

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 182

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 22 NOVEMBER 2011

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 Police on the road vehicle impoundments carried out by the Western Australia Police.

Paper

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

By the Minister for Police –

Police, Western Australia – Road Vehicle Impoundment Information (4231).

The Minister for Citizenship and Multicultural Interests on the Diverse Western Australia cultural competency training package.

The Minister for Environment on the 15th anniversary of the Valley of the Giants tree top walk between Denmark and Walpole.

3. Parliamentary Privilege – Use of Photograph in Newspaper Article

Mr M. McGowan raised a matter of privilege in relation to a statement made by the Speaker regarding the photographs which appeared with an article in *The Sunday Times* newspaper on 13 November 2011.

The Speaker deferred the matter and undertook to report back to the House at a later stage of the sitting.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 6804 to 6810 were asked.

Questions on Notice Nos 6292 to 6297, 6299 to 6301, 6304 to 6308, 6310 to 6314, 6316 to 6319, 6322, 6323, 6326 to 6330, 6333 to 6335, 6337 to 6341, 6345, 6350, 6354 to 6361, 6363, 6367, 6368, 6370, 6372, 6375, 6378 to 6384, 6386 to 6390, 6392 to 6395, 6397 to 6405, 6408 to 6414, 6417 to 6421, 6423, 6425, 6426, 6431, 6432, 6436, 6438, 6443, 6457, 6487, 6490, 6492, 6521, 6550, 6563, 6589, 6645 and 6662 were answered.

Paper tabled by the Premier –

Question on Notice No. 6341 – Summary of agencies within the Premier's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4222).

Papers tabled by the Minister for Planning; Culture and the Arts; Science and Innovation –

Question on Notice No. 6350 – Summary of agencies within the Minister's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4224).

Question on Notice No. 6405 – Question in relation to whether the State Library of Western Australia has a policy regarding the purchasing and disposal of Western Australian Public Books (4228).

Paper tabled by the Treasurer; Attorney General –

Question on Notice No. 6345 – Summary of agencies within the Treasurer's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4223).

Papers tabled by the Minister for Environment –

Question on Notice No. 6312 – Question in relation to tourism operators' licences for whale shark interaction tours (4221).

Question on Notice No. 6356 – Summary of agencies within the Minister's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4225).

Papers tabled by the Minister for Corrective Services –

Question on Notice No. 6383 – Question in relation to maintenance problems with the sewerage system at Karnet Prison in 2011 (4226).

Question on Notice No. 6403 – Question in relation to the management of all activities and services run at Hakea Prison and Detention Centre (4227).

Papers tabled by the Minister for Health –

Question on Notice No. 6429 – Summary of expenditure of state medical research funding, broken down by application/projects, institutions and areas of research for the years 2007/08, 2008–2009, 2009–2010 and 2010–2011. Also includes the estimated expenditure of state research for the years 2011–2012 and 2012–2013 (4229).

Question on Notice No. 6436 – Question in relation to the elective surgery category including a summary of daily surgery cancellations for the months January 2011 and September 2011 and the breakdown of daily totals for each hospital in regards to cancellations of elective surgery for each category (4230).

Suspension of Member – Member for Victoria Park

The Speaker, having called Mr B.S. Wyatt to order more than three times, directed that he be suspended from the service of the Assembly until the adjournment of the day's sitting.

5. Unanswered Questions on Notice

The following member asked why no answer had been received in respect of his Questions on Notice –

Mr M. McGowan – Questions on Notice Nos 6219, 6321, 6324, 6325, 6331, 6332, 6336, 6342 to 6344, 6346 to 6349 and 6351 to 6353.

Disorder – Suspension of Member

The Speaker, having named Mr T.G. Stephens for disorderly conduct under Standing Order No. 42, put the question, That Mr T.G. Stephens be suspended from the service of the Assembly.

Question put.

The Assembly divided.

Ayes (31)

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

Noes (22)

Dr A.D. Buti	Mr M. McGowan	Mrs M.H. Roberts
Ms A.S. Carles	Mrs C.A. Martin	Mr C.J. Tallentire
Mr R.H. Cook	Mr M.P. Murray	Mr P.C. Tinley
Ms J.M. Freeman	Mr A.P. O’Gorman	Mr A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr M.P. Whitely
Mr W.J. Johnston	Mr J.R. Quigley	Mr D.A. Templeman (<i>Teller</i>)
Mr J.C. Kobelke	Ms M.M. Quirk	
Mr F.M. Logan	Mr E.S. Ripper	

Question thus passed.

6. Petitions

Model Workplace Health and Safety Bill – Mr E.S. Ripper presented a petition from 1,041 persons requesting the enactment of the model Workplace Health and Safety Bill as endorsed by the Workforce Relations Ministerial Council in 2009 (P. 497).

Bus Services in the Shire of Murray – Mr M.J. Cowper presented a petition from 105 persons requesting that the Legislative Assembly support their campaign for the Government to provide a regular bus service between Pinjarra and Mandurah (P. 498).

Diagnostic Mammogram Service in Mandurah – Mr D.A. Templeman presented a petition from 19 persons requesting that immediate action be taken to ensure that a diagnostic mammogram service is again made available to the local women of Mandurah (P. 499).

Ban on the Importation of Fur from Dogs and Cats – Mr C.J. Tallentire presented a petition from 232 persons requesting that the State Government act immediately to protect consumers from fur products that have been gathered through horrific practices like the skinning of live animals (P. 500).

Skilled Local Jobs – Mr C.J. Tallentire presented a petition from 44 persons requesting that the Western Australian Parliament pass laws that would ensure a greater share of skilled work for our major resources projects be performed in Western Australia (P. 501).

National Disability Insurance Scheme – Mr C.J. Tallentire presented a petition from 32 persons requesting that the Premier listen to the requests from Western Australian people with disabilities and immediately establish a community reference group to advise on how a national disability insurance scheme may work best for Western Australia (P. 502).

Increases in Fees and Charges – Mr C.J. Tallentire presented a petition from 22 persons requesting that the Legislative Assembly voice the case for, and give relief to, householders dealing with recent increases in fees and charges (P. 503).

Container Deposit Scheme – Mr C.J. Tallentire presented a petition from 21 persons requesting that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 504).

Bidi Bidi Centre – Mr V.A. Catania presented a petition from 150 persons requesting that the Legislative Assembly provide immediate funds before 1 December 2012 for the ongoing operation and expansion of the Bidi Bidi Centre to ensure the future wellbeing of children in the Mt Magnet region (P. 505).

Osborne Primary School Speed Zone – Mr J.C. Kobelke presented a petition from 71 persons requesting that flashing “40” traffic signals be installed in the area adjacent to the Osborne Primary School to improve driver awareness of the requirement to adhere to the 40km per hour speed limit (P. 506).

7. Papers

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

By the Clerk –

Armadale Redevelopment Act 2001 – Ministerial approval under section 17(4) of the Act for approval to enter into a contract in excess of \$1 million for the extension and upgrade of Ranford Road, Forrestdale (4207).

Criminal Procedure Act 2004 – Rules (Criminal Procedure Amendment Rules (No. 3) 2011 G.G. 08/11/2011) (4208).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules (No. 3) 2011 G.G. 18/11/2011) (4209).

Duties Act 2008 – Regulations (Duties Amendment Regulations (No. 2) 2011 G.G. 15/11/2011) (4210).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 5) 2011 [1052] G.G. 11/11/2011) (4211).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Trout) Revocation Order 2011 [1055] G.G. 18/11/2011) (4212).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 12) 2011 G.G. 18/11/2011) (4213).

Legal Profession Act 2008 – Rules (Legal Profession (Admission) Amendment Rules 2011 G.G. 15/11/2011) (4214).

Liquor Control Act 1988 – Regulations (Liquor Control (Noonkanbah Restricted Area) Amendment Regulations (No. 2) 2011 G.G. 08/11/2011) (4215).

State Trading Concerns Act 1916 – Regulations (State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2011 G.G. 08/11/2011) (4216).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Water Use) Amendment By-laws (No. 2) 2011 G.G. 18/11/2011) (4217).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2011 G.G. 18/11/2011) (4218).

Workers' Compensation and Injury Management Act 1981 – Rules (Workers' Compensation and Injury Management Arbitration Rules 2011 G.G. 09/11/2011) (4219).

Workers' Compensation and Injury Management Act 1981 – Rules (Workers' Compensation and Injury Management Conciliation Rules 2011 G.G. 09/11/2011) (4220).

8. Notices of Motion

9. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Referral to Committee, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

10. Matter of Public Interest – Law and Order Failures

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

At least five members having risen in support,

Mr E.S. Ripper moved,

That the House condemns the Barnett Government for its law and order failures especially in the areas of violent crime, burglary and robbery.

Debate ensued.

Question put.

The Assembly divided.

Ayes (21)

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

Noes (31)

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

Question thus negatived.

11. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –
No. 40 – 11 November 2011

Electoral and Constitution Amendment Bill 2011, Act No. 49 of 2011.

Petroleum and Geothermal Energy Safety Levies Bill 2011, Act No. 50 of 2011.

Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011, Act No. 51 of 2011.

Inspector of Custodial Services Amendment Bill 2011, Act No. 52 of 2011.

Industrial Legislation Amendment Bill 2011, Act No. 53 of 2011.

No. 41 – 9 November 2011

Agricultural Practices (Disputes) Repeal Bill 2011, Act No. 54 of 2011.

Cat Bill 2011, Act No. 55 of 2011.

12. Message from the Governor

Message No. 42 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Integrity (Lobbyists) Bill 2011.

13. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

Message No. 192 dated 22 November 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

No. 1

Page 8, line 14 — To delete “comparable”.

Ordered, That consideration in detail of Legislative Council message No. 192 be made an Order of the Day for the next sitting of the Assembly.

14. Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011 **Iron Ore Agreements Legislation Amendment Bill 2011**

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

Urgent Bills

The Minister for State Development moved, That the Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011 and the Iron Ore Agreements Legislation Amendment Bill 2011 be considered urgent bills.

Debate ensued.

Question put and passed.

Cognate Debate

Leave was granted to debate the Iron Ore Agreements Legislation Amendment Bill 2011 in conjunction with the Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 4 agreed to.

Clause 5.

Mr M. McGowan moved,

Page 4, lines 24 and 25 – To delete the lines and substitute:

“

(2) Subject to subsection (3), the implementation of the Seventh Variation Agreement is authorised.

(3) The Minister is to lay (or cause to be laid) the local participation plan, and any subsequent amendments to it, provided under clause 7E of this Agreement before both Houses of Parliament within 2 weeks after the plan or amendments are provided to the Minister.

”.

Amendment put.

The Assembly divided.

Ayes (16)

Dr A.D. Buti
Ms J.M. Freeman
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan

Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr E.S. Ripper
Mr C.J. Tallentire

Mr P.C. Tinley
Mr A.J. Waddell
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Noes (27)

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
Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable

Mr M.J. Cowper
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Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath

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 M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 6 to 23 agreed to.

Schedule 1 agreed to.

Title agreed to.

Consideration in detail concluded.

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

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.33 p.m. until Wednesday, 23 November 2011 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Ms R. Saffioti and Mr P.B. Watson.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly