

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 187

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 1 DECEMBER 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. Petitions

Skilled Local Jobs – Petitions requesting that the Western Australia Parliament pass laws that would ensure a greater share of skilled work for major resources projects be performed in Western Australia were presented by –

Mr M. McGowan from 172 persons (P. 534); and

Mr P.B. Watson from 11 persons (P. 535).

3. Papers

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

By the Clerk –

Commissioner for Children and Young People, Joint Standing Committee on the – Minutes, 16 February 2011 to 23 November 2011 (4322).

Mentally Impaired Accused Review Board – Annual Report 2010–2011 (4323).

Prisoners Review Board – Annual Report 2010–2011 (4324).

State Coroner, Office of the – Annual Report 2009–2010 (4325).

State Coroner, Office of the – Annual Report 2010–2011 (4326).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Health on Ramsay Health Care Ltd's appointment as the preferred respondent to partner with the State Government to deliver the new Midland Health Campus.

The Attorney General on the appointment of Roger Macknay QC as the Western Australian Corruption and Crime Commissioner.

The Minister for Sport and Recreation on the 2011 Sport and Recreation Industry Awards.

The Minister for Citizenship and Multicultural Interests on the inaugural Multicultural Employment Expo.

5. Grievances

The Speaker called for grievances which were then made.

6. 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 – Review of Selected Western Australian Infrastructure Projects – Report No. 14 (4327).

Public Accounts Committee – Review of Selected Western Australian Infrastructure Projects – Submissions (4328).

Mr J.C. Kobelke, Mr C.J. Tallentire, Mr J.M. Francis and Mr A. Krsticevic spoke on the report.

7. 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 – Review of the Reports of the Auditor General – Report No. 15 (4329).

Mr J.C. Kobelke, Mr C.J. Tallentire and Mr A. Krsticevic spoke on the report.

8. Appropriation (Consolidated Account) Capital 2010–11 (Supplementary) Bill 2011

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for capital payments made during the year ended 30 June 2011 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

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

The Treasurer 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. Appropriation (Consolidated Account) Recurrent 2010–11 (Supplementary) Bill 2011

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for recurrent payments made during the year ended 30 June 2011 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

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

The Treasurer 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. Revenue Laws Amendment Bill 2011

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to amend the following Acts –

- the *Duties Act 2008*;

- the *First Home Owner Grant Act 2000*;
- the *Land Tax Assessment Act 2002*;
- the *Pay-roll Tax Assessment Act 2002*;
- the *Rates and Charges (Rebates and Deferments) Act 1992*;
- the *Stamp Act 1921*;
- the *Taxation Administration Act 2003*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

11. Teacher Registration Bill 2011

The Minister for Education, pursuant to notice, moved,

That a bill for “An Act to –

- provide for the establishment of the Teacher Registration Board of Western Australia; and
 - provide for the regulation of the teaching profession in Western Australia; and
 - facilitate the establishment and administration of an inter-jurisdictional accreditation scheme for teacher education programmes; and
 - repeal the *Western Australian College of Teaching Act 2004* and the regulations made under that Act; and
 - make consequential amendments to various Acts,
- and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

12. Variation to the Order of Business

Ordered, That Private Members’ Business Notice of Motion No. 12 and Government Business Order of the Day No. 1 be next considered.

13. Metropolitan Region Scheme Amendment 1203/41

Mr J.N. Hyde, pursuant to notice, moved,

That Metropolitan Region Scheme Amendment 1203/41 “Perth Waterfront”, under the *Planning and Development Act 2005*, a copy of which was laid on the Table of the Legislative Assembly on 18 October 2011, is hereby disallowed.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

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
 Mrs C.A. Martin
 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 A.J. Waddell
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr D.A. Templeman (*Teller*)

Noes (26)

Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper
 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 A. Krsticevic
 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 negatived.

14. Variation to the Order of Business

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

15. Residential Tenancies Amendment Bill 2011

The Order of the Day for the consideration in detail of Legislative Council Message No. 195 was read.
 The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Residential Tenancies Amendment Bill 2011* 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 Residential Tenancies Amendment Bill 2011

No. 1

Page 17, line 26 — To insert after “practicable” —

, and in any event within 14 days,

No. 2

Page 19, line 1 — To insert after “refused,” —

and within seven days of the decision to refuse the option,

No. 3

Page 63, lines 1 to 4 — To delete the lines and insert —

(7) In section 79(5):

(a) delete “an owner” and insert:

a lessor

(b) delete “he” (each occurrence) and insert:

the lessor

(c) delete “the owner” (second occurrence) and insert:

the lessor

No. 4

Page 95, before line 1, the Table the 8th row the first column — To delete “s. 79(5)”.

No. 5

Page 120, after line 10 — To insert —

(c) if the person —

(i) was a minor as defined in section 59A(1) when the information was listed in the database; and

(ii) reaches 18 years of age before the end of the 3 year period mentioned in paragraph (a),

the period ending when the person reaches 18 years of age.

CONSIDERATION IN DETAIL

The Minister for Housing moved, That amendments Nos 1 to 5 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

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 Health –

Health, Minister for – Albany Hospital Site – Picture (4357).

Questions on Notice Nos 7054 to 7102 were asked.

Questions on Notice Nos 6447, 6456, 6462, 6465, 6475, 6476, 6479, 6480, 6482, 6484, 6485, 6493 to 6501, 6503 to 6506 to 6518, 6522 to 6528, 6530, 6533 to 6539, 6541, 6547, 6548, 6551, 6552, 6554, 6557, 6559, 6568, 6570, 6571, 6573 to 6581, 6585, 6587, 6588, 6605, 6607 to 6609, 6615, 6618, 6622, 6624, 6630, 6632, 6635, 6637, 6639, 6642, 6643, 6646, 6647, 6649, 6652, 6656, 6658 to 6660, 6663, 6664, 6666, 6669, 6673, 6675 to 6678, 6680, 6681, 6683, 6685, 6686, 6689, 6690, 6692 to 6694, 6697, 6698, 6700, 6702, 6703, 6707, 6711, 6712, 6714, 6717, 6719, 6720, 6724, 6726 to 6728, 6731, 6732, 6734, 6736, 6737, 6739, 6741, 6744 to 6746, 6748, 6751, 6753, 6754, 6758, 6762, 6763, 6765, 6768, 6770, 6771, 6777, 6779, 6780, 6782, 6785, 6787 to 6789, 6791 and 6793 were answered.

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

Question on Notice No. 6476 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4330).

Question on Notice No. 6527 – Question in relation to the state of progress for each of the recommendations made in the Toodyay Fire Major Incident Review (4331).

Question on Notice No. 6609 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4332).

Question on Notice No. 6643 – Question in relation to the number of staff under the Minister's portfolio who have reported incidents of assault including details of the department and dates of assaults and information on the victim and perpetrator (4333).

Question on Notice No. 6694 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Minister's portfolio (4334).

Papers tabled by the Minister representing the Minister for Energy; Training and Workforce Development; Indigenous Affairs –

Question on Notice No. 6479 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4335).

Question on Notice No. 6748 – Question in relation to vehicles used and the costs involved including cleaning and detailing cars in each department or agency within the Minister's portfolio (4336).

Papers tabled by the Minister for Environment; Water –

Question on Notice No. 6484 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4337).

Question on Notice No. 6753 – Question in relation to vehicles used and the costs involved including cleaning and detailing cars in each department or agency within the Minister's portfolio (4338).

Papers tabled by the Minister representing the Minister for Mental Health; Disability Services –

Question on Notice No. 6485 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4339).

Question on Notice No. 6618 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4340).

Question on Notice No. 6652 – Question in relation to the number of staff under the Minister's portfolio who have reported incidents of assault including details of the department and dates of assaults and information on the victim and perpetrator (4341).

Question on Notice No. 6703 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Minister's portfolio (4342).

Papers tabled by the Minister for Education –

Question on Notice No. 6571 – Summary details of the number of Education Support Schools in Western Australia including the number of FTE teachers, teachers' assistants and staff, the level of the Principal and how many students are currently enrolled in the Education Support School (4343).

Question on Notice No. 6607 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4344).

Papers tabled by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development –

Question on Notice No. 6605 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4345).

Question on Notice No. 6690 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Minister's portfolio (4356).

Papers tabled by the Minister representing the Minister for Finance; Commerce; Small Business –

Question on Notice No. 6608 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4346).

Question on Notice No. 6727 – Summary of all departments and agencies under the Minister's control including the ministerial office, the names of people (i.e. staff and consultants) and their salary level, who have been paid an attraction and/or retention allowance including the total amount paid to each person (4347).

Question on Notice No. 6475 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4352).

Question on Notice No. 6541 – Information provided on the Building Management Works' Regional Programs Conference being held at the Novotel Vines Resort in December 2011 including the number of people attending and whether they are non-public sector or non-government staff (4353).

Question on Notice No. 6693 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Minister's portfolio (4354).

Papers tabled by the Minister for Local Government; Heritage; Citizenship and Multicultural Interests –

Question on Notice No. 6615 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4348).

Question on Notice No. 6637 – Question in relation to the number of staff under the Minister's portfolio who have reported incidents of assault including details of the department and dates of assaults and information on the victim and perpetrator (4349).

Paper tabled by the Deputy Premier; Minister for Health; Tourism –

Question on Notice No. 6739 – Question in relation to vehicles used and the costs involved including cleaning and detailing cars in each department or agency within the Deputy Premier's portfolio (4350).

Paper tabled by the Minister representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs –

Question on Notice No. 6689 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Minister's portfolio (4351).

Paper tabled by the Minister for Transport; Housing –

Question on Notice No. 6647 – Question in relation to the number of staff under the Minister's portfolio who have reported incidents of assault including details of the department and dates of assaults and information on the victim and perpetrator (4355).

18. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

Message No. 196 dated 1 December 2011 from the Legislative Council was reported forwarding for concurrence a bill for "An Act to amend the *Criminal Appeals Act 2004* and, as a consequence, various other Acts, and for related matters."

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

19. Commercial Arbitration Bill 2011

Message No. 197 dated 1 December 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Arbitration Bill 2011* 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 Commercial Arbitration Bill 2011

No. 1

Page 13, lines 11 to 16 — To delete the lines and insert —

- (5) A decision within the limits of the Court's authority on a matter entrusted by subsection (3) or (4) to the Court is final.

No. 2

Page 15, lines 17 to 21 — To delete the lines and insert —

- (5) A decision of the Court under subsection (4) that is within the limits of the authority of the Court is final.

No. 3

Page 16, lines 9 to 13 — To delete the lines and insert —

- (3) A decision of the Court under subsection (2) that is within the limits of the authority of the Court is final.

No. 4

Page 18, lines 4 to 8 — To delete the lines and insert —

- (10) A decision of the Court under subsection (9) that is within the limits of the authority of the Court is final.

No. 5

Page 40, lines 9 to 13 — To delete the lines and insert —

- (5) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 6

Page 41, lines 9 to 13 — To delete the lines and insert —

- (4) An order of the Court under this section that is made within the limits of the authority of the Court is final.

No. 7

Page 61, the Table item 14 the 1st row — To delete “14(4),” and insert —

14(3),

Ordered, That consideration in detail of Legislative Council Message No. 197 be made an Order of the Day for the next sitting of the Assembly.

20. Iron Ore Agreements Legislation Amendment Bill 2011

Message No. 198 dated 1 December 2011 from the Legislative Council was reported agreeing to the bill without amendment.

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

Message No. 199 dated 1 December 2011 from the Legislative Council was reported agreeing to the bill without amendment.

22. Suspension of Standing Orders

Dr J.M. Woollard, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House calls on the Minister for Health to advise the House:

- (a) is he ready for the huge voter backlash if he fails to transfer cardiac surgery from Fremantle Hospital to Fiona Stanley Hospital; and
- (b) if no decision has been made in relation to the transfer of cardiac surgery from Fremantle Hospital to Fiona Stanley Hospital, when the Government will make this decision?

Debate ensued.

The Leader of the House moved, That the following words be added:

“

subject to the debate being conducted with 5 minutes each for Government members, Opposition members, and Independent members.

”.

Amendment put and passed.

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

Question put.

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.

23. Cardiac Surgery Services

Dr J.M. Woollard, pursuant to the foregoing motion, moved,

That this House calls on the Minister for Health to advise the House:

- (a) is he ready for the huge voter backlash if he fails to transfer cardiac surgery from Fremantle Hospital to Fiona Stanley Hospital; and
- (b) if no decision has been made in relation to the transfer of cardiac surgery from Fremantle Hospital to Fiona Stanley Hospital, when the Government will make this decision?

Debate ensued.

Question put and passed.

24. Ministerial Response – Cardiac Surgery Services

The Minister for Health responded to the forgoing motion on Cardiac Surgery Services.

25. Community Protection (Offender Reporting) 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 Police 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.

26. Variation to the Order of Business

Ordered, That Legislative Council Message No. 179 be next considered.

27. Joint Standing Committee on Audit

The Order of the Day for the consideration in detail of Legislative Council Message No. 179 was read.

The Message read as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following motion:

That pursuant to section 43 of the *Auditor General Act 2006* —

- (a) a Joint Standing Committee on Audit be established, comprised of four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each House support the Government;
- (b) the members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section (1)(a) are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 326. The requirement for leave of the committee under Standing Order 326 does not apply to these appointments;
- (c) the Chairman of the Standing Committee on Estimates and Financial Operations will be the Chairman of the Joint Standing Committee; and
- (d) the Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

CONSIDERATION IN DETAIL

The Leader of the House moved,

- (1) That the House agrees to the resolution of the Legislative Council referred to in Legislative Council Message No. 179 subject to the following amendments, in which the Legislative Assembly requests the concurrence of the Legislative Council –

No. 1

In paragraph (a) of the resolution: To insert after the words “Public Accounts Committee” –

“ (including the Chairman) ”.

No. 2

Delete paragraph (b) of the resolution.

No. 3

In paragraph (c) of the resolution: To delete the words “Standing Committee on Estimates and Financial Operations” and insert –

“ Legislative Assembly Public Accounts Committee ”.

No. 4

In paragraph (d) of the resolution: To delete the word “Council” and insert –

“ Assembly ”.

- (2) If the Legislative Council agrees to these amendments, the Assembly appoints the Chairman of the Public Accounts Committee, the member for Jandakot, the member for Carine and the Member for Gosnells as the Assembly members of the joint committee.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

28. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Debate ensued.

Question put and passed.

29. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.55 p.m. until a date and time to be fixed by the Speaker.

Members present during any part of the day's proceedings – All the members except Mr C.J. Barnett, Mr V.A. Catania, Mrs M.H. Roberts, Ms R. Saffioti, Mr P.C. Tinley and Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly