

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 40

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 12 AUGUST 2009

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Shack Site Coastal Communities in Western Australia - Mr J.N. Hyde presented a petition from 163 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 92).

Shack Site Coastal Communities in Western Australia - Mr J.C. Kobelke presented a petition from 200 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 93).

Nicholson Road Railway Bridge - Mr C.J. Tallentire presented a petition from 105 persons requesting that the construction of a bridge over the railway at Nicholson Road be supported to allow for rail freight and road traffic to proceed without delay through the intersection (P. 94).

Shack Site Coastal Communities in Western Australia - Mr A. Krsticevic presented a petition from 169 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 95).

3. Papers

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

By the Speaker –

Public Sector Standards Commissioner, Office of the [OPSSC] - Parliamentary Report No. 5,
Department of Water: Investigation of Probity Concerns (1136).

By the Clerk –

Children and Community Services Act 2004 - Regulations (Children and Community Services Amendment Regulations 2009 G.G. 19/06/2009) (1137).

Curtin University of Technology Act 1966 - Statutes (Statute No. 24 (Repeal) Statute 2009 G.G. 04/08/2009) (1138).

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 2) 2009 G.G. 16/06/2009) (1139).

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2009 G.G. 16/06/2009) (1140).

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations (No. 2) 2009 G.G. 16/06/2009) (1141).

Dangerous Goods Safety Act 2004 - Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2009 G.G. 16/06/2009) (1142).

Dog Act 1976 - Local Laws (Shire of Meekatharra Dogs Amendment Local Law 2009 G.G. 28/07/2009) (1143).

Edith Cowan University Act 1984 - Statutes (Edith Cowan University - Amending Statute G.G. 31/07/2009) (1144).

Environmental Protection Act 1986 - Regulations (Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Amendment Regulations 2009 G.G. 21/07/2009) (1145).

First Home Owner Grant Act 2000 - Regulations (First Home Owner Grant Amendment Regulations 2009 G.G. 04/08/2009) (1146).

Fish Resources Management Act 1994 - Management Plans (Pilbara Fish Trawl Interim Managed Fishery Management Plan Amendment 2009 G.G. 16/06/2009) (1147).

Fish Resources Management Act 1994 - Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment (No. 2) 2009 [919] G.G. 04/08/2009) (1148).

Health Act 1911 - Notices (City of Canning - Fees and Charges G.G. 07/08/2009) (1149).

Hospitals and Health Services Act 1927 - Regulations (Hospitals (Services Charges) Amendment Regulations (No. 2) 2009 G.G. 28/07/2009) (1150).

Industrial Relations Act 1979 - Regulations (Industrial Relations (General) Amendment Regulations 2009 G.G. 31/07/2009) (1151).

Industrial Relations Act 1979 - Regulations (Industrial Relations Commission Amendment Regulations (No. 2) 2009 G.G. 16/06/2009) (1152).

Jetties Act 1926 - Regulations (Jetties Amendment Regulations (No. 2) 2009 G.G. 31/07/2009) (1153).

Liquor Control Act 1988 - Regulations (Liquor Control (Juwurlinji Restricted Area) Regulations 2009 G.G. 24/07/2009) (1154).

Liquor Control Act 1988 - Regulations (Liquor Control (Noonkanbah Restricted Area) Regulations 2009 G.G. 24/07/2009) (1155).

Liquor Control Act 1988 - Regulations (Liquor Control Amendment Regulations (No. 3) 2009 G.G. 24/07/2009) (1156).

Liquor Control Act 1988 - Regulations (Liquor Control Amendment Regulations (No. 4) 2009 G.G. 24/07/2009) (1157).

Local Government (Miscellaneous Provisions) Act 1960 - Regulations (Building Amendment Regulations (No. 3) 2009 G.G. 04/08/2009) (1158).

Local Government (Miscellaneous Provisions) Act 1960 - Regulations (Building Amendment Regulations 2009 G.G. 31/07/2009) (1159).

- Local Government Act 1995 - Local Laws (City of Perth Alfresco Dining Local Law 2009 G.G. 16/06/2009) (1160).
- Local Government Act 1995 - Local Laws (Shire of Mundaring Parking Local Law 2009 G.G. 17/06/2009) (1161).
- Medical Practitioners Act 2008 - Regulations (Medical Practitioners Amendment Regulations 2009 G.G. 31/07/2009) (1162).
- Medical Radiation Technologists Act 2006 - Regulations (Medical Radiation Technologists Amendment Regulations 2009 G.G. 07/08/2009) (1163).
- Mines Safety and Inspection Act 1994 - Regulations (Mines Safety and Inspection Amendment Regulations 2009 G.G. 21/07/2009) (1164).
- Mines Safety and Inspection Act 1994 - Regulations (Mines Safety and Inspection Amendment Regulations (No. 2) 2009 G.G. 16/06/2009) (1165).
- Motor Vehicle Repairers Act 2003 - Regulations (Motor Vehicle Repairers Amendment Regulations (No. 3) 2009 G.G. 28/07/2009) (1166).
- Murdoch University Act 1973 - By-laws (Murdoch University Amending By-law G.G. 31/07/2009) (1167).
- Occupational Safety and Health Act 1984 - Regulations (Occupational Safety and Health Amendment Regulations (No. 4) 2009 G.G. 31/07/2009) (1168).
- Pay-Roll Tax Assessment Act 2002 - Regulations (Pay-Roll Tax Assessment Amendment Regulations 2009 G.G. 19/06/2009) (1169).
- Planning and Development Act 2005 - Regulations (Planning and Development Regulations 2009 G.G. 19/06/2009) (1170).
- Poisons Act 1964 - Regulations (Poisons Amendment Regulations (No. 5) 2009 G.G. 28/07/2009) (1171).
- Public Transport Authority Act 2003 - Regulations (Public Transport Authority Amendment Regulations (No. 2) 2009 G.G. 24/07/2009) (1172).
- Registration of Deeds Act 1856 - Regulations (Registration of Deeds Amendment Regulations 2009 G.G. 19/06/2009) (1173).
- Strata Titles Act 1985 - Regulations (Strata Titles General Amendment Regulations 2009 G.G. 19/06/2009) (1174).
- Transfer of Land Act 1893 - Regulations (Transfer of Land Amendment Regulations (No. 2) 2009 G.G. 19/06/2009) (1175).
- Valuation of Land Act 1978 - Regulations (Valuation of Land Amendment Regulations (No. 2) 2009 G.G. 19/06/2009) (1176).
- Waste Avoidance and Resource Recovery Act 2007 - Local Laws (Eastern Metropolitan Regional Council Waste Management Facilities Local Law 2008 G.G. 16/06/2009) (1177).
- Waste Avoidance and Resource Recovery Act 2007 - Local Laws (Shire of Northam Waste Local Law 2009 G.G. 28/07/2009) (1178).
- Water Agencies (Powers) Act 1984 - By-Laws (Water Agencies (Charges) Amendment By-Laws 2009 G.G. 19/06/2009) (1179).
- Young Offenders Act 1994 - Regulations (Young Offenders Amendment Regulations 2009 G.G. 19/06/2009) (1180).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Road Safety on the appointment of Professor D’Arcy Holman as the incoming independent Chair of the Road Safety Council.

The Attorney General on the 60th anniversary of the Geneva Conventions.

The Minister for Water on the investigation of probity concerns at the Department of Water by the Office of the Public Sector Standards Commissioner.

6. Personal Explanation

Mrs M.H. Roberts made a personal explanation on her conduct as then Minister for Heritage in relation to the removal of “The Cliffe” from the list of heritage places in Western Australia.

7. Suspension of Standing Orders

Mr M. McGowan, 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 this House refers the matters raised in the Corruption and Crime Commission documents relating to “The Cliffe” to the Procedure and Privileges Committee for inquiry and further calls upon the Government to amend Section 27A of the *Corruption and Crime Commission Act 2003* by deleting the words “not being serious misconduct” thereby allowing the Corruption and Crime Commission to deal with allegations of serious misconduct in the future.

Debate ensued.

The Leader of the House moved,

To delete all words after “inquiry”.

Debate ensued.

On the question, That the words be deleted,

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 T.R. Buswell	Mr A.P. Jacob	Mr A.J. Simpson
Mr G.M. Castrilli	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. Woollard
Mr M.J. Cowper	Mr W.R. Marmion	Mr J.E. McGrath (<i>Teller</i>)

Noes (26)

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

Question thus passed.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

8. Referral of Matters to the Procedure and Privileges Committee

Mr M. McGowan, pursuant to the foregoing motion, moved,

That this House refer the matters raised in the Corruption and Crime Commission documents relating to “The Cliffe” to the Procedure and Privileges Committee for inquiry.

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

9. Questions

Questions without Notice were taken.

Questions on Notice 1179 to 1404 were asked.

10. Variation to the Order of Business

Ordered, That the Order of the Day for debate on the motion to refer matters to the Procedure and Privileges Committee be resumed.

11. Referral of Matters to the Procedure and Privileges Committee

The Order of the Day having been read for the resumption of debate on the motion moved by Mr M. McGowan,

That this House refer the matters raised in the Corruption and Crime Commission documents relating to “The Cliffe” to the Procedure and Privileges Committee for inquiry.

Debate resumed.

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

Suspension of Standing Orders

The Leader of the House moved,

That so much of Standing Orders be suspended as is necessary to enable the motion to refer matters to the Procedure and Privileges Committee, to be continued and determined prior to entering onto Private Members’ Business today.

Debate ensued.

The Acting Speaker having counted the House, and an absolute majority being present and there being no dissentient voice declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

Debate resumed.

On the question, That the motion be agreed to,
Question put and passed.

12. Personal Explanation

The Premier made a personal explanation to advise the House that the Attorney General will take ministerial responsibility for the Corruption and Crime Commission for the duration of the Procedure and Privileges Committee's inquiry.

13. Variation to the Order of Business

Ordered, That Private Members' Business Notices of Motion Nos 16 and 17 and Private Members' Business Order of the Day No. 5 be next considered.

14. Recreational Fishing Fees

Mr E.S. Ripper, pursuant to notice, moved,

That the House condemns the Barnett Government's unjustified attack on recreational fishing and calls upon the Government to withdraw the huge fees it is imposing on ordinary West Australian families.

Debate ensued.

Debate interrupted by the Chair (Mrs L.M. Harvey speaking) and adjourned until a later stage of the sitting.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 p.m. until Thursday, 13 August 2009 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr I.M. Britza.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly