

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 138

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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WEDNESDAY, 6 APRIL 2011

**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Petition**

Joondalup Line Overcrowding – Mr A.P. O’Gorman presented a petition from 373 persons requesting that at least 30 additional train carriages be ordered to address overcrowding on the Joondalup Train Line (P. 388).

**3. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Planning on the final release of the Preston River to Ocean Regional Park Establishment Plan Proposal.

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*Paper*

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

By the Minister for Planning –

Planning, Department of – Preston River to Ocean Regional Park Establishment Plan Proposal, Final Report, April 2011 (3279).

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The Minister for Environment on the investigation of Magellan Metals’ shipments of lead through the Fremantle Port.

The Minister for Sport and Recreation on the 2011 Track Cycling World Championships.

**4. Speaker's Statement – Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 – New Explanatory Memorandum**

The Speaker advised members that the explanatory memorandum for the Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011 had been replaced.

## **5. Suspension of Standing Orders – Private Members’ Business Precedence**

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

That so much of the Standing Orders be suspended as is necessary to enable Private Members’ Business to have priority from 4.00 p.m. to 8.00 p.m. on Wednesday, 6 April 2011.

Debate ensued.

Question put and passed.

## **6. Skilled Local Jobs Bill 2011**

Mr D.A. Templeman, on behalf of Mr E.S. Ripper, pursuant to notice, moved,

That a bill for “An Act to provide for agreements about skilled work requirements for major projects in this State.” be introduced and read a first time.

Question put and passed.

Mr D.A. Templeman, on behalf of Mr E.S. Ripper, 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.

## **7. Variation to the Order of Business**

Ordered, That Government Business Orders of the Day Nos 22, 12 and 1 be next considered.

## **8. Conservation Legislation Amendment Bill 2010**

The Minister for Environment, pursuant to notice, moved,

That a bill for “An Act to amend the *Conservation and Land Management Act 1984* and the *Wildlife Conservation Act 1950*.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

## **9. Premier’s Statement**

The Order of the Day for the resumption of the 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. Commonwealth Heads of Government Meeting (Special Powers) Bill 2011**

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

### *CONSIDERATION IN DETAIL*

Clauses 33 to 61 agreed to.

Clause 62.

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

Question put and passed.

**11. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 12 be resumed.

**12. Premier's Statement**

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

Debate resumed.

Debate interrupted by the Chair (Mr V.A. Catania speaking) and adjourned until a later stage of the sitting.

**13. Questions**

Questions without Notice were taken.

Questions on Notice Nos 5066 to 5136 were asked.

Questions on Notice Nos 4717, 4719 to 4724, 4740, 4795, 4802, 4806 to 4808, 4810, 4822, 4831 to 4835, 4838, 4844, 4874, 4892, 4895 and 4914 were answered.

**14. Variation to the Order of Business**

Ordered, That Private Members' Business Order of the Day for the second reading of the Skilled Local Jobs Bill 2011 and Private Members' Business Orders of the Day Nos 8 and 7 be next considered.

**15. Skilled Local Jobs Bill 2011**

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

Mr E.S. Ripper moved, That the bill be now read a second time.

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

Question put and passed.

**16. Transport Infrastructure**

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

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.

Debate ensued.

Debate interrupted by the Chair (Mr W.J. Johnston speaking) and adjourned until a later stage of the sitting.

**17. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 2 be next considered.

**18. Building Bill 2010**

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

*CONSIDERATION IN DETAIL*

Clauses 1 to 3 agreed to.

Clause 4.

The Minister for Transport moved,

Page 6, line 11 — After "independent" to insert:

“ building ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 5 to 22 agreed to.

Clause 23.

The Minister for Transport moved,

Page 20, lines 20 and 21 — To delete “not later than 35 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
- (ii) starting on the day after the application is made;

or

”.

Amendment put and passed.

The Minister for Transport moved,

Page 20, lines 22 to 25 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

Page 20, lines 29 and 30 — To delete “not later than 14 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for the classification of the building that is the subject of the application; and
- (ii) starting on the day after the application is made;

or

”.

Page 20, lines 31 and 32 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 18(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

Amendments put and passed.

Mr M. McGowan moved,

Page 21, lines 1 to 4 — To delete the lines and substitute:

“

- (3) If the permit authority has not made a decision in the time mentioned in subsections (1) or (2), the permit authority is to be taken to have granted the building permit or demolition permit in accordance with the application.

Amendment put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker  
Dr A.D. Buti  
Mr R.H. Cook  
Ms J.M. Freeman  
Mr J.N. Hyde  
Mr W.J. Johnston

Mr J.C. Kobelke  
Mr M. McGowan  
Mr M.P. Murray  
Mr A.P. O’Gorman  
Mr P. Papalia  
Ms M.M. Quirk

Mr E.S. Ripper  
Mr T.G. Stephens  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr P.B. Watson  
Mr D.A. Templeman (*Teller*)

Noes (22)

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  
Mr J.H.D. Day

Mr J.M. Francis  
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 W.R. Marmion

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

Amendment thus negatived.

The Minister for Transport moved,

Page 21, line 22 — To delete “subsection (3),” and substitute:

“ subsection (3) and section 18(2), ”.

Amendment put and passed.

The Minister for Transport moved,

Page 21, line 25 — To delete “(2)” and substitute:

“ (2), or the time specified under section 18(1), ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 24 to 37 agreed to.

Clause 38.

The Minister for Transport moved,

Page 32, line 8 — To delete “demolition” and insert:

“ demolition ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 39.

The Minister for Transport moved,

Page 32, line 20 — To delete “specified” and insert:

“ specified ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 40 to 58 agreed to.

Clause 59.

The Minister for Transport moved,

Page 48, lines 6 and 7 — To delete “not later than 14 days after the application is made; or” and substitute:

“

before the expiration of the period —

- (i) that is prescribed for the purposes of this subsection for that kind of application; and
- (ii) starting on the day after the application is made;

or

”.

Amendment put and passed.

The Minister for Transport moved,

Page 48, lines 8 and 9 — To delete the lines and substitute:

“

- (b) if there is a requirement under section 55(1) that is complied with within the specified time, before the expiration of the period mentioned in paragraph (a)(i) starting on the day after the compliance.

”.

Amendment put passed.

Mr M. McGowan moved,

Page 48, lines 10 to 24 – To delete the lines and substitute:

“

- (2) If the permit authority has not made a decision in the time mentioned in subsection (1), the permit authority is to be taken to have granted or modified the occupancy permit or granted the building approval certificate in accordance with the application.

”.

Amendment put.

The Assembly divided.

#### Ayes (15)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Mr W.J. Johnston

Mr J.C. Kobelke

Mr M. McGowan

Mr M.P. Murray

Mr A.P. O’Gorman

Mr P. Papalia

Ms M.M. Quirk

Mr T.G. Stephens

Mr C.J. Tallentire

Mr P.C. Tinley

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Mr P. Abetz  
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 Mr V.A. Catania  
 Mr J.H.D. Day

Mr J.M. Francis  
 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 W.R. Marmion

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

Amendment thus negatived.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

### 19. Variation to the Order of Business

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

### 20. Building Services (Complaint Resolution and Administration) Bill 2010

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

### 21. Building Services (Registration) Bill 2010

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

### 22. Juries Legislation Amendment Bill 2010

Message No. 144 dated 6 April 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Juries Legislation Amendment Bill 2010* 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 Juries Legislation Amendment Bill 2010*

#### No. 1

Page 28, after line 14 — To insert —

- (c) the Clerk of the Legislative Council, Clerk of the Legislative Assembly, Deputy Clerk of the Legislative Council, Deputy Clerk of the Legislative Assembly, Clerk Assistant, Usher of the Black Rod or Sergeant-at-Arms of the Parliament of Western Australia.

#### No. 2

Page 28, line 18 — To insert after “Court” —

or an associate to any such officer

**No. 3**

Page 28, line 20 — To insert after “Court” —

or an associate to any such officer

**No. 4**

Page 28, line 22 — To delete “magistrate or registrar” and insert —

magistrate, registrar or judicial support officer

**No. 5**

Page 28, lines 23 and 24 — To delete the lines and insert —

- (e) a judge, magistrate, registrar or judicial support officer of the Children’s Court or an associate to a judge of the Court;

**No. 6**

Page 29, lines 3 to 6 — To delete the lines.

**No. 7**

Page 29, lines 9 and 10 — To delete the lines and insert —

**3. Australian legal practitioners**

A person who is an Australian legal practitioner.

**No. 8**

Page 29, lines 12 to 33 — To delete the lines.

Ordered, That consideration in detail of Legislative Council Message No. 144 be made an Order of the Day for the next sitting of the Assembly.

**23. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 9.50 p.m. until Thursday, 7 April 2011 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Mrs C.A. Martin, Mr C.C. Porter, Mrs M.H. Roberts, Mr M.W. Sutherland and Mr M.P. Whitely.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly