

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

---

## VOTES AND PROCEEDINGS

**No. 50**

**FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

---

**THURSDAY, 17 SEPTEMBER 2009**

### **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**

Shack Site Communities - Petitions requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations were presented by –

Mr V.A. Catania from 39 persons (P. 137);

Mr B.S. Wyatt from 169 persons (P. 138); and

Mrs L.M. Harvey from 113 persons (P. 140).

Rockingham Bus Service - Mr M. McGowan presented a petition from 88 persons requesting that the 550 bus service to Rockingham Beach be reinstated so that it operates seven days a week (P. 139).

### **3. Papers**

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

By the Clerk –

Agricultural Produce Commission Act 1988 - Regulations (Agricultural Produce (Horticultural Industry) Amendment Regulations 2009 G.G. 15/09/2009) (1280).

Burswood Park Board - Annual Report 2008–2009 (1281).

Fish Resources Management Act 1994 - Management Plans (West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2009 G.G. 15/09/2009) (1282).

Guardianship and Administration Act 1990 - Regulations (Guardianship and Administration Amendment Regulations 2009 G.G. 15/09/2009) (1283).

Poisons Act 1964 - Regulations (Poisons Amendment Regulations (No. 3) 2009 G.G. 15/09/2009) (1284).

Poisons Act 1964 - Regulations (Poisons Amendment Regulations 2009 G.G. 15/09/2009) (1285).

Rights in Water and Irrigation Act 1914 - Regulations (Rights in Water and Irrigation Amendment Regulations (No. 2) 2009 G.G. 15/09/2009) (1286).

#### **4. Notice of Motion**

#### **5. Speaker's Statement - Expiration of Notice**

The Speaker advised members that Private Members' Business Notice of Motion No. 7, notice of which was given on 1 April 2009, would be removed from the next Notice Paper unless written notification was provided to the Clerk requiring that the notice be continued.

#### **6. Economics and Industry Standing Committee - Terms of Reference**

The Speaker advised members that he had received a letter dated 16 September 2009 from Dr M.D. Nahan MLA, Chairman of the Economics and Industry Standing Committee, advising that the Committee had resolved to prepare and present a Discussion Paper on the Potential for the Development of a Centre for Excellence in LNG Industry Design in Western Australia.

The letter read as follows –

“

Dear Mr Speaker

On 16 September 2009 the Economics and Industry Standing Committee resolved that the Committee will prepare and present to the Legislative Assembly a discussion paper on the Potential for the Development of a Centre for Excellence in LNG Industry Design in Western Australia.

Yours sincerely

Dr M.D. Nahan

CHAIR

”.

In accordance with the same Standing Order, the Speaker had arranged for the Committee's terms of reference to be placed on the notice boards of the Assembly.

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

Brief Ministerial Statements were made by –

The Minister for Indigenous Affairs on the tabling of the Indigenous Implementation Board's first six monthly report.

---

#### *Paper*

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

By the Minister for Indigenous Affairs –

Indigenous Implementation Board - Report to the Hon Dr K.D. Hames MLA, Deputy Premier, Minister for Health, Indigenous Affairs Six Monthly Report, August 2009 (1287).

---

The Minister for Water on the tabling of the Minister's Overseas Travel Report from 22 to 27 June 2009, which included his attendance at the Singapore International Water Week.

---

*Paper*

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

By the Minister for Water –

Minister for Water Official Travel - Official Travel Report, Minister for Water; Mental Health for period 22 June 2009 to 27 June 2009 (1288).

---

## **8. Grievances**

The Speaker called for grievances which were then made.

## **9. 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 - Annual Report 2008–2009 Report No. 5 (1289).

Mr J.N. Hyde spoke on the report.

## **10. Economics and Industry Standing Committee**

Dr M.D. Nahan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee on the - 2008–2009 Annual Report, Report No. 1 (1291).

Dr M.D. Nahan and Mr W.J. Johnston spoke on the report.

## **11. 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 - Inquiry into the Distribution of Grant Funds from the Confiscation Proceeds Account, Report No. 3 (1292).

Mr J.C. Kobelke, Mr A.J. Carpenter, Mr C.J. Tallentire, Mr J.M. Francis and Mr A. Krsticevic spoke on the report.

## **12. Procedure and Privileges Committee**

Mr M.W. Sutherland, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee - Inquiry into Allegations Associated with the Removal of 'The Cliffe' from the State Register of Heritage Places, Report No. 5 (1290).

Mr M.W. Sutherland and Mr F.M. Logan spoke on the report.

## **13. Waste Avoidance and Resource Recovery Amendment Bill 2009**

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

## CONSIDERATION IN DETAIL

On the question, That clause 7, as amended, be agreed to,

Question put.

The Assembly divided.

## Ayes (28)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr T.R. Buswell  
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  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr A. Krsticevic  
Mr W.R. Marmion  
Mr P.T. Miles

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

## Noes (27)

Ms L.L. Baker  
Ms A.S. Carles  
Mr A.J. Carpenter  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr J.N. Hyde  
Mr W.J. Johnston  
Mr F.M. Logan  
Ms A.J.G. MacTiernan

Mr M. McGowan  
Mrs C.A. Martin  
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

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

Clause, as amended, thus passed.

Clause 8.

Ms A.S. Carles moved,

Page 5, after line 14 — To insert:

“

- (a) to implement a comprehensive Container Deposit Scheme for Western Australia; and

”

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

Question put.

The Assembly divided.

## Ayes (29)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
 Mr I.M. Britza  
 Mr T.R. Buswell  
 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  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
 Mr A. Krsticevic  
 Mr W.R. Marmion

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

## Noes (28)

Ms L.L. Baker  
 Ms A.S. Carles  
 Mr A.J. Carpenter  
 Mr R.H. Cook  
 Ms J.M. Freeman  
 Mr J.N. Hyde  
 Mr W.J. Johnston  
 Mr J.C. Kobelke  
 Mr F.M. Logan  
 Ms A.J.G. MacTiernan

Mr M. McGowan  
 Mrs C.A. Martin  
 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  
 Ms R. Saffioti

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

Question thus passed.

On the question, That the words be inserted,

Amendment put.

The Assembly divided.

## Ayes (28)

Ms L.L. Baker  
 Ms A.S. Carles  
 Mr A.J. Carpenter  
 Mr R.H. Cook  
 Ms J.M. Freeman  
 Mr J.N. Hyde  
 Mr W.J. Johnston  
 Mr J.C. Kobelke  
 Mr F.M. Logan  
 Ms A.J.G. MacTiernan

Mr M. McGowan  
 Mrs C.A. Martin  
 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  
 Ms R. Saffioti

Mr T.G. Stephens  
 Mr C.J. Tallentire  
 Mr A.J. Waddell  
 Mr P.B. Watson  
 Mr M.P. Whitely  
 Dr J.M. Woollard  
 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 I.M. Britza  
 Mr T.R. Buswell  
 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  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
 Mr A. Krsticevic  
 Mr W.R. Marmion

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

Amendment thus negatived.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

#### **14. Members' Statements**

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

#### **15. Questions**

Questions without Notice were taken.

---

#### *Papers*

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

By the Minister for Agriculture and Food –

Agriculture and Food, Department of - Plan to support Food Industry Development 2009–2012 for Discussion (1295).

Agriculture and Food, Department of - Plan to support Grains Industry Development 2009–2012 for Discussion (1296).

Agriculture and Food, Department of - Plan to support Livestock Industries Development 2009–2012 for Discussion (1297).

Agriculture and Food, Department of - Plan to support Horticulture Industry Development 2009–2012 for Discussion (1298).

---

Questions on Notice Nos 1317, 1407, 1410, 1423 and 1436 were answered.

#### **16. Notice of Motion after the Time Prescribed**

Mrs M.H. Roberts was granted leave to give a late notice of motion.

#### **17. Bush Fires Amendment Bill 2009**

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

---

#### *Urgent Bill*

Minister for Emergency Services moved, That the Bush Fires Amendment Bill 2009 be considered an urgent bill.

Debate ensued.

Question put and passed.

---

Debate resumed.

Question put and passed.

Bill read a second time.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 10 agreed to.

Clause 11.

Mr C.J. Tallentire moved,  
Page 12, after line 11 — To insert:

“

- (3) In section 32 after “damage a person or property” insert:  
or natural ecosystems

”.

On the question, That the words be inserted,

Question put and negatived.

Clauses 11 to 20 agreed to.

Title agreed to.

Consideration in detail concluded.

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

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

Debate ensued.

Question put and passed.

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

#### **18. National Environment Protection Council (Western Australia) Amendment Bill 2009**

The Minister for Water, pursuant to notice, moved,

That a bill for “An Act to amend the *National Environment Protection Council (Western Australia) Amendment Act 1996*.” be read a first time.

Question put and passed.

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

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

Mr A.P. O’Gorman moved, That the debate be adjourned.

Question put and passed.

#### **19. Fisheries Adjustment Schemes Amendment Bill 2009**

The Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Fisheries Adjustment Schemes Act 1987*.” be 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.

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 6.34 p.m. until Tuesday, 22 September 2009 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr J.J.M. Bowler.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly