

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 168

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 21 SEPTEMBER 2011

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

First Choice Liquor Superstore Maylands – Ms L.L. Baker presented a petition from 177 persons requesting that the Legislative Assembly ensure that Liquorland is not granted a liquor licence for the proposed First Choice Liquor Superstore in Maylands and also that it investigate the potential of heavily discounted liquor sold by these types of stores to influence violence in the community (P. 467).

3. Papers

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

By the Clerk –

Animal Resources Authority – Annual Report 2010–2011 (3887).

Chemistry Centre of Western Australia [Chemcentre] – Statement of Corporate Intent 2011–2012 (3888).

Chiropractors Registration Board of Western Australia – Annual Report 2010–2011 (3889).

Dental Board of Western Australia – Annual Report 2010–2011 (3890).

Heritage Council of Western Australia – Annual Report 2010–2011 (3891).

Medical Board of Western Australia – Annual Report 2010–2011 (3892).

Optometrists Registration Board of Western Australia – Annual Report 2010–2011 (3893).

Podiatrists Registration Board – Annual Report 2010–2011 (3894).

Psychologists Registration Board of Western Australia – Annual Report 2010–2011 (3895).

Technology and Industry Advisory Council – Annual Report 2010–2011 (3896).

Western Australian College of Teaching – Annual Report 2010–2011 (3897).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the new exhibition at the Western Australian Maritime Museum entitled *Immerse: Exploring the Deep*.

The Minister for Environment on two key issues discussed at the national Environment Ministers' meeting in Canberra, these being federal moves on National Parks and the regulation of packaging.

The Minister for Local Government on the 2011 Local Government Elections.

5. Private Members' Business Precedence

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

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have priority from 4.00 p.m. to 8.00 p.m. on Wednesday, 21 September 2011.

Debate ensued.

Question put and passed.

6. Petroleum and Geothermal Energy Safety Levies Bill 2011

The Minister for Environment, pursuant to notice, moved,

That a bill for "An Act to provide for levies in relation to petroleum operations, geothermal energy operations and pipeline operations, and for related purposes." be introduced and read a first time.

Question put and passed.

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

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

Mr W.J. Johnston moved, That the debate be adjourned.

Question put and passed.

7. Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011

The Minister for Environment, pursuant to notice, moved,

That a bill for "An Act to amend the *Petroleum and Geothermal Energy Safety Levies Act 2011* to provide for the imposition of certain levies." be introduced and read a first time.

Question put and passed.

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

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

Mr M. McGowan moved, That the debate be adjourned.

Question put and passed.

8. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 1 and 3 be next considered.

9. Commercial Arbitration Bill 2011

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 to 21 agreed to.

Clause 22.

Clause negated.

New clause 22.

The Attorney General moved,
Page 26, after line 18 – To insert:

“

22. Language (cf. Model Law Art 22)

- (1) The parties are free to agree on the language or languages to be used in the arbitral proceedings.
- (2) Failing agreement as referred to in subsection (1), the arbitral tribunal is to determine the language or languages to be used in the proceedings.
- (3) This agreement or determination, unless otherwise specified in the agreement or determination, is to apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.
- (4) The arbitral tribunal may order that any documentary evidence is to be accompanied by a translation into the language or languages agreed on by the parties or determined by the arbitral tribunal.

”.

New clause agreed to.

Clauses 23 to 34 agreed to.

Clause 34A.

The Attorney General moved,

Page 50, line 26 – To delete “or” and substitute:

“ and ”.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 35 to 45 agreed to.

Title agreed to.

Consideration in detail concluded.

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

10. Cat Bill 2011

The Order of the Day for the third reading of the bill having been read, the Minister for Local Government moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Mr P. Papalia speaking) and adjourned until a later stage of the sitting.

11. Questions

Questions without Notice were taken.

Papers

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

By the Attorney General –

Attorney General, Department of the – Prison Population and Reported Crime in Western Australia: 5 Year Snapshot (3898).

By the Minister for Racing and Gaming –

Racing, Gaming and Liquor, Department of – 2011 Exemptions from the *Liquor Control Act 1988* (3899).

Questions on Notice Nos 6153 to 6174 were asked.

Questions on Notice Nos 5956, 5963, 5964, 5983, 5991, 5993, 5994, 6006, 6010, 6043 and 6066 were answered.

12. Unanswered Question on Notice

Mr J.C. Kobelke asked why no answer had been received in respect of his Questions on Notice Nos 5997, 5998 and 6008.

13. Variation to the Order of Business

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

14. Cat Bill 2011

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

Debate resumed.

Debate interrupted by the Chair (Mr M.P. Whitely speaking) and adjourned until a later stage of the sitting.

15. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 12 and Private Members' Business Orders of the Day Nos 9 and 13 be next considered.

16. Minister for Regional Development and Lands – Agreement between the Karlka Nyiyaparli Aboriginal Corporation and Grandtown Pty Ltd

Mr B.S. Wyatt, pursuant to notice, moved,

That this House condemns the Minister for Regional Development and Lands for allowing the Karlka Nyiyaparli Aboriginal Corporation to be ripped off by Grandtown Pty Ltd and demands that the Minister explain to the House:

- (1) what due diligence he undertook in respect of Grandtown Pty Ltd;
- (2) what meetings, and when, the Minister had with Patrick O'Reilly and Ross Norling in respect of the agreement announced in the Minister's media release of 4 February 2010;
- (3) what action he took to ensure that the agreement he entered into with Grandtown Pty Ltd could actually be delivered by Grandtown; and
- (4) what knowledge he had of Grandtown Pty Ltd before announcing the agreement in his media release of 4 February 2010.

Debate ensued.

Question put.

The Assembly divided.

Ayes (21)

Ms L.L. Baker
 Dr A.D. Buti
 Ms A.S. Carles
 Ms J.M. Freeman
 Mr J.N. Hyde
 Mr W.J. Johnston
 Mr J.C. Kobelke

Mr F.M. Logan
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 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
 Mr D.A. Templeman (*Teller*)

Noes (24)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Mr J.M. Francis

Mr B.J. Grylls
 Dr K.D. Hames
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath
 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 A.J. Simpson (*Teller*)

Question thus negatived.

17. Infrastructure Across Western Australia

The Order of the Day having been read for the resumption of debate on the motion moved by Mr E.S. Ripper,

That this House condemns the Barnett Government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new road works to keep up with population growth.

Debate resumed.

Debate interrupted by the Chair (Minister for Transport speaking) and adjourned until a later stage of the sitting.

18. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3 and 2 be next considered.

19. Cat Bill 2011

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

Debate resumed.

The Leader of the House moved, That the question be now put.

The Assembly divided.

Ayes (22)

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

Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath

Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Noes (18)

Mr J.J.M. Bowler
 Dr A.D. Buti
 Ms J.M. Freeman
 Mr J.N. Hyde
 Mr W.J. Johnston
 Mr F.M. Logan

Mr M. McGowan
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mr E.S. Ripper

Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr C.J. Tallentire
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the bill be read a third time,

Question put and passed.

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

20. Misuse of Drugs Amendment Bill 2011

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 to.

Clause 3.

Referral to Community Development and Justice Standing Committee

Mr W.J. Johnston, without notice, moved –

That the *Misuse of Drugs Amendment Bill 2011* be referred to the Community Development and Justice Standing Committee for examination and report.

Debate ensued.

The Leader of the House moved, That the question be now put.

The Assembly divided.

Ayes (21)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr J.E. McGrath
 Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Noes (16)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Mr M. McGowan

Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens

Mr C.J. Tallentire
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the motion be agreed to,

The Assembly divided.

Ayes (16)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Mr M. McGowan

Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens

Mr C.J. Tallentire
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Noes (21)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr J.E. McGrath
 Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

Clause 3 agreed to.

Clauses 4 to 8 agreed to.

Clause 9.

Ms M.M. Quirk moved,

Page 6, line 22 – To delete “a first” and substitute:

“ an ”.

Page 7, lines 4 to 9 – To delete the lines.

Amendments put.

The Assembly divided.

Ayes (16)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Mr M. McGowan

Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens

Mr C.J. Tallentire
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Noes (20)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Mr A.P. Jacob
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath

Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Amendments thus negatived.

Ms M.M. Quirk moved,

Page 7, lines 12 and 13 – To delete the lines.

Amendment put.

The Assembly divided.

Ayes (16)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Mr M. McGowan

Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens

Mr C.J. Tallentire
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Noes (21)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr J.E. McGrath
 Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Ms M.M. Quirk moved,

Page 7, line 20 – To delete “a first” and substitute:

“ an ”.

Amendment put.

The Assembly divided.

Ayes (15)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan

Mr M. McGowan
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk

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

Noes (21)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr J.E. McGrath
 Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Ms M.M. Quirk moved,

Page 7, line 30 to page 8, line 20 – To delete the lines.

Amendment put.

Ayes (15)

Dr A.D. Buti
 Ms J.M. Freeman
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan

Mr M. McGowan
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk

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

Noes (21)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
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 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr J.E. McGrath
 Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

The Minister for Police moved,

Page 8, after line 20 — To insert:

“

- (6) The Minister must carry out a review of the operation and effectiveness of the amendments made to this section by the *Misuse of Drugs Amendment Act 2011* section 9 as soon as practicable after the expiry of 3 years from the commencement of that section.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 10 to 14 agreed to.

Title agreed to.

Consideration in detail concluded.

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

21. Personal Explanation

The Minister for Local Government made a personal explanation in order to correct a figure given earlier in his brief ministerial statement on the 2011 local government elections. The correct number of vacancies was 244, not 242, as previously indicated.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 12.35 a.m. on Thursday, 22 September 2011 until 9.00 a.m. on the same day.

Members present during any part of the day's proceedings – All the members except Mr V.A. Catania, Dr E. Constable, Mrs L.M. Harvey, Dr M.D. Nahan and Mr P.C. Tinley.

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
 Speaker of the Legislative Assembly