

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY**

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**VOTES AND PROCEEDINGS****No. 109****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

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**THURSDAY, 23 SEPTEMBER 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. Papers**

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

By the Speaker –

Information Commissioner, Office of the – Annual Report 2009–2010 (2581)

Legislative Council, Department of – Annual Report 2009–2010 (2638)

By the Clerk –

Agricultural Practices Board – Annual Report 2010 (2582)

Agricultural Produce Commission – Annual Report 2010 (2583)

Agricultural Produce Commission – Financial Statements and Key Performance Indicators 2010 (2584)

Agriculture Protection Board of Western Australia – Annual Report 2009–2010 (2585)

Agriculture Protection Board of Western Australia – Financial Statements and Key Performance Indicators 2009–2010 (2586)

Armadale Redevelopment Authority – Annual Report 2009–2010 (2587)

Art Gallery of Western Australia – Annual Report 2009–2010 (2588)

Attorney General, Department of – Annual Report 2009–2010 (2589)

Building and Construction Industry Training Board – Annual Report 2009–2010 (2590)

Corrective Services, Department of – Annual Report 2009–2010 (2591)

Country Housing Authority – Annual Report 2009–2010 (2592)

Criminal Injuries Compensation, Office of – Annual Report 2009–2010 (2593)

Culture and the Arts, Department of – Annual Report 2009–2010 (2594)

Director of Public Prosecutions, Office of – Annual Report 2009–2010 (2595)

East Perth Redevelopment Authority – Annual Report 2009–2010 (2596)

Energy, Office of – Annual Report 2009–2010 (2597)

Environmental Protection Authority and Office of Environmental Protection Authority – Annual Report 2009–2010 (2598)

Equal Opportunity Commission – Annual Report 2009–2010 (2599)

Fire and Emergency Services Superannuation Board – Annual Report 2010 (2600)

Fremantle Port Authority – Statement of Corporate Intent 2010–2011 (2601)

Health, Department of – Annual Report 2009–2010 (2602)

Heritage Council of Western Australia – Annual Report 2009–2010 (2603)

Indigenous Affairs, Department of – Annual Report 2009–2010 (2604)

Legal Aid Western Australia – Annual Report 2009–2010 (2605)

Legal Costs Committee – Annual Report 2009–2010 (2606)

Main Roads Western Australia – Annual Report 2010 (2607)

Medical Board of Western Australia – Annual Report 2010 (2608)

Midland Redevelopment Authority – Annual Report 2009–2010 (2609)

National Trust of Australia (WA) – Annual Report 2009–2010 (2610)

Parliamentary Inspector of the Corruption and Crime Commission – Annual Report 2009–2010 (2611)

Perth Theatre Trust – Annual Report 2009–2010 (2612)

Professional Standards Council of Western Australia – Annual Report 2009–2010 (2613)

Public Transport Authority – Annual Report 2009–2010 (2614)

Public Trustee – Annual Report 2009–2010 (2615)

Real Estate & Business Agents Supervisory Board – Annual Report 2009–2010 (2616)

Rural Business Development Corporation – Annual Report 2010 (2617)

Rural Business Development Corporation – Financial Statements and Key Performance Indicators 2010 (2618)

ScreenWest – Annual Report 2009–2010 (2619)

Settlement Agents Supervisory Board – Annual Report 2009–2010 (2620)

State Library of Western Australia – Annual Report 2009–2010 (2621)

State Training Board – Annual Report 2009–2010 (2622)

Subiaco Redevelopment Authority – Annual Report 2009–2010 (2623)

Swan Bells Foundation Inc. – Annual Report 2009–2010 (2624)

Synergy – Annual Report 2009–2010 (2625)

Training Accreditation Council – Annual Report 2009–2010 (2626)

Training and Workforce Development, Department of – Annual Report 2009–2010 (2627)

Transport, Department of – Annual Report 2009–2010 (2628)

Treasury and Finance, Department of – Annual Report 2009–2010 (2629)

Treasury Corporation of Western Australia – Annual Report 2010 (2630)

Veterinary Surgeons’ Board – Annual Report 2009–2010 (2631)

Water Corporation – Annual Report 2010 (2632)

Western Australian Energy Disputes Arbitrator – Annual Report 2009–2010 (2633)

Western Australian Museum – Annual Report 2009–2010 (2634)

Western Australian Planning Commission and Department of Planning – Annual Report 2009–2010 (2635)

Western Power – Annual Report 2010 (2636)

Zoological Parks Authority – Annual Report 2010 (2637)

### 3. Notice of Motion

#### 4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Leader of the House, on behalf of the Minister for Education, on the Review of the *Western Australian College of Teaching Act 2004*.

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*Paper*

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

By the Leader of the House, on behalf of the Minister for Education –

Education Services, Department of – Review of the Western Australian College of Teaching Act 2004: Report, June 2010 (2639).

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The Leader of the House, on behalf of the Premier, on the Government response to the recommendations of the Public Accounts Committee Inquiry into Government Payments to Ms Tirzah Bell.

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*Paper*

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

By the Leader of the House, on behalf of the Premier –

Premier and Cabinet, Department of – Ministerial Office Memorandum: Appointment of Staff to Ministerial Offices (2640).

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The Minister for Health on grants for student nurses to travel to Tanzania.

### 5. Grievances

The Speaker called for grievances which were then made.

### 6. Suspension of Standing Orders

Mrs M.H. Roberts moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion, notice of which was given earlier today, to be moved forthwith and to be dealt with under the debate times for a matter of public interest –

That this House:

- (a) notes that under part 12 of the Ministerial Code of Conduct, that Ministers are advised of their obligation to uphold section 74 of the *Public Sector Management Act 1994*;
- (b) notes that the Minister for Education would appear to have failed to meet the requirements of section 74 by not having made a communications agreement with the Western Australian College of Teaching;
- (c) notes that the Minister for Education would appear to have failed to meet her obligation as Minister under section 90(2) of the *Western Australian College of Teaching Act 2004*; and
- (d) refers these matters to the Procedure and Privileges Committee for its consideration and for the Committee to report back to the House and recommend appropriate actions to be taken.

Debate ensued.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

## Ayes (29)

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

## Noes (20)

Mr J.J.M. Bowler	Mr A.P. O’Gorman	Mr T.G. Stephens
Mr R.H. Cook	Mr P. Papalia	Mr C.J. Tallentire
Ms J.M. Freeman	Mr J.R. Quigley	Mr A.J. Waddell
Mr J.N. Hyde	Ms M.M. Quirk	Mr P.B. Watson
Mr J.C. Kobelke	Mr E.S. Ripper	Mr B.S. Wyatt
Mr M. McGowan	Mrs M.H. Roberts	Mr D.A. Templeman ( <i>Teller</i> )
Mr M.P. Murray	Ms R. Saffioti	

Question thus passed.

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

Question put.

The Assembly divided.

## Ayes (22)

Ms L.L. Baker	Mr M.P. Murray	Mr T.G. Stephens
Mr R.H. Cook	Mr A.P. O’Gorman	Mr C.J. Tallentire
Ms J.M. Freeman	Mr P. Papalia	Mr A.J. Waddell
Mr J.N. Hyde	Mr J.R. Quigley	Mr P.B. Watson
Mr W.J. Johnston	Ms M.M. Quirk	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	
Mr M. McGowan	Ms R. Saffioti	

## Noes (30)

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

Question thus negatived.

**7. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts**

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

Review of the Racing and Wagering Western Australia Acts, Joint Standing Committee on the – Annual Report 2009–2010, Report No. 1 (2641).

Mr J.E. McGrath spoke on the report.

**8. Joint Standing Committee on the Corruption and Crime Commission**

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

Corruption and Crime Commission, Joint Standing Committee on the – Annual Report 2009–2010, Report No. 11 (2642).

Mr J.N. Hyde spoke on the report.

**9. Education and Health Standing Committee**

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

Education and Health Standing Committee – Annual Report 2009–2010, Report No. 7 (2643).

Dr J.M. Woollard spoke on the report.

**10. Economics and Industry Standing Committee**

Dr M.D. Nahan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Annual Report 2009–2010, Report No. 5 (2644).

Dr M.D. Nahan spoke on the report.

**11. Community Development and Justice Standing Committee**

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

Community Development and Justice Standing Committee – Annual Report 2009–2010, Report No. 5 (2645).

**12. Road Traffic Legislation Amendment (Disqualification by Notice) Bill 2010**

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* and the *Road Traffic (Authorisation to Drive) Act 2008*.” be introduced and read a first time.

Question put and passed.

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

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

Mr M. McGowan moved, That the debate be adjourned.

Question put and passed.

**13. Butane Products Control Bill 2009**

Mr R.H. Cook, pursuant to notice, moved,

That the Butane Products Control Bill 2009 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 21 September 2010.

Question put and passed.

**14. Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009**

Mr M. McGowan, on behalf of Mr E.S. Ripper, pursuant to notice, moved,

That the Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 21 September 2010.

Question put and passed.

**15. Liquor Control Amendment Bill 2010**

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 (Mr C.J. Tallentire speaking) and adjourned until a later stage of the sitting.

**16. Members' Statements**

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

**17. Questions**

Questions without Notice were taken.

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*Paper*

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

By the Premier –

Premier and Mr Clive Palmer – Sino Iron Project – Pellet Plant Location (correspondence series) (2646).

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Questions on Notice Nos 4010 to 4096 were asked.

Questions on Notice Nos 1490 and 3824 to 3826 were answered.

**18. Personal Explanation**

Mr W.J. Johnston made a personal explanation on the reference made by him to the member for Carine and the member for Wanneroo in *Hansard* on 16 September 2010.

**19. Unanswered Question on Notice**

Mr B.S. Wyatt asked the Premier for further information regarding the tabling of the Annual Report on State Finances, which had been referred to in many of the Premier's answers.

**20. Suspension of Standing Orders**

Mr R.F. Johnson, 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 refers the comments made by the member for Cannington in this House on 16 September 2010 that “the member for Wanneroo can explain himself, and other members can explain why they have had their names expunged from the Corruption and Crime Commission's records” to the Procedure and Privileges Committee, to:

- a) advise the House whether or not such comments amount to a breach of parliamentary privilege or otherwise unparliamentary conduct; and
- b) report to the Assembly at the earliest possible opportunity, but no later than 21 October 2010.

Debate ensued.

Question put.

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

## 21. Referral to the Procedure and Privileges Committee

Mr R.F. Johnson, pursuant to the foregoing motion, moved,

That this House refers the comments made by the member for Cannington in this House on 16 September 2010 that “the member for Wanneroo can explain himself, and other members can explain why they have had their names expunged from the Corruption and Crime Commission’s records” to the Procedure and Privileges Committee, to:

- a) advise the House whether or not such comments amount to a breach of parliamentary privilege or otherwise un-parliamentary conduct; and
- b) report to the Assembly at the earliest possible opportunity, but no later than 21 October 2010.

Debate ensued.

Question put and passed.

## 22. Papers

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

By the Speaker –

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Annual Report 2009–2010 (2647)

The Clerk –

Agriculture and Food, Department of – Annual Report 2009–2010 (2648)

Bunbury Water Board [Aqwest] – Annual Report 2009–2010 (2649)

Busselton Water – Annual Report 2009–2010 (2650)

Commissioner for Children and Young People – Annual Report 2009–2010 (2651)

Country Health Service, Western Australia – Annual Report 2009–2010 (2652)

Country High School Hostels Authority – Annual Report 2009–2010 (2653)

Curriculum Council – Annual Report 2009–2010 (2654)

Drug and Alcohol Office – Annual Report 2009–2010 (2655)

Education, Department of – Annual Report 2009–2010 (2656)

Education Services, Department of – Annual Report 2009–2010 (2657)

Financial Management Act 2006 – Notice under Section 65 of the Act from the Minister for Fisheries advising that the Department of Fisheries Annual Report 2009–2010 will not be tabled within the prescribed period (2658)

Financial Management Act 2006 – Notice under Section 65 of the Act from the Minister for Regional Development; Lands advising that the Pilbara Development Commission’s Annual Report 2009–2010 will not be tabled within the prescribed period (2659)

Forest Products Commission – Annual Report 2009–2010 (2660)

Gascoyne Development Commission – Annual Report 2009–2010 (2661)

Goldfields Esperance Development Commission – Annual Report 2009–2010 (2662)

Great Southern Development Commission – Annual Report 2009–2010 (2663)

Kimberley Development Commission – Annual Report 2009–2010 (2664)

Landgate – Annual Report 2009–2010 (2665)

LandCorp – Annual Report 2009–2010 (2666)

Meat Industry Authority, Western Australian – Annual Report 2009–2010 (2667)

Mental Health Commission – Annual Report 2009–2010 (2668)

Metropolitan Health Service – Annual Report 2009–2010 (2669)  
 Mid West Development Commission – Annual Report 2009–2010 (2670)  
 Peel Development Commission – Annual Report 2009–2010 (2671)  
 Perth Market Authority – Annual Report 2009–2010 (2672)  
 Potato Marketing Corporation of Western Australia – Annual Report 2009–2010 (2673)  
 Public Education Endowment Trust – Annual Report 2009–2010 (2674)  
 Regional Development and Lands, Department of – Annual Report 2009–2010 (2675)  
 Rottnest Island Authority – Annual Report 2009–2010 (2676)  
 South West Development Commission – Annual Report 2009–2010 (2677)  
 Tourism Western Australia – Annual Report 2009–2010 (2678)  
 Water, Department of – Annual Report 2009–2010 (2679)  
 Wheatbelt Development Commission – Annual Report 2009–2010 (2680)

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

Ordered, That Government Business Order of the Day No. 2 be next considered.

**24. Children and Community Services Amendment Bill 2010**

The Order of the Day for the third reading of the bill having been read, the Parliamentary Secretary representing the Minister for Community Services 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.

**25. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 12 October 2010 at 2.00 p.m.

Question put and passed.

**26. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 4.53 p.m. until Tuesday, 12 October 2010 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mr I.M. Britza and Mrs C.A. Martin.

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

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