

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 191

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 28 FEBRUARY 2012

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 Road Safety on the ‘Enjoy the Ride’ Road Safety Campaign.

The Minister for Culture and the Arts on the Western Australian Museum exhibition entitled *Debt of Honour: Australia’s First Commandos and East Timor*.

The Minister for Emergency Services on the Government response to the Community Development and Justice Standing Committee report, *Western Australia’s Readiness for the 2011–12 Bushfire Season*.

Paper

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

By the Minister for Emergency Services –

Community Development and Justice Standing Committee – Government Response to the Committee’s Report: Western Australia’s Readiness for the 2011–12 Bushfire Season (4542).

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 7320 to 7327 were asked.

Questions on Notice Nos 6800, 6806, 6879, 6931, 6965, 6998, 7065 and 7069 were answered.

4. Petitions

Golden Bay Development – Mr P. Papalia presented a petition from 444 persons requesting that the Legislative Assembly calls upon the Barnett Government to reconsider its proposed Golden Bay development in light of community concerns (P. 543).

Uranium Mining in Western Australia – Ms L.L. Baker presented a petition from 293 persons requesting that the Legislative Assembly re-instates the ban on uranium mining in Western Australia (P. 544).

Trinity Medical Centre – Mr J.J.M. Bowler presented a petition from 1,981 persons requesting that the Legislative Assembly supports Trinity Medical Centre in its application to increase the number of onsite General Practitioners and support staff, along with the extension of after-hour operating times (P. 545).

Carpark Facilities Cockburn Central Railway Station – Mr F.M. Logan presented a petition from 306 persons requesting that the Legislative Assembly calls upon the State Government to commit to building a new overpass road bridge joining an upgraded North Lake Road to Armadale Road and a new rail station with car parking at Russell Road (P. 546).

Skilled Local Jobs Bill 2011 – Mr E.S. Ripper presented a petition from 63 persons requesting that the Legislative Assembly supports the Skilled Local Jobs Bill 2011 with the objective of ensuring a greater share of skilled work for major resources projects is performed in Western Australia (P. 547).

Australind Bypass – Mr M.J. Cowper presented a petition from 131 persons requesting that the Legislative Assembly supports the campaign to reseal the section of road from Marriott Road to Clifton Road on the Australind bypass with freeway grade asphalt (P. 548).

Sale of Liquor in Western Australia – Mr E.S. Ripper presented a petition from 42 persons requesting that the Legislative Assembly removes the requirement that patrons be seated at a dining table at restaurants which have a licence to serve liquor without a meal (P. 549).

5. Papers

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

Chemistry Centre of Western Australia [ChemCentre] – Statement of Corporate Intent 2012–2013 (4530).

Commissioner for Children and Young People – Building Blocks: Best Practice Programs that Improve the Wellbeing of Children and Young People, Edition One, February 2012 (4531).

Community Development and Justice Standing Committee – Minutes for the Period 1 January to 31 December 2011 (4532).

Dog Act 1976 – Local Laws (City of Vincent Dogs Amendment Local Law 2012 G.G. 24/02/2012) (4533).

Education and Health Standing Committee – Minutes for the Period 1 January to 31 December 2011 (4534).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2012 G.G. 24/02/2012) (4535).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations 2012 G.G. 24/02/2012) (4536).

Hospitals and Health Services Act 1927 – Regulations (Hospitals and Health Services (Pathology) Amendment Regulations 2012 G.G. 24/02/2012) (4537).

Land Administration Act 1997 – Submission under section 42(4) of the Act for amendment to Class ‘A’ Reserve 27575 to facilitate the widening of Hester Avenue, Neerabup (4538).

Local Government Act 1995 – Local Laws (Busselton Regional Airport Local Law 2012 G.G. 24/02/2012) (4539).

Local Government Act 1995 – Local Laws (City of Cockburn Jetties, Waterways and Marina Local Law 2012 G.G. 23/02/2012) (4540).

Mining Act 1978 – Regulations (Mining Amendment Regulations 2012 G.G. 24/02/2012) (4541).

6. Notices of Motion

7. Joint Standing Committee on the Corruption and Crime Commission – Extension of Reporting Dates

The Deputy Speaker reported a letter dated 23 February 2012 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising of extended reporting dates. In relation to its Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth, the Committee will now report on 21 June 2012, and in relation to the Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct, the Committee will now report on 15 November 2012.

8. Leave to Meet When the House is Sitting

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

That leave be given to the Economics and Industry Standing Committee to meet when the House is sitting on Tuesday, 28 February 2012 from 5pm to 6pm.

Question put and passed.

9. Restoration of Bill

The Minister for Health, pursuant to notice, moved,

That the *Royal Perth Hospital Protection Bill 2008* be restored to the point it reached prior to its removal from the Notice Paper on Wednesday, 22 February 2012.

Question put and passed.

10. Criminal Investigation (Identifying People) Amendment Bill 2012

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Criminal Investigation (Identifying People) Act 2002* and to consequentially amend the *Criminal Investigation Act 2006*.” be introduced and read a first time.

Question put and passed.

The Minister for Police presented an explanatory memorandum and bill read a first time.

The Minister for Police moved, That the bill be now read a second time.

Mr M. McGowan moved, That the debate be adjourned.

Question put and passed.

11. Retail Trading Hours Amendment Bill 2012

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

The Minister for Transport moved, That the bill be read a second time.

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

Question put and passed.

12. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Criminal Appeals Act 2004* and, as a consequence, various other Acts, and for related matters.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

The Attorney General 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. Criminal Organisations Control Bill 2011

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 and 2 agreed to.

Clause 3.

Mr J.R. Quigley moved,

Page 4, lines 28 and 29 – To delete the words “a judge or retired judge currently designated under section 26” and substitute:

“ the Commissioner of the Corruption and Crime Commission ”.

Amendment put.

The Assembly divided.

Ayes (21)

Ms L.L. Baker
Dr A.D. Buti
Ms A.S. Carles
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Mrs C.A. Martin

Mr M. McGowan
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts

Ms R. Saffioti
Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (27)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
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
Mr J.H.D. Day
Mr J.M. Francis
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion

Mr J.E. McGrath
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 4 to 6 agreed to.

Clause 7.

Mr J.R. Quigley moved,

Page 10, line 11 – To delete the words “or the CC Commissioner”.

Amendment put and negatived.

Mr J.R. Quigley moved,

Page 11, lines 1 to 6 – To delete the lines.

Amendment put and negatived.

Clause agreed to.

Clauses 8 and 9 agreed to.

Clause 10.

Mr J.R. Quigley moved,

Page 13, after line 13 – To insert:

“

- (4) Without limiting section 22 of the *Royal Commissions Act 1968*, the designated authority may, so far as the designated authority thinks proper, examine or cross-examine any witness on any matter which the designated authority thinks relevant, or allow a person appearing at the hearing to do so.

”.

Amendment put and passed.

Mr J.R. Quigley moved,

Page 13, line 14 – To delete the words “and (3)” and substitute:

“ , (3) and (4) ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 11 to 18 agreed to.

Clause 19.

Mr J.R. Quigley moved,

Page 19, lines 7 and 8 – To delete the lines.

Amendment put and negatived.

Mr J.R. Quigley moved,

Page 19, lines 25 and 26 – To delete the words “or the CC Commissioner, give both of those persons” and substitute:

“ give that person ”.

Amendment put and negatived.

Clause agreed to.

Clause 20.

Mr J.R. Quigley moved,

Page 20, lines 10 and 11 – To delete the words “or the CC Commissioner”.

Amendment put and negatived.

Clause agreed to.

Clause 21.

Mr J.R. Quigley moved,

Page 21, line 13 – To delete the line.

Amendment put and negatived.

Mr J.R. Quigley moved,

Page 21, line 15 – To delete the words “or the CC Commissioner”.

Page 21, line 24 – To delete the words “or the CC Commissioner”.

Amendments put and negatived.

Clause agreed to.

Clause 22.

Mr J.R. Quigley moved,

Page 22, line 13 – To delete the line.

Amendment put and negatived.

Clause agreed to.

Clause 23 agreed to.

Clause 24.

Mr J.R. Quigley moved,

Page 22, line 23 – To delete the words “or the CC Commissioner”.

Amendment put and negatived.

Clause agreed to.

Clause 25 agreed to.

Clause 26.

Clause put.

The Assembly divided.

Ayes (26)

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

Mr J.H.D. Day
Mr J.M. Francis
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr J.E. McGrath

Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
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Ms R. Saffioti
Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Clause thus agreed to.

Clauses 27 to 56 agreed to.

Clause 57.

Mr J.R. Quigley moved,

Page 45, lines 18 to 23 – To delete the lines.

Amendment put and negatived.

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

Question put and passed.

14. Expiration of Notice of Motion

The Speaker advised members that Private Members’ Business Notice of Motion No. 3, Classroom First and Networking Strategy, notice of which was given on 15 March 2011 and renewed for a further 30 sitting days on 30 August 2011, would be removed and would not appear on the next Notice Paper.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.26 p.m. until Wednesday, 29 February 2012 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr T.G. Stephens and Dr J.M. Woollard.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly