

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY**

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**VOTES AND PROCEEDINGS****No. 151****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

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**THURSDAY, 16 AUGUST 2007****1. Meeting of Assembly**

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

**2. Petition**

Fisheries Management in Western Australia - Mr G. Snook presented a petition from 110 persons requesting that the Legislative Assembly, when considering amendments to the Fish Resources Management Act 1994, its regulations or management plans, ensure that the amendments are in the best interest of fisheries management (P. 236).

**3. Papers**

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

By the Clerk -

Land Administration Act 1997 - Proposal No. 19/2006 under section 42(4) of the Act, in relation to excision of land from Class 'A' Reserve 9228 to facilitate the dedication of Booralaming West Road and Bailey Road in the Shire of Dowerin, dated 11 August 2007 (3033).

Technology and Industry Advisory Council, Western Australia - Annual Activity Report - 2006-2007 (3034).

**4. Notices of Motion Lapsed - Removal from Notice Paper**

The Deputy Speaker advised members that in accordance with Standing Order No. 74, Private Members' Notice of Motion No. 1, notice of which was given on 15 August 2006 and renewed for a further 30 sitting days on 28 November 2006, would be removed and would not appear on the next Notice Paper.

## 5. Notice of Motion

## 6. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Disability Services on the retirement of Barry MacKinnon as Chair of the Disability Services Commission Board.

The Minister for Police and Emergency Services on the Government's response to the recommendations of the Community Development and Justice Standing Committee's Report on the Inquiry into Western Australia's Disaster Relief Arrangements.

The Minister for Tourism on a partnership with globally recognised travel brand, Lonely Planet, and the launch of a new television website by Tourism Western Australia, aimed at promoting Western Australia as a tourist destination.

## 7. Grievances

The Deputy Speaker called for grievances which were then made.

## 8. Community Development and Justice Standing Committee

Mr A.P. O'Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee - Annual Report 2006-2007, Report No. 5 (3035) .

Mr A.P. O'Gorman and Mrs J. Hughes spoke on the report.

## 9. Petroleum Amendment Bill 2007

The Minister for Resources, pursuant to notice, moved,

That a bill for "An Act to amend the *Petroleum Act 1967* and to make consequential amendments to other Acts." be introduced and read a first time.

Question put and passed.

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

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

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

## 10. Economic Regulation Authority Act 2003 Review

The Treasurer, pursuant to notice, moved,

(1) That in accordance with section 64 of the *Economic Regulation Authority Act 2003*, the Joint Standing Committee on Audit be appointed to undertake the required legislative review.

(2) That the Legislative Council be invited to pass a similar resolution.

Debate ensued.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

**11. State Superannuation Amendment Bill 2007**

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

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*Suspension of Standing Orders*

Mr P.D. Omodei, without notice, moved,

That so much of the Standing Orders be suspended so as to enable the following motion to be moved forthwith -

That this House calls on the Minister for Health to immediately explain why he misled the Parliament with his claims that he had no knowledge of Freedom of Information applications from the Office of the Leader of the Opposition regarding emails between Brain Burke and Neale Fong until it was raised in debate on 21 June, when evidence has emerged that the Minister was aware of these Freedom of Information applications.

Debate ensued.

Mr R.F. Johnson moved, That the debate be adjourned until a later stage of the day's sitting.

Question put and passed.

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Debate resumed on the second reading of the State Superannuation Amendment Bill 2007.

Debate interrupted by the Chair (Treasurer 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. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2607 to 2612 were asked.

Questions on Notice Nos 2369, 2381 and 2487 were answered.

**14. Personal Explanation**

Mr M.P. Murray made a personal explanation on a donation he made to Collie Road-Wise.

**15. Variation to the Order of Business**

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

**16. State Superannuation Amendment Bill 2007**

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

Mr C.J. Barnett moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

**17. Variation to the Order of Business**

Ordered, That consideration of the Order of the Day for the suspension of standing orders (see paragraph 11) be resumed.

### 18. Suspension of Standing Orders

The Order of the Day for the resumption of debate on the suspension of standing orders (see paragraph 11) have been read.

Question put.

The Assembly divided.

#### Ayes (22)

Mr C.J. Barnett  
Mr D.F. Barron-Sullivan  
Mr M.J. Birney  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Dr E. Constable  
Mr M.J. Cowper  
Mr J.H.D. Day

Mr B.J. Grylls  
Dr K.D. Hames  
Ms K. Hodson-Thomas  
Mr R.F. Johnson  
Mr J.E. McGrath  
Mr P.D. Omodei  
Mr G. Snook  
Dr S.C. Thomas

Mr M.W. Trenorden  
Mr T.K. Waldron  
Ms S.E. Walker  
Mr G.A. Woodhams  
Dr J.M. Woollard  
Mr T.R. Sprigg (*Teller*)

#### Noes (28)

Mr P.W. Andrews  
Mr A.J. Carpenter  
Mr J.B. D'Orazio  
Dr J.M. Edwards  
Mrs D.J. Guise  
Mrs J. Hughes  
Mr J.N. Hyde  
Mr J.C. Kobelke  
Mr R.C. Kucera  
Mr F.M. Logan

Mr J.A. McGinty  
Mr M. McGowan  
Ms S.M. McHale  
Mr A.D. McRae  
Mrs C.A. Martin  
Mr M.P. Murray  
Mr A.P. O'Gorman  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk

Ms J.A. Radisich  
Mr E.S. Ripper  
Mr T.G. Stephens  
Mr D.A. Templeman  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr S.R. Hill (*Teller*)

Question thus negatived.

### 19. Variation to the Order of Business

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

### 20. State Superannuation Amendment Bill 2007

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

Clause 1.

Mr T.R. Buswell moved,

Page 2, line 3 - To delete the words following "the" and substitute -

" *Superannuation (Privatisation) Amendment Act 2007.* ".

On the question, That the amendment be agreed to,

Question put.

The Assembly divided.

## Ayes (23)

Mr C.J. Barnett  
 Mr D.F. Barron-Sullivan  
 Mr M.J. Birney  
 Mr T.R. Buswell  
 Mr G.M. Castrilli  
 Dr E. Constable  
 Mr M.J. Cowper  
 Mr J.H.D. Day

Mr B.J. Grylls  
 Dr K.D. Hames  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
 Mr J.E. McGrath  
 Mr P.D. Omodei  
 Mr A.J. Simpson  
 Mr G. Snook

Dr S.C. Thomas  
 Mr M.W. Trenorden  
 Mr T.K. Waldron  
 Ms S.E. Walker  
 Mr G.A. Woodhams  
 Dr J.M. Woollard  
 Mr T.R. Sprigg (*Teller*)

## Noes (26)

Mr P.W. Andrews  
 Mr A.J. Carpenter  
 Mr J.B. D'Orazio  
 Dr J.M. Edwards  
 Mrs J. Hughes  
 Mr J.N. Hyde  
 Mr J.C. Kobelke  
 Mr R.C. Kucera  
 Mr F.M. Logan

Mr M. McGowan  
 Ms S.M. McHale  
 Mr A.D. McRae  
 Mrs C.A. Martin  
 Mr M.P. Murray  
 Mr A.P. O'Gorman  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk

Ms J.A. Radisich  
 Mr E.S. Ripper  
 Mr T.G. Stephens  
 Mr D.A. Templeman  
 Mr P.B. Watson  
 Mr M.P. Whitely  
 Mr B.S. Wyatt  
 Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 2 to 15 agreed to.

Clause 16.

The Treasurer moved,

Page 21, after line 7 - To insert -

“

- (3) The use of the terms “West State” or “Gold State” in relation to the superannuation schemes referred to in section 29(1)(a) and (b), or divisions of GESB Superannuation that replace those schemes, does not contravene subsection (1).”

Amendment put and passed.

The Treasurer moved,

Page 21, after line 26 - To insert -

“

**51A. Notice of exercise of veto to be tabled**

If the Treasurer exercises a power under a veto provision, as defined in section 51, the Treasurer must, within 14 days after the power is exercised -

- (a) give written notice to MutualCo confirming the exercise of the power; and
- (b) cause a copy of the notice to be laid before each House of Parliament or dealt with under section 78.”

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 17 to 70 agreed to.

Clause 71.

The Treasurer moved,

Page 79, after line 10 - To insert -

“

**75GA. Notice of refusal of approval to be tabled**

If the Treasurer refuses to approve the doing of something which, under the governing rules, cannot be done without the Treasurer's approval, the Treasurer must -

- (a) give written notice of the refusal to the TrustCo; and
- (b) cause a copy of the notice to be laid before each House of Parliament or dealt with under section 78 within 14 days after it is given to TrustCo. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 72 to 89 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. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 28 August 2007 at 2.00 p.m.

Question put and passed.

**22. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 4.59 p.m. until Tuesday, 28 August 2007 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr J.J.M. Bowler, Ms A.J.G. MacTiernan and Mrs M.H. Roberts.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. FRED RIEBELING**  
Speaker of the Legislative Assembly