

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 89****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****TUESDAY, 15 JUNE 2010****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

Brief Ministerial Statements were made by –

The Minister for Police on recent funding provided to Western Australia Police and local crime prevention groups to fight graffiti.

The Attorney General on the recent judicial appointments of Mr Ronald Birmingham QC and Mr Anthony Derrick SC to the District Court of Western Australia.

The Minister for Water on the recent funding increase to the Perth metropolitan Urban Waterways Renewal program.

3. Questions

Questions without Notice were taken.

Paper

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

By the Premier –

Public Sector Commission – Recommended Remuneration Arrangements – Chief of Staff (2179).

Questions on Notice Nos 3102 to 3196 were asked.

Questions on Notice Nos 2658, 2675, 2732, 2775 to 2777, 2779 to 2805, 2807, 2809 to 2815, 2817 to 2822, 2824 to 2835, 2837 to 2843, 2846, 2850, 2853 to 2875, 2877, 2878, 2880, 2883 to 2885, 2887 to 2892, 2896 to 2903, 2922 to 2924, 2926, 2971, 3026, 3035, 3036, 3054, 3055, 3064, 3065, 3068, 3073, 3079 and 3093 were answered.

Paper tabled by the Premier; Treasurer; Minister for State Development –

Question on Notice No. 2821 – Details of the redeployment of officers within each of the Premier’s agencies since 23 September 2008 (2175).

Papers tabled by the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 2822 – Details of the redeployment of officers within each of the Deputy Premier’s agencies since 23 September 2008 (2176).

Question on Notice No. 2885 – Number of casual, permanent full-time equivalent and permanent part-time staff employed in each West Australian hospital (2177).

Paper tabled by the Minister for Education; Tourism –

Question on Notice No. 2846 – Details of arts initiatives in the Education portfolio (2178).

4. Additional Information

Mr D.A. Templeman attempted to ask the Minister for Education, pursuant to Standing Order 82A, to provide further information in relation to Question without Notice No. 237.

Speaker's Ruling – Standing Order 82A

The Speaker advised Mr D.A. Templeman that Standing Order 82A applied only to Ministers providing additional information, and could not be used by private members wishing to ask a further question.

5. Petitions

Double jeopardy law – Mr D.A. Templeman presented a petition from 1 person requesting that the law regarding double jeopardy be changed to no longer apply to serious crimes such as murder, manslaughter or gang rape (P. 293).

Right to remain silent – Mr D.A. Templeman presented a petition from 1 person requesting that the law regarding the right to remain silent be modified (P. 294).

Urban Development South of the Moore River – Ms L.L. Baker presented a petition from 60 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 295).

6. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report No. 63, Report of an Announced Inspection of Hakea Prison (2151).

By the Clerk –

Beekeepers Act 1963 – Regulations (Beekeepers Amendment Regulations 2010 G.G. 08/06/2010) (2140).

Casino Control Act 1984 – Regulations (Casino Control Amendment Regulations 2010 G.G. 04/06/2010) (2141).

Dog Act 1976 – Local Laws (Shire of Kalamunda Dogs Local Law 2010 G.G. 24/05/2010) (2142).

Energy Coordination Act 1994 – Regulations (Energy Coordination Amendment Regulations 2010 G.G. 25/05/2010) (2143).

Fair Trading Act 1987 – Regulations (Fair Trading (Product Safety Standard) Amendment Regulations 2010 G.G. 28/05/2010) (2144).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2010 [963] G.G. 28/05/2010) (2145).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2010 [963] G.G. 28/05/2010) (2146).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 8) 2010 [973] G.G. 08/06/2010) (2147).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 4) 2010 G.G. 28/05/2010) (2148).

Government of Western Australia – March 2010 Quarterly Financial Results Report (2149).

Higher Education Act 2004 – Regulations (Higher Education Amendment Regulations 2010 G.G. 08/06/2010) (2150).

Land Administration Act 1997 – Proposal No. 6/2010 under section 42(4)(a) of the Act in relation to the proposed excision of airspace from Class A Reserve 19465 to enable inclusion into the proposed reserve to protect the Albany Footbridge (2152).

Liquor Control Act 1988 – Regulations (Liquor Control (Bayulu Restricted Area) Regulations 2010 G.G. 08/06/2010) (2153).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 2) 2010 G.G. 28/05/2010) (2154).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 3) 2010 G.G. 08/06/2010) (2155).

Local Government Act 1995 – Local Laws (Shire of Ravensthorpe Local Government Property Local Law 2010 G.G. 08/06/2010) (2156).

Local Government Act 1995 – Local Laws (Shire of Wongan-Ballidu Bush Fire Brigades Amendment Local Law 2010 G.G. 25/05/2010) (2157).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 2) 2010 G.G. 11/06/2010) (2158).

Motor Vehicle Drivers Instructors Act 1963 – Regulations (Motor Vehicle Drivers Instructors Amendment Regulations 2010 G.G. 04/06/2010) (2159).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations 2010 G.G. 25/05/2010) (2160).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 2) 2010 G.G. 04/06/2010) (2161).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 3) 2010 G.G. 04/06/2010) (2162).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 4) 2010 G.G. 04/06/2010) (2163).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 5) 2010 G.G. 04/06/2010) (2164).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations 2010 G.G. 04/06/2010) (2165).

Real Estate and Business Agents Act 1978 – Regulations (Real Estate and Business Agents (General) Amendment Regulations 2010 G.G. 28/05/2010) (2166).

Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2010 G.G. 04/06/2010) (2167).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations (No. 2) 2010 G.G. 04/06/2010) (2168).

Shipping and Pilotage Act 1967 – Regulations (Mooring Amendment Regulations 2010 G.G. 04/06/2010) (2169).

Shipping and Pilotage Act 1967 – Regulations (Ports and Harbours Amendment Regulations 2010 G.G. 04/06/2010) (2170).

Subiaco Redevelopment Act 1994 – Ministerial Approval under section 22(2) of the Act to award a contract with a value over \$1 million for a Lead Civil Works Contractor for the Australian Fine China Project (2171).

Trade Measurement Act 2006 – Regulations (Trade Measurement Amendment Regulations 2010 G.G. 28/05/2010) (2172).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Shire of Goomalling Waste Local Law 2010 G.G. 08/06/2010) (2173).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Load Lines) Amendment Regulations 2010 G.G. 04/06/2010) (2174).

7. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 25 May 2010 –

Question on Notice No. 2604 – Details of Officers employed in the Premier; Minister for State Development’s Ministerial Office (2120).

8. Notices of Motion

9. Matter of Public Interest – Increases to State Debt

The Speaker informed the Assembly that he was in receipt of a notice from Mr E.S. Ripper that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr E.S. Ripper moved,

That this House condemns the Barnett Government for increasing state debt to \$15.4 billion in 2010–2011 and \$20.1 billion in 2013 and for having no plan to repay this debt other than savage increases to family bills.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

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

Noes (29)

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

Question thus negated.

10. Message from the Deputy Governor

Message No. 100 from His Excellency the Deputy Governor was reported assenting to the Working with Children (Criminal Record Checking) Amendment Bill 2009, Act No. 7 of 2010.

11. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 101 – 10 June 2010

Revenue Laws Amendment Bill 2010, Act No. 9 of 2010.

No. 102 – 3 June 2010

Approvals and Related Reforms (No. 3) (Crown Land) Bill 2009, Act No. 8 of 2010.

Appropriation (Consolidated Account) Recurrent 2007-08 and 2008-09 (Supplementary) Bill 2009, Act No. 10 of 2010.

Appropriation (Consolidated Account) Capital 2007-08 and 2008-09 (Supplementary) Bill 2009, Act No. 11 of 2010.

Approvals and Related Reforms (No. 2) (Mining) Bill 2009, Act No. 12 of 2010.

12. Appropriation (Consolidated Account) Recurrent 2010-11 Bill 2010

Appropriation (Consolidated Account) Capital 2010-11 Bill 2010

The Order of the Day for the presentation of the reports and minutes of Estimates Committees A and B was read.

Papers

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

By the Deputy Speaker –

Estimates Committee A – Report and Minutes (2181).

Estimates Committee B – Report and Minutes (2180).

Question proposed, That the report of Estimates Committee A be adopted.

The report of Estimates Committee A was as follows –

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the *Appropriation (Consolidated Account) Recurrent 2010-11 Bill 2010* and the *Appropriation (Consolidated Account) Capital 2010-11 Bill 2010* –

Division Nos 1 to 6;
8;
9, Items 11 to 30; 32 to 125 and 127 to 129;
10 to 17;
37;
40 to 42;
46;
57 to 60; and
72 to 76.

and agreed to the clauses, schedules and titles of the Bills without amendment.

Debate ensued.

Question put and passed.

Question proposed, That the report of Estimates Committee B be adopted.

The report of Estimates Committee B was as follows –

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the *Appropriation (Consolidated Account) Recurrent 2010-11 Bill 2010* and the *Appropriation (Consolidated Account) Capital 2010-11 Bill 2010* –

Division Nos 7;
9, Items 31 and 126;
18 to 36;
38 to 39;
43 to 45;
47 to 56; and
61 to 71.

Debate ensued.

Question put and passed.

The Treasurer moved, That the Appropriation (Consolidated Account) Recurrent 2010-11 Bill 2010 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.

13. Appropriation (Consolidated Account) Capital 2010-11 Bill 2010

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.

14. Criminal Code Amendment (Identity Crime) Bill 2009

Message No. 86 dated 15 June 2010 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment (Identity Crime) Bill 2009* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Criminal Code Amendment (Identity Crime) Bill 2009

No. 1

Page 6, after line 32 — To insert —

- (6A) A court, for good reason and either on its own initiative or on an application made by the prosecutor, may cancel a certificate it has issued under this section.

Ordered, That consideration in detail of Legislative Council Message No. 86 be made an Order of the Day for the next sitting of the Assembly.

15. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

16. Revenue Laws Amendment and Repeal Bill 2010

The Order of the Day for the consideration in detail of Legislative Council Message No. 81 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Revenue Laws Amendment and Repeal Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

No. 1

Page 10, line 14 — To insert after “*credit*” —

or debit

No. 2

Page 10, line 16 — To insert after “*credit card*” —

or debit card

No. 3

Page 10, after line 16 — To insert —

debit card means an article intended for use by a person in obtaining access to an account that is held by the person for the purpose of withdrawing or depositing cash or obtaining goods or services;

No. 4

Page 10, line 19 — To insert after “*credit*” —

or debit

No. 5

Page 10, line 21 — To insert after “*credit*” —

or debit

No. 6

Page 10, line 23 — To insert after “*credit card*” —

or debit card

No. 7

Page 10, line 24 — To insert after “*credit*” —

or debit

No. 8

Page 10, line 27 — To insert after “credit cards” —

or debit cards

No. 9

Page 11, line 1 — To insert after “credit” —

or debit

CONSIDERATION IN DETAIL

The Minister for Commerce moved, That amendment Nos 1 to 9 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.42 p.m. until Wednesday, 16 June 2010 at 12.00 noon.

Members present during any part of the day's proceedings — All the members except Mr A.P. O'Gorman.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly