

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 173

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 18 OCTOBER 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. Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of a delegation from New Zealand of the Friendship Force.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on Mental Health Week.

Paper

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

By the Minister for Health –

Mental Health Commission – Mental Health 2020: Making it personal and everybody's business (4111).

The Minister for Regional Development on the appointment of Mr Ian Fletcher as the Chair of the Regional Development Council.

The Minister for Environment on the indicative management plan for the proposed Eighty Mile Beach Marine Park.

The Minister for Planning on the Metropolitan Region Scheme Amendment – Perth Waterfront.

Paper

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1203/41 Perth Waterfront – Report on Submissions (4112).

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1203/41 Perth Waterfront – Transcript of Hearings (4113).

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1203/41 Perth Waterfront – Submissions (4114).

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1203/41 Perth Waterfront – Detailed Map 3.2379/1 (4115).

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 6291 to 6315 were asked.

Questions on Notice Nos 5841, 5997, 5998, 6030, 6036, 6039, 6041, 6048, 6049, 6051, 6053 to 6055, 6057 to 6060, 6063, 6064, 6070 to 6074, 6077, 6079, 6082, 6083, 6085 to 6094, 6096 to 6117, 6118, 6120 to 6124, 6128, 6133 to 6135, 6137 to 6140, 6141, 6144 to 6147, 6149 to 6151, 6154 to 6160, 6162 to 6174, 6177, 6188, 6202 and 6240 were answered.

Paper tabled by the Premier –

Question on Notice No. 5841 – Summary of gifts to visiting dignitaries from 23 September 2008 to 9 August 2011 (4101).

Papers tabled by the Minister for Education –

Question on Notice No. 6036 – The number of public schools offering programs for children aged 0-4 years and the names of the schools providing these programs (4102).

Question on Notice No. 6039 – How many public schools have a school nurse located at the school and what are the names of those schools (4103).

Question on Notice No. 6053 – What is the operating budget for new Regional Education Offices and Local Education Offices including staffing, leasing payments and office annual outgoings (4104).

Question on Notice No. 6054 – How many teacher librarians currently employed in Western Australian public schools (4105).

Question on Notice No. 6059 – The current Department of Education socio-economic index for each Western Australian government school (4106).

Papers tabled by the Minister for Health; Tourism –

Question on Notice No. 6057 – The specific job descriptions, titles, levels and positions of officers who receive gifts relating to Question on Notice No. 6580 and tabled paper 3762 (4107).

Question on Notice No. 6157 – Details on the Healthway sponsorship program grants including the amount given to each organisation and the purpose of the grant for the twelve months ending 1 September 2011 (4108).

Paper tabled by the Minister for Racing and Gaming; Sport and Recreation –

Question on Notice No. 6077 – Details on licencing of small bars and restaurants including applications and compulsory service of alcohol training (4109).

Paper tabled by the Minister for Emergency Services; Police; Road Safety –

Question on Notice No. 6085 – Power and duties contained in the *Bush Fires Act 1954* and details on the instrument of delegation (4110).

5. Personal Explanation

Mr T.G. Stephens made a personal explanation on the Office of the Registrar of Indigenous Corporations.

6. Petitions

Container Deposit Scheme – Mr C.J. Tallentire presented a petition from 41 persons requesting that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 483).

Diagnostic Mammogram Service in Mandurah – Mr D.A. Templeman presented a petition from 293 persons requesting that immediate action be taken to ensure that a diagnostic mammogram service is again made available to the local women of Mandurah (P. 484).

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 No. 73: Report of an Announced Inspection of Bandyup Women's Prison, August 2011 (Received by the Clerk of the Legislative Assembly on 7 September 2011 and held for a period of thirty days in accordance with the Inspector of Custodial Services Act 2003 and deemed tabled on 7 October 2011) (4072).

By the Clerk –

Attorney General, Department of the – Annual Report 2010–2011 (4073).

Builders' Registration Board – Annual Report 2010–2011 (4074).

Commonwealth Heads of Government Meeting (Special Powers) Act 2011 – Regulations (Commonwealth Heads of Government Meeting (Special Powers) Regulations 2011 G.G. 07/10/2011) (4075).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2011 G.G. 30/09/2011) (4076).

Dampier Port Authority – Annual Report 2010–2011 (4077).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Security Risk Substances) Amendment Regulations 2011 G.G. 04/10/2011) (4078).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments 2011 G.G. 30/09/2011) (4079).

Esperance Port Authority – Annual Report 2010–2011 (4080).

Exotic Diseases of Animals Act 1993 – Regulations (Exotic Diseases of Animals Regulations 2011 G.G. 14/10/2011) (4081).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 4) 2011 [1048] G.G. 11/10/2011) (4082).

Fish Resources Management Act 1994 – Orders (Prohibition on Taking Abalone (North of Moore River) Order 2011 – Order No. 6 of 2011 [1050] G.G. 30/09/2011) (4083).

Gender Reassignment Board of Western Australia – Annual Report 2010–2011 (4084).

Health Act 1911 – Local Laws (Shire of Kalamunda Health Local Law 2011 G.G. 07/10/2011) (4085).

Landcorp – Statement of Corporate Intent 2011–2012 (4086).

Legal Contribution Trust – Financial Report for the Six Months Ended 31 December 2010 (4087).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 6) 2011 G.G. 07/10/2011) (4088).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 8) 2011 G.G. 27/09/2011) (4089).

Local Government Act 1995 – Local Laws (City of Stirling Local Government Property Amendment Local Law 2011 G.G. 30/09/2011) (4090).

Local Government Act 1995 – Local Laws (Shire of Kellerberrin Parking and Parking Facilities Local Law 2011 G.G. 14/10/2011) (4091).

Local Government Act 1995 – Local Laws (Town of Kwinana Extractive Industries Local Law 2011 G.G. 28/09/2011) (4092).

Local Government Act 1995 – Regulations (Local Government (Functions and General) Amendment Regulations 2011 G.G. 27/09/2011) (4093).

Metropolitan Health Service – Annual Report 2010–2011 (4094).

Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 5) 2011 G.G. 11/10/2011) (4095).

Misuse of Drugs Act 1981 – Orders (Misuse of Drugs (Amounts of Prohibited Drugs) Order (No. 3) 2011 G.G. 11/10/2011) (4096).

Rail Safety Act 2010 – Regulations (Rail Safety Amendment Regulations (No. 2) 2011 G.G. 14/10/2011) (4097).

State Administrative Tribunal – Annual Report 2010–2011 (4098).

State Records Commission – Annual Report 2010–2011 (4099).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2011 G.G. 30/09/2011) (4100).

8. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 28 September 2011 –

Environment and Conservation, Department of – Annual Report 2010–2011 – Correction (3999A).

9. Notices of Motion

10. Removal of Orders of the Day

The Speaker advised members that the Orders of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Maintenance of Homeswest Properties, Private Members' Business Order of the Day No. 2, Planning and Development Amendment Bill 2009 and Private Members' Business Order of the Day No. 3, Heritage of Western Australia Amendment Bill 2009, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

11. Matter of Public Interest – Juvenile Crime Levels

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 the House expresses deep concern at the level of crime in Western Australia and urges the Government to now support the Police Commissioner's plan to combat juvenile crime with coordinated government action including making full and robust use of Parental Responsibility Orders.

Debate ensued.

The Minister for Corrective Services moved,

To delete all words after "House" and insert –

“ supports the Government's policies to combat crime in Western Australia. ”.

On the question, That the words be deleted,

Question put.

The Assembly divided.

Ayes (29)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr T.R. Buswell
 Ms A.S. Carles
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
 Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath
 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 M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Noes (23)

Ms L.L. Baker
 Dr A.D. Buti
 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
 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 P.B. Watson
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the words be inserted,

Question put.

The Assembly divided.

Ayes (29)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr T.R. Buswell
 Ms A.S. Carles
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
 Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath
 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 M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Noes (23)

Ms L.L. Baker
 Dr A.D. Buti
 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
 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 P.B. Watson
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the motion, as amended, be agreed to,

The Assembly divided.

Ayes (29)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr T.R. Buswell
 Ms A.S. Carles
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
 Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr J.E. McGrath
 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 M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Noes (23)

Ms L.L. Baker
 Dr A.D. Buti
 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
 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 P.B. Watson
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

12. Messages from the Governor

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

No. 34 – 4 October 2011

Child Care Services Amendment Bill 2011, Act No. 38 of 2011.

Trustee Companies (Commonwealth Regulation) Amendment Bill 2011, Act No. 39 of 2011.

Retail Trading Hours Amendment Bill 2011, Act No. 40 of 2011.

Personal Property Securities (Commonwealth Laws) Bill 2011, Act No. 41 of 2011.

Personal Property Securities (Consequential Repeals and Amendments) Bill 2011, Act No. 42 of 2011.

No. 35 – 12 October 2011

Fish Resources Management Amendment Bill 2011, Act No. 43 of 2011.

Professional Combat Sports Amendment Bill 2009, Act No. 44 of 2011.

Metropolitan Redevelopment Authority Bill 2011, Act No. 45 of 2011.

13. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 1, 5, 4 and 6 be next considered.

14. Petroleum and Geothermal Energy Safety Levies Bill 2011

Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011

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

Cognate Debate

Leave was granted to debate the Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011 in conjunction with the Petroleum and Geothermal Energy Safety Levies Bill 2011.

Debate resumed.

Question put and passed.
Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Paper

The following paper was presented and ordered to lie upon the Table of the House –
By the Minister for Environment –

Mines and Petroleum, Department of – Petroleum Safety – Safety Management System Levy
(4116).

Clause 6.

The Minister for Environment moved,
Page 5, after line 20 — To insert:

“

(2) The regulations may specify different amounts of safety management system
levy, or different means of working out amounts of safety management
system levy, for different classes of safety management system.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 7 to 26 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.

15. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 5, 4 and 6 be next considered.

16. Petroleum and Geothermal Energy Safety Levies Amendment 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.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister for Environment 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.

17. Inheritance (Family and Dependants Provision) Amendment 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.

Leave was granted to proceed forthwith to the third reading of the bill.

The Attorney General moved, That the bill be now read a third time.

Question put and passed.
Bill read a third time and passed.

18. Electronic Transactions 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.
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 passed.

19. Statutes (Repeals and Minor Amendments) 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 Attorney General moved, That the bill be now read a third time.
Question put and passed.
Bill read a third time and passed.

20. Adjournment

The Leader of the House moved, That the House do now adjourn.
Question put and passed.
The Assembly adjourned accordingly at 9.12 p.m. until Wednesday, 19 October 2011 at 12.00 noon.
Members present during any part of the day's proceedings – All the members except Mrs L.M. Harvey, Mr M.P. Murray and Mr A.J. Waddell.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly