

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 183

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 23 NOVEMBER 2011

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Media Presence

The Speaker advised members that, in relation to the matter of privilege raised by the Member for Rockingham on 22 November 2011, print media representatives had previously been given approval to take photographs from the public gallery for the first ten minutes in any question time. Access to the proceedings of the Legislative Assembly was subject to an undertaking to comply with a number of conditions. The general rules for the use of visual and audio feeds included a provision that they shall be used only for the purposes of fair and accurate reports of proceedings, and must not be used for, among other things, satire, ridicule or denigration. The Speaker, having looked at the article in question, formed the view that there was not any significant offence against those rules.

3. Petitions

Uranium Mining in Western Australia – Mr C.J. Tallentire presented a petition from 745 persons requesting that the Legislative Assembly recognise the unacceptable risk to the community and the environment posed by uranium mining and to immediately reinstate the ban on uranium mining in Western Australia (P. 507).

No Privatisation of Public Hospitals and Schools – Mr C.J. Tallentire presented a petition from 66 persons requesting that the Legislative Assembly urge the Premier to desist with the Government's privatisation agenda for hospitals and schools (P. 508).

Medical Care in Mt Magnet – Mr V.A. Catania presented a petition from 240 persons requesting that two full time nurses be employed to provide support to each other and to ensure that Mt Magnet has sufficient resources to meet medical care requirements (P. 509).

Medical Care in Cue – Mr V.A. Catania presented a petition from 82 persons requesting that two full time nurses be employed to provide support to each other and to ensure that Cue has sufficient resources to meet medical care requirements (P. 510).

Bus Service for Whitfords Avenue – Ms A.R. Mitchell presented a petition from 53 persons requesting that the Public Transport Authority introduce a return bus service along Whitfords Avenue from Wanneroo Road to Whitfords City Shopping Centre that does not require passengers to change trains at Whitfords Train Station (P. 511).

4. Message from the Governor

Message No. 44 from His Excellency the Governor was reported assenting to the Misuse of Drugs Amendment Bill 2011, Act No. 56 of 2011.

5. Papers

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

By the Speaker –

Auditor General, Office of the – The Management of Offenders on Parole, Report 11 – November 2011 (4232).

By the Clerk –

Conservation and Land Management Act 1984 – Lease No. 1789/97 Between the Department of Conservation and Land Management and Terry Graham Reeve and Margaret Anne Reeve for the Purpose of Fuel Reduction by Grazing Within a Portion of State Forest No. 37 (4233).

Conservation and Land Management Act 1984 – Lease No. 1919/97 Between the Department of Conservation and Land Management and the Bureau of Meteorology for the Establishment of a Weather Watch Radar Facility situated at Cape Range National Park (4234).

Land Administration Act 1997 – Proposal No. 11/2011 under section 42(4) of the Act for excision from Class A Reserve 22429 to complete a road link between the Kwinana Freeway and Rockingham City Centre (4235).

6. Notice of Motion

7. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Road Safety on the Australasian Road Safety Research and Education Conference held in Perth from 6 to 9 November 2011.

The Minister for Environment on the discovery of a new plant species, named *Ptilotus*, near the Brixton Street Wetlands in Kenwick.

The Minister for Local Government on the review of the 2011–2012 budget adoption process including rates imposition by local governments.

8. Reserves (Wanjarri Nature Reserve) Bill 2011

The Minister for Lands, pursuant to notice, moved,

That a bill for “An Act to excise an area from Reserve 30897 and for related purposes.” be introduced and read a first time.

Question put and passed.

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

The Minister for Lands moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

9. Criminal Organisations Control Bill 2011

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to —

- provide for the making of declarations and control orders for the purpose of disrupting and restricting the activities of organisations involved in serious criminal activity, their members and associates and certain other persons who engage in serious criminal activity, and the imposition of criminal sanctions on persons who recruit members for such organisations or finance or support them in other ways; and

- amend *The Criminal Code* to create certain offences relating to participating in the activities of a criminal organisation, and instructing the commission of offences for the benefit of, at the direction of or in association with a criminal organisation; and
- amend the *Criminal Property Confiscation Act 2000* to enable the confiscation of crime-derived or unlawfully acquired property if a person who is a controlled person or a member of a declared criminal organisation is involved in the commission of an offence; and
- amend the *Evidence Act 1906* to provide special protections to victims and prosecution witnesses in proceedings for certain offences involving criminal organisations; and
- amend the *Misuse of Drugs Act 1981* to enable the making of a drug trafficker declaration if, at the time of the commission of certain drug offences, the offender was a member of a declared criminal organisation; and
- amend the *Sentencing Act 1995* to require the imposition of mandatory minimum sentences on offenders who commit certain offences at the direction of, in association with or for the benefit of a declared criminal organisation, and make such offenders ineligible for parole; and
- make related amendments to various Acts,

and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

10. Human Tissue and Transplant Amendment Bill 2011

Mr M.P. Whitely, pursuant to notice, moved,

That a bill for “An Act to amend the *Human Tissue and Transplant Act 1982*.” be introduced and read a first time.

Question put and passed.

Mr M.P. Whitely presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the day’s sitting.

11. No Privatisation of Midland Health Campus Bill 2011

Mr R.H. Cook, pursuant to notice, moved,

That a bill for “An Act to prevent the privatisation of the Midland Health Campus by requiring it to be conducted or managed by the State as a public hospital.” be introduced and read a first time.

Question put and passed.

Mr R.H. Cook presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the day’s sitting.

12. Petroleum (Submerged Lands) 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.

CONSIDERATION IN DETAIL

Clauses 1 to 35 agreed.

Title agreed to.

Consideration in detail concluded.

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.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

13. Variation to the Order of Business

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

14. Iron Ore Agreements Legislation 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 Minister for State Development moved, That the bill be now read a third time.

Debate ensued.

Debate interrupted by the Chair (Mr B.S. Wyatt speaking) and adjourned until a later stage of the sitting.

15. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Education –

Education, Department of – The Principal's Guide to Bushfire – Preparing your School for the Bushfire Season (4244).

Questions on Notice Nos 6811 to 6820 were asked.

Questions on Notice Nos 6291, 6298, 6320, 6325, 6331, 6336, 6343, 6348, 6351, 6353, 6369, 6371, 6374, 6385, 6391, 6396, 6406, 6407, 6415, 6416, 6422, 6424, 6430, 6433 to 6435, 6437, 6444, 6445, 6488, 6502, 6506, 6529, 6531, 6532, 6560, 6561, 6591, 6592, 6594, 6595, 6626 and 6629 were answered.

Papers tabled by the Minister for Health –

Question on Notice No. 6433 – Summary of the average time period patients are seen, admitted, discharged or transferred within the following hospitals: Sir Charles Gairdner, Royal Perth, Fremantle, Rockingham-Kwinana, Swan District, Armadale-Kelmscott and Joondalup for the months May, June, July, August, September and October 2011 (4236).

Question on Notice No. 6434 – Question in relation to what the average accident and emergency waiting times are per patient at the following hospitals: Sir Charles Gairdner, Royal Perth, Fremantle, Rockingham-Kwinana, Swan District, Armadale-Kelmscott and Joondalup for the months May, June, July, August, September and October 2011 (4238).

Question on Notice No. 6435 – Question in relation to active ambulance diversion/bypass and what was the average time and longest period of time the Emergency Department was on diversion/bypass for the following hospitals: Sir Charles Gairdner, Royal Perth, Fremantle, Rockingham-Kwinana, Swan District, Armadale-Kelmscott and Joondalup for the months May, June, July, August, September and October 2011 (4239).

Question on Notice No. 6445 – Summary of the number of births broken down by hospital in Western Australia for the following years: 2008–2009, 2009–2010 and 2010–2011; and what are the projected numbers for the years 2011–2012, 2012–2013 and 2013–2014 (4241).

Question on Notice No. 6592 – Summary of the number of housekeeping staff employed on a casual basis at each metropolitan hospital for the following years: 2008–2009, 2009–2010, 2010–2011 and as at 30 September 2011 (4242).

Question on Notice No. 6595 – Summary of the average waiting time for the processing of Patient Assisted Travel Scheme (PATS) and a breakdown of the total costs of PATS and the number of applications granted by electorate for the periods 2008–2009, 2009–2010 and 2010–2011 (4243).

Paper tabled by the Minister for Education –

Question on Notice No. 6369 – Question in relation to the Annual Report of the Western Australian Country High School Hostels Authority and whether the Authority has estimated the enrolments of future years and what is the estimated enrolment and if the Minister will table the report prepared by the Authority (4237).

Paper tabled by the Minister for Police –

Question on Notice No. 6444 – Summary of the total number of sworn in Police Officers in Western Australia including the authorised/approved strength of police officers, the FTE breakdown, the number of auxiliary police officers and the percentage of police staff by operational classification (4240).

16. Unanswered Questions on Notice

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

Mr B.S. Wyatt – Questions on Notice Nos 6362, 6364 to 6366, 6373, 6376 and 6377.

Ms J.M. Freeman – Questions on Notice Nos 6210 and 6211.

Mr R.H. Cook – Questions on Notice Nos 6439 to 6442.

Mr M.P. Murray – Questions on Notice Nos 6303 and 6315.

17. Additional Information

The Minister for Planning provided additional information relating to Question on Notice No. 6350 from Mr M. McGowan.

18. Variation to the Order of Business

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

19. Iron Ore Agreements Legislation Amendment 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.

20. Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011

The Order of the Day for the third reading of the bill having been read, the Minister for State Development 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.

21. Local Government 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.

Debate interrupted by the Chair (Minister for Local Government speaking in reply) and adjourned until a later stage of the sitting.

22. Variation to the Order of Business

Ordered, That the Private Members' Business Orders of the Day for the second reading of the Human Tissue and Transplant Amendment Bill 2011 and the No Privatisation of Midland Health Campus Bill 2011, and Private Members' Business Notice of Motion No. 14 be next considered.

23. Human Tissue and Transplant Amendment Bill 2011

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

Mr M.P. Whitely moved, That the bill be now read a second time.

Debate ensued.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

24. No Privatisation of Midland Health Campus Bill 2011

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

Mr R.H. Cook moved, That the bill be now read a second time.

Debate ensued.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

25. Appropriations for Container Deposit and Recovery Scheme Bill 2011

Mr E.S. Ripper, pursuant to notice, moved,

That this House calls on the Premier to seek a message from the Governor recommending that appropriations be made for the Container Deposit and Recovery Scheme Bill 2011 and that the Government endorses the Bill.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Dr A.D. Buti

Ms A.S. Carles

Mr R.H. Cook

Ms J.M. Freeman

Mr J.N. Hyde

Mr F.M. Logan

Mr M. McGowan

Mrs C.A. Martin

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Mr C.J. Tallentire

Mr P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (24)

Mr P. Abetz
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper

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 J.E. McGrath

Mr W.R. Marmion
 Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

26. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day No. 11 be next considered.

27. Container Deposit and Recovery Scheme Bill 2011

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, That the debate be adjourned.

Question put and passed.

28. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.42 p.m. until Thursday, 24 November 2011 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly