

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 137

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 5 APRIL 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. Death of Dr Gabriel Thomas Dadour – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That this House records its sincere regret at the death of Dr Gabriel Thomas Dadour and tenders its deep sympathy to his family.

The motion was supported by Mr E.S. Ripper, Mr T.K. Waldron, Dr J.M. Woollard and Mr T.G. Stephens.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Regional Development on the Royalties for Regions Gascoyne Revitalisation Plan.

The Minister for Culture and the Arts on the Western Australian Indigenous Arts Awards.

The Minister for Heritage on the 2011 Western Australian Heritage Awards.

4. Speaker's Statement – Question Time on Wednesday, 6 April 2011

The Speaker advised members that Question Time would start at 3.15 p.m. on Wednesday, 6 April 2011.

5. Questions

Questions without Notice were taken.

Questions on Notice Nos 4941 to 5065 were asked.

Questions on Notice Nos 4677, 4708, 4711, 4747, 4748, 4751, 4762, 4763, 4794, 4796, 4798, 4812, 4815 to 4817, 4823, 4824, 4852, 4875 and 4897 were answered.

6. Petitions

Boulder Police Post Closure – Dr G.G. Jacobs presented a petition from 466 persons requesting that the Boulder Police Post be immediately re-opened (P. 382).

Golden Bay Housing Development Proposal – Mr P. Papalia presented a petition from 418 persons requesting that some of the profit from the proposed housing development at Golden Bay be allocated to fund local community projects (P. 383).

Bus Service between Pinjarra and Mandurah Train Stations – Mr M.J. Cowper presented a petition from 30 persons requesting that a regular bus service between Pinjarra and Mandurah be provided (P. 384).

Stirling Station Overcrowding – Mr J.C. Kobelke presented a petition from 287 persons requesting that at least 30 additional train carriages be ordered to address overcrowding at Stirling Train Station (P. 385).

Midland Line Overcrowding – Mr M.P. Whitely presented a petition from 44 persons requesting that at least 30 additional train carriages be ordered to address overcrowding on the Midland Train Line (P. 386).

Increases in Fees and Charges – Mr C.J. Tallentire presented a petition from 43 persons requesting that relief from increased household fees and charges be given to Western Australian householders (P. 387).

7. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Roebourne Regional Prison, Report No. 70 (Received by the Clerk of the Legislative Assembly on 23 February 2011 and held for a period of thirty days in accordance with the Inspector of Custodial Services Act 2003) (3240).

By the Clerk –

Beekeepers Act 1963 – Local Laws (Town of Mosman Park Bee Keeping Local Law 2010 G.G. 21/03/2011) (3241).

Building and Construction Industry Training Fund and Levy Collection Act 1990 – Regulations (Building and Construction Industry Training Fund and Levy Collection Amendment Regulations 2010 G.G. 29/03/2011) (3242).

Central Institute of Technology – Annual Report 2010 (3243).

Challenger Institute of Technology – Annual Report 2010 (3244).

Conservation and Land Management Act 1984 – Lease No. 1129/97 between the Department of Environment and Conservation and Pickering Brook Sports Club for a golf course on an area of State Forest No. 22 (3245).

Curtin University of Technology – Annual Report 2010 (Received by the Clerk of the Legislative Assembly on 29 March 2011 and deemed tabled in accordance with Section 83 of the Financial Management Act 2006) (3235).

CY O'Connor Institute – Annual Report 2010 (3246).

Dividing Fences Act 1961 – Local Laws (City of Melville Fences Amendment Local Law 2011 G.G. 29/03/2011) (3247).

Durack Institute of Technology – Annual Report 2010 (3248).

Duties Act 2008 – Regulations (Duties Amendment Regulations 2011 G.G. 01/04/2011) (3249).

Economic Regulation Authority – Inquiry into Water Resource Management and Planning Charges, Final Report (Received by the Clerk of the Legislative Assembly on 25 March 2011 and deemed tabled in accordance with Section 60(2) of the Economic Regulation Authority Act 2003) (3234).

Edith Cowan University – Annual Report 2010 (Received by the Clerk of the Legislative Assembly on 29 March 2011 and deemed tabled in accordance with Section 83 of the Financial Management Act 2006) (3236).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2011 [1015] G.G. 01/04/2011) (3250).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 4) 2011 G.G. 29/03/2011) (3251).

Great Sothern Institute of Technology – Annual Report 2010 (3252).

Health Act 1911 – Regulations (Blood and Tissue (Transmissible Diseases) Amendment Regulations 2011 G.G. 01/04/2011) (3253).

Health Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations 2011 G.G. 01/04/2011) (3254).

Health Act 1911 – Regulations (Health (Skin Penetration Procedure) Amendment Regulations 2011 G.G. 01/04/2011) (3255).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Licensing and Conduct of Private Psychiatric Hostels) Amendment Regulations 2011 G.G. 01/04/2011) (3256).

Kimberley TAFE – Annual Report 2010 (3257).

Local Government Act 1995 – Local Laws (City of Mandurah Animals, Environment and Nuisance Local Law 2010 G.G. 22/03/2011) (3258).

Local Government Act 1995 – Local Laws (City of Mandurah Bush Fire Brigades Local Law 2010 G.G. 22/03/2011) (3259).

Local Government Act 1995 – Local Laws (City of Mandurah Dogs Local Law 2010 G.G. 22/03/2011) (3260).

Local Government Act 1995 – Local Laws (City of Melville Local Government Property Local Law 2010 G.G. 28/03/2011) (3261).

Local Government Act 1995 – Local Laws (Shire of Brookton Extractive Industries Local Law 2011 G.G. 28/03/2011) (3262).

Local Government Act 1995 – Local Laws (Shire of Busselton Local Government Property Amendment Local Law 2011 G.G. 22/03/2011) (3263).

Local Government Act 1995 – Local Laws (Town of Mosman Park Meeting Procedures Local Law 2010 G.G. 21/03/2011) (3264).

Misuse of Drugs Act 1981 – Regulations (Misuse of Drugs Amendment Regulations 2011 G.G. 22/03/2011) (3265).

Murdoch University – Annual Report 2010 (Received by the Clerk of the Legislative Assembly on 29 March 2011 and deemed tabled in accordance with Section 83 of the Financial Management Act 2006) (3237).

Murdoch University – Annual Report 2010 Supplement – Financial Statements, Key Performance Indicators, Characteristics of the Student Population (Received by the Clerk of the Legislative Assembly on 29 March 2011 and deemed tabled in accordance with Section 83 of the Financial Management Act 2006) (3238).

Nurses and Midwives Board of Western Australia – Report for 1 July 2010 to 17 October 2010 (3266).

Planning and Development Act 2005 – Regulations (Planning and Development (Development Assessment Panels) Regulations 2011 G.G. 24/03/2011) (3267).

Planning and Development Act 2005 – Regulations (Planning and Development Amendment Regulations 2011 G.G. 24/03/2011) (3268).

Poisons Act 1964 – Regulations (Poisons Amendment Regulations 2011 G.G. 01/04/2011) (3269).

Radiation Safety Act 1975 – Regulations (Radiation Safety (General) Amendment Regulations 2011 G.G. 01/04/2011) (3270).

South West Institute of Technology – Annual Report 2010 (3271).

Pharmaceutical Society of Western Australia, Council of the – Annual Report 2010 (3272).

Pilbara TAFE – Annual Report 2010 (3273).

Polytechnic West – Annual Report 2010 (3274).

Review of the Racing and Wagering Western Australia Acts, Joint Standing Committee on the – Government Response to Report No. 2, Inquiry into the Racing and Wagering Western Australia Acts (3275).

Technology and Industry Advisory Council – Annual Report 2009–2010 (3276).

University of Western Australia – Annual Report 2010 (Received by the Clerk of the Legislative Assembly on 29 March 2011 and deemed tabled in accordance with Section 83 of the Financial Management Act 2006) (3239).

West Coast Institute of Training – Annual Report 2010 (3277).

Western Australian Electoral Commission – Political Finance Annual Report 2009–2010 (3278).

8. Notices of Motion

9. Withdrawal of Notice of Motion

Mr E.S. Ripper withdrew Bills – Notice of Motion No. 1.

10. Matter of Public Interest – Western Australian Youth Unemployment

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 this House notes with deep concern that Western Australia's youth unemployment rate has increased from 8.5 per cent in February 2008 to 21.7 per cent in February 2011 and that up to 40% of the Western Australian community are not benefiting from the boom because they are working in industries with no direct connection with the resources sector, or living on fixed or vulnerable incomes.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker	Mr F.M. Logan	Ms R. Saffioti
Dr A.D. Buti	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mr M.P. Murray	Mr C.J. Tallentire
Mr R.H. Cook	Mr A.P. O'Gorman	Mr A.J. Waddell
Ms J.M. Freeman	Mr P. Papalia	Mr P.B. Watson
Mr J.N. Hyde	Mr J.R. Quigley	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>)

Noes (28)

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

Question thus negatived.

11. Conservation Legislation Amendment Bill 2010

Message No. 142 dated 24 March 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Conservation and Land Management Act 1984* and the *Wildlife Conservation Act 1950*.”

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

12. Building Services (Complaint Resolution and Administration) Bill 2010

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

CONSIDERATION IN DETAIL

Clauses 49 to 52 agreed to.

Clause 53.

The Minister for Transport moved,

Page 40, line 5 — To insert after “must not”:

“ without reasonable excuse ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 54 to 63 agreed to.

Clause 64.

The Minister for Transport moved,

Page 48, line 14 — To insert after “records of a”:

“ local government or other ”.

Amendment put and passed.

The Minister for Transport moved,

Page 48, line 15 — To delete “of permits” and insert:

“

or issue of building and demolition licences under the *Local Government (Miscellaneous Provisions) Act 1960* and permits

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 65 to 92 agreed to.

Clause 93.

The Minister for Transport moved,

Page 71, after line 7 — To insert:

“

(d) a building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960* section 374; or

- (e) a demolition licence issued under the *Local Government (Miscellaneous Provisions) Act 1960* section 374A.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 94 to 138 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.

13. Building Services (Registration) Bill 2010

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

The Minister for Transport moved,

Page 2, lines 24 and 25 — To delete the lines and substitute:

“

building permit means —

- (a) a building permit granted under the *Building Act 2010*; or
- (b) a building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960* section 374;

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 to 37 agreed to.

Clause 38.

The Minister for Transport moved,

Page 25, lines 5 and 6 — To delete the lines and substitute:

“

building work means work for which a building permit is required;

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 39 to 44 agreed to.

Clause 45.

The Minister for Transport moved,

Page 28, lines 2 to 9 — To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 46 agreed to.

Clause 47.

The Minister for Transport moved,

Page 29, line 27 and 28 — To delete “permit granted under the *Building Act 2010*; and” and substitute:

“ permit; and ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 48 to 52 agreed to.

Clause 53.

The Minister for Transport moved,

Page 33, lines 22 and 23 — To delete “*Building Act 2010* or” and substitute:

“

*Building Act 2010, the Local Government (Miscellaneous Provisions)
Act 1960* or

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 54 to 148 agreed to.

Clause 149.

The Minister for Transport moved,

Page 80, line 27 — To insert before “granted”:

“ issued a building licence or ”.

Page 81, line 10 — To insert before “granted”:

“ issued a building licence or ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 150 and 151 agreed to.

Clause 152.

The Minister for Transport moved,

Page 82, line 21 — To insert after “date”:

“ the building licence is issued, or ”.

Page 82, line 22 — To delete “granted” and substitute:

“ granted, ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 153 to 155 agreed to.

Clause 156.

The Minister for Transport moved,

Page 84, after line 19 — to insert:

“

- (4) After section 374 insert —

374AAA. Local governments not to issue building permits in certain circumstances

- (1) A local government must not issue a building licence to commence or proceed with any building work with a value of \$20 000 or more unless the licence is issued to a person who —
 - (a) is a building service contractor, as defined in the *Building Services (Registration) Act 2010* section 3, registered in a class of building service contractor prescribed by the regulations for the purposes of this section; or
 - (b) has been granted owner-builder approval, as defined in the *Building Services (Registration) Act 2010* section 38, to carry out the building work.
- (2) A person who for the purposes of obtaining or attempting to obtain a building licence from a local government makes a representation or statement that is false in a material particular in relation to —
 - (a) the value of building work to be carried out under the building licence; or
 - (b) the fee or charge payable in respect of the carrying out of the building work; or
 - (c) whether the person is registered, or has been granted approval, under the *Building Services (Registration) Act 2010*,

commits an offence.

Penalty: a fine of \$10 000.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 157 to 159 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Transport moved,

That the Building Services (Registration) Bill 2010 be reconsidered in detail for the purpose only of considering the Minister's amendments to clauses 32, 35 and 36.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 32.

The Minister for Transport moved,

Page 22, line 13 — To delete “\$10 000.” and substitute:

“ \$5 000. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 35.

The Minister for Transport moved,

Page 23, line 12 — To delete “\$10 000.” and substitute:

“ \$5 000. ”.

Page 23, line 15 — To delete “\$10 000.” and substitute:

“ \$5 000. ”.

Page 23, line 20 — To delete “\$10 000.” and substitute:

“ \$5 000. ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 36.

The Minister for Transport moved,

Page 23, line 31 — To delete “\$10 000.” and substitute:

“ \$5 000. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Reconsideration 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.

14. Building Services Levy Bill 2010

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 3 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 Transport 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. Building 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.

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

16. Commonwealth Heads of Government Meeting (Special Powers) Bill 2011

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

CONSIDERATION IN DETAIL

Clauses 12 to 32 agreed to.

Clause 33.

Dr J.M. Woollard moved, That the debate be adjourned.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.09 p.m. until Wednesday, 6 April 2011 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs C.A. Martin, Mrs M.H. Roberts, Mr M.W. Sutherland and Mr P.C. Tinley.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly