

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 125

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 15 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. Speaker's Statement – Chamber Seating**

The Speaker advised members that he had approved an amended seating plan for government and opposition members.

**3. Victims of the Queensland Floods, Cyclone Yasi and Western Australian Natural Disasters**

The Premier, without notice, moved,

That this House records its sincere regret at the lives and properties lost and the number of communities affected as a result of the significant flooding in many areas of Queensland, as well as the disproportionately high level of natural disasters in Western Australia during December 2010 to February 2011.

The motion was supported by Mr E.S. Ripper, Mr A.J. Simpson, Mr T.K. Waldron, Ms M.M. Quirk, Mr V.A. Catania, Mr R.H. Cook, Mr M.J. Cowper, Mr M.P. Murray, Mr R.F. Johnson, Dr A.D. Buti and Mr D.A. Templeman.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

**4. Death of Stanley Heal – a former Member of the Legislative Assembly**

The Premier, without notice, moved,

That this House records its sincere regret at the death of Stanley Heal and tenders its deep sympathy to his family.

The motion was supported by Mr E.S. Ripper, Mr T.K. Waldron, Mr J.N. Hyde, Mr A.P. O’Gorman and Mr T.G. Stephens.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

## 5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the changes to the Ministry which came into effect on 14 December 2010.

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### *Papers*

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

By the Premier –

Premier and Cabinet, Department of – State Government Ministerial Offices, 22 December 2010 (2970).

Premier and Cabinet, Department of – Ministers' Representation in the Other House – Allocation of Portfolios (as at 14 December 2010) (2971).

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The Attorney General on the Government's interim response to the recommendations of the Joint Standing Committee on Corruption and Crime Commission's Report on the Inquiry into How the Corruption and Crime Commission Can Best Work Together with the Western Australia Police Force to Combat Organised Crime.

The Minister for Racing and Gaming on the Government's interim response to the recommendations of the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts' Report on the Inquiry into the Racing and Wagering Western Australia Acts.

## 6. Speaker's Statement – Senior Staff of the Legislative Assembly

The Speaker advised members that the Deputy Clerk, John Mandy, had tendered his resignation and would be replaced by Kirsten Robinson on 4 April 2011. The Speaker further advised that Scott Nalder would assume the role of Clerk Assistant (Committees) on that date.

## 7. Questions

Questions without Notice were taken.

Questions on Notice Nos 4608 to 4666 were asked.

Questions on Notice Nos 4247, 4249 to 4253, 4260, 4264 to 4280, 4286, 4289 to 4296, 4305, 4309, 4310, 4313 to 4315, 4318, 4321 to 4323, 4326 to 4331, 4333, 4339 to 4341, 4343 to 4345, 4350, 4351, 4362 to 4364, 4385, 4388 to 4390, 4392 to 4403, 4405, 4407, 4411 to 4413, 4417 to 4420, 4422, 4424, 4427 to 4429, 4431 to 4433, 4435, 4436, 4438, 4439, 4443, 4444, 4447 to 4449, 4452, 4454, 4455, 4459 to 4461, 4463 to 4465, 4467, 4468, 4470, 4471, 4474 to 4477, 4479 to 4481, 4483, 4486, 4487, 4491 to 4493, 4495 to 4497, 4499, 4500, 4502, 4503, 4506 to 4509, 4511 to 4513, 4518, 4519, 4522 to 4525, 4527 to 4529, 4534, 4535, 4539 to 4541, 4543 to 4545, 4547, 4548, 4550, 4551, 4555 to 4557, 4559 to 4561, 4564, 4566, 4567, 4571, 4572, 4575 to 4577, 4580, 4582, 4583, 4587 to 4589, 4591 to 4593, 4596, 4598, 4599, 4601 to 4603 and 4605 to 4607 were answered.

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Papers tabled by the Deputy Premier; Minister for Health –

Question on Notice No. 4601 – Average Emergency Department waiting times by hospital for September 2010 (2957).

Question on Notice No. 4603 – Number of current unfilled vacancies at each regional hospital for registered and enrolled nurses (2958).

Question on Notice No. 4606 – Head count for each metropolitan hospital as at 31 October 2010 (2959).

Papers tabled by the Minister for Police; Emergency Services; Road Safety –

Question on Notice No. 4543 – Employees engaged in media, communications, marketing or speechwriting, their salary bands, job titles and list of entitlements for the Western Australia Police (2960).

Question on Notice No. 4607 – Number of auxiliary police officers in each policing district in Western Australia (2961).

Papers tabled by the Minister for Education –

Question on Notice No. 4249 – Sub-lease between the Minister for Education and Robe River Mining Co. Pty Ltd, Mitsui Iron Ore Development Pty Ltd, North Mining Limited, Nippon Steel Australia Pty Ltd and Sumitomo Metal Australia Pty Ltd (2962).

Question on Notice No. 4541 – Employees engaged in media, communications, marketing or speechwriting, their salary bands, job titles and list of entitlements for Tourism Western Australia and Rottnest Island Authority (2963).

Question on Notice No. 4557 – Cleaning costs for vehicles belonging to the Department of Education and Tourism Western Australia (2964).

Papers tabled by the Minister for Agriculture and Food –

Question on Notice No. 4313 – Forest Products Commission plantation contracts of sale as at 11 January 2011 (2965).

Question on Notice No. 4362 – Details of Minister for Agriculture and Food's travel to Albany on State Government air charter services (2966).

Question on Notice No. 4567 – Costs of vehicle detailing and cleaning for the Department of Agriculture and Food and Department of Forestry from 21 April to 23 November 2010 (2967).

Paper tabled by the Minister for Planning, Culture and the Arts –

Question on Notice No. 4561 – Costs of vehicle cleaning for the Department of Environment and Conservation and the Botanic Gardens and Park Authority (2968).

Paper tabled by the Minister for Water –

Question on Notice No. 4252 – Wellington Reservoir monthly mean salinity from January 1995 to October 2010 (2969).

Paper tabled by the Minister for Regional Development –

Question on Notice No. 4419 – Breakdown of costs associated with the installation of CCTV in Katanning (2972).

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Questions on Notice Nos 4236, 4242, 4243, 4258, 4320, 4348, 4404, 4421, 4484, 4516 and 4532 were answered on 1 February 2011.

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Questions on Notice Nos 4024, 4238 and 4332 were answered on 1 December 2010.

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## **8. Additional Information**

The Minister for Health provided additional information relating to a Question without Notice from Mr R.H. Cook.

## **9. Unanswered Questions on Notice**

Mr C.J. Tallentire asked why no answer had been received in respect of his Questions on Notice Nos 4282, 4283, 4306 and 4312.

## **10. Messages from the Governor**

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 126 – 8 December 2010

Road Traffic Legislation Amendment (Disqualification by Notice) Bill 2010, Act No. 51 of 2010.

Mutual Recognition (Western Australia) Bill 2010, Act No. 52 of 2010.

Perry Lakes Redevelopment Amendment Bill 2010, Act No. 53 of 2010.

Trade Measurement Legislation (Amendment and Expiry) Bill 2010, Act No. 54 of 2010.

Associations Incorporation Amendment (Transfer of Incorporation) Bill 2010, Act No. 55 of 2010.

Liquor Control Amendment Bill 2010, Act No. 56 of 2010.

Fair Trading Bill 2010, Act No. 57 of 2010.

Acts Amendment (Fair Trading) Bill 2010, Act No. 58 of 2010.

Prohibited Behaviour Orders Bill 2010, Act No. 59 of 2010.

No. 127 – 10 December 2010

Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2010, Act No. 60 of 2010.

Iron Ore Agreements Legislation Amendment Bill (No. 2) 2010, Act No. 61 of 2010.

## **11. Messages from the Legislative Council**

Messages from the Legislative Council were reported returning the following bills without amendment –

2 December 2010

Iron Ore Agreements Legislation Amendment Bill (No. 2) 2010 (Message No. 130).

Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2010 (Message No. 131).

## **12. Petitions**

Renewable Energy Rebates – Mr C.J. Tallentire presented a petition from 360 persons requesting that the renewable energy rebates available for individual households be made available to not-for-profit and non-government organisations such as City Farm (P. 362).

Animal Welfare Unit Inspectorate – Mr J.C. Kobelke presented a petition from 74 persons requesting that six permanent full-time General Inspectors be fully funded for the Department of Local Government's Animal Welfare Unit Inspectorate (P. 363).

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### *Paper*

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

By the Minister for Agriculture and Food; Forestry; Corrective Services –

Non-Conforming Petition – Concerns with the Proposal to Centralise the Nine Development Commissions to the Metropolitan Area (2973).

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## **13. Papers**

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Activities of an Employee of the Department of Health (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 15 December 2010) (2928).

Inspector of Custodial Services, Office of the – Report No. 69: Report of an Announced Inspection of Rangeview Remand Centre (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 15 December 2010) (2927).

By the Clerk –

Australian Crime Commission – Annual Report 2009–2010 (2930).

Australian Health Practitioner Registration Agency – Annual Report 2009–2010 (2931).

Biosecurity Council of Western Australia – Annual Report 2009–2010 (2932).

Carers Advisory Council of Western Australia – Annual Report 2009–2010 (2933).

Chemistry Centre of Western Australia [ChemCentre] – Statement of Corporate Intent 2010 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 7 December 2010) (2926).

Chiropractors Registration Board of Western Australia – Annual Report 2009–2010 (2934).

Dental Board of Western Australia – Annual Report 2009–2010 (2935).

Economic Regulation Authority – Inquiry into the Chicken Meat Industry Act 1977, Final Report (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 29 November 2010) (2925).

Government of Western Australia – Mid-Year Financial Projections Statement, December 2010 (2955).

Government of Western Australia – Quarterly Financial Results Report 2010–2011, September 2010 (2936).

Legal Practice Board – Annual Report 2009–2010 (2937).

Legal Profession Complaints Committee – Annual Report 2009–2010 (2938).

Local Government Grants Commission, Western Australia – Annual Report 2009–2010 (2939).

Medical Radiation Technologists Registration Board of Western Australia – Annual Report 2009–2010 (2940).

Midland Redevelopment Act 1999 – Ministerial Approval to Dispose Property (Lot 503, Yelverton Drive, Midland) of Value in Excess of \$1 Million in Accordance with Section 20(2)(A) of the Act (2941).

Midland Redevelopment Act 1999 – Ministerial Approval to enter into a Put and Call Option Agreement for the Disposal of Land of Value in Excess of \$1 Million in Accordance with Section 20(2)(A) of the Act (2942).

Nurses and Midwives Board of Western Australia – Annual Report 2009–2010 (2943).

Occupational Therapists' Registration Board of Western Australia – Annual Report 2009–2010 (2944).

Optometrists Registration Board of Western Australia – Annual Report 2009–2010 (2945).

Osteopaths Registration Board of Western Australia – Annual Report 2009–2010 (2946).

Osteopaths Registration Board of Western Australia – Report for the Period 1 July 2010 to 17 October 2010 (2947).

Podiatrists Registration Board – Annual Report 2009–2010 (2948).

Physiotherapists' Registration Board of Western Australia – Annual Report 2009–2010 (2949).

Physiotherapists' Registration Board of Western Australia – Report for the Period 1 July 2010 to 17 October 2010 (2950).

Premier and Cabinet, Department of – Report on Ministerial Resourcing as at 27 January 2011 (2956).

Psychologists Registration Board of Western Australia – Annual Report 2009–2010 (2951).

Racing and Wagering Western Australia – Statement of Corporate Intent 2010–2011 (Received by the Clerk of the Legislative Assembly and Deemed Tabled on 21 January 2011) (2929).

Salaries and Allowances Tribunal – Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (2952).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report Ending 31 December 2010 (2953).

Western Australian Electoral Commission – Election Report for the District of Armadale By-Election (2954).

#### **14. Removal of Order of the Day**

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Administration of Education and Tourism Portfolios, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

#### **15. Notice of Motion Lapsed**

The Speaker advised that Private Members' Notice of Motion No. 3 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

#### **16. Joint Standing Committee on the Corruption and Crime Commission – Terms of Reference**

The Speaker advised members that he had received a letter dated 25 November 2010 from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising that the Committee had resolved to conduct three new inquiries.

The letter read as follows –

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The first inquiry is an Inquiry into How the Corruption and Crime Commission Deals With Allegations and Notifications of WA Police Misconduct. The terms of reference of this inquiry are as follows.

That the Committee inquire into and report on:

- how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct;
- the impact of the Corruption and Crime Commission's practices in this regard on the capacity of the WA Police to deal effectively and appropriately with WA Police misconduct; and
- how the Corruption and Crime Commission's practices in this regard compare to Police oversight bodies in other jurisdictions.

The Committee will report to Parliament by 22 September 2011.

The second inquiry is an Inquiry into Whether the Corruption and Crime Commission Should Continue to Conduct Public Hearings in the Exercise of its Misconduct Function. The terms of reference of this inquiry are as follows.

That the Committee inquire into and report on:

- what factors the Commissioner of the Corruption and Crime Commission takes into account when deciding whether or not to conduct a public hearing;
- how the Corruption and Crime Commission preserves procedural fairness in conducting public hearings;
- how the Corruption and Crime Commission's practices in this regard compare to other jurisdictions;
- whether the Corruption and Crime Commission should maintain a statutory discretion to conduct public hearings in the exercise of its misconduct function; and
- if so, what statutory criteria should apply.

The Committee will report to Parliament by 22 September 2011.

The third inquiry is an Inquiry into Whether the Corruption and Crime Commission Should Have the Jurisdiction to Recover Proceeds of Crime and Unexplained Wealth. The terms of reference of this inquiry are as follows.

That the Committee inquire into and report on:

- how proceeds of crime and unexplained wealth are presently recovered; and

- whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth.

The Committee will report to Parliament by 22 September 2011.

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The Speaker further advised members that he had arranged for the Committee’s three terms of reference to be placed on the notice board of the Legislative Assembly for members’ information.

#### **17. Premier’s Statement**

The Premier made a statement.

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

Debate ensued.

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

Question put and passed.

#### **18. Health, Safety and Civil Liability (Children in Schools and Child Care Services) Bill 2010**

Message No. 132 dated 15 February 2011 from the Legislative Council was reported agreeing to the bill without amendment.

#### **19. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 10.23 p.m. until Wednesday, 16 February 2011 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Ms L.L. Baker, Mr J.J.M. Bowler and Mr B.J. Grylls.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly