

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

### VOTES AND PROCEEDINGS

No. 106

### FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 16 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 –

Corruption and Crime Commission of Western Australia – Report on the investigation of alleged public sector misconduct by employees of the Department for Planning and Infrastructure in relation to the inspection, licensing and registration of motor vehicles (2502).

By the Clerk –

Construction Industry Long Service Leave Payments Board – Annual Report 2009–2010 (2503).

Local Government Advisory Board – Annual Report 2009–2010 (2504).

Local Government, Department of – Annual Report 2009–2010 (2505).

Lotterywest – Annual Report 2010 (2506).

Metropolitan Cemeteries Board – Annual Report 2009–2010 (2507).

#### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the signing of a Memorandum of Understanding between Tourism Western Australia and Singapore Airlines to promote Perth and Western Australia as tourism destinations.

The Minister for Local Government on the release and tabling of the Local Government Reform Steering Committee Report dated May 2010.

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*Papers*

The following papers were presented and ordered to lie upon the Table of the House –  
By the Minister for Local Government –

Local Government, Department of – Local Government Reform Steering Committee Report, May 2010 (2508).

Local Government, Department of – Attachments to the Local Government Reform Steering Committee Report (2509).

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The Minister for Water on the upgrade to the Williams wastewater scheme over the next 12 months.

**4. Grievances**

The Speaker called for 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 Parliamentary Secretary representing the Minister for Community Services –  
Communities, Department for – Grandfamilies: A Resource for Western Australian Grandparents Raising Grandchildren, Third Edition 2009 (2512).

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**5. 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 – Annual Report 2009–2010, Report No. 4 (2510).

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

**6. 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 – Shire of Capel, Keeping and Welfare of Cats Amendment Local Law 2009 and Shire of Koorda, Standing Orders Local Law 2009, Report No. 42 (2511).

Mr J.M. Francis and Mr P.T. Miles spoke on the report.

**7. Speaker's Statement – Paper Tabled by the Parliamentary Secretary to the Minister for Community Services**

The Acting Speaker advised members that in regards to the paper tabled by the Parliamentary Secretary to the Minister for Community Services at the end of the last grievance, it was regarded as a Tabled Paper and not simply laid on the Table for the duration of the day's sitting.

**8. Police Amendment Bill 2010**

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

*CONSIDERATION IN DETAIL*

Clause 4.

The Minister for Police moved,

Page 2, after line 22 — To insert:

“

***charitable organisation*** means —

- (a) a public benevolent or religious institution;
- (b) a public hospital or a hospital carried on by an association or other body of persons otherwise than for purposes of profit or gain to the individual members of that association or body;
- (c) a university;
- (d) a government college, a government school, or a college or school carried on by an association or other body of persons otherwise than for purposes of profit or gain to the individual members of that association or body;
- (e) a trust the moneys of which may be applied only for charitable purposes;
- (f) an institution established for any other charitable purpose;
- (g) a society, institution or organisation established, and carried on, solely for the purpose of raising money for, or otherwise promoting the interests of, an entity that is a charitable organisation under any of paragraphs (a) to (f);

”

Page 3, lines 15 to 18 — To delete the lines and substitute:

“

- (ii) an event run by or for the benefit of a charitable organisation; or

”

Amendments put and passed.

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

## **9. Members' Statements**

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

## **10. Questions**

Questions without Notice were taken.

Questions on Notice Nos 3989 to 3996 were asked.

Questions on Notice Nos 3734 to 3750 were answered.

## **11. Speaker's Statement – Resignation of Megan Inglis and Appointment of John Pollard**

The Speaker advised members that Megan Inglis, Parliamentary Officer (Chamber Operations) was leaving the Legislative Assembly, and thanked her for her work. Her replacement, John Pollard, who had worked in the Legislative Assembly previously, was welcomed back.

## **12. Variation**

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

## **13. Police Amendment Bill 2010**

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

## CONSIDERATION IN DETAIL

Clause 4, as amended (see paragraph 8).

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

Question put.

The Assembly divided.

## Ayes (26)

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

## Noes (21)

Ms A.S. Carles	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 P.C. Tinley
Mr W.J. Johnston	Ms M.M. Quirk	Mr P.B. Watson
Mr J.C. Kobelke	Mr E.S. Ripper	Mr M.P. Whately
Mr M. McGowan	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr M.P. Murray	Ms R. Saffioti	Mr D.A. Templeman ( <i>Teller</i> )

Question thus passed.

On the question, That Clause 4, as amended, be agreed to,

Question put.

The Assembly divided.

## Ayes (26)

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

## Noes (22)

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

Clause, as amended, agreed to.

Clause 5 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.

#### **14. Approvals and Related Reforms (No. 1) (Environment) Bill 2009**

Message No. 106 dated 15 September 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Environmental Protection Act 1986*.”

The Minister for Water moved, That the bill be read a first time.

Question put and passed.

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

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

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

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

Question put and passed.

#### **15. Public Sector Reform Bill 2009**

Message No. 107 dated 16 September 2010 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Public Sector Reform Bill 2009 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Public Sector Reform Bill 2009*

##### **No. 1**

Page 76, after line 19 — To insert —

- (ia) a decision made in respect of the Government officer under section 79(3)(b) or (c) or (4); or

##### **No. 2**

Page 77, lines 1 to 16 — To delete the lines.

##### **No. 3**

Page 77, after line 24 — To insert —

- (ia) a decision made in respect of the employee under section 79(3)(b) or (c) or (4); or

##### **No. 4**

Page 94, line 15 — To delete “an employing authority”.

Ordered, That consideration in detail of Legislative Council Message No. 107 be made an Order of the Day for the next sitting of the Assembly.

**16. Agriculture and Related Resources Protection 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.

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.

Debate ensued.

Question put and passed.

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

**17. Petroleum and Energy Legislation 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.

*CONSIDERATION IN DETAIL*

Clauses 1 to 60 agreed to.

Clause 61.

The Minister for Commerce moved,

Page 46, line 22 to page 47, line 3 — To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 62 to 168 agreed to.

Clause 169.

The Minister for Commerce moved,

Page 129, lines 6 to 16 — To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 170 to 186 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.

**18. Messages from the Legislative Council**

Messages from the Legislative Council were reported returning the following bills without amendment –

16 September 2010

Retail Trading Hours Amendment (Armadale Special Trading Precinct) Bill 2010 (Message No. 108).

Retail Trading Hours Amendment (Midland Special Trading Precinct) Bill 2010 (Message No. 109).

**19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 5.23 p.m. until Tuesday, 21 September at 2.00 p.m.

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

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly