

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 172

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 29 SEPTEMBER 2011

### 1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

### 2. Speaker's Statement – Select Committee into Child Migration – Further Release of Documents

The Speaker advised members that, further to his statement on Thursday, 8 September 2011, he had approved the release of further information relating to Fairbridge Farm School Pinjarra, gathered by the former Legislative Assembly Select Committee into Child Migration. The request was made by former member, the Hon. Mike Barnett.

### 3. Petitions

Homeswest Rent Prices – Mr W.J. Johnston presented a petition from 60 persons requesting that the Legislative Assembly ensure that the Government continue the freeze on Homeswest rent prices for pensioners (P. 476).

Environmental Protection (Noise) Amendment Regulations 2010 – Mr J.M. Francis presented a petition from 99 persons requesting that the Legislative Assembly request the Department of Conservation to establish a working party to liaise and resolve issues with shooters organisations in relation to the Environmental Protection (Noise) Amendment Regulations 2010 (P. 477).

Ballajura Police Presence – Ms R. Saffioti presented a petition from 2,716 persons requesting that the Legislative Assembly move to establish a stronger police presence in Ballajura (P. 478).

‘Stop and Search’ Laws – Mr E.S. Ripper presented a petition from 3 persons requesting that the Legislative Assembly withdraw support for legislation which introduces stop and search powers for police and consider other more effective measures to reduce crime (P. 479).

Animal Welfare Unit, Department of Local Government – Mr E.S. Ripper presented a petition from 2 persons requesting that the Legislative Assembly fully fund the employment of six permanent full-time General Inspectors in the Department of Local Government’s Animal Welfare Unit Inspectorate (P. 480).

Western Australia Seniors Card – Mr E.S. Ripper presented a petition from 24 persons requesting that the Legislative Assembly implement the recommendations of the review into the WA Seniors Card (P. 481).

Skilled Local Jobs Bill 2011 – Mr E.S. Ripper presented a petition from 271 persons requesting that the Legislative Assembly support the Skilled Local Jobs Bill 2011 with the objective of ensuring that a greater share of skilled work for major resource projects is performed in Western Australia (P. 482).

#### **4. Papers**

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

By the Clerk –

Consultants Engaged by Government – Report for the Six Months Ended 31 December 2010 (4064).

Financial Management Act 2006 – Notice Under Section 82 of the Act by the Minister for Training and Workforce Development in Respect to not Providing Information to Legislative Council Question on Notice No. 4513 (4065).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Three Months Ended 31 December 2010 (4066).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Three Months Ended 31 March 2011 (4067).

#### **5. Notice of Motion**

#### **6. Notice of Motion – Withdrawal**

The Leader of the House withdrew Government Business – Notice of Motion No. 1.

#### **7. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Emergency Services on the 2011 Firefighting Awards.

The Minister for Regional Development on the latest developments in the Regional Centres Development Plan, known as SuperTowns.

The Minister for Education on the Public School Leadership Program.

The Leader of the House on the 2012 Parliamentary Sitting Dates.

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#### *Paper*

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

By the Leader of the House –

Leader of the House – Parliament of Western Australia Legislative Assembly 2012 Sitting Dates (4068).

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#### **8. Grievances**

The Speaker called for grievances which were then made.

#### **9. Joint Standing Committee on the Commissioner for Children and Young People**

Ms A.R. Mitchell, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Commissioner for Children and Young People, Joint Standing Committee on the – Annual Report 2010–2011, Report No. 7 (4069).

Ms A.R. Mitchell and Mr M.P. Whitely spoke on the report.

**10. Joint Standing Committee on the Corruption and Crime Commission**

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

Corruption and Crime Commission, Joint Standing Committee on the – Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the *Corruption and Crime Commission Act 2003*, Report No. 20 (4070).

Mr J.N. Hyde spoke on the report.

**11. Professional Combat Sports Amendment Bill 2009**

Message No. 183 dated 28 September 2011 from the Legislative Council was reported agreeing to the bill without amendment.

**12. Metropolitan Redevelopment Authority Bill 2011**

Message No. 182 dated 28 September 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Metropolitan Redevelopment Authority Bill 2011* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

*Schedule indicating the amendments made by the Legislative Council in the Metropolitan Redevelopment Authority Bill 2011*

**No. 1**

Page 26, line 11 — To delete “development” and insert —

redevelopment

**No. 2**

Page 42, line 9 — To delete “prepared from time to time by the Authority,” and insert —

prescribed by the regulations,

**No. 3**

Page 42, line 17 — To delete “Authority must” and insert —

Authority —

(a) must

**No. 4**

Page 42, line 27 — To delete “operations are” and insert —

operations appear to the Authority to be

**No. 5**

Page 42, after line 28 — To insert —

and

- (d) may give written notice of the particulars of the application, its determination under section 63 and of the effect of section 65(1) to any other person it thinks fit.

**No. 6**

Page 45, after line 25 — To insert —

- (2) For the purposes of the PAD Act Part 14, an approved redevelopment scheme is taken to be a planning scheme within the meaning of that Act.

Leave was granted to consider Legislative Council Message No. 182 forthwith.

*CONSIDERATION IN DETAIL*

The Minister for Planning moved, That amendment No. 1 be agreed to.

Question put and passed.

The Minister for Planning moved, That amendment No. 2 be agreed to.

Question put and passed.

The Minister for Planning moved, That amendment No. 3 be agreed to.

Question put.

The Assembly divided.

Ayes (26)

Mr P. Abetz	Mr J.H.D. Day	Mr W.R. Marmion
Mr F.A. Alban	Mr J.M. Francis	Mr P.T. Miles
Mr I.C. Blayney	Mr B.J. Grylls	Ms A.R. Mitchell
Mr J.J.M. Bowler	Dr K.D. Hames	Dr M.D. Nahan
Mr I.M. Britza	Mr A.P. Jacob	Mr D.T. Redman
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr R.F. Johnson	Dr J.M. Woollard
Mr V.A. Catania	Mr A. Krsticevic	Mr A.J. Simpson ( <i>Teller</i> )
Dr E. Constable	Mr J.E. McGrath	

Noes (22)

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

Question thus passed.

The Minister for Planning moved, That Amendment No. 4 be agreed to.

Question put and passed.

The Minister for Planning moved, That Amendment No. 5 be agreed to.

Mr J.N. Hyde moved, To delete “may” and substitute:

“ must ”.

Amendment put and negatived.

On the question, That Amendment No. 5 be agreed to,

Question put and passed.

The Minister for Planning moved, That Amendment No. 6 be agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

### 13. 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 condemns the Premier for misleading the House regarding his Government’s knowledge of negotiations for the purchase of Premier Coal and the nature of his Chinese Memorandum of Understanding.

Debate ensued.

The Leader of the House moved, To add the words –

“

, subject to the debate being limited to 15 minutes for Government members and 15 minutes for non-Government members.

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

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

### 14. Purchase of Premier Coal

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

That this House condemns the Premier for misleading the House regarding his Government’s knowledge of negotiations for the purchase of Premier Coal and the nature of his Chinese Memorandum of Understanding.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (22)

Ms L.L. Baker

Dr A.D. Buti

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

Mr C.J. Tallentire

Mr P.C. Tinley

Mr A.J. Waddell

Mr P.B. Watson

Mr B.S. Wyatt

Ms R. Saffioti (*Teller*)

## Noes (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

Dr E. Constable  
 Mr J.H.D. Day  
 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  
 Dr M.D. Nahan  
 Mr D.T. Redman  
 Mr M.W. Sutherland  
 Dr J.M. Woollard  
 Mr A.J. Simpson (*Teller*)

Question thus negated.

### 15. Members' Statements

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

### 16. Speaker's Ruling – Private Members' Business

The Speaker advised members that he had made a ruling in relation to a point of order raised by the Manager of Opposition Business on the previous day regarding the use of time allocated to Private Members' Business, in particular, whether this time was allocated for Opposition members or all non-Government members. He noted that the Standing Orders are silent on the issue of allocating time to non-Government members. Practice dictated that the use of the time is managed by the Manager of Opposition Business who liaises with the Leader of the House. However, as there were issues raised in relation the point of order which could not be satisfactorily resolved by a ruling, he advised members that it was his intention to refer the matter of organisation of Private Members' Business to the Procedure and Privileges Committee.

### 17. Questions

Questions without Notice were taken.

Questions on Notice Nos 6249 to 6290 were asked.

Questions on Notice Nos 5975, 6034, 6035, 6042 and 6045 were answered.

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Paper tabled by the Minister for Police –

Question on Notice No. 6045 – Details of dates and number of offenders for speeding within the Osborne Park Primary School speed limit zone, since 1 January 2007 (4071).

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### 18. Unanswered Question on Notice

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

### 19. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

### 20. Premier's Statement

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

The Leader of the House moved, That the debate be adjourned.  
Question put and passed.

**21. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 18 October 2011 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 3.47 p.m. until Tuesday, 18 October 2011 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mr M.J. Cowper, Mrs L.M. Harvey, Mrs C.A. Martin, Mr C.C. Porter and Mr T.K. Waldron.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly