

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 222

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 12 SEPTEMBER 2012

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Finch Society of WA – Mr C.J. Tallentire presented a petition from 21 persons requesting that the Legislative Assembly support the Finch Society of WA in conserving, maintaining and improving available species for future generations by pressing for their members to be exempt from paying proposed interstate importation charges (P. 634).

3. Papers

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

By the Speaker –

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Report No. 25: The Use of Public Examinations by the Corruption and Crime Commission (5200).

By the Clerk –

Conservation and Land Management Act 1984 – Lease No. 950/97 between the Department of Conservation and the Shire of Collie for the purpose of an Aircraft Landing Strip within a portion of State Forest No. 4 (5201).

State Government Insurance Corporation – Final Report 2012 (5202).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the success and achievements of Western Australian athletes at the London 2012 Paralympic Games.

The Minister for Environment on the winners of the Waste Authority Infinity Awards, and on the Waste Authority's new Business Plan.

The Minister for Local Government on the Local Government Standards Panel 2011–2012 Annual Report.

6. Trans-Tasman Mutual Recognition (Western Australia) Amendment Bill 2012

The Premier, pursuant to notice, moved,

That a bill for “An Act to to amend the *Trans-Tasman Mutual Recognition (Western Australia) Act 2007* to continue the adoption of the *Trans-Tasman Mutual Recognition Act 1997* of the Parliament of the Commonwealth (including the amendments made to it before the day on which this Act receives the Royal Assent), and for related purposes.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier moved, That the bill be now read a second time.

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

Question put and passed.

7. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

8. Integrity (Lobbyists) Bill 2011

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

CONSIDERATION IN DETAIL

New Clause 15A.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15A. Fee for registration

- (1) An advocate to government must pay to the Commissioner a fee prescribed by the regulations for the registration and renewal of registration, and if the fee is not paid on or before the day on which it falls due under the regulations —
 - (a) the person ceases to be registered; and
 - (b) the person’s name must be removed from the Register.
- (2) A person whose name is removed from the Register under subsection (1) may at any time pay to the Commissioner all fees that are in arrears, and all fees that would be in arrears if the person had continued to be registered, together with any additional amount prescribed by the regulations for the purposes of this subsection, and is then to be entitled, subject to this Act, to have his or her registration renewed and the name restored to the register.
- (3) The Commissioner is to give written notice of the renewal fee to an advocate to government, sent to that advocate to government’s address as recorded in the register, at least 42 days before the fee falls due under the regulations.
- (4) A person may apply to the Commissioner for the remission of fees payable by the period under this section that are in arrears, and the Commissioner may remit those fees in whole or in part.

”.

Amendment put.

The Assembly divided.

Ayes (21)

Ms L.L. Baker
Dr A.D. Buti
Dr E. Constable
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 A.P. O’Gorman
Mr P. Papalia
Ms M.M. Quirk
Mrs M.H. Roberts

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

Noes (24)

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

Mr V.A. Catania
Mr M.J. Cowper
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Mr A. Krsticevic

Mr W.R. Marmion
Mr J.E. McGrath
Mr P.T. Miles
Ms A.R. Mitchell
Mr C.C. Porter
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

New Clause 15B.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15B. Certificate of registration

- (1) On the registration of a person the Commissioner is to issue to that person a certificate of registration in an approved form.
- (2) In the absence of evidence to the contrary a certificate of registration is evidence that the person to whom the certificate is issued is registered.

”.

Amendment put and negatived.

New Clause 15C.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15C. Change of address

- (1) An advocate to government must give the Commissioner written advice of any change to the address that is recorded in the Register in relation to the person.

Penalty: \$1,000.

- (2) The advice referred to in subsection (1) must be given no later than 30 days after the change to the address.

”.

Amendment put and negatived.

New Clause 15D.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15D. Insolvency

An advocate to government must, within 7 days of becoming a person who is an insolvent under administration as defined in the Corporations Act section 9, give the Commissioner written advice of the insolvency.

Penalty: \$5,000.

”.

Amendment put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker	Mr F.M. Logan	Mr T.G. Stephens
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire
Dr E. Constable	Mr A.P. O’Gorman	Mr P.C. Tinley
Mr R.H. Cook	Mr P. Papalia	Mr A.J. Waddell
Ms J.M. Freeman	Mr J.R. Quigley	Mr P.B. Watson
Mr J.N. Hyde	Ms M.M. Quirk	Mr M.P. Whitely
Mr W.J. Johnston	Mr E.S. Ripper	Mr B.S. Wyatt
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)

Noes (25)

Mr P. Abetz	Mr M.J. Cowper	Mr P.T. Miles
Mr F.A. Alban	Mr J.M. Francis	Ms A.R. Mitchell
Mr C.J. Barnett	Mr B.J. Grylls	Mr C.C. Porter
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr M.W. Sutherland
Mr I.M. Britza	Mr A.P. Jacob	Mr T.K. Waldron
Mr T.R. Buswell	Mr A. Krsticevic	Mr A.J. Simpson (<i>Teller</i>)
Mr G.M. Castrilli	Mr W.R. Marmion	
Mr V.A. Catania	Mr J.E. McGrath	

Amendment thus negatived.

New Clause 15E.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15E. Civil or criminal proceedings

- (1) An advocate to government must give to the Commissioner written advice of any of the following matters within 14 days after —
 - (a) any civil proceedings claiming damages or other compensation arising out of engaging in lobbying activity;
 - (b) any criminal proceedings for an offence arising out of engaging in lobbying activity; or
 - (c) any proceedings for contempt of parliament arising out of engaging in lobbying activity,

are commenced against the advocate to government.

Penalty: \$5,000.

- (2) An advocate to government must give to the Commissioner written advice of any of the following matters within 14 days after —
- (a) any proceedings of a kind referred to in subsection (1) commenced against the advocate to government are withdrawn or settled;
 - (b) any such proceedings are determined by a court, the Parliament or other tribunal.

Penalty: \$5,000.

”.

Amendment put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker	Mr F.M. Logan	Mr T.G. Stephens
Dr A.D. Buti	Mr M. McGowan	Mr C.J. Tallentire
Dr E. Constable	Mr A.P. O’Gorman	Mr P.C. Tinley
Mr R.H. Cook	Mr P. Papalia	Mr A.J. Waddell
Ms J.M. Freeman	Mr J.R. Quigley	Mr P.B. Watson
Mr J.N. Hyde	Ms M.M. Quirk	Mr M.P. Whitely
Mr W.J. Johnston	Mr E.S. Ripper	Mr B.S. Wyatt
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)

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Mr C.J. Barnett	Mr B.J. Grylls	Mr C.C. Porter
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr M.W. Sutherland
Mr I.M. Britza	Mr A.P. Jacob	Mr T.K. Waldron
Mr T.R. Buswell	Mr A. Krsticevic	Mr A.J. Simpson (<i>Teller</i>)
Mr G.M. Castrilli	Mr W.R. Marmion	
Mr V.A. Catania	Mr J.E. McGrath	

Amendment thus negatived.

New Clause 15F.

Dr E. Constable moved,

Page 14, after line 16 – To insert:

“

15F. Registered advocate to government to lodge returns

- (1) An advocate to government must lodge a quarterly return with the Commissioner setting out the information referred to in subsection (2) in respect of the periods —
- (a) 1 January to 30 March;
 - (b) 1 April to 30 June;
 - (c) 1 July to 30 September;
 - (d) 1 October to 31 December,

and the return must be lodged within 28 days of the end of each period.

Penalty: \$10,000, and a daily penalty of \$1,000.

- (2) A return lodged in accordance with subsection (1) shall set out the following information in relation to each instance of lobbying activity carried out by the advocate to government in the preceding quarter —
 - (a) the name and business address of the advocate to government;
 - (b) where applicable, the name and business address of any firm, corporation or other entity through which the advocate to government carried out the lobbying activity;
 - (c) the name and business address of the client and the name and business address of any person that, to the knowledge of the advocate to government, controls or directs the activities of the client and has a direct interest in the outcome of the advocate to government's lobbying activity;
 - (d) where the client is a corporation within the meaning of the Corporations Act, the name and business address of any related entity of the client that, to the knowledge of the advocate to government, has a direct interest in the outcome of the advocate to government's lobbying activity;
 - (e) particulars to identify the subject matter of the lobbying activity, and such other information regarding the subject matter as is prescribed;
 - (f) particulars to identify any legislative proposal, Bill, subsidiary legislation, policy, programme, authority, power or expenditure to which the lobbying activity related;
 - (g) the date on which the lobbying activity occurred;
 - (h) where the government representative in relation to whom the lobbying activity was directed is a person within paragraphs (a)(i) to (iv) of the definition of **government representative**, the name of the government representative; and
 - (i) where the government representative in relation to whom the lobbying activity was directed is a person within paragraphs (a)(iii) and (v) to (vii) of the definition of **government representative**, the title of the government representative; and
 - (j) such other information in relation to the lobbying activity as is prescribed.
- (3) The Commissioner may, on the application of an advocate to government, extend the time within which a quarterly return required by subsection (1) must be lodged.
- (4) Where an advocate to government has not engaged in any lobbying activity in a particular quarter, the advocate to government must lodge a quarterly return stating that he or she has not engaged in any lobbying activity in that quarter.

”.

Amendment put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker
 Dr A.D. Buti
 Ms A.S. Carles
 Dr E. Constable
 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 A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts

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

Noes (25)

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 Mr G.M. Castrilli
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Mr M.J. Cowper
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 Mrs L.M. Harvey
 Mr A.P. Jacob
 Mr A. Krsticevic
 Mr W.R. Marmion
 Mr J.E. McGrath

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

Amendment thus negatived.

Clauses 16 and 17 agreed to.

Clause 18.

The Premier moved,

Page 15, line 23 – To delete “on a website”.

Amendment put.

The Assembly divided.

Ayes (26)

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
 Mr V.A. Catania

Mr M.J. Cowper
 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 J.E. McGrath

Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr C.C. Porter
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Mr A.J. Simpson (*Teller*)

Noes (25)

Ms L.L. Baker
 Dr A.D. Buti
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 Mr R.H. Cook
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 Mr E.S. Ripper
 Mrs M.H. Roberts
 Ms R. Saffioti

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

Amendment thus passed.

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 8669 to 8673 were asked.

Questions on Notice Nos 7917, 8278, 8282, 8292, 8293, 8298, 8299, 8301, 8304, 8306 to 8309, 8323, 8327, 8329, 8349, 8353, 8391, 8407, 8412, 8413, 8415, 8419, 8438, 8444, 8464 and 8500 were answered.

Papers tabled by the Premier; Minister for State Development –

Question on Notice No. 8282 – Details of Chinese-led delegations to Perth during 2011 (5203).

Question on Notice No. 8293 – Details of staffing and operating budgets for the 11 overseas trade offices (5204).

Question on Notice No. 8413 – Details of staffing costs for the Department of Premier and Cabinet and Department of State Development staff located in overseas Trade and Development Offices (5205).

Question on Notice No. 8438 – Response from the Premier to a letter from the Chairman of the West Australian Football Commission regarding the new Burswood stadium (5206).

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

Question on Notice No. 8327 – Number of employees engaged in media, communications, marketing or speechwriting for each department and agency under the Minister's control as at 1 August 2012 (5207).

Question on Notice No. 8349 – Details of hospitality, travel or accommodation accepted by officers above level 3.1 from a private company or individual since 1 April 2012 (5208).

10. Unclaimed Money (Superannuation and RSA Providers) Amendment and Expiry Bill 2012

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 T.G. Stephens speaking) and adjourned until a later stage of the sitting.

11. Variation to the Order of Business

Ordered, That Private Members' Business Orders of the Day Nos 15 and 19 be next considered.

12. Industrial Relations Amendment Bill 2012

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker
 Dr A.D. Buti
 Ms A.S. Carles
 Mr W.J. Johnston
 Mr F.M. Logan
 Mr M. McGowan
 Mr M.P. Murray

Mr A.P. O’Gorman
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Ms R. Saffioti
 Mr C.J. Tallentire
 Mr P.C. Tinley

Mr A.J. Waddell
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Ms J.M. Freeman (*Teller*)

Noes (22)

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

Mr V.A. Catania
 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
 Mr W.R. Marmion

Mr J.E. McGrath
 Mr P.T. Miles
 Mr C.C. Porter
 Mr D.T. Redman
 Mr T.K. Waldron
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

Bill thus defeated.

13. Local Government Amalgamations

The Order of the Day having been read for the resumption of debate on the motion moved by Mr J.N. Hyde,

That this House calls on the Barnett Government to:

- (5) provide advice as to the cost of its flawed and failed amalgamation process to date, and the cost to both the State Government and local governments; and
- (6) rule out forced amalgamations of councils in Western Australia.

Debate resumed.

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

14. Evidence and Public Interest Disclosure Legislation Amendment Bill 2011

Message No. 236 dated 12 September 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Evidence Act 1906* and the *Public Interest Disclosure Act 2003*.”

The Minister for Planning moved, That the bill be read a first time.

Question put and passed.

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

Leave was granted to proceed forthwith to the second reading.

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

Mr J.R. Quigley moved, That the debate be adjourned.

Question put and passed.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.24. p.m. until Thursday, 13 September 2012 at 9.00 a.m.

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

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly