

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 200

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 1 MAY 2012

**1. Meeting of Assembly**

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Message from the Governor – Vacancy in the Senate**

The following Message from his Excellency the Governor was read by the Speaker –

The Governor transmits to the Legislative Assembly a copy of a despatch which he has received from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

His Excellency Malcolm McCusker, AC CVO QC  
Governor of Western Australia  
Government House  
St Georges Terrace  
Perth WA 6000

Your Excellency

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I regret to notify Your Excellency that a vacancy has happened in the representation of the State of Western Australia through the death, on 31 March 2012, of Senator Judith Adams.

Yours sincerely  
John Hogg

The Premier, pursuant to the Message from His Excellency the Governor, moved –

That Mr Speaker be requested to confer with the President of the Legislative Council, in order to fix a day and place whereon and whereat the Legislative Assembly and the Legislative Council, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

Debate ensued.

Question put and passed.

### 3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on Operation Swallow, Western Australia Police's campaign to reduce motor vehicle theft in Western Australia.

The Minister for Environment on the decision to create the Camden Sound Marine Park.

The Minister for Local Government on the Western Australian Local Government Grants Commission's new General Purpose Grants methodology.

### 4. Questions

Questions without Notice were taken.

Questions on Notice Nos 7775 to 7887 were asked.

Questions on Notice Nos 7135, 7138, 7139, 7143, 7144, 7312, 7354, 7356, 7362 to 7365, 7372 to 7374, 7376 to 7386, 7389, 7390, 7393 to 7397, 7399 to 7408, 7412, 7414, 7415, 7419 to 7422, 7426, 7428 to 7431, 7433 to 7438, 7440 to 7443, 7445, 7446, 7448 to 7475, 7484 to 7487, 7489, 7491, 7492, 7494, 7496, 7499, 7500, 7502, 7504 to 7509, 7512, 7515, 7516, 7519, 7520, 7522, 7527, 7535, 7555 to 7560, 7562 to 7574, 7576, 7578, 7580, 7582, 7583, 7585, 7586, 7588, 7590 to 7600, 7602 to 7609, 7619, 7622, 7623, 7625, 7631, 7636, 7639, 7640, 7642, 7644, 7645, 7647, 7651 to 7654, 7656, 7665 to 7667, 7674 to 7676, 7681, 7683, 7686, 7688, 7690 to 7696, 7698, 7700, 7701, 7705, 7708 to 7711, 7713, 7715 to 7719, 7721 to 7729, 7731, 7732, 7734, 7735, 7739, 7741 to 7745, 7747 to 7749, 7751, 7753, 7755, 7757, 7758, 7760, 7762, 7765, 7766, 7768, 7770, 7772 and 7773 were answered.

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Papers tabled by the Minister for Education –

Question on Notice No. 7139 – Question in relation to whether members, Chair and Deputy Chair of the Rural and Remote Education Advisory Council (RREAC) have undertaken any travel on RREAC business in 2009, 2010 and 2011 (4710).

Question on Notice No. 7376 – Summary of the average enrolments, number of unexplained absences and details on student suspensions for the years 2008, 2009, 2010 and 2011 (4711).

Question on Notice No. 7431 – Details of the cost and construction of the gymnasium for Perth Modern School (4712).

Question on Notice No. 7564 – Summary of the schools listed on the bushfire zone register and what additional measures taken for each school (4713).

Question on Notice No. 7716 – Details on the current outstanding maintenance requests and any scheduled building upgrades for North Parmelia Primary School, Orelia Primary School, Medina Primary School, Calista Primary School, Leda Primary School, Bertram Primary School, Gilmore College, Baldivis Primary School, Waikiki Primary School, East Waikiki Primary School and Hillman Primary School (4714).

Papers tabled by the Minister for Agriculture and Food –

Question on Notice No. 7377 – Details of meetings between the Minister and/or Ministerial Staff and representatives for producers or suppliers of Genetically Modified (GM) crop seed during the period September 2008 to the present date (4715).

Question on Notice No. 7381 – Details of the Ord River Stage 2 Project including how much money has been spent on the project from both the State Government and Federal Government and what amount of rice crop expressed as a volume of tonnage has been sold by Ord River producers (4716).

Papers tabled by the Treasurer; Attorney General –

Question on Notice No. 7382 – Summary of the number of connection reports received by the State Government from all native title representative bodies and service providers including the current status of each connect report (4717).

Question on Notice No. 7631 – Summary of the number of any staff level 3.1 and above within the Treasurer's portfolio accepting any gift from a private company or individual since November 2011 (4718).

Paper tabled by the Minister for Corrective Services –

Question on Notice No. 7390 – Details of the total number of prisoner on prisoner assaults reported in the 12 months ending 1 March 2010 and 12 months ending 1 March 2012 (4719).

Papers tabled by the Minister for Environment; Water –

Question on Notice No. 7415 – Question in relation to remuneration of officers employed by Watercorp including salary, superannuation and non-monetary benefits and the number of officers in \$10,000 range bands from \$150,000 upwards for the financial years 2008–2009, 2009–2010 and 2010–2011 (4720).

Question on Notice No. 7745 – Details on the lease, environmental conditions, height restrictions for infill at the waste site and the remediation obligations in place on the operators of the WasteStream Waste Dump Facility on Ratcliffe Road in Kwinana (4721).

Question on Notice No. 7625 – Summary of the number of any staff level 3.1 and above within the Minister's portfolio accepting any hospitality, invitations to events, accommodation or free travel from a private company or individual since November 2011 (4722).

Question on Notice No. 7642 – Summary of the number of any staff level 3.1 and above within the Minister's portfolio accepting any gift from a private company or individual since November 2011 (4723).

Papers tabled by the Minister for Health; Tourism –

Question on Notice No. 7433 – Question in relation to Colonial House and Kirkman House in Murray Street Perth including the number of employees and activities conducted for the Department of Health and/or Royal Perth Hospital and the heritage listings for these buildings (4724).

Question on Notice No. 7715 – Details of the Friend in Need – Emergency (FINE) program and the contract with Silver Chain including the number of people treated, diverted from hospital as a result of the program and whether the program has been audited (4725).

Question on Notice No. 7734 – Summary of the total number of visitors to Rottnest Island in each of the years 2008, 2009, 2010 and 2011 including the number of day trippers for each year (4726).

Paper tabled by the Minister for Forestry –

Question on Notice No. 7446 – Details on the process for allocating or reallocating saw-log timber from the closure of Gunn's Dean Mill operation including royalties and if there was any financial assistance in the way of Investment Security Guarantees (4727).

Papers tabled by the Minister for Planning; Culture of the Arts; Science and Innovation –

Question on Notice No. 7505 – Question in relation to funding of consultancies and grants to the Australian Urban Design Research Centre (AUDRC) and for what purposes including funding for AUDRC staff member Professor Richard Weller (4728).

Question on Notice No. 7572 – Summary of statistics being kept on the performance, efficiency and operation of Development Assessment Panels (DAPs) (4729).

Question on Notice No. 7578 – Question in relation to QoN 7127 indicating the Western Australian Planning Commission owning 299 rental properties in WA including the number of properties located within the City of Perth, City of Vincent and the State electorate of Perth and the cost associated with the properties (4730).

Question on Notice No. 7619 – Summary of the number of staff level 3.1 or above who have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual since November 2011 (4731).

Question on Notice No. 7636 – Summary of the number of any staff level 3.1 and above within the Minister's portfolio accepting any gift from a private company or individual since November 2011 (4732).

Question on Notice No. 7688 – Question in relation to the Minister, his staff or officers for the Department of Planning and whether they had met with Geoff Prosser, or representatives of his company, Citygate Properties in the period January 2011 to March 2012 including details of the meeting (4733).

Paper tabled by the Premier –

Question on Notice No. 7667 – Summary details of the Government's Air Charter Services including information of the current contract last negotiated, when it will go to Tender and the monthly cost of each aircraft for the 2008–2009, 2009–2010, 2010–2011 and from 1 July 2011 to date financial years (4734).

## **5. Unanswered Questions on Notice**

Mr J.C. Kobelke asked why no answers had been received in respect of his Questions on Notice Nos 7589 and 7581.

## **6. Speaker's Statement – Joint Sitting**

The Speaker advised members that, having consulted with the President of the Legislative Council in relation to holding a Joint Sitting to fill the vacancy in the Senate created by the death of Senator Judith Adams, a Joint Sitting will be held on Wednesday, 2 May 2012 at 11.00 a.m. in the Legislative Council Chamber.

## **7. Petitions**

Hunt Point Marine Precinct – Mr T.G. Stephens presented a petition from 154 persons requesting that the Legislative Assembly ensures the Government and BHP Billiton retracts the decision to develop the portion of Reserve Land known as Hunt Point (P. 571).

Forrestfield Public Library – Mr A.J. Waddell presented a petition from 53 persons requesting that Legislative Assembly ensures the maintenance of an appropriate balance of land use, with no reduction of Public Purpose designated areas, especially in relation to the Shire of Kalamunda's proposal to re-zone the present site of the Forrestfield Public Library (P. 572).

Proposed Hammond Park High School – Mr F.M. Logan presented a petition from 191 persons requesting that the Minister for Education immediately brings forward the development and construction of a High School at Hammond Park (P. 573).

Car-Park Facilities Cockburn Central Railway Station – Mr F.M. Logan presented a petition from 336 persons requesting that the Legislative Assembly calls upon the State Government to commit to building a new overpass road bridge joining an upgraded North Lake Road to Armadale Road and a new rail station with car parking at Russell Road (P. 574).

Carnarvon Water Allocation – Mr V.A. Catania presented a petition from 124 persons requesting that the Legislative Assembly implements a moratorium on the licences and allocations of Basin A Water in the Carnarvon area (P. 575).

## **8. Personal Explanation**

The Minister for Planning made a personal explanation on a perceived conflict of interest in relation to the ownership of a property.

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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 –

Minister for Planning – Advice from the Director General of the Department of Premier and Cabinet and supporting documentation relating to a perceived conflict of interest regarding the Minister's ownership of a property (4735).

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## **9. Papers**

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

By the Speaker –

Auditor General, Office of the [OAG] – Beyond Compliance: Reporting and Managing KPIs in the Public Sector, Report 3, April 2012 (Received by the Clerk of the Legislative Assembly and deemed tabled on 19 April 2012) (4667).

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct in Relation to the use of Taser Weapons by Officers of Western Australia Police and the Department of Corrective Services (Received by the Clerk of the Legislative Assembly and deemed tabled on 16 April 2012) (4666).

By the Clerk –

Bush Fires Act 1954 – Local Laws (Shire of East Pilbara Bush Fire Brigades Local Law 2011 G.G. 26/03/2012) (4668).

Caravan Parks and Camping Grounds Act 1995 – Regulations (Caravan Parks and Camping Grounds Amendment Regulations 2012 G.G. 13/04/2012) (4669).

Children's Court of Western Australia Act 1988 – Regulations (Children's Court (Fees) Amendment Regulations 2012 G.G. 27/03/2012) (4670).

Corrective Services, Department of – Operation and Maintenance of the Young Adults Facility Contract between the Commissioner of the Department of Corrective Services, for and on behalf of the State of Western Australia and Serco Australia Pty Limited, March 2012 (4671).

District Court of Western Australia Act 1969 – Regulations (District Court (Fees) Amendment Regulations 2012 G.G. 27/03/2012) (4672).

Dividing Fences Act 1961 – Local Laws (Shire of East Pilbara Fencing Local Law 2011 G.G. 26/03/2012) (4673).

Dog Act 1976 – Local Laws (City of South Perth Dog Amendment Local Law 2012 G.G. 13/04/2012) (4674).

Dog Act 1976 – Local Laws (Shire of East Pilbara Dogs Local Law 2011 G.G. 26/03/2012) (4675).

Electricity Act 1945 – Regulations (Electricity (Licensing) Amendment Regulations 2012 G.G. 13/04/2012) (4676).

Electricity Act 1945 – Regulations (Electricity (Supply Standards and System Safety) Amendment Regulations 2012 G.G. 13/04/2012) (4677).

Electricity Act 1945 – Regulations (Electricity Amendment Regulations 2012 G.G. 13/04/2012) (4678).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendment 2012 G.G. 17/04/2012) (4679).

Environmental Protection Act 1986 – Regulations (Environmental Protection (Controlled Waste) Amendment Regulations 2012 G.G. 05/04/2012) (4680).

Fair Trading Act 2010 – Regulations (Fair Trading (Infringement Notices) Regulations 2012 G.G. 24/04/2012) (4681).

Financial Management Act 2006 – Notice given under Section 82 of the Act by the Minister for Tourism in respect to not providing an answer to part (a) of Legislative Assembly Question on Notice No. 7216 (4682).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment 2012 [1077] G.G. 13/04/2012) (4683).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Coral, 'Live Rock' and Algae) Amendment Order 2012 [1080] G.G. 03/04/2012) (4684).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing by Line from Fishing Boats (Pilbara Waters) Amendment Order 2012 [1075] G.G. 27/03/2012) (4685).

Fish Resources Management Act 1994 – Orders (Prohibition on Line Fishing (Metal in Lines and Traces) Amendment Order 2012 [1074] G.G. 27/03/2012) (4686).

Food Act 2008 – Regulations (Food Amendment Regulations 2012 G.G. 20/04/2012) (4687).

Health Act 1911 – Local Laws (Shire of East Pilbara Health Local Law 2011 G.G. 26/03/2012) (4688).

Heritage of Western Australia Act 1990 – Regulations (Heritage of Western Australia Amendment Regulations 2012 G.G. 27/03/2012) (4689).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 3) 2012 G.G. 20/04/2012) (4690).

Land Act 1933 – Cancellation of Class B Reserve 7324 for Inclusion into Pastoral Lease CL250/1976 under Section 31(2) of the Act (4692).

Land Administration Act 1997 – Excision from Class A Reserve 41545 under section 42 (4) of the Act (4693).

Liquor Control Act 1988 – Regulations (Liquor Control (Yakanarra Restricted Area) Amendment Regulations 2012 G.G. 27/04/2012) (4691).

Local Government Act 1995 – Local Laws (City of South Perth Parking Amendment Local Law 2012 G.G. 13/04/2012) (4694).

Local Government Act 1995 – Local Laws (City of South Perth Public Places and Local Government Property Amendment Local Law 2012 G.G. 13/04/2012) (4695).

Local Government Act 1995 – Local Laws (Shire of East Pilbara Public Places and Local Government Property Local Law 2011 G.G. 26/03/2012) (4696).

Local Government Act 1995 – Regulations (Local Government (Financial Management) Amendment Regulations 2012 G.G. 20/04/2012) (4697).

Magistrates Court Act 2004 – Regulations (Magistrates Court (Fees) Amendment Regulations (No. 2) 2012 G.G. 27/03/2012) (4698).

Magistrates Court Act 2004 – Regulations (Magistrates Court Amendment Regulations 2012 G.G. 27/04/2012) (4699).

Misuse of Drugs Act 1981 – Orders (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2012 G.G. 13/04/2012) (4700).

Occupational Therapists Act 2005 – Regulations (Occupational Therapists Amendment Regulations 2012 G.G. 30/03/2012) (4701).

Racing and Wagering Western Australia Act 2003 – Regulations (Racing and Wagering Western Australia Amendment Regulations (No. 2) 2011 G.G. 03/04/2012) (4703).

Radiological Council – Annual Report 2011 (4702).

Road Traffic Act 1974 – Regulations (Road Traffic (Authorisation to Drive) Amendment Regulations 2012 G.G. 05/04/2012) (4704).

Strata Titles Act 1985 – Regulations (Strata Titles General Amendment Regulations 2012 G.G. 13/04/2012) (4705).

Supreme Court Act 1935 – Regulations (Supreme Court (Fees) Amendment Regulations 2012 G.G. 27/03/2012) (4706).

Transfer of Land Act 1893 – Regulations (Transfer of Land Amendment Regulations 2012 G.G. 13/04/2012) (4707).

Water Services Licensing Act 1995 – Orders (Water Services Licensing (West Pilbara Controlled Area – Water Supply Services) Order 2012 G.G. 24/04/2012) (4708).

Workers' Compensation and Injury Management (Acts of Terrorism) Act 2001 – Regulations (Workers' Compensation and Injury Management (Acts of Terrorism) (Final Day) Amendment Regulations 2012 G.G. 27/04/2012) (4709).

## **10. Notices of Motion**

### **11. Notice of Motion Lapsed**

The Speaker advised that Private Members' Business Notice of Motion No. 3 had lapsed and would be removed from the next Notice Paper.

### **12. Messages from the Governor**

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

No. 1 – 15 March 2012

Community Protection (Offender Reporting) Amendment Bill 2011, Act No. 1 of 2012.

No. 2 – 4 April 2012

Local Government Amendment Bill 2011, Act No. 2 of 2012.

No. 3 – 10 April 2012

Western Australia Day (Renaming) Bill 2011, Act No. 3 of 2012.

Reserves (Wanjarri Nature Reserve) Bill 2011, Act No. 4 of 2012.

Gas Services Information Bill 2011, Act No. 5 of 2012.

Business Names (Commonwealth Powers) Bill 2011, Act No. 6 of 2012.

### **13. Message from the Governor**

Message No. 4 from His Excellency the Governor was reported recommending that appropriations be made for the purposes of the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012.

### **14. Teacher Registration Bill 2011**

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

#### *CONSIDERATION IN DETAIL*

Clauses 10 to 12 agreed to.

Clause 13.

Dr A.D. Buti moved,

Page 10, after line 12 – To insert:

“

- (4) The Board may not refuse an application under subsection (3) if more than 14 days has expired from the date of the request subject to clause 14.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 14 to 21 agreed to.

Clause 22.

Dr A.D. Buti moved,

Page 14, after line 19 – To insert:

“

- (4) The Board must make a determination on the application for the renewal of registration within 28 days of receipt of the application, unless the Board gives reasons for the delay within 28 days.
- (5) Subject to subsection (4) if the Board does not make a determination on the application for the renewal of registration within 28 days of receipt of the application, the Board shall be deemed to have determined to have renewed the registration of the applicant.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 23 to 86 agreed to.

Clause 87.

Mr P. Papalia moved,

Page 52, after line 11 – To insert:

“

- (3A) Of the persons appointed under subsection (3)(b) –
  - (a) one is to be a registered teacher who teaches or works at a government school; and
  - (b) one is to be –
    - (i) a registered teacher who teaches or works at a school that is part of a school system the governing body of which is the Catholic Education Commission of Western Australia; or
    - (ii) a registered teacher who teaches or works at a school other than a school referred to in paragraph (a) or (b)(i).

”.

Amendment put and negatived.

Clause agreed to.

Clauses 88 to 170 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.

## 15. **Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012** **Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**

The Order of the Day for the resumption of the debate upon the second reading of the bills was read.



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*Cognate Debate*

Leave was granted to debate the Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012 in conjunction with the Fines, Penalties and Infringement Notices Enforcement Amendment (Taxation) Bill 2012.

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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 Attorney General 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.

**16. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2012**

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

Question put and passed.

Bill read a second time.

*CONSIDERATION IN DETAIL*

Clauses 1 to 73 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General 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.

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

Ordered, That Government Business Order of the Day No. 21 be next considered.

**18. Adoption Amendment Bill 2011**

The Minister for Planning, pursuant to notice, moved,

That a bill for “An Act to amend the *Adoption Act 1994*.” be introduced and read a first time.

Question put and passed.

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

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

Mr W.J. Johnston moved, That the debate be adjourned.

Question put and passed.

**19. Workers' Compensation and Injury Management Amendment Bill 2012**

Message No. 212 dated 1 May 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to amend the *Workers' Compensation and Injury Management Act 1981*.”

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

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 11.02 p.m. until Wednesday, 2 May 2012 at 12.00 noon.

*Members present during any part of the day's proceedings* – All the members except Mr J.J.M. Bowler, Mr B.J. Grylls and Mrs C.A. Martin.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly