

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 131

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 15 MARCH 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. Victims of the City of Christchurch Earthquake and the Sendai Earthquake and Tsunami

The Premier, without notice, moved,

That this House records its sincere regret at the loss of life and the destruction of infrastructure following the City of Christchurch earthquake in New Zealand on 22 February 2011 and the Sendai earthquake and tsunami in Japan on 11 March 2011.

The motion was supported by Mr E.S. Ripper, Mr M. McGowan, Mr B.J. Grylls and Mrs M.H. Roberts.

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 Emergency Services on the recent floods in Western Australia.

The Minister for Corrective Services on the Government's response to the recommendations of the Community Development and Justice Standing Committee's report on Making our Prisons Work: An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies.

The Minister for Culture and the Arts on the recent achievements of ScreenWest.

### 4. Questions

Questions without Notice were taken.

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#### *Paper*

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

By the Minister for Regional Development –

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Questions on Notice Nos 4747 to 4853 were asked.

Questions on Notice Nos 3996, 4262, 4342, 4361, 4386, 4430, 4446, 4462, 4478, 4494, 4510, 4526, 4542, 4558, 4574, 4590, 4610 to 4613, 4615 to 4620, 4622 to 4624, 4626 to 4628, 4631, 4633 to 4663, 4665, 4666, 4668 to 4675, 4680 to 4683, 4686, 4705, 4706, 4710 and 4712 were answered.

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Paper tabled by the Treasurer –

Question on Notice No. 4386 – Costs of office fit-out expenditure for public sector agencies between 1 March 2010 and 31 January 2011 (3185).

Papers tabled by the Minister for Culture and the Arts –

Question on Notice No. 4628 – Details of equipment, furniture and other items from the Playhouse Theatre to be installed in the State Theatre Centre (3186).

Question on Notice No. 4644 – List of all Local Governments for which the State Records Office holds no sets, or incomplete sets of minutes, rate books and correspondence files (3187).

Question on Notice No. 4650 – Western Australian Museum's collection policy (3188).

Question on Notice No. 4651 – Art Gallery of Western Australia's de-accession policy (3189).

Papers tabled by the Minister representing the Minister for Transport; Disability Services –

Question on Notice No. 4574 – Incidents of assault reported by staff for Public Transport Authority Transperth bus and ferry services from 1 January 2009 to 13 December 2010 (3190).

Question on Notice No. 4574 – Incidents of assault reported by staff for Public Transport Regional Town bus services from 1 January 2009 to 13 December 2010 (3191).

Question on Notice No. 4558 – Cost breakdown of vehicle cleaning and washing for Main Roads and Public Transport Authority since 23 September 2008 (3192).

Paper tabled by the Minister representing the Minister for Finance –

Question on Notice No. 4670 – Location of houses bought with the assistance of the first homebuyer's grant for the 2009–2010 financial year (3193).

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## 5. Petitions

Cannington Community College – Mr W.J. Johnston presented a petition from 95 persons requesting that air conditioning be installed in the classrooms of Cannington Community College (P. 372).

Murray Street and Henley Street in Como – Mr J.E. McGrath presented a petition from 989 persons requesting that Murray Street and Henley Street in Como not be joined with Jackson Road in Karawara (P. 373).

## 6. Speaker's Statement – Petition Format

The Speaker advised members that while the petition presented by the Member for South Perth was addressed to the Speaker and members of the Legislative Assembly, requesting the Legislative Assembly to undertake certain actions, the petition also contained a request to the Member for South Perth to present the petition to several ministers.

The Speaker reminded members that while he would permit this petition to be tabled, petitions must conform with the Standing Orders and not contain any extraneous requests.

## 7. Papers

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

By the Clerk –

Acacia Prison Services Agreement – Extension and Variation of Acacia Prison Services Agreement, 2011 (3152).

Associations Incorporation Act 1987 – Regulations (Associations Incorporation Amendment Regulations 2011 G.G. 25/02/2011) (3153).

Broome Port Authority – Statement of Corporate Intent 2010–2011 (3154).

Children's Court of Western Australia Act 1988 – Regulations (Children's Court (Fees) Amendment Regulations 2011 G.G. 08/03/2011) (3155).

Civil Judgments Enforcement Act 2004 – Regulations (Civil Judgments Enforcement Amendment Regulations 2011 G.G. 08/03/2011) (3156).

Coroners Act 1996 – Regulations (Coroners Amendment Regulations 2011 G.G. 08/03/2011) (3157).

District Court of Western Australia Act 1969 – Regulations (District Court (Fees) Amendment Regulations 2011 G.G. 08/03/2011) (3158).

Education and Health Standing Committee – Minutes, 16 February 2010 to 24 November 2010 (3159).

Energy Safety Act 2006 – Energy Safety Division Business Plan 2011–2012 (3160).

Energy Safety Act 2006 – Energy Safety Division Business Plan 2011–2012, Explanatory Memorandum (3161).

Evidence Act 1906 – Regulations (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2011 G.G. 08/03/2011) (3162).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Forestry in relation to Legislative Council Question without Notice No. 792 (3163).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment 2011 [1008] G.G. 11/03/2011) (3164).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 2) 2011 G.G. 01/03/2011) (3165).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 3) 2011 G.G. 01/03/2011) (3166).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2011 G.G. 01/03/2011) (3167).

Government of Western Australia – Quarterly Financial Results Report 2010–2011, December 2010 (3168).

Local Government Act 1995 – Local Laws (City of Nedlands Standing Orders Amendment Local Law 2011 G.G. 08/03/2011) (3169).

Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations 2011 G.G. 08/03/2011) (3170).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 2) 2011 G.G. 01/03/2011) (3171).

National Environment Protection Council – Annual Report 2009–2010 (3172).

Prohibited Behaviour Orders Act 2010 – Regulations (Prohibited Behaviour Orders Regulations 2011 G.G. 23/02/2011) (3173).

Public Accounts Committee – Minutes, 24 February 2010 to 24 November 2010 (3174).

Road Traffic Act 1974 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations 2011 G.G. 25/02/2011) (3175).

Road Traffic Act 1974 – Regulations (Road Traffic (Licensing) Amendment Regulations 2011 G.G. 25/02/2011) (3176).

Road Traffic Act 1974 – Regulations (Road Traffic (Vehicle Standards) Amendment Regulations 2011 G.G. 25/02/2011) (3177).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations 2011 G.G. 04/03/2011) (3178).

State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations 2011 G.G. 08/03/2011) (3179).

Supreme Court Act 1935 – Regulations (Supreme Court (Fees) Amendment Regulations 2011 G.G. 08/03/2011) (3180).

Tobacco Products Control Act 2006 – Regulations (Tobacco Products Control Amendment Regulations 2011 G.G. 01/03/2011) (3181).

Treasury Corporation of Western Australia – Quarterly Report for the quarter ended 31 December 2010 (3182).

Valuation of Land Act 1978 – Regulations (Valuation of Land Amendment Regulations 2011 G.G. 04/03/2011) (3183).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Water Use) Amendment By-laws 2011 G.G. 08/03/2011) (3184).

## 8. Notices of Motion

## 9. Matter of Public Interest – Level of Local Content in Western Australian Resources Work

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 calls on the Premier to table all local labour and local content reports and all accompanying government correspondence in response to these reports since his Government came to office and be open, honest and accountable on the level of local content in future Western Australian resources work.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (25)

Ms L.L. Baker

Dr A.D. Buti

Ms A.S. Carles

Mr R.H. Cook

Ms J.M. Freeman

Mr W.J. Johnston

Mr J.C. Kobelke

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr A.P. O’Gorman

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Ms R. Saffioti

Mr T.G. Stephens

Mr C.J. Tallentire

Mr P.C. Tinley

Mr A.J. Waddell

Mr P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

## Noes (29)

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

Question thus negatived.

#### 10. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 128 – 1 March 2011

Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010, Act No. 1 of 2011.

No. 129 – 1 March 2011

Telecommunications (Interception) Western Australia Amendment Bill 2010, Act No. 2 of 2011.

Dangerous Sexual Offenders Amendment Bill 2011, Act No. 3 of 2011.

No. 130 – 2 March 2011

Heritage and Planning Legislation Amendment Bill 2010, Act No. 4 of 2011.

Child Support (Adoption of Laws) Amendment Bill 2009, Act No. 5 of 2011.

#### 11. Message from the Governor

Message No. 5 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011.

#### 12. Education and Health Standing Committee

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

That the Member for Eyre be co-opted to the Education and Health Standing Committee until 30 June 2011.

Debate ensued.

Question put and passed.

#### 13. Hope Valley-Wattleup Redevelopment 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 Planning 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.

#### **14. Appropriation (Consolidated Account) Recurrent 2009-10 (Supplementary) Bill 2010**

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

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 3 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 Treasurer 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. Criminal Code Amendment (Infringement Notices) Bill 2010**

Message No. 139 dated 15 March 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment (Infringement Notices) Bill 2010* 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 Criminal Code Amendment (Infringement Notices) Bill 2010*

#### **No. 1**

Page 4, after line 3 — To insert —

#### **723. Monitoring of Chapter by Ombudsman**

- (1) For the period of 12 months after the commencement of this section, the Ombudsman is to keep under scrutiny the operation of the provisions of this Chapter and the regulations made under this Chapter and the *Criminal Investigation (Identifying People) Act 2002* Part 7 and section 67.
- (2) The scrutiny referred to in subsection (1) is to include review of the impact of the operation of the provisions referred to in that subsection on Aboriginal and Torres Strait Islander communities.
- (3) For that purpose, the Ombudsman may require the Commissioner of Police or any public authority to provide information about police or the public authority's participation in the operation of the provisions referred to in subsection (1).
- (4) The Ombudsman must, as soon as practicable after the expiration of that 12 month period, prepare a report on the Ombudsman's work and activities under this section and furnish a copy of the report to the Minister for Police and the Commissioner of Police.
- (5) The Ombudsman may identify, and include recommendations in the report to be considered by the Minister about, amendments that might appropriately be made to this Act with respect to the operation of the provisions referred to in subsection (1).
- (6) The Minister is to lay (or cause to be laid) a copy of the report furnished to the Minister under this section before both Houses of Parliament as soon as practicable after the Minister receives the report.

Ordered, That consideration in detail of Legislative Council Message No. 139 be made an Order of the Day for the next sitting of the Assembly.

**16. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 11.11 p.m. until Wednesday, 16 March 2011 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr G.M. Castrilli, Dr K.D. Hames, Mr J.N. Hyde and Mrs C.A. Martin.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly