke on the report.

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

Ms A.R. Mitchell, as 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 on the – Review of the 2008–2009 Annual Report of the Commissioner for Children and Young People, Report No. 3 (2026) .

Ms A.R. Mitchell spoke on the report.

## **10. Credit (Commonwealth Powers) Bill 2010**

### **Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010**

The Order of the Day for the resumption of the debate upon the second reading of the Credit (Commonwealth Powers) Bill 2010 was read.

#### *Cognate Debate*

Leave was granted to debate the Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010 in conjunction with this Credit (Commonwealth Powers) Bill 2010.

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 Commerce 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. Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010**

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

Question put and passed.

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

The Minister for Commerce 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.

## **12. Revenue Laws Amendment Bill 2010**

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

### *CONSIDERATION IN DETAIL*

Clause 1.

Mr B.S. Wyatt moved,

Page 2, line 3 – To delete “*Revenue Laws Amendment Act 2010*” and substitute:

“ *Small Business Tax Slug Amendment Act 2010* ”

Amendment put.

The Assembly divided.

#### Ayes (22)

Ms L.L. Baker	Mr M.P. Murray	Mr P.C. Tinley
Ms A.S. Carles	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	Mr M.P. Whitely
Mr J.N. Hyde	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr W.J. Johnston	Ms R. Saffioti	Mr D.A. Templeman ( <i>Teller</i> )
Mr J.C. Kobelke	Mr T.G. Stephens	
Mr F.M. Logan	Mr C.J. Tallentire	

#### Noes (27)

Mr P. Abetz	Mr M.J. Cowper	Mr P.T. Miles
Mr F.A. Alban	Mr J.H.D. Day	Ms A.R. Mitchell
Mr C.J. Barnett	Mr B.J. Grylls	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 T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Mr V.A. Catania	Mr A. Krsticevic	Dr J.M. Woollard
Dr E. Constable	Mr W.R. Marmion	Mr J.E. McGrath ( <i>Teller</i> )

Amendment thus negatived.

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

## **13. Members' Statements**

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

## **14. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2727 to 2772 were asked.

Questions on Notice No. 2417 was answered.

## **15. Additional Information**

The Minister for Education provided additional information relating to Question without Notice No. 147 from Mr M.P. Murray.

**16. Treasurer's Advance Authorisation Bill 2010**

Message No. 74 dated 21 April 2010 from the Legislative Council was reported agreeing to the bill without amendment.

**17. Working with Children (Criminal Record Checking) Amendment Bill 2009**

Message No. 75 dated 21 April 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Working with Children (Criminal Record Checking) Act 2004* and *Spent Convictions Act 1988*.”

The Parliamentary Secretary representing the Minister for Child Protection moved, That the bill be read a first time.

Question put and passed.

The Parliamentary Secretary representing the Minister for Child Protection 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 the next sitting of the Assembly.

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

Ordered, That consideration of Government Business Order of the Day No. 3 be next considered.

**19. Revenue Laws Amendment Bill 2010**

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

*CONSIDERATION IN DETAIL*

Clauses 1 to 7 agreed to.

Clause 8.

Mr J.C. Kobelke moved,

Page 5, line 10 – To delete: “2013;” and substitute –

“ 2011 ”.

Amendment put.

The Assembly divided.

Ayes (24)

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

## Noes (28)

Mr P. Abetz	Mr J.M. Francis	Dr M.D. Naham
Mr F.A. Alban	Mr B.J. Grylls	Mr C.C. Porter
Mr C.J. Barnett	Mrs L.M. Harvey	Mr D.T. Redman
Mr I.C. Blayney	Mr A.P. Jacob	Mr A.J. Simpson
Mr J.J.M. Bowler	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	Dr J.M. Woppard
Dr E. Constable	Mr W.R. Marmion	Mr J.E. McGrath ( <i>Teller</i> )
Mr M.J. Cowper	Mr P.T. Miles	
Mr J.H.D. Day	Ms A.R. Mitchell	

Amendment thus negatived.

On the clause

Clause put.

The Assembly divided.

## Ayes (26)

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

## Noes (22)

Ms L.L. Baker	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mr M.P. Murray	Mr P.C. Tinley
Mr R.H. Cook	Mr A.P. O'Gorman	Mr A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr M.P. Whately
Mr W.J. Johnston	Mr J.R. Quigley	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr E.S. Ripper	Mr D.A. Templeman ( <i>Teller</i> )
Mr F.M. Logan	Mrs M.H. Roberts	
Ms A.J.G. MacTiernan	Mr T.G. Stephens	

Clause thus agreed to.

Clauses 9 to 12 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

**20. Revenue Laws Amendment and Repeal Bill 2010**

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

Question put and passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 20 agreed to.

Clause 21.

Mr B.S. Wyatt moved,

Page 11, after line 5 – To insert:

“(7) A credit card administration fee imposed by a statutory corporation must not exceed the actual credit card administration cost incurred by the statutory corporation imposing the credit card fee.”.

Amendment put.

The Assembly divided.

**Ayes (22)**

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

**Noes (26)**

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

Amendment thus negated.

Clause agreed to.

Clauses 22 to 31 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Treasurer moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

## **21. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 4 May 2010 at 2.00 p.m.

Question put and passed.

**22. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 5.04 p.m. until Tuesday, 4 May 2010 at 2.00 p.m.

*Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Dr K.D. Hames, Mrs C.A. Martin and Ms R. Saffioti.*

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly