

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 126

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 16 FEBRUARY 2011

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Appointment of Acting Speaker

The Speaker advised members that Ms A.R. Mitchell was appointed as Acting Speaker for the remainder of this Session, and that Mrs L.M. Harvey was released from the office of Acting Speaker.

3. Papers

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

By the Clerk –

Agricultural and Veterinary Chemicals (Western Australia) Act 1995 – Regulations (Agricultural and Veterinary Chemicals (Western Australia) Amendment Regulations 2011 G.G. 01/02/2011) (2974).

Agriculture and Related Resources Protection Act 1976 – Local Laws (Shire of Ravensthorpe Pest Plant Local Law 2010 G.G. 08/02/2011) (2975).

Agriculture and Related Resources Protection Act 1976 – Regulations (Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2011 G.G. 01/02/2011) (2976).

Agriculture and Related Resources Protection Act 1976 – Regulations (Agriculture and Related Resources Protection (Poison) Amendment Regulations 2011 G.G. 01/02/2011) (2977).

Agriculture and Related Resources Protection Act 1976 – Regulations (Agriculture and Related Resources Protection (Repeals and Amendments) Regulations 2010 G.G. 17/12/2010) (2978).

Agriculture Protection Board Act 1950 – Regulations (Agriculture Protection Board (Repeal) Regulations 2010 G.G. 17/12/2010) (2979).

Beekeepers Act 1963 – Regulations (Beekeepers Amendment Regulations (No. 3) 2010 G.G. 28/01/2011) (2980).

Bush Fires Act 1954 – Local Laws (Shire of Ravensthorpe Bush Fire Brigades Local Law 2010 G.G. 08/02/2011) (2981).

Bush Fires Act 1954 – Regulations (Bush Fires Amendment Regulations 2010 G.G. 17/12/2010) (2982).

Cemeteries Act 1986 – Local Laws (Shire of East Pilbara Cemeteries Local Law 2010 G.G. 17/01/2011) (2983).

- Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2010 G.G. 18/01/2011) (2984).
- Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2011 G.G. 28/01/2011) (2985).
- Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations 2010 G.G. 21/01/2011) (2986).
- Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 3) 2010 G.G. 03/12/2010) (2987).
- Country Areas Water Supply Act 1947 – Regulations (Country Areas Water Supply (Clearing Licence) Amendment Regulations 2010 G.G. 23/11/2010) (2988).
- Criminal Procedure Act 2004 – Rules (Criminal Procedure Amendment Rules 2010 G.G. 21/12/2010) (2989).
- Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations (No. 3) 2010 G.G. 31/12/2010) (2990).
- District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules 2010 G.G. 10/12/2010) (2991).
- Dividing Fences Act 1961 – Local Laws (Town of Bassendean Fencing Local Law 2010 G.G. 31/01/2011) (2992).
- Dog Act 1976 – Local Laws (Shire of Ravensthorpe Dogs Local Law 2010 G.G. 08/02/2011) (2993).
- Dog Act 1976 – Regulations (Dog Amendment Regulations 2010 G.G. 21/12/2010) (2994).
- Edith Cowan University Act 1984 – Statutes (Edith Cowan University - Amending Statute No. 1 of 2010 G.G. 21/01/2011) (2995).
- Electricity Act 1945 – Regulations (Electricity Amendment Regulations 2010 G.G. 31/12/2010) (2996).
- Electricity Industry Act 2004 – Regulations (Electricity Industry (Ombudsman Scheme) Amendment Regulations 2011 G.G. 08/02/2011) (2997).
- Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations (No. 2) 2010 G.G. 03/12/2010) (2998).
- Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations (No. 3) 2010 G.G. 03/12/2010) (2999).
- Energy Coordination Act 1994 – Regulations (Energy Coordination (Ombudsman Scheme) Amendment Regulations 2011 G.G. 08/02/2011) (3000).
- Environmental Protection Act 1986 – Regulations (Environmental Protection (Packaged Fertiliser) Regulations 2010 G.G. 31/12/2010) (3001).
- Fair Trading Act 1987 – Regulations (Fair Trading (Fitness Industry Code of Practice) Regulations 2010 G.G. 10/12/2010) (3002).
- Fair Trading Act 2010 – Regulations (Trade Practices (Australian Consumer Law) Amendment Regulations 2010 (No. 1) G.G. 31/12/2010) (3003).
- Financial Management Act 2006 – Regulations (Financial Management Amendment Regulations (No. 2) 2010 G.G. 10/12/2010) (3004).
- Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2011 G.G. 04/02/2011) (3005).
- Fish Resources Management Act 1994 – Management Plans (Cockburn Sound Crab Fishery Management Plan Amendment 2010 [994] G.G. 10/12/2010) (3006).
- Fish Resources Management Act 1994 – Management Plans (Mackerel Fishery (Interim) Management Plan Amendment 2010 [997] G.G. 03/12/2010) (3007).
- Fish Resources Management Act 1994 – Management Plans (West Coast Deep Sea Crustacean Fishery (Interim) Management Plan Amendment 2010 [998] G.G. 03/12/2010) (3008).
- Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2010 [996] G.G. 03/12/2010) (3009).
- Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing for Crabs (Cockburn Sound) Amendment Order 2010 [993] G.G. 10/12/2010) (3010).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 9) 2010 G.G. 02/12/2010) (3011).

Gas Standards Act 1972 – Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations (No. 2) 2010 G.G. 31/12/2010) (3012).

Gas Standards Act 1972 – Regulations (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 3) 2010 G.G. 18/01/2011) (3013).

Gas Standards Act 1972 – Regulations (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2010 G.G. 26/11/2010) (3014).

Health Act 1911 – Regulations (Health (Notification of Stimulant Induced Psychosis) Regulations 2010 G.G. 07/01/2011) (3015).

Health Act 1911 – Regulations (Health (Pesticides) Regulations 2011 G.G. 01/02/2011) (3016).

Health Act 1911 – Regulations (Health (Western Australian Register of Developmental Anomalies) Regulations 2010 G.G. 07/01/2011) (3017).

Health Practitioner Regulation National Law (WA) Act 2010 – Regulations (Health Practitioner Regulation National Law (WA) Regulations 2010 G.G. 26/11/2010) (3018).

Hospitals and Health Services Act 1927 – By-laws (Armadale Kelmscott District Memorial Hospital Amendment By-laws 2010 G.G. 26/11/2010) (3019).

Hospitals and Health Services Act 1927 – By-laws (Bentley Hospital Amendment By-laws 2010 G.G. 26/11/2010) (3020).

Hospitals and Health Services Act 1927 – By-laws (Fremantle Hospital Amendment By-laws 2010 G.G. 26/11/2010) (3021).

Hospitals and Health Services Act 1927 – By-laws (Metropolitan Health Service Amendment By-laws 2010 G.G. 26/11/2010) (3022).

Hospitals and Health Services Act 1927 – By-laws (Osborne Park Hospital Amendment By-laws 2010 G.G. 26/11/2010) (3023).

Hospitals and Health Services Act 1927 – By-laws (Royal Perth Hospital Amendment By-laws 2010 G.G. 26/11/2010) (3024).

Hospitals and Health Services Act 1927 – By-laws (Swan District Hospital (Eveline Road Site) Amendment By-laws 2010 G.G. 26/11/2010) (3025).

Hospitals and Health Services Act 1927 – By-laws (Women's and Children's Hospitals Amendment By-laws 2010 G.G. 26/11/2010) (3026).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations 2011 G.G. 11/02/2011) (3027).

Legal Profession Act 2008 – Rules (Printers Correction – Legal Profession Conduct Rules 2010 G.G. 26/11/2010) (3028).

Limited Partnerships Act 1909 – Rules (Limited Partnerships (Repeal and Amendment) Rules 2010 G.G. 07/01/2011) (3029).

Liquor Control Act 1988 – Regulations (Liquor Control (Irrungadji Restricted Area) Regulations 2010 G.G. 03/12/2010) (3030).

Liquor Control Act 1988 – Regulations (Liquor Control (Punmu Restricted Area) Regulations 2010 G.G. 03/12/2010) (3031).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 8) 2010 G.G. 03/12/2010) (3032).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 9) 2010 G.G. 03/12/2010) (3033).

Local Government Act 1995 – Local Laws (City of Canning Parking Local Law 2010 G.G. 17/12/2010) (3034).

Local Government Act 1995 – Local Laws (City of Cockburn (Local Government Act) Amendment Local Law 2010 G.G. 10/12/2010) (3035).

Local Government Act 1995 – Local Laws (City of Fremantle Parking Amendment Local Law 2010 G.G. 24/12/2010) (3036).

- Local Government Act 1995 – Local Laws (Shire of Dandaragan - Parking and Parking Facilities Local Law 2010 G.G. 21/12/2010) (3037).
- Local Government Act 1995 – Local Laws (Shire of East Pilbara Standing Orders Local Law 2010 G.G. 17/01/2011) (3038).
- Local Government Act 1995 – Local Laws (Shire of Ravensthorpe Parking and Parking Facilities Local Law 2010 G.G. 08/02/2011) (3039).
- Local Government Act 1995 – Local Laws (Shire of Ravensthorpe Standing Orders Amendment Local Law 2010 G.G. 08/02/2011) (3040).
- Local Government Act 1995 – Local Laws (Town of Kwinana Parking and Parking Facilities Local Law 2010 G.G. 11/01/2011) (3041).
- Local Government Act 1995 – Regulations (Local Government (Audit) Amendment Regulations 2010 G.G. 21/12/2010) (3042).
- Lotteries Commission Act 1990 – Regulations (Lotteries Commission (Designated Authorities) Amendment Regulations 2010 G.G. 07/12/2010) (3043).
- Lotteries Commission Act 1990 – Rules (Lotteries Commission (Saturday Lotto) Amendment Rules (No. 3) 2010 G.G. 21/12/2010) (3044).
- Magistrates Court Act 2004 – Rules (Magistrates Court (General) Amendment Rules 2010 G.G. 07/01/2011) (3045).
- Mining Act 1978 – Orders (Mining (Reversion Licence Application Scheme) Amendment Order 2011 G.G. 04/02/2011) (3046).
- Mining Act 1978 – Regulations (Mining Amendment Regulations 2011 G.G. 04/02/2011) (3047).
- Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 6) 2010 G.G. 10/12/2010) (3048).
- Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 7) 2010 G.G. 07/01/2011) (3049).
- Occupational Therapists Act 2005 – Regulations (Occupational Therapists Amendment Regulations 2010 G.G. 07/01/2011) (3050).
- Offshore Minerals (Registration Fees) Act 2003 – Regulations (Offshore Minerals (Registration Fees) Regulations 2010 G.G. 17/12/2010) (3051).
- Offshore Minerals Act 2003 – Orders (Offshore Minerals (Transitional Provisions) Order 2010 G.G. 17/12/2010) (3052).
- Offshore Minerals Act 2003 – Regulations (Offshore Minerals Regulations 2010 G.G. 17/12/2010) (3053).
- Public Sector Management Act 1994 – Regulations (Public Sector Management (Breaches of Public Sector Standards) Amendment Regulations 2011 G.G. 11/02/2011) (3054).
- Public Sector Management Act 1994 – Regulations (Public Sector Reform (Consequential Amendments) Regulations 2011 G.G. 11/02/2011) (3055).
- Public Sector Management Act 1994 – Standards (Public Sector Management - Employment Standards G.G. 11/02/2011) (3056).
- Queen Elizabeth II Medical Centre Act 1966 – By-laws (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2010 G.G. 17/12/2010) (3057).
- Rail Safety Act 2010 – Regulations (Rail Safety Regulations 2011 G.G. 28/01/2011) (3058).
- Rights in Water and Irrigation Act 1914 – Regulations (Water (Dixvale Area and Yanmah Area) Licensing Repeal Regulations 2010 G.G. 23/11/2010) (3059).
- Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations 2011 G.G. 11/02/2011) (3060).
- Road Traffic Act 1974 – Regulations (Road Traffic (Towed Agricultural Implements) Amendment Regulations 2010 G.G. 07/12/2010) (3061).
- Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations 2010 G.G. 26/11/2010) (3062).

Rottneest Island Authority Act 1987 – Regulations (Rottneest Island Amendment Regulations (No. 3) 2010 G.G. 17/12/2010) (3063).

School Education Act 1999 – Regulations (School Education Amendment Regulations 2010 G.G. 21/12/2010) (3064).

Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 2011 G.G. 11/02/2011) (3065).

Spent Convictions Act 1988 – Regulations (Spent Convictions Amendment Regulations (No. 2) 2010 G.G. 24/12/2010) (3066).

Transport Co-ordination Act 1966 – Regulations (Country Taxi-cars (Fares and Charges) Amendment Regulations 2011 G.G. 11/02/2011) (3067).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (Colleges) Amendment Regulations (No. 2) 2010 G.G. 26/11/2010) (3068).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Shire of Capel Waste Facility Local Law 2010 G.G. 29/11/2010) (3069).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Water Use) Amendment By-laws (No. 2) 2010 G.G. 30/11/2010) (3070).

Water Agencies (Powers) Act 1984 – Regulations (Water Agencies (Entry Warrant) Amendment Regulations 2010 G.G. 23/11/2010) (3071).

Water Services Licensing Act 1995 – Regulations (Water Services Licensing (Extension of Enactments) Amendment Regulations 2010 G.G. 23/11/2010) (3072).

Waterways Conservation Act 1976 – Regulations (Waterways Conservation Amendment Regulations 2010 G.G. 23/11/2010) (3073).

Western Australian College of Teaching Act 2004 – Regulations (Western Australian College of Teaching Amendment Regulations 2010 G.G. 03/12/2010) (3074).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2011 G.G. 11/02/2011) (3075).

4. Expiration of Notice of Motion

The Speaker advised members that Private Members' Business Notice of Motion No. 2, notice of which was given on 25 November 2009 and renewed for a further 30 sitting days on 11 August 2010, would be removed and would not appear on the next Notice Paper.

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the death of Sir Ernest Henry Lee-Steere KBE.

The Minister for Corrective Services on the launch of the new West Kimberley Youth Justice Services.

The Minister for Heritage on the death of Professor David Dolan.

6. Premier's Statement

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

Mr E.S. Ripper moved, To add the following words –

and that the House condemns the Liberal-National Government for its failure to conduct an independent, full and open judicial inquiry into the recent fires at Roleystone and Kelmscott which resulted in the destruction of 72 houses and requires the Minister for Emergency Services to provide a full explanation to the House on this matter.

Debate ensued.

Debate interrupted by the Chair (Dr A.D. Buti speaking) and adjourned until a later stage of the sitting.

7. Speaker's Statement – Television Footage

The Speaker advised members that he had approved the presence of television cameras this afternoon in the north and south doors of the Chamber, and in the public and press galleries, to film the commencement of Question Time.

8. Questions

Questions without Notice were taken.

Questions on Notice Nos 4667 to 4672 were asked.

Questions on Notice Nos 4237, 4241, 4248, 4261, 4282, 4283, 4285, 4287, 4288, 4298, 4300, 4307, 4319, 4334 to 4336, 4338, 4346, 4349, 4352, 4353, 4409, 4415, 4426, 4434, 4437, 4440, 4442, 4445, 4456, 4458, 4466, 4469, 4472, 4482, 4488, 4490, 4498, 4504, 4514, 4515, 4517, 4520, 4530, 4531, 4533, 4536, 4538, 4546, 4549, 4552, 4554, 4562, 4565, 4568, 4570, 4578, 4581, 4584, 4586, 4594, 4597, 4600 and 4604 were answered.

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

Question on Notice No. 4554 – Costs of vehicle detailing and cleaning for the Departments of Health and Indigenous Affairs (3076).

Question on Notice No. 4570 – Assaults on Department of Health staff from January 2009 to December 2010 (3077).

Question on Notice No. 4538 – Employees engaged in media, communications, marketing or speechwriting, their salary bands, job titles and list of entitlements for the Department of Health (3078).

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

Question on Notice No. 4552 – Employees engaged in media, communications, marketing or speechwriting, their salary bands, job titles and list of entitlements for the Department of Housing (3079).

Question on Notice No. 4584 – Assaults on Department of Housing staff from January 2009 to December 2010 (3080).

Papers tabled by the Minister for Water; Mental Health –

Question on Notice No. 4565 – Cost of vehicle cleaning for the Drug and Alcohol Office (3081).

Question on Notice No. 4581 – Assaults on Drug and Alcohol Office staff from January 2009 to December 2010 (3082).

9. Unanswered Questions on Notice

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

Mr C.J. Tallentire – Questions on Notice Nos 4306 and 4312.

Mr M. McGowan – Questions on Notice Nos 3929, 3930, 4111, 4114, 4365 to 4383, 4386 and 4387.

Mr E.S. Ripper – Questions on Notice Nos 4017, 4019, 4257, 4262, 4263, 4425, 4430, 4441, 4446, 4450, 4451, 4453, 4457, 4462, 4489, 4494, 4537, 4542, 4569, 4573, 4574, 4579, 4585, 4590 and 4595.

10. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

11. Premier's Statement

The Order of the Day for the resumption of the debate on the amendment moved by Mr E.S. Ripper to the question, That the Premier's Statement be noted, was read [see paragraph 6].

Debate resumed.

Amendment put.

The Assembly divided.

Ayes (24)

Dr A.D. Buti
Ms A.S. Carles
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
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 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 B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (28)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable
Mr M.J. Cowper

Mr J.H.D. Day
Mr J.M. Francis
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
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 A.J. Simpson
Mr M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr J.E. McGrath (*Teller*)

Amendment thus negatived.

On the question That the Premier's Statement be noted,

Debate resumed.

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

Question put and passed.

12. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 8.59 p.m. until Thursday, 17 February 2011 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, Mr J.J.M. Bowler, Mr B.J. Grylls and Dr K.D. Hames.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly