

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 25

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 6 MAY 2009

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Secret Harbour Police Station - Mr P. Papalia presented a petition from 794 persons requesting that the Secret Harbour police station be constructed and staffed by its own dedicated police officers (P. 59).

3. Papers

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

By the Speaker –

Auditor General, Office of - Audit Results Report: 31 December 2008, Assurance Audits and other Audits completed since 3 November 2008 (869).

Public Sector Standards Commissioner, Office of - Parliamentary Series Report Four: Management of Recruitment (871).

By the Clerk –

Conservation and Land Management Act 1984 - Dam Site Lease 1329/97 between Department of Environment and Conservation and G & A Simcock Pty Ltd within a portion of State Forest No. 37, dated 30 January 2009 (870).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the future delivery of cardiothoracic surgery in Western Australia.

The Minister for Agriculture and Food on the launch of a national program, FertCare, which aims to improve water quality and lower nutrient level in coastal catchments through better use of fertilisers.

The Minister for Mental Health on the cessation of the *voice* committee, and the valuable contribution it had made to the alcohol and drug sector.

6. Education and Health Committee Standing Committee

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

That the Member for Maylands be appointed to the Education and Health Standing Committee to fill the vacancy caused by the resignation of the Member for Fremantle.

Question put and passed.

7. Criminal Code (Identity Theft) Amendment Bill 2009

Mr J.R. Quigley, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code*.” be introduced and read a first time.

Question put and passed.

Mr J.R. Quigley presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading be made an Order of the Day for a later stage of the sitting.

8. Local Government Amendment (Elections) Bill 2009

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

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

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

9. Questions

Questions without Notice were taken.

Questions on Notice Nos 791 to 831 were asked.

Questions on Notice Nos 572, 590, 658, 660, 663, 667, 674 and 676 were answered.

10. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Agriculture and Food provided additional information relating to Question without Notice No. 366 from Mr M.P. Murray in relation to GM trials taking place in the Minister’s electorate.

11. Variation to the Order of Business

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

12. Local Government Amendment (Elections) Bill 2009

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

CONSIDERATION IN DETAIL

Clauses 4 to 6 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Local Government moved, That the bill now be read a third time.

Debate ensued.

Question put.

The Assembly divided.

Ayes (22)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Mr J.H.D. Day

Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles

Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr A.J. Simpson
Mr M.W. Sutherland
Mr J.E. McGrath (*Teller*)

Noes (23)

Ms L.L. Baker
Mr A.J. Carpenter
Mr V.A. Catania
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan

Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley
Mr E.S. Ripper
Mrs M.H. Roberts
Ms R. Saffioti
Mr T.G. Stephens

Mr C.J. Tallentire
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Dr J.M. Woollard
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus negatived.

13. Variation to the Order of Business

Ordered, That Private Members’ Business Order of the Day for the second reading of the Criminal Code (Identity Theft) Amendment Bill 2009, and Private Members’ Business Notices of Motion Nos 8 and 9 be next considered.

14. Criminal Code (Identity Theft) Amendment Bill 2009

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

Mr J.R. Quigley moved, That the bill be now read a second time.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

15. Enhancement of the Pilbara Interconnected Power Grid

Ms A.J.G. MacTiernan, pursuant to notice, moved,

That this House calls on the Premier to support the submission to Infrastructure Australia for the enhancement of the Pilbara Interconnected Power Grid and guarantee a more robust, sustainable and cheaper energy system for the Pilbara and a system able to underpin the enormous growth in demand for electricity projected for the Pilbara.

Debate ensued.

Debate interrupted by the Chair (Mr W.R. Marmion speaking) and adjourned until a later stage of the sitting.

16. Suspension of Standing Orders

The Leader of the House, 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 –

- (a) the vote passed by this House today whereby the third reading of the Local Government Amendment (Elections) Bill 2009 failed to gain the concurrence of a majority of members in the House thereby causing the bill to be negated at the third reading, be, and is hereby rescinded; and
- (b) consequent thereon that the third reading of the Local Government Amendment (Elections) Bill 2009 be immediately called upon.

Debate ensued.

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

Question put.

The Assembly divided.

Ayes (30)

Mr P. Abetz	Mr J.H.D. Day	Mr P.T. Miles
Mr F.A. Alban	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 J.J.M. Bowler	Mrs L.M. Harvey	Mr D.T. Redman
Mr I.M. Britza	Mr A.P. Jacob	Mr A.J. Simpson
Mr T.R. Buswell	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>)

Noes (23)

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

Question thus passed.

On the question, That so much of the standing orders be suspended,

Question put.

The Assembly divided.

Ayes (30)

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
Mr G.M. Castrilli
Dr E. Constable
Mr M.J. Cowper

Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
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Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion

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Mrs M.H. Roberts
Ms R. Saffioti

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

Question thus passed with an absolute majority of the whole number of members of the House.

17. Rescission of Third Reading - Local Government Amendment (Elections) Bill 2009

The Leader of the House, pursuant to the foregoing motion, moved,

That –

- (a) the vote passed by this House today whereby the third reading of the Local Government Amendment (Elections) Bill 2009 failed to gain the concurrence of a majority of members in the House thereby causing the bill to be negatived at the third reading, be, and is hereby rescinded; and
- (b) consequent thereon that the third reading of the Local Government Amendment (Elections) Bill 2009 be immediately called upon.

Debate ensued.

The Treasurer moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (30)

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
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper

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 Mr D.T. Redman
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 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

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 Ms M.M. Quirk
 Mr E.S. Ripper
 Mrs M.H. Roberts
 Ms R. Saffioti

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

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The Assembly divided.

Ayes (30)

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
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper

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

Question thus passed.

18. Local Government Amendment (Elections) Bill 2009

Pursuant to the forgoing motion, the Order of the Day for the third reading of the bill was read.

Question put.

The Assembly divided.

Ayes (28)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day

Mr J.M. Francis
Mr B.J. Grylls
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Mr J.E. McGrath (*Teller*)

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Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Dr J.M. Woollard
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus passed.

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

19. Messages from the Legislative Council

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

9 April 2009

Treasurer's Advance Authorisation Bill 2009 (Message No. 17).

5 May 2009

Revenue Laws Amendment Bill (No.3) 2008 (Message No. 18).

20. Occupational Safety and Health Legislation Amendment Bill 2009

Message No. 19 dated 5 May 2009 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Occupational Safety and Health Act 1984* and to make related amendments to the *Industrial Relations Act 1979*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

21. Veterinary Surgeons Amendment Bill 2009

Message No. 20 dated 5 May 2009 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Veterinary Surgeons Act 1960*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

22. Personal Explanation

Minister for Local Government made a personal explanation on a response given to Question without Notice No. 369 concerning whether any local governments that had yet to submit an audit and financial report from the last financial year had received any funds from the Country Local Government Fund.

23. Speaker's Statement - Chamber Bells

The Speaker advised members that several members had raised issues concerning the functioning of the Chamber bells. The Speaker undertook to pursue the matter with the Parliamentary Services Department, and meet with the new President of the Legislative Council to review the bell arrangements.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 8.24 p.m. until Thursday, 7 May 2009 at 9.00 a.m.

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

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly