

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 38****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

THURSDAY, 18 JUNE 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

Country Age Pension Fuel Card - Mr D.A. Templeman presented a petition from 594 persons requesting that residents in the electorates of Mandurah and Dawesville and the Shire of Serpentine Jarrahdale are included in the Country Age Fuel Card scheme (P. 83).

In-fill Sewerage Program - Mr F.M. Logan presented a petition from 568 persons requesting that the Government honour previous commitments made to complete the Spearwood in-fill sewerage program by 2010 (P. 84).

East Rockingham Pioneers Cemetery - Mr M. McGowan presented a petition from 248 persons requesting that immediate steps be taken to reverse the decision to impose fees at the East Rockingham Pioneers Cemetery (P. 85).

Insurance Commission of Western Australia - Mr F.A. Alban presented a petition from 497 persons requesting that the Board of Directors of the Insurance Commission of Western Australia be stood down pending proper investigation into their role in relation to the Ellenbrook Restrictive Covenant (P. 86).

Shack Site Coastal Communities in Western Australia - Mr M.W. Sutherland 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. 87).

Bitumen Emulsion Plant, Maddington - Mr A.J. Waddell presented a petition from 159 persons requesting that the Environmental Protection Authority be instructed to formally assess the proposed Bitumen/Asphalt Emulsion Plant at 5 Marion Road, Maddington (P. 88).

Shack Site Coastal Communities in Western Australia - Mr M.P. Murray presented a petition from 54 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 89).

Shack Site Coastal Communities in Western Australia - Mr Speaker presented a petition from 195 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 90).

Speaker's Ruling - Petition Out of Order

The Speaker noted that earlier today the Minister for Regional Development had presented a petition that was directed to the Minister and not to the Legislative Assembly. As a petition needs to be directed to the Legislative Assembly, not an individual member or a Minister, he therefore ruled the petition out of order.

Paper

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

By the Minister for Regional Development –

Geraldton Foreshore Commercial Construction - Petition Addressed to the Minister Regional Development requesting that commercial construction on the Geraldton Foreshore be prevented, 14 June 2009 (1000).

3. Papers

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

By the Speaker –

Corruption and Crime Commission of Western Australia - Report on the Investigation of Alleged Misconduct by Employees of Landgate as a Result of Associations with External Clients Involved in the Property Development Industry (995).

By the Clerk –

Education and Health Standing Committee – Government Response to the Education and Health Standing Committee's Report No. 1 - Inquiry into the Tobacco Products Control Amendment Bill 2008, June 2009 (996).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the death of Mr Max Shean, a World War II veteran.

The Minister for Planning on the Metropolitan Region Scheme Amendment 1159/41, which will facilitate the development of an inner-city Transit Oriented Development in the vicinity of the Belmont Racecourse.

Paper

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1159/41, Belmont Racecourse Redevelopment, Report on Submissions and Submissions, May 2009 (998).

The Premier on the the scheduling of Regional Cabinet meetings in Albany, Geraldton and Bunbury in 2009.

The Minister for Planning on the Metropolitan Region Scheme Amendment 1153/41, which will facilitate the residential development of land in Caversham.

Paper

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1153/41, Caversham Urban Cell, Report on Submissions, Submissions and Transcripts of Hearings, May 2009 (997).

5. Grievances

The Speaker called for grievances which were then made.

6. 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 a motion to be moved without notice forthwith by Mr E.S. Ripper and for that motion to be dealt with under the time limits applicable for a Matter of Public Interest.

Question put.

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.

7. Censure of the Ministers for Indigenous Affairs and Regional Development

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That this House censures the Ministers for Indigenous Affairs and Regional Development for abuse of power and for giving misleading explanations to the House about their actions.

Debate ensued.

Paper

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

By the Minister for Indigenous Affairs –

Aboriginal Cultural Material Committee- Briefing Note from the Director General of the Department of Indigenous Affairs to the Minister Appointment of Mr Haydn Lowe to the Aboriginal Cultural Material Committee (ACMC), 4 May 2009 (1001).

Question put.

The Assembly divided.

Ayes (25)

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

Mr M. McGowan
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley
 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*)

Noes (29)

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

Question thus negatived.

8. Parliamentary Commissioner Amendment Bill 2009

Message No. 25 dated 17 June 2009 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Parliamentary Commissioner 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 **No. 1**

Page 5, after line 13 — To insert —

8A. Section 22B amended

In section 22B insert:

- (e) is disclosed to a person who is —
 - (i) the Commissioner for Children and Young People; or
 - (ii) a member of the staff of the Commissioner for Children and Young People authorised for the purposes of this subparagraph by the Commissioner,
 and concerns a matter that is relevant to the death of a child.

No. 2

Page 6, after line 6 and after the item relating to the *Auditor General Act 2006* — To insert —

*Commissioner for
Children and Young
People Act 2006*

Commissioner for Children and Young People
to the extent of the Commissioner's functions
other than that of chief employee under the
Public Sector Management Act 1994.

Ordered, That consideration in detail of Legislative Council message No. 25 be made an Order of the Day for a later stage of the sitting.

9. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee - Corruption and Crime Commission's Response to the Select Committee into the Police Raid on the Sunday Times Report No. 1, Report No. 4 (999).

Mr J.N. Hyde and Mr F.A. Alban spoke on the report.

10. Waste Avoidance and Resource Recovery Amendment Bill 2009

The Minister for Water, pursuant to notice, moved,

That a bill for "An Act to amend –

- the *Waste Avoidance and Resource Recovery Act 2007*; and
- the *Waste Avoidance and Resource Recovery Levy Act 2007*." be introduced and read a first time.

Question put and passed.

The Minister for Water presented an explanatory memorandum and bill read a first time.

The Minister for Water moved, That the bill be now read a second time.

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

Question put and passed.

11. Local Government 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 C.J. Tallentire speaking) and adjourned until a later stage of the sitting.

12. Members' Statements

The Acting Speaker called for members' statements which were then made.

13. Speaker's Statement - Romeo Dimanlig and Kathy Hoare

The Speaker advised members of the retirement of Romeo Dimanlig, one of the Dining Room staff, and of the resignation of Acting Sergeant-at-Arms, Kathy Hoare, who after eight years was going to take up a senior position in the Department of Education and Training. On behalf of the Legislative Assembly, the Speaker thanked Kathy for her ready assistance and wished her well in her new endeavours.

14. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Health –

Aboriginal Health Workers - Western Australia Health's Approach to Addressing Aboriginal Health Worker Deficiencies, Briefing Note (1015).

Questions on Notice Nos 1086 to 1110 were asked.

Questions on Notice Nos 870, 873 to 880, 883, 888 to 904, 907, 909, 912, 913, 916, 917, 920 to 923, 926 to 932, 934, 935, 937 to 941, 1000 and 1055 were answered.

Paper tabled by the Premier; Minister for State Development –

Question on Notice No. 888 - Details of cars, parking bays, parking charges and usage of cars allocated to staff of the Premier's Ministerial Office (1002).

Question on Notice No. 917 - Details of staff working in the Premier; Minister for State Development's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1004).

Paper tabled by the Minister representing the Minister for Transport; Disability Services –

Question on Notice No. 893 - Details of cars, parking bays, parking charges and usage of cars allocated to staff of the Minister for Transport; Disability Services' Ministerial Office (1003).

Paper tabled by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport –

Question on Notice No. 920 - Details of staff working in the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1005).

Paper tabled by the Minister for Education; Tourism –

Question on Notice No. 921 - Details of staff working in the Minister for Education; Tourism's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1006).

Paper tabled by the Minister representing the Minister for Transport; Disability Services –

Question on Notice No. 922 - Details of staff working in the Minister for Transport; Disability Services' Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1007).

Paper tabled by the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works –

Question on Notice No. 923 - Details of staff working in the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works' Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1008).

Paper tabled by the Minister for Planning; Culture and the Arts –

Question on Notice No. 926 - Details of staff working in the Minister for Planning; Culture and the Arts' Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1009).

Paper tabled by the Minister representing the Minister for Energy; Training –

Question on Notice No. 927 - Details of staff working in the Minister for Energy; Training's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1010).

Paper tabled by the Attorney General; Minister for Corrective Services –

Question on Notice No. 928 - Details of staff working in the Attorney General; Minister for Corrective Services' Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1011).

Paper tabled by the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests –

Question on Notice No. 929 - Details of staff working in the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests' Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1012).

Paper tabled by the Minister for Water; Mental Health –

Question on Notice No. 930 - Details of staff working in the Minister for Water; Mental Health's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1013).

Paper tabled by the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education –

Question on Notice No. 932 - Details of staff working in the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education's Ministerial Office, details of vehicles allocated to the Office and details of Government credit cards allocated to the Office (1014).

15. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Regional Development gave additional information to the House in relation to Question without Notice No. 280 and a question asked by Ms A.J.G. MacTiernan during 2009 Budget Estimates regarding the contract between the State Government and Retail Decisions Pty Ltd.

Paper

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

By the Minister for Regional Development –

Country Age Pension Fuel Card - Contract between the State Government and Retail Decisions Pty Ltd (1016).

16. Corrections to Tabled Papers

The Speaker announced that he had authorised corrections under Standing Order No. 156 to the following Tabled Papers tabled on 16 June 2009 –

Question on Notice No. 865 - Details of flights the Premier or any Ministers have undertaken with Maroomba Airlines between 22 September 2008 and 12 May 2009 (Authorised correction 18 June 2009) (965).

Question on Notice No. 866 - Details of air charters for the Premier or any Ministers provided by carriers other than Maroomba Airlines between 22 September 2008 and 12 May 2009 (Authorised correction 18 June 2009) (966).

17. Variation to the Order of Business

Ordered, That Government Business Order of the Day for the consideration in detail of Legislative Council Message No. 25 and Government Business Order of the Day No. 1 be next considered.

18. Parliamentary Commissioner Amendment Bill 2009

The Order of the Day for the consideration in detail of Legislative Council message No. 25 was read.
[See Paragraph 7]

CONSIDERATION IN DETAIL

The Premier moved, That amendment No. 1 be agreed to.

Question put and passed.

The Premier moved, That amendment No. 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

19. Local Government 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

20. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 11 August 2009 at 2.00 p.m.

Question put and passed.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 3.59 p.m. until Tuesday, 11 August 2009 at 2.00 p.m.

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

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly