

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 161

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 30 AUGUST 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 – Statewide Student Parliament

The Speaker welcomed to the public gallery 97 Year 10 students representing every Legislative Assembly district and every Legislative Council Region who had participated in the Statewide Student Parliament that had taken place the day before in both the Assembly and the Council chambers.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Corrective Services on the Perth horse trial event held at the Wooroloo prison farm.

The Minister for Local Government on the approval of land for a new cemetery at Whitby Falls.

The Minister for Lands on the implementation of initiatives by Landgate to reduce fraudulent land transactions.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 6029 to 6046 were asked.

Questions on Notice Nos 5929 and 5932 were answered.

5. Additional Information

The Premier provided additional information relating to Question without Notice No. 504 from Mr E.S. Ripper.

The Minister for Corrective Services provided additional information relating to Question without Notice No. 499 from Mr F.M. Logan.

6. Petitions

Albany PCYC – Mr P.B. Watson presented a petition from 61 persons requesting that the Legislative Assembly commit to ensuring that sworn police officers continue to manage the Albany PCYC and that their ongoing role is secure (P. 456).

First Choice Liquor Superstore Maylands – Ms L.L. Baker presented a petition from 604 persons requesting that the Legislative Assembly ensure that Liquorland is not granted a liquor licence for the proposed First Choice Liquor Superstore in Maylands and also that it investigate the potential of heavily discounted liquor sold by these types of stores to influence violence in the community (P. 457).

Bus Services in the Shire of Murray – Mr M.J. Cowper presented a petition from 58 persons requesting that the Legislative Assembly support their campaign for the Government to provide a regular bus service between Pinjarra and Mandurah (P. 458).

Skilled Local Jobs Bill 2011 – Mr F.M. Logan presented a petition from 211 persons requesting that the Legislative Assembly support the Skilled Local Jobs Bill 2011 with the objective of ensuring that a greater share of skilled work for major resource projects is performed in Western Australia (P. 459).

7. Papers

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

By the Clerk –

Building Services (Complaint Resolution and Administration) Act 2011 – Regulations (Building Services (Complaint Resolution and Administration) Regulations 2011 G.G. 26/08/2011) (3786).

Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Regulations 2011 G.G. 26/08/2011) (3787).

Burswood Park Board – Annual Report 2010–2011 (3788).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 10) 2011 G.G. 24/08/2011) (3789).

Home Building Contracts Act 1991 – Regulations (Home Building Contracts Amendment Regulations 2011 G.G. 26/08/2011) (3790).

Local Government (Miscellaneous Provisions) Act 1960 – Regulations (Building Amendment Regulations (No. 3) 2011 G.G. 26/08/2011) (3791).

Local Government Act 1995 – Local Laws (City of Kalgoorlie-Boulder Local Government Property Local Law 2010 G.G. 15/08/2011) (3792).

Local Government Act 1995 – Local Laws (Correction – Shire of Quairading Extractive Industries Local Law 2011 G.G. 26/08/2011) (3793).

Local Government Act 1995 – Regulations (Local Government (Administration) Amendment Regulations (No. 2) 2011 G.G. 26/08/2011) (3794).

Planning and Development Act 2005 – Ministerial Direction in Relation to Call in of Application for Review – DR264 of 2011 Between Hanson Construction Materials Pty Ltd and the City of Vincent (3795).

Police, Western Australia – Surveillance Devices Act 1988 – Annual Report 2010–2011 (3796).

Police, Western Australia – State Witness Protection Program – Annual Report 2010–2011 (3797).

8. Notice of Motion

9. Notice of Motion Lapsed

The Speaker advised that Private Members' Business Notice of Motion No. 2, Classroom First and Networking Strategy, had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

10. Community Development and Justice Standing Committee – Terms of Reference

The Speaker advised members that he had received a letter dated 19 August 2011 from the Chair of the Community Development and Justice Standing Committee advising that the Committee at its meeting on 17 August 2011 had resolved to conduct an Inquiry with the following terms of reference:

With a focus on State Government workers and volunteers who work with, or under the supervision of, State Government agencies which are involved in emergency responses, the Committee will examine:

- whether existing agency responses adequately address the trauma experienced by staff and volunteers during and after declared natural or other disasters which have occurred since 2001;
- the barriers to those suffering trauma from accessing available assistance services; and
- the measures to mitigate any health impacts from trauma to those State Government workers and volunteers who responded to a declared disaster.

The Committee will report by 1 December 2012.

11. Matter of Public Interest – Minister for Emergency Services – Management of Last Bushfire Season

The Speaker informed the Assembly that he was in receipt of a notice from Mr E.S. Ripper that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr E.S. Ripper moved,

That the House calls upon the Minister for Emergency Services to explain to the House his personal involvement in the following issues:

- FESA's poor preparation for the last bushfire season;
- the management debacle on the day of the Roleystone-Kelmscott bushfires;
- the FESA cover-up during the Keelty Special Inquiry; and
- outline why he thinks he should retain the Emergency Services portfolio.

Debate ensued.

Question put and passed.

12. Ministerial Response – Management of Last Bushfire Season

The Minister for Emergency Services responded to the foregoing Matter of Public Interest on management of the last bushfire season.

13. 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 forthwith –

That the Premier explain whether or not the Minister for Emergency Services has his confidence and for how long will he keep that portfolio.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Dr A.D. Buti	Mrs C.A. Martin	Mr C.J. Tallentire
Ms A.S. Carles	Mr M.P. Murray	Mr P.C. Tinley
Mr R.H. Cook	Mr P. Papalia	Mr A.J. Waddell
Ms J.M. Freeman	Mr J.R. Quigley	Mr P.B. Watson
Mr W.J. Johnston	Mr E.S. Ripper	Mr M.P. Whitely
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr F.M. Logan	Ms R. Saffioti	Mr D.A. Templeman (<i>Teller</i>)

Noes (28)

Mr P. Abetz	Mr J.H.D. Day	Ms A.R. Mitchell
Mr F.A. Alban	Mr J.M. Francis	Dr M.D. Nahan
Mr C.J. Barnett	Mr B.J. Grylls	Mr C.C. Porter
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr A. Krsticevic	Dr J.M. Woollard
Mr V.A. Catania	Mr J.E. McGrath	Mr A.J. Simpson (<i>Teller</i>)
Dr E. Constable	Mr W.R. Marmion	
Mr M.J. Cowper	Mr P.T. Miles	

Question thus negatived.

14. Personal Explanation

Mr J.C. Kobelke made a personal explanation on the remarks made about his performance as former Minister for Emergency Services by the current Minister for Emergency Services in his response to the preceding Matter of Public Interest.

15. Message from the Governor

Message No. 30 from His Excellency the Governor was reported assenting to the Road Safety Council Amendment Bill 2011, Act No. 30 of 2011.

16. Personal Property Securities (Commonwealth Laws) Bill 2011

Message No. 172 dated 18 August 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to adopt the *Personal Property Securities Act 2009* (Commonwealth) as amended by the *Personal Property Securities (Consequential Amendments) Act 2009* (Commonwealth), the *Personal Property Securities (Corporations and Other Amendments) Act 2010* (Commonwealth) and the *Personal Property Securities (Corporations and Other Amendments) Act 2011*, to refer certain matters relating to security interests in personal property to the Parliament of the Commonwealth, for the purposes of section 51(xxxvii) of the Constitution of the Commonwealth, and to enact consequential provisions.”

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

17. Personal Property Securities (Consequential Repeals and Amendments) Bill 2011

Message No. 173 dated 18 August 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to repeal or amend various Acts as a result of the reform of the law relating to personal property securities by the *Personal Property Securities Act 2009* (Commonwealth), and for related purposes.”

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

18. 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 147 to 149 agreed to.

Clause 150.

Dr A.D. Buti moved –

Page 97, lines 20 to 26 – To delete all words after “authority” and substitute:

“

, unless earlier lawfully terminated by either party to the contract, that person becomes a staff member of the Authority and is to be taken to have been employed under the contract of service under section 109(2), and without loss of conditions and entitlements held at the coming into operation of this subsection.

”.

On the question, That the words be deleted,

Amendment put and negatived.

Clause agreed to.

Clauses 151 to 155 agreed to.

Title agreed to.

Consideration in detail concluded.

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

19. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

20. Curriculum Council Amendment Bill 2011

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

CONSIDERATION IN DETAIL

Clauses 1 to 59 agreed to.

Title agreed to.

Consideration in detail concluded.

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

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

Debate ensued.

Question put and passed.

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

21. Inheritance (Family and Dependents Provision) Amendment Bill 2011

Message No. 174 dated 30 August 2011 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Inheritance (Family and Dependents Provision) Act 1972* and other Acts, and for related purposes.

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

22. Residential Tenancies 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.

The Premier moved, That the debate be adjourned.

Question put and passed.

23. Restraining Orders Amendment Bill 2011

Message No. 175 dated 30 August 2011 from the Legislative Council was reported agreeing to the bill without amendment.

24. Adjournment

Mr M. McGowan moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 11.06 p.m. until Wednesday, 31 August 2011 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs L.M. Harvey, Mr J.N. Hyde, and Mr A.P. O’Gorman.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly