

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

---

### VOTES AND PROCEEDINGS

No. 101

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

---

TUESDAY, 7 SEPTEMBER 2010

##### 1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

##### 2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Education on the second stage of the Government's commitment to empower local school communities.

The Minister for Culture and the Arts on the live simulcast of the 14 November 2010 performance of the Berlin Philharmonic Orchestra to eight regional centres.

The Minister for Regional Development on the allocation of \$120 million over three years to deliver two regional communications projects.

The Leader of the House on sitting arrangements on 11 November 2010 and Legislative Assembly sitting dates for 2011.

---

*Paper*

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

By the Leader of the House –

Legislative Assembly Sitting Dates – Parliament of Western Australia 2011 Sitting Dates (2450).

---

##### 3. Questions

Questions without Notice were taken.

---

*Distinguished Visitor*

The Speaker noted the presence in the Speaker's Gallery of the Leader of the Opposition of the Northern Territory Parliament, Mr Terry Mills.

---

Questions on Notice Nos 3796 to 3960 were asked.

Questions on Notice Nos 2967, 3051, 3471, 3489 to 3493, 3496, 3653, 3655, 3657, 3659, 3660, 3679 to 3682, 3685, 3695, 3751 to 3753, 3771, 3772 and 3779 were answered.

---

Papers tabled by the Premier; Treasurer; Minister for State Development –

Question on Notice No. 3051 – Details of costs associated with the production of the Red Tape Reduction Group Final Report (2445).

Question on Notice No. 2967 – Details of vacations and relocations of Government-owned buildings by public sector agencies since 23 September 2008 (2446).

Paper tabled by the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 3491 – Details of the number of specialists operating in Western Australia in various fields as at 30 June 2010 (2447).

Paper tabled by the Minister for Police; Emergency Services; Road Safety –

Question on Notice No. 3779 – Current actual and authorised strength of each policing district in Western Australia (2448).

Paper tabled by the Minister for Commerce; Science and Innovation; Housing –

Question on Notice No. 3660 – Average weekly LPG price from 29 June 2009 to 2 July 2010 in the Perth metropolitan area, Albany, Bunbury, Geraldton and Kalgoorlie (2449).

---

#### **4. Petition**

Plastic Shopping Bags – Ms L.L. Baker presented a petition from 23 persons requesting that the Legislative Assembly support the Private Members' Bill to be introduced by the State Opposition which legislates for the ban of plastic shopping bags (P. 315).

#### **5. Papers**

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct by Dr Nasrul Ameer Ali as a Sessional Academic Employed by Curtin University of Technology (Received by the Clerk of the Legislative Assembly and deemed tabled on 2 September 2010) (2425).

By the Clerk –

Commission for Occupational Safety and Health – Code of Practice: Prevention and Control of Legionnaires' Disease (2426).

Commission for Occupational Safety and Health – Government Gazette Approval of the Code of Practice: Prevention and Control of Legionnaires' Disease (2427).

Conservation and Land Management Act 1984 – Lease No. 2286/100 between the Department of Environment and Conservation and the Shire of Chapman Valley for the purpose of Gravel Extraction within Reserve 50080 (2428).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2010 G.G. 03/09/2010) (2429).

Conservation and Land Management Act 1984 – Regulations (Forest Management Amendment Regulations (No. 2) 2010 G.G. 03/09/2010) (2430).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations (No. 2) 2010 G.G. 20/08/2010) (2431).

Financial Management Act 2006 – Regulations (Financial Management (Statutory Authorities) Regulations 2010 G.G. 20/08/2010) (2432).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2010 G.G. 31/08/2010) (2433).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Crab Fishery (Interim) Management Plan Amendment 2010 [962] G.G. 17/08/2010) (2434).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 6) 2010 G.G. 27/08/2010) (2435).

Local Government (Miscellaneous Provisions) Act 1960 – Regulations (Building Amendment Regulations 2010 G.G. 31/08/2010) (2436).

Local Government Act 1995 – Local Laws (Shire of Koorda Local Government Property Amendment Local Law 2010 G.G. 27/08/2010) (2437).

Professional Standards Act 1997 – Schemes (The Australian Property Institute Valuers Limited Scheme G.G. 27/08/2010) (2438).

Radiation Safety Act 1975 – Regulations (Radiation Safety (General) Amendment Regulations 2010 G.G. 17/08/2010) (2439).

Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations (No. 2) 2010 G.G. 31/08/2010) (2440).

Shipping and Pilotage Act 1967 – Regulations (Navigable Waters Amendment Regulations (No. 3) 2010 G.G. 27/08/2010) (2441).

Shipping and Pilotage Act 1967 – Regulations (Navigable Waters Amendment Regulations (No. 4) 2010 G.G. 27/08/2010) (2442).

Surveillance Devices Act 1998 – Annual Report 2009 – 2010 (2443).

Tobacco Products Control Act 2006 – Regulations (Tobacco Products Control Amendment Regulations 2010 G.G. 20/08/2010) (2444).

## **6. Notices of Motion**

### **7. Expiration of Notice of Motion**

The Speaker advised members that Private Members' Business Notice of Motion No. 2, notice of which was given on 12 August 2009 and renewed for a further 30 sitting days on 9 March 2010, would be removed from the next Notice Paper.

### **8. Removal of Orders of the Day**

The Speaker advised members that the Orders of the Day that appeared on the last Notice Paper as Nos 1 and 2 under Private Members' Business, Recreational Fishing Fees and Renewable Energy in Western Australia, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

### **9. Matter of Public Interest – Balmoral South Mining Project Documents**

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House calls upon the Premier, Minister for Regional Development, Minister for Mines and Minister for Environment to release all documents surrounding the approval of Mr Clive Palmer's Balmoral South Mining Project and that the House refer the approval and associated matters to the Corruption and Crime Commission and Public Accounts Committee for further investigation.

Debate ensued.

*Papers*

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

Balmoral South Iron Ore Project – EPA Report 1340 – Balmoral South Iron Ore Project (2451).

Balmoral South Iron Ore Project – Appeal Against Report and Recommendations – Balmoral South Iron Ore Project, Cape Preston, EPA Report 1340 (2452).

Question put.

The Assembly divided.

Ayes (23)		
Ms L.L. Baker	Mr M. McGowan	Mr C.J. Tallentire
Ms A.S. Carles	Mrs C.A. Martin	Mr P.C. Tinley
Mr R.H. Cook	Mr M.P. Murray	Mr A.J. Waddell
Ms J.M. Freeman	Mr A.P. O'Gorman	Mr P.B. Watson
Mr J.N. Hyde	Mr P. Papalia	Mr M.P. Whitely
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr E.S. Ripper	Mr D.A. Templeman ( <i>Teller</i> )
Mr F.M. Logan	Mrs M.H. Roberts	
Noes (27)		
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 C.J. Barnett	Mr B.J. Grylls	Ms A.R. Mitchell
Mr I.C. Blayney	Dr K.D. Hames	Dr M.D. Naham
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr C.C. Porter
Mr T.R. Buswell	Mr A.P. Jacob	Mr D.T. Redman
Mr G.M. Castrilli	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr V.A. Catania	Mr R.F. Johnson	Mr T.K. Waldron
Mr M.J. Cowper	Mr A. Krsticevic	Mr A.J. Simpson ( <i>Teller</i> )

Question thus negated.

#### 10. Messages from the Governor

Message from His Excellency the Governor were reported assenting to the following bills –  
No. 111 – 30 August 2010

Health and Disability Services Legislation Amendment Bill 2009, Act No. 33 of 2010.  
Health Practitioner Regulation National Law (WA) Bill 2010, Act No. 35 of 2010.

#### 11. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3, 4, 2 and 5 be next considered.

#### 12. Misuse of Drugs Amendment Bill 2010

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 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.

**13. Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010**

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.

Mr M. McGowan moved,

Page 3, line 11 – To delete the line and substitute:

“

- (2) Subject to subsection (3), the implementation of the Agreement is authorised.
- (3) That, notwithstanding anything contained within the Agreement, the proponent Roy Hill Infrastructure Pty Ltd will submit to the Minister a Local Participation Plan which the Minister shall, within 6 months after the date of assent of this Act, cause to be laid before each House of Parliament.
- (4) A Local Participation Plan under subsection (3) will contain:
  - (a) a clear statement on how the proponent will maximise the use of local businesses, goods, services and works purchased;
  - (b) detailed information about how procurement practices will provide fair opportunity for Western Australian industry to participate in the project;
  - (c) detailed information on the methods by which Western Australian businesses will be introduced to the procurement officers of the proponent and to their suppliers;
  - (d) detailed information as to how local suppliers will be given the same opportunity to participate as existing supply chain partners;
  - (e) detailed information on the expected percentage of local content in each stage of construction; and
  - (f) details of communication strategies to alert Western Australian businesses to opportunities to act as suppliers.

”.

Amendment put.

The Assembly divided.

Ayes (19)

Ms L.L. Baker	Mr M.P. Murray	Mr P.C. Tinley
Mr R.H. Cook	Mr A.P. O'Gorman	Mr A.J. Waddell
Mr W.J. Johnston	Mr P. Papalia	Mr P.B. Watson
Mr J.C. Kobelke	Ms M.M. Quirk	Mr M.P. Whitely
Mr F.M. Logan	Mr E.S. Ripper	Mr D.A. Templeman ( <i>Teller</i> )
Mr M. McGowan	Mrs M.H. Roberts	
Mrs C.A. Martin	Mr C.J. Tallentire	

## Noes (25)

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

Amendment thus negatived.

Clause 4 agreed to.

Clauses 5 to 15 agreed to.

Schedule 1 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 State Development 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.

#### 14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.05 p.m. until Wednesday, 8 September 2010 at 12.00 noon.

*Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Mr J.E. McGrath, Mr T.G. Stephens and Dr J.M. Woollard.*

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**  
Speaker of the Legislative Assembly