

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 65

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 24 NOVEMBER 2009

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement - Appreciation from Paul William Andrews' Family regarding Condolence Motion

The Speaker advised members that Mrs Gim Andrews, the wife of the former member for Southern River, Paul William Andrews, wished to express her thanks and appreciation for the condolences made last week.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Lands on Landgate's online fire management service, Firewatch.

The Minister for Housing and Works on an update of the RCD inspection and installation program in all State housing properties.

The Minister for Health on the recent allegations regarding the use of certain cleaning products that may have caused cancer amongst cleaning staff at Royal Perth Hospital.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 1938 to 1963 were asked.

Questions on Notice Nos 1819, 1820, 1822, 1827, 1829, 1830, 1866 and 1882 were answered.

5. Petitions

Low Paid Workers - Petitions requesting that a fair pay deal for some of Western Australia's lowest paid workers be supported were presented by –

Mr C.J. Tallentire from 10,711 persons (P. 191); and

Mr P.B. Watson from 3,455 persons (P. 192).

Urban Development South of Moore River - Mr J.N. Hyde presented a petition from 18 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 189).

Sale of Animals at Pet Shops - Mr J.R. Quigley presented a petition from 1,188 persons requesting that measures aimed at protecting puppies and kittens from abandonment and death be supported (P. 190).

6. Papers

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

By the Clerk –

Council of Official Visitors - Annual Report 2008–2009 (1654).

East Perth Redevelopment Act 1991 - Ministerial Approval under section 19(7) of the Act for the authority for the Amalgamation and Subdivision of Lots 301 and 1192 Wellington Street, Perth, dated 29 July 2009 (1655).

East Perth Redevelopment Act 1991 - Ministerial Approval under section 19(7) of the Act for the authority for the Amalgamation and Subdivision of Lots 1279 and 1280 William Street, Northbridge, dated 29 July 2009 (1656).

Land Tax Assessment Act 2002 - Regulations (Land Tax Assessment Amendment Regulations 2009 G.G. 17/11/2009) (1657).

Liquor Control Act 1988 - Regulations (Liquor Control Amendment Regulations (No. 7) 2009 G.G. 20/11/2009) (1658).

Local Government Act 1995 - Local Laws (Shire of Serpentine Jarrahdale Dust and Sand Local Law 2008 G.G. 16/11/2009) (1659).

Local Government Act 1995 - Regulations (Local Government (Administration) Amendment Regulations 2009 G.G. 20/11/2009) (1660).

Local Government Act 1995 - Regulations (Local Government (Functions and General) Amendment Regulations 2009 G.G. 20/11/2009) (1661).

Shipping and Pilotage Act 1967 - Regulations (Navigable Waters Amendment Regulations (No. 3) 2009 G.G. 17/11/2009) (1662).

Subiaco Redevelopment Act 1991 - Ministerial Approval under section 22(2) of the Act for the authority for Subdivision of Lot 9008 Harborne Street, Wembley and the Amalgamation of the Subdividing Portion with Lot 200 Price Street, Subiaco, dated 13 July 2009 (1663).

Western Australian Marine Act 1982 - Regulations (Western Australian Marine (Infringements) Amendment Regulations 2009 G.G. 17/11/2009) (1664).

Western Australian Treasury Corporation - Statement of Corporate Intent 2009–2010 (1665).

7. Notices of Motion

8. Message from the Governor

Message No. 78 from His Excellency the Governor was reported assenting to the following bills –

Bookmakers Betting Levy Amendment Bill 2009, Act No. 28 of 2009.

Racing and Wagering Legislation Amendment Bill 2009, Act No. 29 of 2009.

Racing Bets Levy Bill 2009, Act No. 30 of 2009.

Busselton Water Board (Supply of Water to Dunsborough) Bill 2009, Act No. 31 of 2009.

9. Matter of Public Interest - Western Australia Health System Budget

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,

This House expresses its deep concern about the future of health services in Western Australia following new evidence of financial mismanagement in the health system and in the State Budget.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker	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 A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr P.B. Watson
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	Ms R. Saffioti (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mrs M.H. Roberts	

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 I.M. Britza	Mrs L.M. Harvey	Mr D.T. Redman
Mr T.R. Buswell	Mr A.P. Jacob	Mr A.J. Simpson
Ms A.S. Carles	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	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.

10. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts - Disclosure of Members’ Interests

The Acting Speaker advised members that the Speaker had received a letter dated 19 November 2009 from Mr J.E. McGrath MLA, Chairman of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts, advising that the Committee had resolved to advise the Speaker of the Committee members’ private interests pertaining to racing and/or wagering.

The letter read as follows –

“

Dear Mr Speaker,

At its meeting on 15 October 2009, the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts ('the Committee') resolved to advise you of Committee members' private interests pertaining to racing and/or wagering.

While members' individual pecuniary interests are already subject to the disclosure requirements of the *Members of Parliament (Financial Interests) Act 1992*, the Committee also wishes to make a general disclosure regarding direct or indirect benefits both pecuniary and otherwise, which might appear to raise a conflict between members' private interests and their role as Committee members inquiring into the Racing and Wagering Western Australia Acts. As such, please find attached a schedule which outlines members' interests in this regard.

”.

The Speaker had arranged for the Schedule of Members' Interests to be placed on the notice board of the Legislative Assembly.

11. Mines Safety and Inspection Amendment Bill 2009

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

Urgent Bill

The Parliamentary Secretary representing the Minister for Mines moved, That the *Mines Safety and Inspection Amendment Bill 2009* be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Mr F.M. Logan moved,

Page 3, after line 9 – To insert:

“

- (2) Regulations made under subsection (1) shall only be made by the Governor where –

- (i) the proposed regulations have been laid before each House of Parliament for a period of at least 14 sitting days of such House; and
- (ii) during such period neither House of Parliament has passed a resolution disallowing any proposed regulation.

”.

On the question, That the words be inserted,

Amendment put.

The Assembly divided.

Ayes (21)

Ms L.L. Baker
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr J.C. Kobelke
Mr F.M. Logan
Ms A.J.G. MacTiernan

Mr M. McGowan
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts

Mr T.G. Stephens
Mr C.J. Tallentire
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Ms R. Saffioti (*Teller*)

Noes (28)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell
Ms A.S. Carles
Mr G.M. Castrilli
Dr E. Constable

Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion

Mr P.T. Miles
Ms A.R. Mitchell
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Amendment thus negatived.

The Parliamentary Secretary representing the Minister for Mines and Petroleum moved,

Page 4, after line 12 – To insert:

“

105AB. Mines Safety Account

- (1) An agency special purpose account under the *Financial Management Act 2006* section 16 is to be established for the department and called the Mines Safety Account.
- (2) The Mines Safety Account is to be credited with any levy paid under regulations mentioned in section 105A(1) including any additional outstanding liability and interest as mentioned in section 105A(3)(f).
- (3) Moneys held in the Mines Safety Account are to be applied in payment of the costs of administering this Act.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

The Parliamentary Secretary representing the Minister for Mines and Petroleum 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.

12. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 11 be next considered.

13. Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009

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

Urgent Bill

The Minister for Commerce moved, That the *Retail Trading Hours Amendment (Joondalup Special Trading Precinct) Bill 2009* be considered an urgent bill.

Debate ensued.

Question put and passed.

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.

14. Message from the Legislative Council - Partial Revocation of State Forest Nos 4 and 65

Message No. 55 dated 24 November 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the following resolution –

That the proposal for the partial revocation of State Forest Nos 4 and 65 laid on the Table of the Legislative Council on Tuesday, 10 November 2009 be carried out, and invites the Legislative Assembly to agree to a similar resolution.

Ordered, That consideration in detail of Legislative Council Message No. 55 be made an Order of the Day for the next sitting of the Assembly.

15. Acts Amendment (Weapons) Bill 2009

Message No. 56 dated 24 November 2009 from the Legislative Council was reported agreeing to the bill without amendment.

16. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 11.38 p.m. until Wednesday, 25 November 2009 at 12.00 noon.

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

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly