

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY****VOTES AND PROCEEDINGS****No. 92****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****TUESDAY, 22 JUNE 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. Distinguished Visitors**

The Speaker noted the presence in the Speaker's Gallery of the Public Accounts Committee of Malaysia's Sabah State Legislative Assembly.

**3. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier on the deaths of the Board of Directors of Sundance Resources, including Western Australians Geoff Wedlock, Don Lewis, John Jones, Craig Oliver and John Carr-Gregg, and Ken Talbot and Natasha Flason from Brisbane.

The Minister for Planning on the Metropolitan Region Scheme Amendment 1082/33 (Major) Bush Forever and Related Lands.

*Papers*

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Report on Submissions (2230).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 1-41, Volume 1 of 6 (2231).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 42-90, Volume 2 of 6 (2232).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 91-115, Volume 3 of 6 (2233).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 116-139, Volume 4 of 6 (2234).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 140-165, Volume 5 of 6 (2235).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Submissions 166-182 (and late submissions), Volume 6 of 6 (2236).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Transcripts of Public Hearings (Days 1 & 2 of 4 Days) (2237).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Transcripts of Public Hearings (Days 3 & 4 of 4 Days) (2238).

Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related Lands, Map Nos 1.5254 to 1.5277 (2239).

The Minister for Regional Development on the appointment of Mr Chris Adams as General Manager of the State Government's new Pilbara Cities office.

#### **4. Questions**

Questions without Notice were taken.

Question on Notice No. 3228 was asked.

Questions on Notice Nos 2806, 2845, 2925, 2927 to 2969, 2972 to 2987, 2989 to 3004, 3006 to 3021, 3023 to 3025, 3027 to 3029, 3038 to 3050, 3052, 3056 to 3063, 3066, 3074 to 3078 and 3080 to 3088 were answered.

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

Question on Notice No. 3028 – Average Accident and Emergency waiting times per patient for each day in January 2010 for various metropolitan hospitals (2224).

Question on Notice No. 3029 – Average Accident and Emergency waiting times per patient for each day in March 2010 for various metropolitan hospitals (2225).

Question on Notice No. 3039 – Amount spent on maintenance and replacement of equipment for 1 July 2008 to 30 June 2009 and 1 July 2009 to 19 April 2010 in each metropolitan hospital (2226).

Question on Notice No. 3038 – Head count of each category of staff for each regional hospital as at 31 March 2010 (2227).

Question on Notice No. 3043 – Average Accident and Emergency waiting times per patient for each day in February 2010 for various metropolitan hospitals (2228).

#### **5. Additional Information**

The Minister for Health provided additional information relating to a Question without Notice from Mr R.H. Cook.

#### **6. Suspension of Standing Orders**

The Leader of the House, 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 leave be given to the Joint Standing Committee on the Corruption and Crime Commission to meet when the House is sitting on Wednesday, 23 June 2010 until 1.00 p.m.

Question put.

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

**7. Joint Standing Committee on the Corruption and Crime Commission – Leave to Meet when the House is Sitting**

The Leader of the House, pursuant to the foregoing motion, moved,

That leave be given to the Joint Standing Committee on the Corruption and Crime Commission to meet when the House is sitting on Wednesday, 23 June 2010 until 1.00 p.m.

Question put and passed.

**8. Petitions**

Bussell Highway between Tanah Marah Road and Margaret River – Ms M.M. Quirk presented a petition from 642 persons requesting that the speed limit for the Bussell Highway between Tanah Marah Road and Margaret River be reduced to 90kmh (P. 299).

Urban Development South of the Moore River – Ms L.L. Baker presented a petition from 159 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 300).

Jurien Bay District High School – Mr G.A. Woodhams presented a petition from 843 persons requesting that the decision to remove the surplus transition funding from Jurien Bay District High School be reversed (P. 301).

Funding Cuts to Public Libraries – Mr M.P. Murray presented a petition from 70 persons requesting that Western Australian public libraries not be subject to any funding cuts (P. 302).

Chlorination of Busselton's Domestic Water Supply – Mr M.P. Murray presented a petition from 5,917 persons requesting that the decision to implement full-time chlorination of Busselton's domestic water supply be reversed (P. 303).

Increases in Fees and Charges to Householders – Mr A.J. Waddell presented a petition from 125 persons requesting that the Government's decision to increase household fees and charges be condemned and that further assistance be given to families that are struggling financially (P. 304).

Tailgating – Mrs M.H. Roberts presented a petition from 7 persons requesting that consideration be given to increased enforcement efforts to limit tailgating behaviour on Western Australian roads (P. 305).

**9. Papers**

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

By the Clerk –

Carers Advisory Council of Western Australia – Partners in Care? Implementation of the *Carers Recognition Act 2004* (CRA) (2205).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Report No. 8 in relation to the report on the Investigation into Alleged Public Sector Misconduct in Relation to the Activities of an Associate to a Judge of the District Court of Western Australia (2229).

East Perth Redevelopment Act 1991 – Ministerial Approval under section 25 of the Act in relation to the Development Application Hub-Realignment and Undergrounding of Rail Line, and creation of a new Underground Bus Station (2206).

Firearms Act 1973 – Regulations (Firearms Amendment (Fees) Regulations 2010 G.G. 18/06/2010) (2207).

Marine Navigational Aids Act 1973 – Regulations (Marine Navigational Aids Amendment Regulations 2010 G.G. 18/06/2010) (2208).

Pawnbrokers and Second-hand Dealers Act 1994 – Regulations (Pawnbrokers and Second-hand Dealers Amendment Regulations 2010 G.G. 18/06/2010) (2209).

Planning and Development Act 2005 – Ministerial Direction under section 17 of the Act in relation to the Development Application Hub-Realignment and Undergrounding of Rail Line, and creation of a new Underground Bus Station (2210).

Police Act 1892 – Regulations (Police (Fees) Amendment Regulations 2010 G.G. 18/06/2010) (2211).

Public Sector Management Act 1994 – Regulations (Public Sector Management (SES Organisations) Regulations 2010 G.G. 18/06/2010) (2212).

Radiological Council of Western Australia – Annual Report 2009 (2213).

Rail Safety Act 1998 – Regulations (Rail Safety Amendment Regulations 2010 G.G. 18/06/2010) (2214).

Registration of Deeds Act 1856 – Regulations (Registration of Deeds Amendment Regulations 2010 G.G. 18/06/2010) (2215).

Security and Related Activities (Control) Act 1996 – Regulations (Security and Related Activities (Control) Amendment Regulations 2010 G.G. 18/06/2010) (2216).

Strata Titles Act 1985 – Regulations (Strata Titles General Amendment Regulations 2010 G.G. 18/06/2010) (2217).

Transfer of Land Act 1893 – Regulations (Transfer of Land Amendment Regulations 2010 G.G. 18/06/2010) (2218).

Transport Co-ordination Act 1966 – Regulations (Transport (Country Taxi-car) Amendment Regulations 2010 G.G. 18/06/2010) (2219).

Transport Co-ordination Act 1966 – Regulations (Transport Co-ordination Amendment Regulations 2010 G.G. 18/06/2010) (2220).

Valuation of Land Act 1978 – Regulations (Valuation of Land Amendment Regulations 2010 G.G. 18/06/2010) (2221).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Shire of Dowerin Waste Local Law 2010 G.G. 15/06/2010) (2222).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2010 G.G. 18/06/2010) (2223).

## **10. Notices of Motion**

### **11. Removal of Order of the Day**

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Towards Zero" Road Safety Strategy, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

### **12. Children and Community Services Amendment Bill 2010**

The Parliamentary Secretary representing the Minister for Child Protection, pursuant to notice, moved,  
That a bill for "An Act to amend the *Children and Community Services Act 2004*, to consequentially amend the *Working with Children (Criminal Record Checking) Act 2004*, and for related purposes." be introduced and read a first time.

Question put and passed.

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

The Parliamentary Secretary representing the Minister for Child Protection moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

### **13. Health and Disability Services Legislation 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.

The Minister for Health moved, That in relation to the Health and Disability Services Legislation Amendment Bill 2009 –

- (a) the amendments listed on the Notice Paper standing in the names of the Minister for Health and the member for Alfred Cove be made *pro forma*; and
- (b) for the purposes of this motion, where the Minister has indicated an intention to oppose certain clauses, that they be considered as deletion of the clauses.

Question put and passed.

The amendments agreed to under the foregoing motion were –

Clause 9.

The Minister for Health: To move –

Page 4, lines 26 to 31 – To delete the lines and substitute:

“

- (c) in paragraph (b) before “to review” insert:

in collaboration with groups of providers or groups of users or both,

”.

Clause 15.

The Minister for Health: To oppose the clause.

Clause 19.

Dr J.M. Woollard: To move –

Page 10, after line 20 – To insert:

“

### **36BA. Protection of provider's statements**

- (1) Evidence of anything said in a response given by a provider under section 36A is not admissible in proceedings before a court or tribunal.
- (2) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (1) may be disclosed to the Parliamentary Commissioner for Administrative Investigations for the purposes of an investigation under that Act.

”.

New clause 23A.

Dr J.M. Woollard: To move –

Page 12, after line 25 – To insert:

“

### **23A. Section 50 amended**

After section 50(1) insert:

- (2A) Before making a decision under subsection (1), the Director must —
  - (a) consult the provider; and
  - (b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on other providers, consult a group of those providers.

”

New clause 24A.

Dr J.M. Woollard: To move –

Page 13, after line 27 – To insert:

“

#### **24A. Section 56 amended**

In section 56(1):

- (a) in paragraph (b) delete “functions.” and insert:

functions; or

- (b) after paragraph (b) insert:

- (c) arising from information given to the Director under section 75.

”

New clause 27A.

Dr J.M. Woollard: To move –

Page 14, after line 10 – To insert:

“

#### **27A. Section 79 replaced**

Delete section 79 and insert:

#### **79. Review of Act**

(1) The Minister must carry out a review of, and prepare a report on, the operation and effectiveness of —

- (a) this Act; and
- (b) the *Disability Services Act 1993* Part 6,

as soon as practicable after 5 years after the date on which the *Health and Disability Services Legislation Amendment Act 2009* section 27A comes into operation.

(2) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared.

”

Clause 34.

The Minister for Health: To move –

Page 16, lines 24 to 30 – To delete the lines and substitute:

“

- (c) in paragraph (b) before “to review” insert:

in collaboration with groups of service providers or groups of persons to whom disability services are provided or both,

”

Clause 41.

The Minister for Health: To oppose the clause.

Clause 42.

Dr J.M. Woollard: To move –

Page 22, after line 5 – To insert:

“

(8) Evidence of anything said in a response given by a respondent under this section is not admissible in proceedings before a court or tribunal.

(9) Despite the *Parliamentary Commissioner Act 1971* section 20(3), evidence referred to in subsection (8) may be disclosed to the Parliamentary Commissioner for Administrative Investigations for the purposes of an investigation under that Act.

”

New clause 46A.

Dr J.M. Woollard: To move –

Page 25, after line 8 – To insert:

“

#### **46A. Section 42 amended**

After section 42(3) insert:

(4A) Before making a decision under subsection (1) to recommend any action that ought to be taken to remedy the matter, the Director must —

(a) consult the respondent; and

(b) if any action that the Director considers ought to be taken to remedy the matter is likely to have an impact on people other than the respondent, consult a group of those people.

”

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

#### **14. Grain Marketing Repeal 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 Agriculture and Food 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.

#### **15. Standardisation of Formatting 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.

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

The Attorney General 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. 5 be next considered.

#### **17. Land Tax Assessment 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.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 5 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister Assisting the Treasurer 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. Public Sector Reform 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.

Mr E.S. Ripper moved,

Page 4, after line 4 – To insert:

“

*merit criteria*, in relation to a person, means –

- (a) the extent to which the person has abilities, aptitude, skills, qualifications, knowledge, experience and personal qualities relevant to the carrying out of the duties in question; and
- (b) if relevant, the way in which the person carried out any previous employment or occupational duties and the extent to which the person has potential for development;

”

Amendment put.

The Assembly divided.

Ayes (23)		
Ms L.L. Baker	Ms A.J.G. MacTiernan	Mr T.G. Stephens
Ms A.S. Carles	Mr M. McGowan	Mr C.J. Tallentire
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. Whately
Mr W.J. Johnston	Mr J.R. Quigley	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 (26)		
Mr P. Abetz	Mr J.M. Francis	Ms A.R. Mitchell
Mr F.A. Alban	Mr B.J. Grylls	Dr M.D. Nahan
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 A.J. Simpson
Mr T.R. Buswell	Mr R.F. Johnson	Mr M.W. Sutherland
Mr V.A. Catania	Mr A. Krsticevic	Mr T.K. Waldron
Mr M.J. Cowper	Mr W.R. Marmion	Mr J.E. McGrath ( <i>Teller</i> )
Mr J.H.D. Day	Mr P.T. Miles	

Amendment thus negated.

Clause agreed to.

Clauses 5 to 8 agreed to.

Clause 9.

The Premier moved,

Page 5, line 14 – To delete “instructions, if any,” and substitute:

“ instructions ”.

Amendment put and passed.

Mr E.S. Ripper moved,

Page 5, after line 15 – To insert –

“

- (4) A Commissioner’s instruction in relation to this section will provide for –
  - (a) the process by which selection under the merit criteria will be undertaken for a stated type of appointment or secondment, providing for a streamlined process where appropriate; and
  - (b) the circumstances under which a competitive assessment of merit is not required.

”

Amendment put and negated.

Clause, as amended, agreed to.

Clauses 10 to 18 agreed to.

Clause 19.

The Premier moved,

Page 9, after line 1 – To insert:

“(2) Delete section 21(4).”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 20.

Mr E.S. Ripper moved,

Page 11, after line 10 – To insert –

“

- (5) The Commissioner shall consult widely with relevant stakeholders prior to issuing a Commissioner’s instruction, including, but not limited to –
  - (a) employing authorities; and
  - (b) organisations within the meaning of the *Industrial Relations Act 1979*.

”.

Amendment put and negatived.

The Premier moved,

Page 11, after line 12 — To insert:

“

- (6A) The Commissioner must, before issuing, amending or revoking a Commissioner’s instruction, consult such persons as the Commissioner considers it desirable and practicable to consult.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 21 to 33 agreed to.

Clause 34.

Mr E.S. Ripper moved,

Page 25, line 23 – To delete “delegate” and insert –

“ , in an extreme or emergency situation, delegate, for a defined time, ”.

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

Question put and passed.

**19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 11.53 p.m. until Wednesday, 23 June 2010 at 12.00 noon.

*Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Dr E. Constable, Mrs C.A. Martin and Mr P.C. Tinley.*

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly