

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 60

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 11 NOVEMBER 2009

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Personal Explanation

Mr J.R. Quigley made a personal explanation on the recent vandalism of his home and to give a public apology to Dr O'Callaghan, Commissioner of Police and the Western Australia Police.

3. Petitions

Mount Lawley Out of School Care Facility - Mrs M.H. Roberts presented a petition from 296 persons requesting that the Minister for Education immediately intervene to ensure the Mount Lawley Out of School Care Centre remains onsite at Mount Lawley Primary School (P. 166).

Child Protection Facility Marangaroo - Ms M.M. Quirk presented a petition from 84 persons requesting that the child protection facility at 22 Dartford Crescent, Marangaroo be closed (P. 167).

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 A. Krsticevic from 283 persons (P. 168);

Mr A.J. Waddell from 443 persons (P. 169); and

Mr J.C. Kobelke from 169 persons (P. 172).

West Beechboro Primary School - Mr M.P. Whitely presented a petition from 25 persons requesting that the fencing of West Beechboro Primary School be addressed (P. 170).

Marri Grove Primary School - Mr A.J. Simpson presented a petition from 395 persons requesting that the Minister for Education review the current air conditioning policy for public schools, so that Marri Grove Primary School's need for air conditioning is addressed (P. 171).

4. Papers

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

By the Speaker –

Auditor General, Office of the [OAG] - Audit Results Report 2008–2009 Assurance Audits, Report 13, November 2009 (1590).

Auditor General, Office of the [OAG] - Fourth Public Sector Performance Report 2009, Report 12, November 2009 (1591).

Public Sector Standards Commissioner, Office of the - Audit of Senior Recruitment Processes in the Western Australian Public Sector, Report 6, November 2009 (1592).

By the Clerk –

Betting Control Act 1954 - Regulations (Betting Control Amendment Regulations (No. 4) 2009 G.G. 30/10/2009) (1593).

Casino Control Act 1984 - Regulations (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2009 G.G. 30/10/2009) (1594).

Casino Control Act 1984 - Regulations (Casino Control Amendment Regulations 2009 G.G. 30/10/2009) (1595).

Cross-border Justice Act 2008 - Regulations (Cross-border Justice Regulations 2009 G.G. 28/10/2009) (1596).

Electricity Act 1945 - Regulations (Electricity Amendment Regulations (No. 3) 2009 G.G. 27/10/2009) (1597).

Energy Coordination Act 1994 - Regulations (Energy Coordination (General) Amendment Regulations 2009 G.G. 06/11/2009) (1598).

Firearms Act 1973 - Regulations (Firearms Amendment Regulations (No. 4) 2009 G.G. 06/11/2009) (1599).

Fish Resources Management Act 1994 - Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 5) 2009 [929] G.G. 04/11/2009) (1600).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 16) 2009 G.G. 05/11/2009) (1601).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 4) 2009 G.G. 06/11/2009) (1602).

Food Act 2008 - Regulations (Food Regulations 2009 G.G. 23/10/2009) (1603).

Gaming and Wagering Commission Act 1987 - Regulations (Gaming and Wagering Commission Amendment Regulations 2009 G.G. 30/10/2009) (1604).

Gas Standards Act 1972 - Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2009 G.G. 06/11/2009) (1605).

Grain Marketing Act 2002 - Regulations (Grain Marketing Amendment Regulations (No. 2) 2009 G.G. 23/10/2009) (1606).

Health Act 1911 - Local Laws (Health (Food) Local Laws 2009 G.G. 23/10/2009) (1607).

Health Act 1911 - Local Laws (Health (Rottnest Island) Amendment Local Laws 2009 G.G. 23/10/2009) (1608).

Health Act 1911 - Local Laws (Shire of Esperance Health Amendment Local Law 2009 G.G. 23/10/2009) (1609).

Health Act 1911 - Local Laws (Shire of Kalamunda Health Amendment Local Law 2009 G.G. 06/11/2009) (1623).

Health Act 1911 - Regulations (Health (Food and Pet Meat) Repeal Regulations 2009 G.G. 23/10/2009) (1611).

Hospitals and Health Services Act 1927 - Regulations (Hospitals (Licensing and Conduct of Private Hospitals) Amendment Regulations 2009 G.G. 30/10/2009) (1612).

Hospitals and Health Services Act 1927 - Regulations (Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2009 G.G. 30/10/2009) (1613).

Liquor Control Act 1988 - Regulations (Liquor Control (Oombulgurri Restricted Area) Amendment Regulations 2009 G.G. 06/11/2009) (1614).

Local Government Act 1995 - Local Laws (Southern Metropolitan Regional Council Standing Orders Amendment Local Law 2009 G.G. 06/11/2009) (1615).

Local Government Act 1995 - Local Laws (Town of Claremont Standing Orders Local Law 2009 G.G. 26/10/2009) (1616).

Official Travel - Minister for Regional Development Ministerial Travel Report, Visit to India 5 to 11 September 2009 (1617).

Racing and Wagering Western Australia Act 2003 - Regulations (Racing and Wagering Western Australia Amendment Regulations 2009 G.G. 30/10/2009) (1618).

Racing Penalties (Appeals) Act 1990 - Regulations (Racing Penalties (Appeals) Amendment Regulations 2009 G.G. 30/10/2009) (1619).

Supreme Court Act 1935 - Rules (Supreme Court (Corporations) (WA) Amendment Rules (No. 2) 2009 G.G. 06/11/2009) (1620).

Western Australian Technology and Industry Advisory Council - Annual Report 2008–2009 (1621).

Workers' Compensation and Injury Management Act 1981 - Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2009 G.G. 30/10/2009) (1622).

5. Notices of Motion

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Agriculture and Food on the appointment of Mr Rob Delane as Director General of the Department of Agriculture and Food.

The Minister for Planning on the proposed new Multi Unit Housing Code provisions to be incorporated into the existing Residential Design Codes applicable in Western Australia.

The Minister for Regional Development on the calling for expressions of interest for pilot water projects and associated works in the Pilbara as part of the Pilbara Revitalisation Plan.

7. Higher Education Amendment Bill 2009

The Leader of the House, on behalf of the Minister for Education, pursuant to notice, moved,

That a bill for “An Act to amend the *Higher Education Act 2004*.” be introduced and read a first time.

Question put and passed.

The Leader of the House, on behalf of the Minister for Education, presented an explanatory memorandum and bill read a first time.

The Leader of the House, on behalf of the Minister for Education, moved, That the bill be now read a second time.

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

Question put and passed.

8. Mines Safety and Inspection Amendment Bill 2009

The Parliamentary Secretary representing the Minister for Mines and Petroleum, pursuant to notice, moved,

That a bill for “An Act to amend the *Mines Safety and Inspection Act 1994* to enable regulations to make provision for a levy.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary representing the Minister for Mines and Petroleum presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary representing the Minister for Mines and Petroleum moved, That the bill be now read a second time.

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

Question put and passed.

9. Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009

Mr J.R. Quigley, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code* to render it unlawful to endanger the safety of a person or the safe use of a vehicle by throwing an object or by a similar activity.” be introduced and read a first time.

Question put and passed.

Mr J.R. Quigley presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of this day’s sitting.

10. Suspension of Standing Orders - Passage of Bills, Messages from the Legislative Council, Private Members Business and Grievances

The Leader of the House, pursuant to notice, moved,

That for the remainder of 2009, so much of Standing Orders be suspended as is necessary to enable –

- (1) Bills to proceed without delay between the stages;
- (2) Messages from the Legislative Council to be taken into consideration on the day on which they are received;
- (3) Private Members’ Business to have priority on Wednesdays between 4.00 pm and 6.00 pm; and
- (4) Grievances to be suspended.

Debate ensued.

Mr W.R. Marmion moved, To delete the words:

“

; and

- (4) Grievances to be suspended,

”.

Question put and passed.

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

Debate ensued.

Question put and passed.

11. Criminal Investigation Amendment Bill 2009

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 (Dr J.M. Woollard speaking) and adjourned until a later stage of the sitting.

12. Questions

Questions without Notice were taken.

Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of Mr Hiroyuki Mori, Mayor of Kagoshima City and his delegation, including Mr Hidehiko Uekado, Chairman of the Kagoshima City Council and Mr Takashi Hirayama, Councillor of the Kagoshima City Council.

Questions on Notice Nos 1886 to 1893 were asked.

Questions on Notice Nos 1592, 1625, 1632, 1640, 1654 and 1700 were answered.

Paper tabled by the Minister for Police –

Question on Notice No. 1700 - Crime Statistics for Ballajura Police Station for the period July to August 2009 (1610).

13. Variation to the Order of Business

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

14. Acts Amendment (Weapons) Bill 2009

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

Clauses 1 to 3 agreed to.

Clause 4.

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

15. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009, Private Members Business Orders of the Day Nos 16 and 11 and Private Members Business Notice of Motion No. 8 be next considered.

16. Criminal Code (Rock Throwing and Laser Pointing) Amendment Bill 2009

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

Mr J.R. Quigley moved, That the bill be now read a second time.

The Premier moved, That the debate be adjourned.

Question put and passed.

17. Criminal Code (Identity Theft) Amendment Bill 2009

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 (Attorney General continuation of remarks) and adjourned until a later stage of the sitting.

18. Variation to the Order of Business

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

19. Acts Amendment (Weapons) Bill 2009

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

CONSIDERATION IN DETAIL

Clauses 4 to 12 agreed to.

Title agreed to.

Consideration in detail concluded.

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

Question put and passed.

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

20. Variation to the Order of Business

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

21. Criminal Investigation Amendment Bill 2009

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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

22. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

11 November 2009

Criminal Code Amendment (Graffiti) Bill 2009 (message No. 42).

Bush Fires Amendment Bill 2009 (Message No. 45).

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 11.40 p.m. until Thursday, 12 November 2009 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Dr E. Constable, Mr D.A. Templeman and Mr T.K. Waldron.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly