

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 212

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 19 JUNE 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. Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of a visiting delegation from the Cook Islands Parliament. Members of the delegation were: the Hon John Henry MP, the Hon Jim Marurai MP, the Hon Mona Ioane MP, the Hon Kiriau Turepa MP, the Hon Taunga Toka MP, Mr Tupuna Rakanui and Mr Paul Allsworth.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the appointment of the Chief Executive Officer of the Metropolitan Redevelopment Authority, Mr Kieran Kinsella.

The Minister for Environment on the creation of Camden Sound Marine Park.

The Minister for Citizenship and Multicultural Interests on the Government's efforts to improve community engagement with culturally and linguistically diverse Western Australians.

### 4. Questions

Questions without Notice were taken.

Questions on Notice Nos 8230 to 8235 were asked.

Questions on Notice Nos 7703, 7840, 7884, 7912, 7915, 7918, 7920 to 7939, 7941 to 7970, 7973, 7974, 7977 to 7985, 7987, 7988, 7991, 7997 to 8002, 8004, 8006, 8007, 8011, 8012, 8015, 8017, 8018, 8022, 8023, 8025, 8026 and 8028 were answered.

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Paper tabled by the Minister for Health –

Question on Notice No. 7884 – Question outlining clinical services for each of the following regional hospitals; Albany, South West Regional Campus (Bunbury), Hedland Health Campus, Nickol Bay, Broom and Geraldton (4949).

Paper tabled by the Minister for Environment –

Question on Notice No. 7987 – Question in relation to the prescribed premises licence conditions for the Mt Weld Rare Earth Operation Concentrator Plant (4950).

Paper tabled by the Minister for Forestry –

Question on Notice No. 8011 – Question relating to specifications for the grading of jarrah saw logs (4951).

## 5. Petitions

Moore River Estuary Development – Ms L.L. Baker presented a petition from 60 persons requesting that the Legislative Assembly supports the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 608).

Skilled Local Jobs – Mr C.J. Tallentire presented a petition from 51 persons requesting that the Legislative Assembly ensures that a greater share of skilled work for major resources projects is performed in Western Australia (P. 609).

Household Fees and Charges – Mr C.J. Tallentire presented a petition from 31 persons requesting that the Legislative Assembly voices the case of householders aggrieved by increases in fees and charges and provides relief for Western Australian householders trying to balance the household budget (P. 610).

Gosnells Police and Citizens Youth Centre (PCYC) – Mr C.J. Tallentire presented a petition from 14 persons requesting that the Legislative Assembly ensures the continued future of the Gosnells PCYC and that sufficient resources and funding are allocated to enable this to occur (P. 611).

Container Deposit Scheme – Mr C.J. Tallentire presented a petition from 13 persons requesting that the Legislative Assembly calls upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 612).

National Insurance Disability Scheme – Mr C.J. Tallentire presented a petition from 7 persons requesting that the Legislative Assembly calls upon the Premier to listen to the requests from Western Australian people with disabilities and immediately establishes a community reference group to advise on how a national disability insurance scheme may work best for Western Australia (P. 613).

## 6. Papers

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct by any Public Officer in Relation to the Perth Hills Bushfires of 6 February 2011 (Received by the Clerk of the Legislative Assembly and deemed tabled on 15 June 2012) (4905).

By the Clerk –

Building Act 2011 – Regulations (Building Amendment Regulations 2012 G.G. 15/06/2012) (4906).

Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations (No. 3) 2012 G.G. 15/06/2012) (4907).

Chattel Securities Act 1987 – Regulations (Chattel Securities Amendment Regulations 2012 G.G. 15/06/2012) (4908).

Conservation and Land Management Act 1984 – Orders (Ngari Capes Marine Park Order 2012 G.G. 12/06/2012) (4909).

Dangerous Goods Safety Act 2004 – Codes (Approved Codes of Practice in accordance with section 20 of the Dangerous Goods Safety Act 2004 (2012) G.G. 12/06/2012) (4910).

Debt Collectors Licensing Act 1964 – Regulations (Debt Collectors Licensing Amendment Regulations 2012 G.G. 15/06/2012) (4911).

Electricity Act 1945 – Regulations (Electricity (Licensing) Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4912).

Employment Agents Act 1976 – Regulations (Employment Agents Amendment Regulations 2012 G.G. 15/06/2012) (4913).

Financial Management Act 2006 – Notice under section 82 of the Act from the Minister for Transport in respect to not providing an answer to Part 8 of Legislative Council Question on Notice 5367 (4914).

Firearms Act 1973 – Regulations (Firearms Amendment Regulations 2012 G.G. 15/06/2012) (4915).

Fish Resources Management Act 1994 – Management Plans (Kimberley Gillnet and Barramundi Fishery Management Plan Amendment 2012 [1085] G.G. 13/06/2012) (4916).

Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Lake Argyle) Order 2012 [1066] G.G. 15/06/2012) (4917).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing by Net (North West Areas) Amendment Order 2012 [1066] G.G. 15/06/2012) (4918).

Gas Standards Act 1972 – Regulations (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2012 G.G. 15/06/2012) (4919).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 4) 2012 G.G. 15/06/2012) (4920).

Iron Ore (Hamersley Range) Agreement Act 1963 – By-laws (Hamersley Iron (Port of Dampier) Amendment By-laws 2012 G.G. 15/06/2012) (4921).

Iron Ore (Robe River) Agreement Act 1964 – By-laws (Iron Ore (Robe River) Cape Lambert Ore and Service Wharves Amendment By-laws 2012 G.G. 15/06/2012) (4922).

Land Valuers Licensing Act 1978 – Regulations (Land Valuers Licensing Amendment Regulations 2012 G.G. 15/06/2012) (4923).

Marine Navigational Aids Act 1973 – Regulations (Marine Navigational Aids Amendment Regulations 2012 G.G. 15/06/2012) (4924).

Motor Vehicle Dealers Act 1973 – Regulations (Motor Vehicle Dealers (Licensing) Amendment Regulations 2012 G.G. 15/06/2012) (4925).

Motor Vehicle Repairers Act 2003 – Regulations (Motor Vehicle Repairers Amendment Regulations 2012 G.G. 15/06/2012) (4926).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 3) 2012 G.G. 15/06/2012) (4927).

Pawnbrokers and Second-hand Dealers Act 1994 – Regulations (Pawnbrokers and Second-hand Dealers Amendment Regulations 2012 G.G. 15/06/2012) (4928).

Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) Amendment Regulations 2012 G.G. 12/06/2012) (4929).

Petroleum (Submerged Lands) Registration Fees Act 1982 – Regulations (Petroleum (Submerged Lands) Registration Fees Amendment Regulations 2012 G.G. 12/06/2012) (4930).

Petroleum and Geothermal Energy Resources (Registration Fees) Act 1967 – Regulations (Petroleum and Geothermal Energy Resources (Registration Fees) Amendment Regulations 2012 G.G. 12/06/2012) (4931).

Petroleum and Geothermal Energy Resources Act 1967 – Regulations (Petroleum and Geothermal Energy Resources Amendment Regulations 2012 G.G. 12/06/2012) (4932).

Petroleum Pipelines Act 1969 – Regulations (Petroleum Pipelines Amendment Regulations 2012 G.G. 12/06/2012) (4933).

Police Act 1892 – Regulations (Police (Fees) Amendment Regulations 2012 G.G. 15/06/2012) (4934).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4935).

Real Estate and Business Agents Act 1978 – Regulations (Real Estate and Business Agents (General) Amendment Regulations 2012 G.G. 15/06/2012) (4936).

Security and Related Activities (Control) Act 1996 – Regulations (Security and Related Activities (Control) Amendment Regulations 2012 G.G. 15/06/2012) (4937).

Settlement Agents Act 1981 – Regulations (Settlement Agents Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4938).

Shipping and Pilotage Act 1967 – Regulations (Mooring Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4939).

Shipping and Pilotage Act 1967 – Regulations (Navigable Waters Amendment Regulations 2012 G.G. 15/06/2012) (4940).

Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4941).

Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Ports and Harbours) Amendment Regulations 2012 G.G. 15/06/2012) (4942).

Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules 2012 G.G. 12/06/2012) (4943).

Travel Agents Act 1985 – Regulations (Travel Agents Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4944).

Water Services Licensing Act 1995 – Regulations (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4945).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4946).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Hire and Drive Vessels) Amendment Regulations (No. 2) 2012 G.G. 15/06/2012) (4947).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Load Lines) Amendment Regulations 2012 G.G. 15/06/2012) (4948).

## **7. Notices of Motion**

### **8. Notice of Motion Lapsed**

The Speaker advised that Private Members' Business Notice of Motion No. 2 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### **9. Expiration of Notice of Motion**

The Speaker advised members that Private Members' Business Notice of Motion No. 3, notice of which was given on 9 August 2011 and renewed for a further 30 sitting days on 29 November 2011, would be removed and would not appear on the next Notice Paper.

### **10. Removal of Order of the Day**

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Acts Amendment (Western Australia Day) Bill 2011, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

The Speaker further advised, for members' information, that a bill removed under this Standing Order may be restored by motion to the point it had reached prior to its removal.

### **11. Matter of Public Interest – Failures in the Area of Housing**

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House condemns the Barnett Government for its failures in the area of housing, including the halving of building approvals, out-of-control rents, and mismanagement of public housing.

Debate ensued.

Question put.

The Assembly divided.

Ayes (26)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Dr A.D. Buti	Mr M.P. Murray	Mr C.J. Tallentire
Ms A.S. Carles	Mr A.P. O’Gorman	Mr P.C. Tinley
Mr R.H. Cook	Mr P. Papalia	Mr A.J. Waddell
Ms J.M. Freeman	Mr J.R. Quigley	Mr P.B. Watson
Mr J.N. Hyde	Ms M.M. Quirk	Mr M.P. Whitely
Mr W.J. Johnston	Mr E.S. Ripper	Mr B.S. Wyatt
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr D.A. Templeman ( <i>Teller</i> )
Mr F.M. Logan	Ms R. Saffioti	

Noes (30)

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

Question thus negatived.

## 12. Restoration of Bill

Mr J.N. Hyde, pursuant to notice, moved,

That the Perth Theatre Trust Amendment Bill 2011 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 12 June 2012.

Question put and passed.

## 13. Fire and Emergency Services Legislation Amendment Bill 2012

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 to 6 agreed to.

Clause 7.

The Minister for Emergency Services moved,

Page 8, line 27 – To insert after “money”:

“

from the Western Australian Treasury Corporation, or as otherwise approved by the Treasurer,

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 8 to 147 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.

#### **14. Variation to the Order of Business**

Ordered, That Government Business Orders of the Day Nos 3 and 2 be next considered.

#### **15. Water Services Legislation Amendment and Repeal Bill 2011**

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 15 agreed to.

Clause 16.

The Minister for Water moved,

Page 7, line 8 – To delete “Department.” and substitute:

“ Department or a person authorised to do so by the Minister. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 17 to 204 agreed to.

Clause 205.

Clause put and negatived.

New clause 205.

The Minister for Water moved,

Page 91, after line 3 – To insert:

“

#### **205. Building Services (Complaint Resolution and Administration) Act 2011 amended**

(1) This section amends the *Building Services (Complaint Resolution and Administration) Act 2011*.

(2) In section 3 in the definitions of *building service Act* paragraph (f), *plumbing work* and *vocational regulatory body* paragraph (b) delete “*Water Services*” and insert:

*Plumbers*

(3) In section 92(5)(e) delete “*Water Services*” and insert:

*Plumbers*

”.

New clause agreed to.

Clause 206.

Clause put and negatived.

New clause 206.

The Minister for Water moved,

Page 91, after line 17 – To insert:

“

**206. Bulk Handling Act 1967 amended**

- (1) This section amends the Bulk Handling Act 1967.
- (2) Delete section 52A.

”.

New clause agreed to.

Clause 207.

The Minister for Water moved,

Page 92, lines 1 to 11 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 208 to 212 agreed to.

Clause 213.

Clause put and negatived.

New clause 213.

The Minister for Water moved,

Page 96, after line 3 – To insert:

“

**213. Fire Brigades Act 1942 amended**

- (1) This section amends the *Fire Brigades Act 1942*.
- (2) Delete sections 54 and 55.
- (3) At the beginning of section 61 insert:

- (1) In this section —

***water services licensee*** means a licensee as defined in the *Water Services Act 2011* section 3(1).

- (4) In section 61:

- (a) delete “The Authority,” and insert:

- (2) The Authority,

- (b) delete “water supply authority” and insert:

water services licensee

”.

New clause agreed to.

Clauses 214 to 233 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.

**16. Speaker's Statement – Notice of Motion**

The Speaker advised members that the notice of motion given by the Member for Warnbro, regarding internment camps in Australia during the World War II, had been allowed to remain in its original form, even though it contained argument more properly contained within the debate when the motion is being considered. The special circumstances involved in that notice of motion did not apply to other notices. When members formulate a notice of motion, it should be a concise, self-contained proposition and one which not contain argument.

**17. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 1.02 a.m. on Wednesday, 20 June 2012 until 12.00 noon on the same day.

*Members present during any part of the day's proceedings* – All the members except Mrs C.A. Martin.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly