

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 189

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 22 FEBRUARY 2012

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Speaker –

Auditor General, Office of the – Opinion on Ministerial decisions not to provide information to Parliament on the amount of funding Tourism WA provided for some events, Report 2, February 2012 (4405).

Auditor General, Office of the – Working Together: Management of Partnerships with Volunteers, Report 1, February 2012 (4406).

By the Clerk –

Armadale Redevelopment Act 2001 – Regulations (Armadale Redevelopment (Addition of Land to Redevelopment Area) Regulations 2011 G.G. 16/12/2011) (4407).

Armadale Redevelopment Act 2001 – Regulations (Armadale Redevelopment (Subtracted Area) Regulations (No. 2) 2011 G.G. 16/12/2011) (4408).

Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations 2011 G.G. 31/01/2012) (4409).

Bush Fires Act 1954 – Regulations (Bush Fires Amendment Regulations 2011 G.G. 02/12/2011) (4410).

Child Care Services Act 2007 – Regulations (Child Care Services (Child Care) Amendment Regulations 2011 G.G. 06/01/2012) (4411).

Child Care Services Act 2007 – Regulations (Child Care Services (Family Day Care) Amendment Regulations 2011 G.G. 06/01/2012) (4412).

Child Care Services Act 2007 – Regulations (Child Care Services (Outside School Hours Care) Amendment Regulations 2011 G.G. 06/01/2012) (4413).

Child Care Services Act 2007 – Regulations (Child Care Services (Outside School Hours Family Day Care) Amendment Regulations 2011 G.G. 06/01/2012) (4414).

Child Care Services Act 2007 – Regulations (Child Care Services (Rural Family Care) Amendment Regulations 2011 G.G. 06/01/2012) (4415).

Child Care Services Act 2007 – Regulations (Child Care Services Amendment Regulations 2011 G.G. 06/01/2012) (4416).

Children and Community Services Act 2004 – Regulations (Children and Community Services Amendment Regulations 2012 G.G. 27/01/2012) (4417).

Children’s Court of Western Australia Act 1988 – Regulations (Children’s Court (Fees) Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4418).

Civil Judgements Enforcement Act 2004 – Regulations (Civil Judgments Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4419).

Construction Industry Portable Paid Long Service Leave Act 1985 – Regulations (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2011 G.G. 30/12/2011) (4420).

Coroners Act 1996 – Regulations (Coroners Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4421).

District Court of Western Australia Act 1969 – Regulations (District Court (Fees) Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4422).

Dividing Fences Act 1961 – Local Laws (City of Armadale Fencing Local Law 2011 G.G. 08/12/2011) (4423).

East Perth Redevelopment Act 1991 – Regulations (East Perth Redevelopment (Subtracted Area – Stage 3) Regulations 2011 G.G. 16/12/2011) (4424).

Edith Cowan University Act 1984 – By-Laws (Amending By-law No. 1 of 2011 G.G. 29/11/2011) (4425).

Electricity Industry Act 2004 – Regulations (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2012 G.G. 14/02/2012) (4426).

Environmental Protection Act 1986 – Orders (Environmental Protection (Western Swamp Tortoise Habitat) Policy Approval Order 2011 G.G. 14/02/2012) (4427).

Evidence Act 1906 – Regulations (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4428).

Fair Trading Act 2010 – Regulations (Competition and Consumer Amendment Regulations 2011 G.G. 10/01/2012) (4429).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Amendment Regulations (No. 4) 2011 G.G. 13/12/2011) (4430).

Fish Resources Management Act 1994 – Management Plans (Cockburn Sound Crab Fishery Management Plan Amendment 2011 [1067] G.G. 02/12/2011) (4431).

Fish Resources Management Act 1994 – Management Plans (Correction – Mackerel Managed Fishery Management Plan 2011 G.G. 20/12/2011) (4432).

Fish Resources Management Act 1994 – Management Plans (Mackerel Managed Fishery Management Plan 2011 [942] G.G. 13/12/2011) (4433).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Scalefish Fishery (Interim) Management Plan Amendment 2011 [1059] G.G. 13/12/2011) (4434).

Fish Resources Management Act 1994 – Orders (Closed Waters Recreational Netting Restrictions (Rivers, Estuaries, Inlets and Lakes South of 23 degrees South Latitude) Amendment Order 2012 G.G. 20/01/2012) (4435).

Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Rowley Shoals Marine Park) Amendment Order 2011 [1061] G.G. 29/11/2011) (4436).

Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Barrow Island Marine Park and Montebello Islands Marine Park) Amendment Order 2011 [1064] G.G. 29/11/2011) (4437).

Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Barrow Island Marine Management Area) Revocation Order 2011 G.G. 29/11/2011) (4438).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Rowley Shoals Marine Park) Amendment Order 2011 [1063] G.G. 29/11/2011) (4439).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Barrow Island Marine Park and Montebello Islands Marine Park) Amendment Order 2011 [1065] G.G. 29/11/2011) (4440).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing (Barrow Island Marine Management Area) Revocation Order 2011 G.G. 29/11/2011) (4441).

Fish Resources Management Act 1994 – Orders (Prohibition on Recreational Fishing for Crabs (Cockburn Sound) Amendment Order 2011 [1069] G.G. 02/12/2011) (4442).

Fish Resources Management Act 1994 – Orders (Recreational Net Fishing (Attendance and Cleaning Requirements) Recreational Order 2011 G.G. 20/12/2011) (4443).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 14) 2011 G.G. 20/12/2011) (4444).

Hairdressers Registration Board – Final Annual Report 2011 (4445).

Health Act 1911 – Regulations (Health (Notifications by Midwives) Amendment Regulations (No. 2) 2011 G.G. 30/12/2011) (4446).

Hospitals and Health Services Act 1927 – By-Laws (Fremantle Hospital Amendment By-laws (No. 2) 2011 G.G. 23/12/2011) (4447).

Hospitals and Health Services Act 1927 – By-Laws (Metropolitan Health Service Amendment By-laws (No. 2) 2011 G.G. 23/12/2011) (4448).

Hospitals and Health Services Act 1927 – By-Laws (Osborne Park Hospital Amendment By-laws (No. 2) 2011 G.G. 23/12/2011) (4449).

Hospitals and Health Services Act 1927 – By-Laws (Royal Perth Hospital Amendment By-laws (No. 2) 2011 G.G. 23/12/2011) (4450).

Hospitals and Health Services Act 1927 – By-Laws (Women’s and Children’s Hospitals Amendment By-laws (No. 2) 2011 G.G. 23/12/2011) (4451).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 7) 2011 G.G. 30/12/2011) (4452).

Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2011 G.G. 06/12/2011) (4453).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 11) 2011 G.G. 06/12/2011) (4454).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 10) 2011 G.G. 06/01/2012) (4455).

Local Government Act 1995 – Local Law (Town of Victoria Park Standing Orders Local Law 2011 G.G. 23/01/2012) (4456).

Local Government Act 1995 – Local Laws (City of Armadale Local Government Activities and Trading in Thoroughfares and Public Places Amendment Local Law 2011 G.G. 09/12/2011) (4457).

Local Government Act 1995 – Local Laws (City of Cockburn (Local Government Act) Amendment Local Laws 2011 G.G. 16/12/2011) (4458).

Local Government Act 1995 – Local Laws (City of Fremantle Repeal local Law 2011 G.G. 03/02/2012) (4459).

Local Government Act 1995 – Local Laws (City of Greater Geraldton Meeting Procedures Local Law 2011 G.G. 16/02/2012) (4460).

Local Government Act 1995 – Local Laws (City of Mandurah Jetties, Waterways and Marina Amendment Local Law 2011 G.G. 10/01/2012) (4461).

Local Government Act 1995 – Local Laws (City of Melville Local Government Property Amendment Local Law 2011 G.G. 23/12/2011) (4462).

Local Government Act 1995 – Local Laws (City of Perth Parking Amendment Local Law 2011 G.G. 20/12/2011) (4463).

Local Government Act 1995 – Local Laws (City of Rockingham Extractive Industries Amendment Local Law 2011 G.G. 02/12/2011) (4464).

Local Government Act 1995 – Local Laws (City of South Perth Repeal Local Law 2011 G.G. 09/12/2011) (4465).

Local Government Act 1995 – Local Laws (City of Stirling Repeal Local Law 2012 G.G. 07/02/2012) (4466).

- Local Government Act 1995 – Local Laws (Shire of Busselton Parking Local Law 2011 G.G. 30/11/2011) (4467).
- Local Government Act 1995 – Local Laws (Shire of Cunderdin Extractive Industries Local Law 2011 G.G. 10/01/2012) (4468).
- Local Government Act 1995 – Local Laws (Shire of Dardanup Dust Control Local Law 2011 G.G. 09/01/2012) (4469).
- Local Government Act 1995 – Local Laws (Shire of Morawa Meeting Procedures Local Law 2012 G.G. 13/01/2012) (4470).
- Local Government Act 1995 – Local Laws (Town of Bassendean Repeal Local Law 2010 G.G. 20/01/2012) (4471).
- Local Government Act 1995 – Local Laws (Shire of Ravensthorpe Parking and Parking Facilities Amendment Local Law 2011 G.G. 20/01/2012) (4472).
- Local Government Act 1995 – Regulations (Local Government (Audit) Amendment Regulations 2011 G.G. 30/12/2011) (4473).
- Lotteries Commission Act 1990 – Rules (Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules 2011 G.G. 27/01/2012) (4474).
- Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4475).
- Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations 2012 G.G. 17/01/2012) (4476).
- Metropolitan Redevelopment Authority Act 2011 – Regulations (Metropolitan Redevelopment Authority Regulations 2011 G.G. 30/12/2011) (4477).
- Midland Redevelopment Act 1999 – Regulations (Midland Redevelopment (Subtracted Area) Regulations 2011 G.G. 13/12/2011) (4478).
- Mining Act 1978 – Regulations (Mining Amendment Regulations (No. 6) 2011 G.G. 20/12/2011) (4479).
- Motor Vehicle Dealers Act 1973 – Regulations (Motor Vehicle Dealers (Licensing) Amendment Regulations (No. 3) 2011 G.G. 10/01/2012) (4480).
- Oaths, Affidavits and Statutory Declarations Act 2005 – Regulations (Oaths, Affidavits and Statutory Declarations (Act Amendment) Regulations 2011 G.G. 09/12/2011) (4481).
- Personal Property Securities (Commonwealth Laws) Act 2011 – Regulations (Personal Property Securities (Commonwealth Laws) Regulations 2012 G.G. 27/01/2012) (4482).
- Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) (Diving Safety) Amendment Regulations 2011 G.G. 30/12/2011) (4483).
- Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) (MSOF) Amendment Regulations 2011 G.G. 30/12/2011) (4484).
- Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) (Occupational Safety and Health) Amendment Regulations 2011 G.G. 30/12/2011) (4485).
- Petroleum (Submerged Lands) Act 1982 – Regulations (Petroleum (Submerged Lands) (Pipelines) Amendment Regulations 2011 G.G. 30/12/2011) (4486).
- Petroleum and Geothermal Energy Safety Levies Act 2011 – Regulations (Petroleum and Geothermal Energy Safety Levies Regulations 2011 G.G. 30/12/2011) (4487).
- Poisons Act 1964 – Orders (Poisons (Appendix A Amendment) Order 2012 G.G. 10/02/2012) (4488).
- Police Act 1892 – Regulations (Police Force (Member Testing) Regulations 2011 G.G. 02/12/2011) (4489).
- Police Act 1892 – Regulations (Police Force Amendment Regulations 2011 G.G. 02/12/2011) (4490).
- Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 5) 2011 G.G. 20/12/2011) (4491).
- Professional Standards Act 1997 – Schemes (The Law Society of South Australia Professional Standards Scheme G.G. 12/12/2011) (4492).
- Professional Standards Act 1997 – Schemes (The New South Wales Bar Association Scheme (Amendment) G.G. 17/02/2012) (4493).

- Professional Standards Act 1997 – Schemes (The South Australian Bar Association Inc Scheme G.G. 12/12/2011) (4494).
- Professional Standards Act 1997 – Schemes (The Victorian Bar Incorporated Scheme G.G. 10/02/2012) (4495).
- Public Sector Management Act 1994 – Regulations (Public Sector Management (General) Amendment Regulations 2012 G.G. 24/01/2012) (4496).
- Queen Elizabeth II Medical Centre Act 1966 – By-laws (Queen Elizabeth II Medical Centre (Delegated Site) Amendment By-laws (No. 2) 2011 G.G. 09/12/2011) (4497).
- Rights in Water and Irrigation Act 1914 – Regulations (Rights in Water and Irrigation Amendment Regulations 2011 G.G. 20/12/2011) (4498).
- Road Traffic Act 1974 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations (No. 2) 2011 G.G. 02/12/2011) (4499).
- Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations (No. 6) 2011 G.G. 02/12/2011) (4500).
- Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations 2012 G.G. 14/02/2012) (4501).
- Road Traffic Act 1974 – Regulations (Road Traffic (Information) Regulations 2011 G.G. 02/12/2011) (4502).
- Road Traffic Act 1974 – Regulations (Road Traffic (Licensing) Amendment Regulations (No. 3) 2011 G.G. 02/12/2011) (4503).
- Road Traffic Act 1974 – Regulations (Road Traffic (Licensing) Amendment Regulations (No. 2) 2011 G.G. 02/12/2011) (4504).
- Road Traffic Act 1974 – Regulations (Road Traffic (Vehicle Standards) Amendment Regulations 2012 G.G. 14/02/2012) (4505).
- Shipping and Pilotage Act 1967 – Regulations (Mooring Amendment Regulations 2012 G.G. 14/02/2012) (4506).
- Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 4) 2011 G.G. 30/11/2011) (4507).
- Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Mooring Control Areas) Amendment Regulations 2012 G.G. 14/02/2012) (4508).
- State Administrative Tribunal Act 2004 – Regulations (State Administrative Tribunal Amendment Regulations (No. 5) 2011 G.G. 20/12/2011) (4509).
- State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations (No. 4) 2011 G.G. 06/12/2011) (4510).
- State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations 2012 G.G. 17/01/2012) (4511).
- Supreme Court Act 1935 – Regulations (Supreme Court (Fees) Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4512).
- Transport Co-ordination Act 1966 – Regulations (Country Taxi-cars (Fares and Charges) Amendment Regulations (No. 2) 2011 G.G. 30/11/2011) (4513).
- Water Agencies (Powers) Act 1984 – Regulations (Water Agencies (Infringements) Amendment Regulations 2011 G.G. 20/12/2011) (4514).
- Western Australian College of Teaching Act 2004 – Regulations (Western Australian College of Teaching Amendment Regulations 2011 G.G. 02/12/2011) (4515).
- Western Australian College of Teaching Act 2004 – Regulations (Western Australian College of Teaching Amendment Regulations (No. 2) 2011 G.G. 20/12/2011) (4516).
- Western Australian Marine Act 1982 – Regulations (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations 2012 G.G. 14/02/2012) (4517).
- Western Australian Marine Act 1982 – Regulations (W.A. Marine (Hire and Drive Vessels) Amendment Regulations 2012 G.G. 14/02/2012) (4518).

Western Australian Meat Industry Authority Act 1976 – Regulations (Western Australian Meat Industry Authority Amendment Regulations 2011 G.G. 06/12/2011) (4519).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Education on the progress made by Western Australian schools as measured by the National Assessment Program – Literacy and Numeracy.

The Minister for Housing on the pending Government Response to the Community Development and Justice Standing Committee report entitled ‘A Fading Dream – Affordable Housing in Western Australia’.

The Minister for Sport and Recreation on his delegation which toured sports stadia in the United Kingdom and the United States.

Paper

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

By the Minister for Sport and Recreation –

Minister for Sport and Recreation – Summary Report, Stadium Functional Investigation, United Kingdom and United States of America, 3 December – 11 December 2011 (4522).

4. Procedure and Privileges Committee

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

That the Member for Midland is appointed to the Procedure and Privileges Committee to fill the vacancy caused by the Member for Rockingham’s resignation.

Question put and passed.

5. Retail Trading Hours Amendment Bill 2012

The Leader of the House, on behalf of the Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend the *Retail Trading Hours Act 1987* and for related purposes.” be introduced and read a first time.

Question put and passed.

The Leader of the House, on behalf of the Minister for Transport 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 the next day’s sitting.

6. Premier’s Statement

The Order of the Day for the resumption of debate upon the question, That the Premier’s Statement be noted, was read.

Debate resumed.

Mr M. McGowan moved, That the following words be added –

and calls on the Premier to stop jeopardising the State’s financial future through ‘thought bubble’ politics and for him to properly account for his many unfunded and underfunded commitments in the 2012–13 Budget.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker
 Dr A.D. Buti
 Mr R.H. Cook
 Ms J.M. Freeman
 Mr J.N. Hyde
 Mr J.C. Kobelke
 Mr F.M. Logan
 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 (29)

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 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 D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

On the question, That the Premier’s Statement be noted,

Debate resumed.

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

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 7241 to 7310 were asked.

Questions on Notice Nos 6321, 6352, 6613, 6715, 6749, 6766, 6783, 6797, 6812 to 6815, 6818, 6835, 6852, 6869, 6886, 6892, 6904, 6921, 6938, 6955, 6972, 6989, 7006, 7025, 7043, 7049, 7060 to 7064, 7074, 7075, 7077 and 7080 were answered.

Paper tabled by the Minister for Transport; Housing –

Question on Notice No. 6613 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions which are under the control of the Minister, and for which Departments and Agencies (4520).

Paper tabled by the Minister for Culture and the Arts –

Question on Notice No. 6797 – Summary of the total paid and non-paid attendance at each museum operated by the Western Australian Museum for the years 2007–2008, 2008–2009, 2009–2010 and 2010–2011 (4521).

8. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

9. Premier's Statement

The Order of the Day for the resumption of debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

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

Question put and passed.

10. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.55 p.m. until Thursday, 23 February 2012 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr J.H.D. Day, Mr J.M. Francis and Mrs C.A. Martin.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly