

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 189

THURSDAY, 23 FEBRUARY 2012, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

–	approximately 2.00 p.m. each day
–	one per week on any day
–	4.00 p.m. to 7.00 p.m. Wednesdays
–	approximately 9.00 a.m. Thursdays
–	12.50 p.m. Thursdays

**Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. Premier's Statement

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

2. Criminal Organisations Control Bill 2011 (Attorney General) (No. 230, 2r. – 23/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

3. Education and Care Services National Law (WA) Bill 2011 (Minister for Planning) (No. 247, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

4. Prostitution Bill 2011 (Attorney General) (No. 218, 2r. – 3/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

5. Teacher Registration Bill 2011 (Minister for Education) (No. 260, 2r. – 1/12/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

6. Integrity (Lobbyists) Bill 2011 (Premier) (No. 243, 2r. – 9/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

7. Criminal Appeals Amendment (Double Jeopardy) Bill 2011 (Attorney General) (LC No. 224)

To be read a first time.

- 8. Community Protection (Offender Reporting) Amendment Bill 2011** (Minister for Police) (No. 235, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

- 9. Road Traffic (Vehicles) Bill 2011** (Minister for Transport) (No. 245, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

- 10. Road Traffic Legislation Amendment Bill 2011** (Minister for Transport) (No. 246, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

- 11. Western Australia Day (Renaming) Bill 2011** (Premier) (No. 261, 2r. – 30/11/11)

Second reading. Adjourned debate (Ms J.M. Freeman).

- 12. Reserves (Wanjarri Nature Reserve) Bill 2011** (Minister for Lands) (No. 249, 2r. – 23/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 13. Water Services Bill 2011** (Minister for Water) (No. 202, 2r. – 26/5/11)

***‡Water Services Legislation Amendment and Repeal Bill 2011** (Minister for Water) (No. 201, 2r. – 26/5/11)

Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).

- 14. Litter Amendment Bill 2011** (Minister for Environment) (No. 240, 2r. – 3/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 15. Lotteries Commission Amendment Bill 2011** (Premier) (No. 229, 2r. – 2/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 16. Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 258, 2r. – 1/12/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 17. Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011** (Treasurer) (No. 257, 2r. – 1/12/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 18. Revenue Laws Amendment Bill 2011** (Treasurer) (No. 254, 2r. – 1/12/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 19. *Commercial Arbitration Bill 2011** (Attorney General) (No. 205, 2r. – 15/6/11)

Consideration in detail of Legislative Council Message No. 197.

- 20. *Joint Standing Committee on Delegated Legislation** (Leader of the House)

Consideration in detail of Legislative Council Message No. 200.

- 21. Retail Trading Hours Amendment Bill 2012** (Minister for Transport) (No. 263, 1r. – 22/2/12)

To be read a second time.

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

- 1. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009** (Notice given – 17/6/09) (renewed – 23/2/10)

Mr M.P. Murray: To move –

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* under the *Genetically Modified Crops Free Areas Act 2003*, a copy of which was laid upon the Table of the House on 9 June 2009, is hereby disallowed.

2. Police Resourcing (Notice given – 9/8/11) (renewed – 29/11/11)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government on its failure to provide a visible, well-resourced police presence providing timely responses, a sense of safety in the community and inroads into the rapidly escalating methamphetamines manufacture.

3. Classroom First and Networking Strategy (Notice given – 15/3/11) (renewed – 30/8/11)

Mr B.S. Wyatt: To move –

That the House calls on the Minister for Education to outline how the Classroom First and Networking Strategy will improve the educational outcomes of our State's children and improve the quality of teaching in Western Australia.

4. Organ Donation (Notice given – 22/3/11) (renewed – 6/9/11)

Mr V.A. Catania: To move –

That the State Government make available information that will assist community consideration of options for organ donation, including an 'opt out' option and to debate the motion in accordance with the time limits applying to a matter of public interest.

5. Minister for Heritage (Notice given – 8/9/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) mismanaging the review of the *Heritage of Western Australia Act 1990*; and
- (2) failing to support adequate funding of regional heritage in Western Australia, including for such important heritage buildings as the Bill Sewell Complex in Geraldton.

6. Minister for Police (Notice given – 8/9/11)

Mr B.S. Wyatt: To move –

That this House condemns the Minister for Police; Emergency Services for:

- (a) his refusal to honour the Government's election promise to reinstate school-based police officers in consultation with local communities; and
- (b) his attempt to mislead this House on Wednesday, 7 September 2011 by asserting that 'school-based' no longer means 'based in schools'.

7. Minister for Planning – Concrete Batching Plants in East Perth (Notice given – 20/9/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Planning for calling in the decision of the City of Vincent to refuse 24 hour operation and extension of concrete batching plants in the residential areas of East Perth, and notes that the City of Vincent's decision was supported by residents.

8. Economics and Industry Standing Committee Recommendations (Notice given – 12/4/11) (renewed – 27/9/11)

Mr M. McGowan: To move –

That the House endorses the findings of the Economics and Industry Standing Committee inquiry into domestic gas prices and in particular the recommendation that:

- (a) the Government establishes an independent gas market monitor;
- (b) introduce the gas market bulletin board and statement of opportunities;
- (c) separate marketing of gas from the North West be supported; and
- (d) the Government immediately begin negotiations with the North West Shelf partners to ensure gas continues to be supplied into the domestic market from the Karratha gas plant beyond 2014.

9. Anti-Israel Boycott, Divestment and Sanctions (BDS) Campaign (Notice given – 29/9/11)

Mr J.N. Hyde: To move –

That this House:

- (a) notes with concern the anti-Israel boycott, divestment and sanctions (BDS) campaign against legitimate businesses operating in Australia which provide jobs to hundreds of Australians;
- (b) calls on all members to condemn the targeting of Max Brenner Chocolate Cafes and other businesses by anti-Israel protesters;
- (c) notes that some of the rhetoric used by proponents of the BDS campaign has descended into anti-Semitism; and
- (d) condemns anti-Semitism in all its forms.

10. Waterfront Project (Notice given – 1/11/11)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for –

- (1) failing to consult with its own departments and agencies over the impact of the Waterfront Project; and
- (2) failing to transparently consult with Western Australia's planning, environmental and heritage experts over the impact of the Waterfront Project.

11. Minister for Heritage (Notice given – 1/11/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for –

- (1) misleading the Parliament over inaccurate information in the 2010–2011 Annual Report of the Heritage Council of Western Australia and failing to apologise for his mismanagement of information; and
- (2) failing to transparently account for funding allocations under the Goldfields Earthquake Restoration Fund.

12. Referral to Community Development and Justice Standing Committee – Detention of Mr Marlon Noble (Notice given – 29/11/11)

Mr J.R. Quigley: To move –

That this House expresses its concern over the extended detention of Mr Marlon Noble under the *Criminal Law (Mentally Impaired Accused) Act 1996* and requests the Standing Committee on Community Development and Justice to investigate and report by 31 May 2012 on:

- (1) whether Mr Noble's detention for such an extended period has involved any element of injustice;
- (2) why the Mentally Impaired Accused Review Board revoked the recommendation for his conditional release in 2008 and whether that involved any element of injustice;
- (3) following Mr Robert Cock QC's report on the deficiency and irregularity of drug testing of Mr Noble upon his return from day release, why he was not immediately re-released;
- (4) whether the proposed conditions for Mr Noble's release, announced on 22 November 2011 by the Mentally Impaired Accused Review Board, in January 2012 are just and reasonable in all the circumstances;
- (5) whether there any other persons detained under the *Criminal Law (Mentally Impaired Accused) Act 1996* who have been detained for periods longer than had they been convicted of the offence for which they were charged but detained because of unfitness to plead;
- (6) whether any of these cases in the Committee's opinion contain any elements of injustice to the detained person; and

- (7) the desirability of adopting recommendations 29, 33, 36 and 40 of the Law Reform Commission of Western Australia's 'Project Number 69 – the criminal process and persons suffering from mental disorder report' 1991.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. **Perth Theatre Trust Amendment Bill 2011** (Mr J.N. Hyde) (No. 209, 1r. – 25/5/11)

To be read a second time.

2. **Acts Amendment (Western Australia Day) Bill 2011** (Mr J.N. Hyde) (No. 216, 1r. – 15/6/11)

To be read a second time.

3. **Equal Opportunity Amendment Bill 2011** (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11)

To be read a second time.

4. **Minister for Education** (Moved – 17/8/11)

Adjourned debate (Minister for Education – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That this House calls on the Minister for Education to explain what actions she has taken in respect of the findings of the Standing Committee on Estimates and Financial Operations (Report 27), tabled on 1 July 2010 and the Public Sector Commissioner's investigation into the Orchestrating Lives: An Evaluation of the Early Intervention Conductive Education Trial at Carson Street School report, in relation to the quality and accuracy of advice, including briefing notes provided by the Department of Education to the Minister.

5. **Indigenous Affairs** (Moved – 23/6/11) (last debated – 31/8/11)

Adjourned debate (Mr T.G. Stephens – continuation of remarks) on the motion moved by Mr J.J.M. Bowler –

That this House recognise the need for a bipartisan and new approach on the matter of Indigenous affairs.

6. **School Crossings** (Moved – 7/9/11)

Adjourned debate (Mr A. Krsticevic – continuation of remarks) on the amendment moved by Mr A.P. Jacob –

To delete all words after "House" and substitute:

congratulates the Minister for Police on his decision to put on hold any removal of Type A and Type B crossings until the Government and the Children's Crossing and Road Safety Committee have reviewed the current policy to ensure children's crossings are safe.

on the motion moved by Mr A.P. O'Gorman –

That the House condemns the Government for withdrawal of crossings that do not fit the warrant criteria for a type A crossing across the State and subsequently endangering the lives of many school children who use these crossings.

7. **Infrastructure Across Western Australia** (Moved – 6/4/11) (last debated – 21/9/11)

Adjourned debate (Minister for Transport – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new road works to keep up with population growth.

8. **Liquor Control Amendment Bill 2011** (Dr J.M. Woollard) (No. 233, 2r. – 28/9/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

9. Minister for Education – North Mandurah Primary School (Moved – 28/9/11)

Adjourned debate (Mr P. Abetz – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Minister for Education for her failures in relation to the North Mandurah Primary School and its loss of 17 permanent teaching positions and calls on her to immediately address this issue and other failures in her Education portfolio including the downgrading of a number of regional/district offices.

10. Container Deposit and Recovery Scheme Bill 2011 (Mr E.S. Ripper) (No. 234, 2r. – 19/10/11) (last debated – 23/11/11)

Second reading. Adjourned debate (Leader of the House).

11. Human Tissue and Transplant Amendment Bill 2011 (Mr M.P. Whitely) (No. 252, 2r. – 23/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

12. No Privatisation of Midland Health Campus Bill 2011 (Mr R.H. Cook) (No. 255, 2r. – 23/11/11)

Second reading. Adjourned debate (Mr D.A. Templeman).

13. Fiona Stanley Hospital – Facilities Management Contract (Moved – 30/11/11)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr R.H. Cook –

That this House condemns the Barnett Government on its failure to publish in full the details of the Facilities Management Services Contract between the Western Australian Government and Serco Pty Ltd for services provided at Fiona Stanley Hospital and calls on the Government to table the full contract without exemptions.

14. Minister for Health and Minister for Police – Illegal Doctor and Pharmacy Shopping (Moved – 30/11/11)

Adjourned debate (Minister for Police – continuation of remarks) on the motion moved by Mr M.P. Whitely –

That this House condemns the Minister for Health and the Minister for Police and Emergency Services for failing to take action to prevent illegal doctor and pharmacy shopping for the abuse of prescription drugs and notes with deep regret the death of 52 Western Australians in 2011 from suspected prescription drug overdoses.

15. Local Government Amendment (Regional Subsidiaries) Bill 2010 (Mr V.A. Catania) (LC No. 184)

To be read a first time.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
Economics and Industry Standing Committee:	1 March 2012
Inquiry into Ironbridge Holdings Pty Ltd and other matters regarding residential land and property developments	
Joint Standing Committee on the Corruption and Crime Commission:	1 March 2012
Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct	
Public Accounts Committee:	29 March 2012
Inquiry into the contract for the provision of non-clinical services at Fiona Stanley Hospital	

<i>Committee</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function	29 March 2012
Joint Standing Committee on the Corruption and Crime Commission: Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth	29 March 2012
Education and Health Standing Committee: Inquiry into improving educational outcomes for Western Australians of all ages	30 November 2012
Community Development and Justice Standing Committee: Inquiry into the well-being of State Government workers and volunteers involved in emergency responses	1 December 2012

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Joint Standing Committee on the Corruption and Crime Commission – Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police	Attorney General	8 December 2011 [non-compliance reported 21 February 2012]
Joint Standing Committee on the Corruption and Crime Commission – Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the <i>Corruption and Crime Commission Act 2003</i>	Attorney General	29 December 2011 [non-compliance reported 21 February 2012]
Community Development and Justice Standing Committee – A Fading Dream – Affordable Housing in Western Australia	Minister for Housing; Treasurer; Minister for Local Government; Minister for Regional Development; Lands; Minister for Health; Minister for Planning; Minister representing the Minister for Mental Health; Minister representing the Minister for Seniors and Volunteering; Minister representing the Minister for Commerce	3 February 2012 [non-compliance reported 21 February 2012]
Community Development and Justice Standing Committee – Inquiry into the State’s preparedness for this year’s coming fire season	Minister for Police; Emergency Services; Minister for Environment; Minister for Planning; Minister for Local Government	24 February 2012

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Review of Reports of the Auditor General	Minister for Police; Minister for Transport; Minister for Lands; Minister for Regional Development	1 March 2012

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- * Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.
† Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

NOTICES AND AMENDMENTS

Commercial Arbitration Bill 2011 (No. 205—2)

Legislative Council Message No. 197.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Arbitration 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 Commercial Arbitration Bill 2011

No. 1

Page 13, lines 11 to 16 — To delete the lines and insert —

- (5) A decision within the limits of the Court's authority on a matter entrusted by subsection (3) or (4) to the Court is final.

No. 2

Page 15, lines 17 to 21 — To delete the lines and insert —

- (5) A decision of the Court under subsection (4) that is within the limits of the authority of the Court is final.

No. 3

Page 16, lines 9 to 13 — To delete the lines and insert —

- (3) A decision of the Court under subsection (2) that is within the limits of the authority of the Court is final.

No. 4

Page 18, lines 4 to 8 — To delete the lines and insert —

- (10) A decision of the Court under subsection (9) that is within the limits of the authority of the Court is final.

No. 5

Page 40, lines 9 to 13 — To delete the lines and insert —

- (5) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 6

Page 41, lines 9 to 13 — To delete the lines and insert —

- (4) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 7

Page 61, the Table item 14 the 1st row — To delete “14(4),” and insert —

14(3),

Joint Standing Committee on Delegated Legislation

Legislative Council Message No. 200.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution, proposing amended terms of reference for the Joint Delegated Legislation Committee -

That the Legislative Assembly be acquainted that the Legislative Council has adopted proposed Schedule 1, Item 6, *Joint Delegated Legislation Committee*, and invites the Legislative Assembly to concur.

Schedule indicating the amendments made by the Legislative Council to the Terms of Reference of the Joint Standing Committee on Delegated Legislation.

6. Joint Delegated Legislation Committee

- 6.1 *A Joint Delegated Legislation Committee* is established.
- 6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.
- 6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.
- 6.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.
- (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
- (a) is within power;
- (b) has no unintended effect on any person's existing rights or interests;

- (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on -
- (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 6.8 In this order –
- “instrument” means –
- (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
- “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Water Services Legislation Amendment and Repeal Bill 2011 (No. 201—1)

Clause 205.

The Minister for Water: To oppose the clause.

New clause 205.

The Minister for Water: To move –

Page 90, after line 27 – 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

”.

PETER J. McHUGH

Clerk of the Legislative Assembly