

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 56

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 15 OCTOBER 2009

### 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

Mental Health Service - Mr R.H. Cook presented a petition from 1,284 persons requesting that an increase in mental health services funding to raise staffing levels to a safe and effective standard be proposed (P. 154).

Urban Development South of the Moore River - Ms A.S. Carles presented a petition from 14 persons requesting that the proposed urban development south of the Moore River be opposed (P. 156).

Shack Site Communities - Petitions requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations were presented by –

Ms J.M. Freeman from 238 persons (P. 155); and

Mr M.J. Cowper from 142 persons (P. 157);

### 3. Paper

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

By the Clerk –

Legal Contribution Trust - Financial Report for the six months ended 30 June 2009 (1547).

### 4. Speaker's Statement - Expiration of Notice

The Speaker advised members that Private Members' Business Notice of Motion No. 9, notice of which was given on 6 May 2009, would be removed from the next Notice Paper unless written notification was provided to the Clerk requiring that the notice be continued.

## 5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the launch of the *Naturebank* Initiative and the outcomes of the Review of Nature-Based Tourism.

The Minister for Agriculture and Food on the Gascoyne Irrigation Pipeline upgrade.

The Minister for Road Safety on the Minister's recent official visit to the Crash Lab facility in Western Sydney.

## 6. Grievances

The Speaker called for grievances which were then made.

## 7. 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 - Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia, Report No. 2, Part 1 (1548).

Economics and Industry Standing Committee - Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia, Report No. 2, Part 2 (1549).

Economics and Industry Standing Committee - Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia, Submissions (1550).

Dr M.D. Nahan, Mr W.J. Johnston, Mrs L.M. Harvey, Mr M.P. Murray, Mr J.E. McGrath and Mr D.A. Templeman spoke and Mr P.T. Miles, by leave, also spoke on the report.

## 8. Public Accounts Committee Membership

The Leader of the House, pursuant to notice, moved,

That the member for West Swan be appointed to the Public Accounts Committee to fill the vacancy caused by the resignation of the member for Willagee.

Debate ensued.

Question put and passed.

## 9. Appropriation (Consolidated Account) Recurrent 2007–08 and 2008–09 (Supplementary Bill 2009)

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account –

- a sum for recurrent payments made during the year ended 30 June 2008 under the authority of the *Financial Management Act 2006* and the *Treasurer's Advance Authorisation Act 2008*; and
- a sum for recurrent payments made during the year ended 30 June 2009 under the authority of the *Financial Management Act 2006* and the *Treasurer's Advance Authorisation Act 2009*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

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

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

Question put and passed.

# **10. Appropriation (Consolidated Account) Capital 2009-10 Bill 2009**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account –

- a sum for capital payments made during the year ended 30 June 2008 under the authority of the *Financial Management Act 2006* and the *Treasurer’s Advance Authorisation Act 2008*; and
- a sum for capital payments made during the year ended 30 June 2009 under the authority of the *Financial Management Act 2006* and the *Treasurer’s Advance Authorisation Act 2009*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

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

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

# **11. Rail Safety Bill 2009**

The Parliamentary Secretary representing the Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to make provision for rail safety and other matters that form part of a system of nationally consistent rail safety laws and as a consequence to –

- repeal the *Rail Safety Act 1998*; and
- amend certain other Acts,

and for other purposes.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary representing the Minister for Transport presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary representing the Minister for Transport moved, That the bill be now read a second time.

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

# **12. Suspension of Standing Orders - Bills to Proceed Without Delay**

The Leader of the House, pursuant to notice, moved,

That so much of Standing Orders be suspended as is necessary to enable the *Land Administration Amendment Bill 2009* and the *Valuation of Land Amendment (Assessed Value) Bill 2009* to proceed through all remaining stages without delay between the stages.

Debate ensued.

Question put and passed.

# **13. Co-operatives Bill 2009**

The Order of the Day for the consideration in detail of Legislative Council message No. 37 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Co-operatives 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 Co-operatives Bill 2009*

**No. 1**

Page 2, line 13 — To delete “paragraph (a);” and insert —

paragraph (b);

**No. 2**

Page 23, after line 28 — To insert —

- (4) Despite subsection (3), if a transferred co-operative would be registered with rules that give effect to a conversion from being a non-distributing co-operative to a distributing co-operative, or vice versa, the requirement to pass a special resolution is not satisfied unless the resolution is passed in accordance with the requirements in section 177(1)(c).

**No. 3**

Page 289, line 17 — To delete “this Act” and insert —

this section

*CONSIDERATION IN DETAIL*

The Minister for Commerce moved, That Amendment Nos 1 to 3 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**14. First Home Owner Grant Amendment Bill 2009**

The Order of the Day for the further consideration in detail of Legislative Council message No. 39 was read.

The message was as follows —

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *First Home Owner Grant Amendment 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 First Home Owner Grant Amendment Bill 2009*

**No. 1**

Page 5, after line 7 — To insert —

- (4A) A **class 6 eligible transaction** is an eligible transaction the commencement date of which is not before 1 October 2009 and not after the cut-off date that is a contract for the purchase of an established home.
- (4B) A **class 7 eligible transaction** is an eligible transaction the commencement date of which is not before 1 October 2009 and not after the cut-off date that is —
- (a) a contract for the purchase of a new home or a substantially renovated home; or
  - (b) a comprehensive home building contract for a new home if —
    - (i) the building work begins within 26 weeks after the commencement date; and
    - (ii) the contract provides to the effect that the building work must be completed within 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;
- or
- (c) the building of a new home by an owner builder if the eligible transaction is completed before the relevant date.

**No. 2**

Page 13, lines 1 to 4 — To delete the lines and insert —

- (b) in relation to a home north of the 26<sup>th</sup> parallel of South Latitude, \$1 000 000,

except that the regulations may prescribe another amount as the cap amount for the purposes of paragraph (a) or (b).

*CONSIDERATION IN DETAIL*

The Minister for Housing and Works had moved, That Legislative Council Amendment Nos 1 and 2 be agreed to.

Question put and passed and further amendments moved.

The Minister for Housing and Works moved,

Clause 4.

Page 3, line 8 — To delete “class 4 or class 5” and substitute:

“ class 6 or class 7 ”.

Page 3, line 10 — To delete the line and substitute:

“ (a) 31 December 2009; or ”.

Page 3, after line 23 — To insert:

“ (da) in relation to a class 5 eligible transaction — 1 April 2011; or ”.

Page 3, line 24 — To delete “class 5” and substitute:

“ class 7 ”.

Clause 5.

Page 4, line 18 — To delete “the cut-off date” and substitute:

“ 30 September 2009 ”.

Page 4, line 22 — To delete “the cut-off date” and substitute:

“ 30 September 2009 ”.

Page 5, line 9 — To insert after “(3)(b)(i)”:

“ or (4B)(b)(i) ”.

Page 5, line 10 — To delete “(3)(c)” and substitute:

“ (3)(c), (4B)(b)(ii), (4B)(c) ”.

Page 6, line 7 — To delete “class 4 or class 5” and substitute:

“ class 4, class 5, class 6 or class 7 ”.

Clause 6.

Page 6, line 24 — To delete “\$21 000.” and substitute:

“

\$21 000; or

(e) in the case of a class 6 eligible transaction within the meaning of section 14B — \$10 500; or

(f) in the case of a class 7 eligible transaction within the meaning of section 14B — \$14 000.

”.

Clause 7.

Page 7, line 1 — To delete “class 4 or class 5” and substitute:

“ a class 4, class 5, class 6 or class 7 ”.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**15. Land Administration 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.

Debate interrupted by the Chair (Mr T.G. Stephens 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.

Questions on Notice Nos 1694 to 1698 were asked.

Questions on Notice Nos 1518, 1524 to 1526 and 1528 were answered.

**18. Additional Information under Standing Order No. 82A**

In accordance with Standing Order No. 82A, the Treasurer provided additional information relating to Question on Notice No. 1271 from Mr M. McGowan concerning media and communications employees within portfolios and agencies within the Treasurer's portfolio.

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*Paper*

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

By the Treasurer –

Treasurer; Minister for Commerce; Science and Innovation; Housing and Works - Answer to Question on Notice No. 1271 (1555).

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**19. Papers**

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

By the Clerk –

Broome Port Authority - Annual Report 2008–2009 (1551).

Esperance Port Authority - Annual Report 2008–2009 (1552).

Dampier Port Authority - Annual Report 2008–2009 (1553).

Verve Energy - Annual Report 2008–2009 (1554).

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

Ordered, That Government Business Order of the Day No. 3 be resumed.

**21. Land Administration 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 and 2 agreed.

Clause 3.

The Minister for Lands moved,

Page 2, line 9 — To delete “This” and substitute:

“ Except as stated in section 7, this ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 to 6 agreed to.

New clause.

The Minister for Lands moved,

Page 3, after line 28 — To insert:

“

**7. Valuation of Land Act 1978 amended**

- (1) This section amends the *Valuation of Land Act 1978*.
- (2) After section 4 insert —

**5A. Unimproved value: pastoral leases**

- (1) In this section —  
**pastoral lease** has the meaning given in the *Land Administration Act 1997* section 3(1).
- (2) For the purposes of determining, for paragraph (b)(i) of the definition of **unimproved value** in section 4(1), the amount of the annual rental reserved by a pastoral lease, any effect on that amount that would result from regulations made for the purposes of the *Land Administration Act 1997* section 124A(2) is to be disregarded.

”.

Amendment put and passed.

Long title.

The Minister for Lands moved,

Page 1 — To insert in the long title after “1997”:

“ **and, in consequence, the *Valuation of Land Act 1978*** ”.

Amendment put and passed.

Long title, as amended, agreed to.

Consideration in detail concluded.

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

The Minister for Lands 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.



**22. Valuation of Land Amendment (Assessed Value) 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.

The Minister for Lands 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.

**23. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 20 October 2009 at 2.00 p.m. at the Bunbury Regional Entertainment Centre.

Question put and passed.

**24. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 3.57 p.m. until Tuesday, 20 October 2009 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr V.A. Catania and Mrs C.A. Martin.

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

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