

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 196

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 22 MARCH 2012

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Carpark Facilities Cockburn Central Railway Station – Mr F.M. Logan presented a petition from 204 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. 560).

Murdoch Drive, Bateman – Mr C.C. Porter presented a petition from 385 persons requesting that the Legislative Assembly supports the construction of a pedestrian overpass or underpass on Murdoch Drive in Bateman (P. 561).

3. Paper

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

By the Clerk –

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Report No. 21, Parliamentary Inspector's Report Concerning Telecommunication Interceptions and Legal Professional Privilege (4620).

4. Speaker's Statement – Select Committee into Child Migration – Release of Documents

The Speaker advised members that under the provisions of Standing Order 32, he had approved the release of a submission by the Christian Brothers and various historical letters which were gathered by the former Legislative Assembly Select Committee into Child Migration. The request was made by Mr Oliver Cosgrove.

5. Notices of Motion

6. Notices of Motion Lapsed

The Speaker advised that Private Members' Business Notices of Motion No. 2, Minister for Heritage, and No. 3, Minister for Police, had lapsed and, unless the members indicated otherwise, would be removed from the Notice Paper.

7. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the Metropolitan Region Scheme Amendment 1202/41 – Canning River Precinct, Kelmscott.

Papers

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

By the Minister for Planning –

Western Australian Planning Commission – Metropolitan Region Scheme Amendment 1202/41 – Canning River Precinct, Kelmscott, Report on Submissions, Transcript of Hearings (4621).

Western Australian Planning Commission – Metropolitan Region Scheme Amendment 1202/41 Map Number 24/90m (4623).

The Minister for Police on the review of the operation and effectiveness of the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011*.

Paper

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

By the Minister for Police –

Commonwealth Heads of Government Meeting (Special Powers) Act 2011 – Report on the Operation and Effectiveness of the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011* (4622).

The Minister for Environment on Tricia, the Asian elephant at Perth Zoo.

8. Grievances

The Speaker called for grievances which were then made.

9. Business Names (Commonwealth Powers) Bill 2011

Message No. 205 dated 21 March 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act —

- to adopt the *Business Names Registration Act 2011* (Commonwealth) and the *Business Names Registration (Transitional and Consequential Provisions) Act 2011* (Commonwealth), and to refer certain matters relating to the registration and use of business names to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth; and
- to amend the *Business Names Act 1962* to effect the transition of the regulation of business names from the State to the Commonwealth; and
- to make consequential amendments to various Acts, and for related purposes.”

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

Question put and passed.

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

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

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.

10. Reserves (Wanjarri Nature Reserve) Bill 2011

The Order of the Day for the third reading of the bill having been read, the Minister for Lands moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

11. Suspension of Standing Orders

Mr F.M. Logan, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House condemns the secret moves by the State Government to privatise our water and sewerage services by stealth and calls on the Government to table the business case and expected costs and savings from the Transfield-Degremont-Suez Environmental Production and Treatment Alliance.

Debate ensued.

The Leader of the House moved, To add the words

“ and that the debate be conducted according to the time limits for a Matter of Public Interest ”.

Amendment put and passed.

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

Question put.

The Acting Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion, as amended, to be carried with the concurrence of an absolute majority of the whole number of members of the House.

12. Privatisation of Water and Sewerage Services

Mr F.M. Logan, pursuant to the foregoing motion, moved,

That this House condemns the secret moves by the State Government to privatise our water and sewerage services by stealth and calls on the Government to table the business case and expected costs and savings from the Transfield-Degremont-Suez Environmental Production and Treatment Alliance.

Debate ensued.

Question put.

The Assembly divided.

Ayes (25)

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
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
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 (30)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
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
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
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 M.W. Sutherland
Mr T.K. Waldron
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Question thus negated.

13. Paper

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

By the Minister for Police –

Commonwealth Heads of Government Meeting (Special Powers) Act 2011 – Report on the Operation and Effectiveness of the *Commonwealth Heads of Government Meeting (Special Powers) Act 2011* – Corrected Version (4629).

14. Criminal Organisations Control Bill 2011

The Order of the Day for the third reading of the bill having been read, the Attorney General moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Attorney General speaking in reply) and adjourned until a later stage of the sitting.

15. Members’ Statements

The Acting Speaker called for members’ statements which were then made.

16. Questions

Questions without Notice were taken.

Questions on Notice Nos 7556 to 7587 were asked.

Questions on Notice Nos 7193, 7216, 7242, 7246, 7249, 7269 to 7277, 7281, 7284, 7290, 7296 to 7298, 7302 to 7308, 7333, 7353 and 7369 were answered.

Paper tabled by the Minister for Tourism –

Question on Notice No. 7216 – Sponsorship Agreement between the Western Australian Tourism Commission and the University of Western Australia for the Perth International Arts Festival (4624).

Papers tabled by the Minister Representing the Minister for Energy –

Question on Notice No. 7276 – Details of wooden power pole maintenance for the Western Power Network outside the metropolitan region (4625).

Question on Notice No. 7277 – Details of wooden power pole maintenance for the Western Power Network within the metropolitan region (4626).

Question on Notice No. 7306 – Graph depicting maximum and average daily megawatts supplied through the Western Power Network to Kalgoorlie (4627).

Question on Notice No. 7307 – Western Power asset maintenance program costs for 2011–2012 (4628).

17. Unanswered Questions on Notice

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

Mr J.C. Kobelke – Question Nos 7238 and 7239.

Mr J.N. Hyde – Question Nos 7110 and 7216.

Mr P. Papalia – Question Nos 7134, 7135, 7138, 7139, 7143, 7144, 7151 and 7152.

18. Additional Information

The Minister for Transport provided additional information relating to Question without Notice No. 115 from Mr A.P. O'Gorman.

19. Legal Deposit Bill 2011

Message No. 206 dated 22 March 2012 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Legal Deposit Bill 2011 subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Legal Deposit Bill 2011

No. 1

Page 4, lines 1 and 2 — To delete the lines.

No. 2

Page 5, lines 21 and 22 — To delete the lines.

Ordered, That consideration in detail of Legislative Council Message No. 206 be made an Order of the Day for the next sitting of the Assembly.

20. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 3 and 4 be next considered.

21. Criminal Organisations Control Bill 2011

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

Debate resumed.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

22. Retail Trading Hours 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.

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

Question put and passed.

23. Paper

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

By the Minister for Transport –

Business Names (Commonwealth Powers) Bill 2011 – *Business Names Registration Act 2011* (Commonwealth) (4630).

24. Local Government Amendment Bill 2011

The Order of the Day for the consideration in detail of Legislative Council Message No. 204 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government Amendment Bill 2011* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Local Government Amendment Bill 2011

No. 1

Page 17, lines 16 to 26 — To delete the lines and insert —

43. Saving provisions for CEOs

(1) In this clause —

preserved CEO, in relation to a local government, means a person who is employed, other than in an acting or temporary capacity, as the CEO of the local government on 19 October 2011.

(2) Section 5.39(7) does not apply in respect of —

(a) a CEO for such time as that person is employed under a contract of employment —

(i) that was entered into or renewed before section 13 of the amending Act came into operation; or

(ii) for a position that was advertised before section 13 of the amending Act came into operation;

or

(b) a preserved CEO of a local government if —

(i) the remuneration paid or provided to the CEO on 19 October 2011 under a contract of employment was more than the amount

recommended by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A to be paid or provided to the CEO at that time; and

- (ii) the CEO continues to be employed as the CEO of that local government.
- (3) Section 5.39(8) does not apply to a local government that is renewing a contract of employment with its preserved CEO in the circumstances set out in subsection (2)(b).
- (4) Before a local government renews a contract with its preserved CEO in circumstances set out in subsection (2)(b), the local government must take into account any determination by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A as to the remuneration to be paid or provided to a CEO of a local government that is of a comparable size and location.

No. 2

Page 22, line 10 — To delete “remuneration” and insert —

amount of remuneration, or the minimum and maximum amounts of remuneration,

CONSIDERATION IN DETAIL

The Minister for Local Government moved, That amendment Nos 1 and 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

25. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.12 p.m. until Tuesday, 27 March 2012 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly