

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 238

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 8 NOVEMBER 2012

### 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

Number 44 Bus Service – Ms L.L. Baker presented a petition from 77 persons requesting that the Legislative Assembly reverses the Barnett Government's decision to axe the Number 44 bus service (P. 673).

Lesmurdie Senior High School – Mr A.J. Waddell presented a petition from 90 persons requesting that the Legislative Assembly takes full and comprehensive action to ensure boundaries are reviewed so that children at East Kenwick and Orange Grove primary schools may attend Lesmurdie Senior High School (P. 674).

Uranium Mining in Western Australia – Mr C.J. Tallentire presented a petition from 388 persons requesting that the Legislative Assembly re-instates the ban on uranium mining in Western Australia (P. 675).

### 3. Papers

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

Legal Profession Complaints Committee – Annual Report 2011–2012 (5558).

Waste Authority – Annual Report 2011–2012 (5559).

### 4. Joint Standing Committee on the Corruption and Crime Commission

The Speaker reported that a response by the Attorney General to the recommendations of the Joint Standing Committee on the Corruption and Crime Commission's report entitled, 'Proceeds of Crime and Unexplained Wealth: A Role for the Corruption and Crime Commission?', had not been received by the required time.

## **5. Brief Ministerial Statement**

A Brief Ministerial Statement was made by –

The Premier on the Government's measures to reduce red tape in Western Australia and to establish a Repeal Day for the Western Australia Parliament in relation to obsolete legislation.

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*Paper*

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

By the Premier –

Public Sector Commission – Government Boards and Committees, 21 September 2012 (5560).

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## **6. Variation to the Order of Business**

Ordered, That Bills – Notice of Motion No. 1 be postponed until a later stage of the sitting.

## **7. State Agreements Legislation Repeal Bill 2012**

The Minister for State Development, pursuant to notice, moved,

That a bill for “An Act to repeal various Acts for giving effect to agreements between the State and other parties and for consequential and related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Mr J.C. Kobelke moved, That the debate be adjourned.

Question put and passed.

## **8. 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 – Surveillance and Accountability: A Gap in the Oversight Umbrella?, Report No. 31 (5561).

Mr J.N. Hyde spoke on the report.

## **9. Public Accounts Committee**

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

Public Accounts Committee – Review of the Reports of the Auditor General 2010–2011, Report No. 19 (5562).

Mr J.C. Kobelke and Mr C.J. Tallentire spoke on the report.

## **10. Joint Standing Committee on Delegated Legislation**

Mr P.T. Miles, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – City of Subiaco Meeting Procedures Local Law 2012, Report No. 59 (5563).

Mr P.T. Miles spoke on the report.

**11. Sentencing 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 and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

**12. Mental Health Amendment (Psychiatrists) Bill 2012**

Message No. 255 dated 7 November 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act —

- to amend the definition of *psychiatrist* in the *Mental Health Act 1996* section 3 and in certain instruments; and
- to validate certain acts done, and omissions made, on or after 18 October 2010 but before the day on which this Act commences.”

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

**13. Inheritance (Family and Dependants Provision) 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 and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

**14. Child Support (Adoption of Laws) Amendment Bill 2012**

The Minister for Planning, pursuant to notice, moved,

That a bill for “An Act to amend the *Child Support (Adoption of Laws) Act 1990*.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

**15. Courts Legislation Amendment Bill 2012**

The Minister for Planning, pursuant to notice, moved,

That a bill for “An Act to amend —

- the *Criminal Procedure Act 2004*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

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

Ordered, That Government Business Order of the Day No. 6 be next considered.

**17. Aboriginal Affairs Planning Authority 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 and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Training and Workforce Development moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

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

Ordered, That Government Business Orders of the Day Nos 7, 8 and 12 be next considered.

**19. National Health Funding Pool Bill 2012**

The Order of the Day for the consideration in detail of Legislative Council Message No. 253 was read.

The Message was as follows —

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *National Health Funding Pool Bill 2012* 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 National Health Funding Pool Bill 2012*

**No. 1**

Page 9, after line 21 — To insert —

- (5) When the Administrator is given a direction under subsection (3) —

- (a) the Administrator must give a copy of the direction to the responsible Minister for the State; and
- (b) the responsible Minister must, as soon as practicable after receiving the copy, cause it to be tabled in each House of Parliament.

**No. 2**

Page 17, line 17 — To insert after “tabled in” —

each House of

**No. 3**

Page 19, line 24 — To delete “in accordance with arrangements” and insert

If

**No. 4**

Page 20, line 20 — To delete “the modifications” and insert —

any modifications necessary to give effect to subsection (1) that are

**No. 5**

Page 20, after line 21 — To insert —

- (3) Until regulations referred to in subsection (2) are made, subsection (1) does not have effect and instead the legislation referred to in section 25 applies to or in respect of the Administrator and any function exercised or performed by the Administrator.

*CONSIDERATION IN DETAIL*

The Minister for Health moved, That amendments Nos 1 to 5 be agreed to.

Questions put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**20. Disability Services Amendment Bill 2012**

The Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Disability Services Act 1993*.” be introduced and read a first time.

Question put and passed.

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

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

Debate ensued.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

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

Question put and passed.

Bill read a third time and passed.

## **21. Royal Perth Hospital Protection Bill 2008**

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

Debate ensued.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

## **22. Members' Statements**

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

## **23. Questions**

Questions without Notice were taken.

Questions on Notice Nos 8871 and 8872 were asked.

## **24. Matter of Public Interest – Peel Health Campus**

The Speaker informed the Assembly that he was in receipt of a notice from Mr J.R. Quigley that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr J.R. Quigley moved,

That this House condemns the Barnett Government for its inappropriate connections with the operators of the Peel Health Campus.

Debate ensued.

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### *Suspension of Member*

The Speaker, having called Mr P. Papalia to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

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Debate resumed.

Question put.

The Assembly divided.

### Ayes (23)

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 A.P. O'Gorman

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 P.C. Tinley

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  
 Ms A.S. Carles  
 Mr G.M. Castrilli  
 Mr V.A. Catania

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  
 Dr G.G. Jacobs  
 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 T.K. Waldron  
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

## 25. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 9, 11 and 12 be next considered.

## 26. Workers' Compensation and Injury Management Amendment (Jockeys) 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 and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Parliamentary Secretary representing the Minister for Small Business moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

## 27. Loan Bill 2012

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

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

## 28. Royal Perth Hospital Protection Bill 2008

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

Question put and passed.

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

## 29. Notice of Motion after the Time Prescribed

The Leader of the House was granted leave to give a late notice of motion.

**30. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 5.19 p.m. until Tuesday, 13 November 2012 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mr A.P. Jacob, Mrs C.A. Martin, Mr M.P. Murray and Dr J.M. Woollard.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly