

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 160

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 18 AUGUST 2011

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Clerical Error in Division Count

The Speaker advised members that a clerical error occurred during the count for the division on yesterday's debate on Landgate during Private Members' Business. He had declared the result as Ayes 22 and Noes 27, when the Noes should have been recorded as 26. A check was made by the Clerks and the Government Whip and they confirmed that the result of the division was Ayes 22 and Noes 26. The Speaker directed that the records be amended to reflect the correct result.

3. Petition

Reserve 33221, Swan Road, High Wycombe – Mr A.J. Waddell presented a petition from 128 persons requesting that the Legislative Assembly reject the proposed purchase of Reserve 33221, Swan Road, High Wycombe, which is intended to be on-sold for likely urban development (P. 455).

4. Papers

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

By the Speaker –

Auditor General, Office of the – Annual Report 2010–2011 (3775).

By the Clerk –

Land Valuers Licensing Board – Annual Report 2010–2011 (3776).

Road Safety Council – Annual Report 2008–2009 (3777).

Road Safety Council – Annual Report 2009–2010 (3778).

5. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Increases to Family Bills in Western Australia, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Planning on the ministerial calling in of two related applications for review lodged with the State Administrative Tribunal.

The Minister for Water on the Leschenault Draft Water Quality Improvement Plan.

The Minister for Corrective Services on the inquiry into the Department of Corrective Services processes in relation to the Marlon Noble matter.

Papers

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

By the Minister for Corrective Services –

Minister for Corrective Services – Report to the Minister for Corrective Services on Mr Marlon Noble, Robert Cock QC, 7 June 2011 (3779).

Minister for Corrective Services – WA Government response to the independent inquiry by Robert Cock QC (3780).

7. Grievances

The Speaker called for grievances which were then made.

8. Suspension of Standing Orders

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

That this House has no confidence in the Minister for Emergency Services and calls on him to accept Ministerial responsibility for the management failures within FESA and resign from the portfolio.

Debate ensued.

The Deputy Premier moved,

To insert after “moved” –

“ and the debate proceed according to the time limits of a Matter of Public Interest. ”.

Debate ensued.

Mr A.J. Simpson moved, That the question be now put.

On the question, That the question be now put,

The Assembly divided.

Ayes (26)

Mr P. Abetz
Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli
Mr V.A. Catania
Dr E. Constable
Mr J.H.D. Day

Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
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 C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Noes (25)

Ms L.L. Baker
Mr J.J.M. Bowler
Dr A.D. Buti
Ms A.S. Carles
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 A.P. O’Gorman
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 A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Question thus passed.

On the question, That the words be inserted,

The Assembly divided.

Ayes (27)

Mr P. Abetz
Mr F.A. Alban
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 J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
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 C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Noes (24)

Ms L.L. Baker
Dr A.D. Buti
Ms A.S. Carles
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 A.P. O’Gorman
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 A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Amendment thus passed.

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

The 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.

9. No Confidence Motion – Minister for Emergency Services

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That this House has no confidence in the Minister for Emergency Services and calls on him to accept Ministerial responsibility for the management failures within FESA and resign from the portfolio.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker
 Dr A.D. Buti
 Ms A.S. Carles
 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 A.P. O’Gorman
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mr E.S. Ripper

Mrs M.H. Roberts
 Ms R. Saffioti
 Mr C.J. Tallentire
 Mr A.J. Waddell
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Noes (28)

Mr P. Abetz
 Mr F.A. Alban
 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 J.H.D. Day

Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 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 C.C. Porter
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Question thus negated.

10. Economics and Industry Standing Committee

Dr M.D. Nahan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Economics and Industry Standing Committee – Annual Report 2010–2011 Report No. 8 (3781).

Dr M.D. Nahan, Mr W.J. Johnston and Mr M.P. Murray spoke on the report.

Paper

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

By Dr M.D. Nahan –

Economics and Industry Standing Committee – Statement from the Chair of the Economics and Industry Standing Committee regarding its inquiry into the Dalyellup Housing Estate, 18 August 2011 (3782).

11. Public Accounts Committee

Mr J.C. Kobelke, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee – Annual Report 2010–2011, Report No. 13 (3783).

Mr J.C. Kobelke spoke on the report.

12. 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. 14 – Death of a Witness (3784).

13. Criminal Investigation (Covert Powers) Bill 2011

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to facilitate criminal investigations and intelligence-gathering in relation to criminal activity by providing for –

- the authorisation, conduct and monitoring of covert law enforcement operations; and
 - the acquisition and use of assumed identities by participants in covert law enforcement operations; and
 - the protection of the identity of participants in covert law enforcement operations,
- and to amend the *Corruption and Crime Commission Act 2003*, the *Misuse of Drugs Act 1981*, the *Prostitution Act 2000* and the *Witness Protection (Western Australia) Act 1996*, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

14. Misuse of Drugs Amendment Bill 2011

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Misuse of Drugs Act 1981* and to make consequential amendments to some other Acts.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

15. Workers' Compensation and Injury Management Amendment Bill 2011

Message No. 171 dated 17 August 2011 from the Legislative Council was reported agreeing to the bill without amendment.

16. Members' Statements

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

17. 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 Emergency Services –

Minister for Emergency Services – Letters regarding the re-appointment of the Chief Executive Officer, Fire and Emergency Services Authority (3785).

Questions on Notice Nos 6007 to 6028 were asked.

18. Personal Explanation

The Minister for Emergency Services made a personal explanation on the Keelty Inquiry into the February 2011 Perth Hills Bushfires relating to the receipt of a submission to the inquiry by his office from the Fire and Emergency Services Authority.

19. Message from the Governor

Message No. 24 from His Excellency the Lieutenant Governor and Administrator was reported recommending that appropriations be made for the purpose of the Criminal Investigation (Covert Powers) Bill 2011.

20. Fish Resources Management Amendment Bill 2011

Message No. 170 dated 18 August 2011 from the Legislative Council was reported forwarding for concurrence a bill for "An Act to amend the Fish Resources Management Act 1994."

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

21. Education and Health Standing Committee – Deputy Chair

The Speaker advised members that he had received a copy of a letter from the Chairman of the Education and Health Standing Committee, advising that effective from Wednesday, 17 August 2011, the position of Deputy Chair of that Committee had been transferred from the Member for Southern River to the Member for Albany.

22. Suspension of Standing Orders – Bill to Proceed Without Delay

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

That so much of the Standing Orders be suspended as is necessary to enable the *Metropolitan Redevelopment Authority Bill 2011* to proceed without delay between the stages.

Debate ensued.

Motion, by leave, withdrawn.

23. State Superannuation 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 53 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Treasurer moved, That the bill be now read a third time.

Question put and passed.

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

24. Metropolitan Redevelopment Authority Bill 2011

The Order of the Day for the further consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clauses 65 to 76 agreed to.

Clause 77.

The Minister for Planning moved,

Page 51, line 24 – To insert after “housing”:

“ , tourism development, planning law ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 78 and 79 agreed to.

Clause 80.

Mr J.N. Hyde moved,

Page 52, lines 21 to 23 – To delete the lines and substitute:

“

- (b) one is to be a person who is a currently serving local government elected member from the relevant local government for the redevelopment area; and

”.

On the question, That the words be deleted,

Amendment put and passed.

On the question, That the words be inserted,

Amendment put and negatived.

The Minister for Planning moved,

Page 52, line 21 – To insert –

“

- (b) one is to be a person nominated in accordance with section 81; and

”.

Amendment put and passed.

The Minister for Planning moved,

Page 52, line 29 – To insert after “housing”:

“ , tourism development, planning law ”.

Amendment put and passed.

Clause, as amended, agreed to.

New Clause 81.

The Minister for Planning moved,

Page 53, after line 19 – To insert:

“

81. Nominations for appointment under section 80(1)(b)

- (1) In this section —

relevant local government, in relation to an LRC, means the local government of a district in which the redevelopment area in respect of which the LRC is established is wholly or partly situated.

- (2) Whenever it is necessary to appoint a member of an LRC under section 80(1)(b), the Minister must, in writing, request each relevant local government to nominate 3 persons for appointment.
- (3) If within 42 days after the date on which the Minister makes a request under subsection (2) each relevant local government has nominated 3 persons for appointment, the Minister must appoint one of the persons nominated.
- (4) If within 42 days after the date on which the Minister makes a request under subsection (2) each relevant local government has not nominated 3 persons for appointment, the Minister may appoint under section 80(1)(b) a person who in the opinion of the Minister has knowledge of or experience in local government and that person is to be regarded as having been nominated under this section.
- (5) The Minister may have regard to a nomination made by a relevant local government when making an appointment referred to in subsection (4) but is not required to appoint a person so nominated.

”.

New Clause agreed to.

Clause 81.

The Minister for Planning moved,

Page 53, lines 22 to 24 – To delete the lines and substitute:

“

appointment period, in relation to a member of an LRC, means —

- (a) in the case of a member referred to in section 80(1)(a) or (c), the period ending 60 days after the Authority establishes the LRC under section 26; and
- (b) in the case of a member referred to in section 80(1)(b), the period ending 72 days after the date on which the Minister first makes a request under section 81(2) in respect of the member.

”.

Amendment put and passed.

The Minister for Planning moved,

Page 53, line 25 – To delete “all of the members” and substitute:

“ a member ”.

Amendment put and passed.

The Minister for Planning moved,

Page 53, line 26 – To insert after “period”:

“ in respect of that member, ”.

Amendment put and passed.

The Minister for Planning moved,

Page 53, line 28 – To delete “all of the members; and” and substitute:

“ the member; and ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 82 to 84 agreed to.

Clause 85.

The Minister for Planning moved,

Page 55, after line 20 – To insert:

“

(4) If —

- (a) under section 26(3) the Authority determines that an LRC that is already established in respect of a redevelopment area is to be taken to be established as the LRC in respect of a redevelopment area that includes part or all of a local government district that was not previously included in a redevelopment area in respect of which the LRC was already established (a *new district*); or
- (b) a redevelopment area is amended to include part or all of a local government district that was not previously included in that area (a *new district*),

the local government of the new district may, within 42 days of the determination or amendment taking effect, nominate a person for appointment under section 80(1)(b).

(5) If the Minister decides to appoint a person nominated under subsection (4), the Minister may —

- (a) remove from office the member appointed under section 80(1)(b); and
- (b) appoint under section 80(1)(b) the person nominated under subsection (4).

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 86 to 146 agreed to.

Clause 147.

Mrs M. Roberts moved,

Page 95, line 28 – To insert after “section”:

“

, except in the case of all items of moveable heritage at the former Midland Railway Workshops, which are to be transferred into the ownership of the Western Australian Museum

”.

Amendment put.

The Assembly divided.

Ayes (13)

Ms L.L. Baker
Mr R.H. Cook
Mr J.N. Hyde
Mr J.C. Kobelke
Mr M. McGowan

Mr P. Papalia
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts
Mr C.J. Tallentire

Mr A.J. Waddell
Mr B.S. Wyatt
Ms R. Saffioti (*Teller*)

Noes (16)

Mr F.A. Alban
Mr I.C. Blayney
Mr I.M. Britza
Dr E. Constable
Mr J.H.D. Day
Mr J.M. Francis

Dr K.D. Hames
Mr R.F. Johnson
Mr A. Krsticevic
Mr J.E. McGrath
Mr W.R. Marmion
Mr P.T. Miles

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

Amendment thus negatived.

25. Adjournment – Want of Quorum

A quorum being called and none being present, the Speaker advised that the House be now adjourned. The Assembly adjourned accordingly at 6.38 p.m. until Tuesday, 30 August 2011 at 2.00 p.m.

The following members, in addition to the Speaker, were present when the House was adjourned – Mr F.A. Alban, Mr I.C. Blayney, Mr I.M. Britza, Dr E. Constable, Mr J.H.D. Day, Dr K.D. Hames, Mr J.N. Hyde, Mr R.F. Johnson, Mr A. Krsticevic, Mr W.R. Marmion, Mr J.E. McGrath, Mr P.T. Miles, Dr M.D. Nahan, Mr D.T. Redman, Mr A.J. Simpson and Mr M.W. Sutherland.

Members present during any part of the day's proceedings – All the members except Mrs L.M. Harvey and Mr C.J. Barnett.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly