

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 128

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 22 FEBRUARY 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on the progress of the construction of the Albany Health Campus.

The Minister for Education on the 2012 Independent Public School intake process.

The Minister for Housing on the Roebourne Housing Program.

### 3. Questions

Questions without Notice were taken.

Questions on Notice Nos 4676 to 4678 were asked.

Questions on Notice Nos 4257, 4263, 4301, 4311, 4317, 4324, 4325, 4359, 4374 to 4376, 4378 to 4380, 4382 to 4384, 4416 and 4423 were answered.

### 4. Unanswered Questions on Notice

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

Ms M.M. Quirk – Question on Notice No. 3996

Mr M. McGowan – Questions on Notice Nos 3929, 4371, 4377 and 4386

### 5. Additional Information

The Minister for Sport and Recreation provided additional information relating to a Question without Notice asked on Thursday, 17 February 2011 from Mr M. McGowan.

### 6. Petition

Household Bill Increases – Mr W.J. Johnston presented a petition from 197 persons requesting that action be taken to stop increases to household bills (P. 366).

## **7. Papers**

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

Conservation and Land Management Act 1984 – Lease No. 2299/100 between the Department of Environment and Conservation and Kimberley Wilderness Adventures Pty Ltd for a commercial camping facility at Purnululu National Park, Bellburn Camp Part Reserve 39897 (3128).

Conservation and Land Management Act 1984 – Lease No. 2206/100 between the Department of Environment and Conservation and West Australian Rifle Association Inc. for the operation and maintenance of a rifle range on a portion of Korung National Park Part Reserve 47881 (3129).

Conservation and Land Management Act 1984 – Lease No. 1576/100 between the Department of Environment and Conservation and Broadcast Australia Pty Ltd for a telecommunication facility at Mount Lennard in the Wellington National Park (3130).

Conservation and Land Management Act 1984 – Lease No. 2298/100 between the Department of Environment and Conservation and EKT Pty Ltd for a commercial camping facility at Purnululu National Park (3131).

Conservation and Land Management Act 1984 – Lease No. 2300/100 between the Department of Environment and Conservation and Kimberley Wilderness Adventures Pty Ltd for a commercial camping facility at Purnululu National Park, Walardi Camp (3132).

Dog Act 1976 - Local Laws (City of Joondalup Animals Amendment Local Law 2010 G.G. 18/02/2011) (3133).

Hospitals and Health Services Act 1927 - By-laws (Metropolitan Health Service Amendment By-laws 2011 G.G. 18/02/2011) (3134).

Local Government Act 1995 - Local Laws (City of Perth Parking Local Law 2010 G.G. 15/02/2011) (3135).

Magistrates Court Act 2004 - Rules (Magistrates Court (General) Amendment Rules 2011 G.G. 15/02/2011) (3136).

Public Accounts Committee – Government Response to Report No. 9 – Inquiry into Project Planning and Funding Applications for Major Western Australian Infrastructure Projects (3137).

Public Sector Standards Commissioner, Office of the – Final Report, 1 July to 30 November 2010 (3138).

State Emergency Management Committee – Annual Report 2009–2010 (3139).

Waste Avoidance and Resource Recovery Act 2007 - Local Laws (City of Mandurah Waste Management Local Law 2010 G.G. 18/02/2011) (3140).

## **8. Notices of Motion**

## **9. Restoration of Bills**

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

That the Royal Perth Hospital Protection Bill 2008 and the Professional Combat Sports Amendment Bill 2009 be restored to the point they reached prior to their removal from the Notice Paper on Thursday, 17 February 2011.

Question put and passed.

## **10. Juries Legislation Amendment 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.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 9 agreed to.

Clause 10.

Mr J.R. Quigley moved,

Page 6, after line 19 – To insert –

“

- (aa) if the person has attained the age of 65 years of age but has not yet attained the age of 75 they may elect not to serve on a jury; and

”.

Amendment put.

The Assembly divided.

#### Ayes (23)

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

Mrs C.A. Martin  
Mr M.P. Murray  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mr E.S. Ripper  
Mrs M.H. Roberts  
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 (29)

Mr P. Abetz  
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  
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 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.

Clause agreed to.

Clauses 11 to 33 agreed to.

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#### *Paper*

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

By the Attorney General –

Attorney General, Department of the – Juror General Summary (3141).

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Clause 34.

Mr J.R. Quigley moved,

Page 27, lines 16 to page 28, line 4 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 35 agreed to.

Clause 36.

Mr J.R. Quigley moved,

Page 30, after line 2 — To insert:

“

- (j) an associate of any justice or judge of the Supreme or District Court;
- (k) any judicial support officer of the Western Australian Magistrate's Court or Children's Court.

”.

Amendment put and passed.

Mr J.R. Quigley moved,

Page 30, after line 4 — To insert:

“

- (3) An Australian legal practitioner as defined in the *Legal Profession Act 2008*.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 37 to 44 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.

### **11. Dangerous Sexual Offenders Amendment Bill 2011**

Message No. 133 dated 22 February 2011 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Dangerous Sexual Offenders Act 2006*.”

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

Question put and passed.

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

Leave was granted to proceed forthwith to the second reading.

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

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

Question put and passed.

### **12. Charitable Trusts Amendment Bill 2010**

Message No. 134 dated 22 February 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Charitable Trusts Act 1962*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

### **13. Telecommunications (Interception) Western Australia Amendment Bill 2010**

Message No. 135 dated 22 February 2011 from the Legislative Council was reported agreeing to the bill without amendment.

**14. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 10.17 p.m. until Wednesday, 23 February 2011 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr J.J.M. Bowler and Mr A.P. O’Gorman.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly