

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 216

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 8 AUGUST 2012

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Land Speculation in Alkimos – Mr J.R. Quigley presented a petition from 334 persons requesting that the Legislative Assembly ensures that the suburbs of Alkimos and Eglinton be kept free from property speculators (P. 623).

School Speed Signs Hawker Park Primary School – Ms A.R. Mitchell presented a petition from 45 persons requesting the Legislative Assembly to urgently install school speed signs on Hawker Avenue to provide a safer environment for students attending the school (P. 624).

3. Papers

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

By the Speaker –

Auditor General, Office of the – Information Systems Audit Report, Report 10, June 2012 (5031).

Auditor General, Office of the – Public Sector Performance Report 2012, Report 9, June 2012 (5030).

By the Clerk –

Agricultural Practices Board – Final Report, 1 July 2011 to 7 December 2011 (5033).

Agriculture and Related Resources Protection Act 1976 – Local Laws (City of Greater Geraldton Pest Plants Local Law 2011 G.G. 13/07/2012) (5032).

Bush Fires Act 1954 – Local Laws (City of Greater Geraldton Bush Fire Brigades Local Law 2011 G.G. 13/07/2012) (5034).

Bush Fires Act 1954 – Local Laws (Shire of Broome Bush Fire Brigades Amendment Local Law 2012 G.G. 31/07/2012) (5035).

Cemeteries Act 1986 – Local Laws (City of Greater Geraldton Cemetery Local Law 2011 G.G. 13/07/2012) (5036).

- Child Care Services Act 2007 – Regulations (Child Care Services Amendment Regulations 2012 G.G. 06/07/2012) (5037).
- Construction Industry Portable Paid Long Service Leave Act 1985 – Regulations (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2012 G.G. 10/07/2012) (5038).
- Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2012 G.G. 29/06/2012) (5039).
- Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Amendment Regulations 2012 G.G. 03/08/2012) (5040).
- Dividing Fences Act 1961 – Local Laws (City of Cockburn Fencing Local Law 2012 G.G. 03/07/2012) (5041).
- Dog Act 1976 – Local Laws (City of Greater Geraldton Dogs Local Law 2011 G.G. 13/07/2012) (5042).
- Dog Act 1976 – Local Laws (Shire of Broome Dogs Local Law 2012 G.G. 31/07/2012) (5043).
- Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Law (Transitional) Regulations 2012 G.G. 25/07/2012) (5044).
- Education and Care Services National Law (WA) Act 2012 – Regulations (Education and Care Services National Regulations 2012 G.G. 25/07/2012) (5045).
- Electronic Transactions Act 2011 – Regulations (Electronic Transactions Regulations 2012 G.G. 31/07/2012) (5046).
- Energy Coordination Act 1994 – Regulations (Energy Coordination (Gas Tariffs) Amendment Regulations 2012 G.G. 24/07/2012) (5047).
- Energy Operators (Powers) Act 1979 – By-laws (Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2012 G.G. 29/06/2012) (5048).
- Energy Operators (Powers) Act 1979 – Regulations (Energy Operators (Electricity Retail Corporation) (Charges) Amendment By-laws 2012 G.G. 29/06/2012) (5049).
- Fish Resources Management Act 1994 – Management Plans (Correction – Kimberley Gillnet and Barramundi Fishery Management Plan Amendment 2012 [1085] G.G. 03/07/2012) (5050).
- Fish Resources Management Act 1994 – Management Plans (West Coast Deep Sea Crustacean Fishery (Interim) Management Plan Amendment 2012 [1073] G.G. 03/07/2012) (5051).
- Fish Resources Management Act 1994 – Orders (Abrolhos Islands Fishing Methods Revocation Order 2012 [1096] G.G. 06/07/2012) (5052).
- Fish Resources Management Act 1994 – Orders (CORRECTION – Netting Restrictions (Pilbara and Kimberley) Revocation and Amendment Order 2012 G.G. 24/07/2012) (5053).
- Gas Services Information Act 2012 – Regulations (Electricity Industry (Independent Market Operator) Amendment Regulations 2012 G.G. 29/06/2012) (5054).
- Gas Services Information Act 2012 – Regulations (Gas Services Information Regulations 2012 G.G. 29/06/2012) (5055).
- Health Act 1911 – Local Laws (City of Cockburn Health Amendment Local Law 2012 G.G. 06/07/2012) (5056).
- Industrial Relations Act 1979 – Regulations (Industrial Magistrates Courts (General Jurisdiction) Amendment Regulations 2012 G.G. 31/07/2012) (5057).
- Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2012 G.G. 13/07/2012) (5058).
- Land Administration Act 1997 – Regulations (Land Administration (Land Management) Amendment Regulations 2012 G.G. 31/07/2012) (5060).
- Land Administration Act 1997 – Regulations (Land Administration Amendment Regulations 2012 G.G. 06/07/2012) (5061).
- Landcare Trust – Annual Report 2011–2012 (5059).
- Legal Profession Act 2008 – Regulations (Legal Profession Amendment Regulations (No. 4) 2012 G.G. 29/06/2012) (5062).
- Local Government Act 1995 – Local Laws (City of Armadale Environment, Animals and Nuisance Amendment Local Law 2012 G.G. 03/07/2012) (5063).
- Local Government Act 1995 – Local Laws (City of Bunbury Standing Orders Local Law 2012 G.G. 20/07/2012) (5064).

- Local Government Act 1995 – Local Laws (City of Cockburn Jetties, Waterways and Marina Amendment Local Law 2012 G.G. 20/07/2012) (5065).
- Local Government Act 1995 – Local Laws (City of Gosnells Standing Orders Local Law 2012 G.G. 20/07/2012) (5066).
- Local Government Act 1995 – Local Laws (City of Greater Geraldton Activities in Thoroughfares and Public Places and Trading Local Law 2011 G.G. 13/07/2012) (5067).
- Local Government Act 1995 – Local Laws (City of South Perth Public Places and Local Government Property Amendment Local Law No. 2 2012 G.G. 10/07/2012) (5068).
- Local Government Act 1995 – Local Laws (Shire of Augusta-Margaret River Standing Orders Amendment Local Law 2012 G.G. 13/07/2012) (5069).
- Local Government Act 1995 – Local Laws (Shire of Broome Parking and Parking Facilities Local Law 2012 G.G. 31/07/2012) (5070).
- Local Government Act 1995 – Local Laws (Shire of Broome Standing Orders Amendment Local Law 2012 G.G. 31/07/2012) (5071).
- Local Government Act 1995 – Local Laws (Shire of Broome Trading, Outdoor Dining and Street Entertainment Amendment Local Law 2012 G.G. 31/07/2012) (5072).
- Local Government Act 1995 – Local Laws (Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012 G.G. 06/07/2012) (5073).
- Local Government Act 1995 – Local Laws (Town of Cottesloe Beaches and Beach Reserves Local Law 2012 G.G. 12/07/2012) (5074).
- Local Government Act 1995 – Local Laws (Town of Cottesloe Dogs Amendment Local Law 2012 G.G. 06/07/2012) (5075).
- Local Government Act 1995 – Local Laws (Town of Cottesloe Standing Orders Local Law 2012 G.G. 12/07/2012) (5076).
- Local Government Act 1995 – Regulations (Local Government (Administration) Amendment Regulations 2012 G.G. 13/07/2012) (5077).
- Local Government Act 1995 – Regulations (Local Government (Financial Management) Amendment Regulations (No. 2) 2012 G.G. 29/06/2012) (5078).
- Magistrates Court Act 2004 – Rules (Magistrates Court (General) Amendment Rules 2012 G.G. 31/07/2012) (5079).
- Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 2) 2012 G.G. 27/07/2012) (5080).
- Poisons Act 1964 – Regulations (Poisons Amendment Regulations (No. 3) 2012 G.G. 29/06/2012) (5081).
- Public Sector Management Act 1994 – Codes (Commissioner's Instruction No. 7: Code of Ethics G.G. 03/07/2012) (5082).
- Public Trustee Act 1941 – Notices (Public Trustee's Scale of Fees 2012-13 G.G. 25/06/2012) (5083)
- Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations 2012 G.G. 29/06/2012) (5084).
- Road Traffic Act 1974 – Regulations (Road Traffic (Charges and Fees) Amendment Regulations (No. 5) 2012 G.G. 29/06/2012) (5085).
- Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations 2012 G.G. 29/06/2012) (5086).
- School Education Act 1999 – Regulations (School Education Amendment Regulations 2012 G.G. 10/07/2012) (5087).
- State Trading Concerns Act 1916 – Regulations (State Trading Concerns (Authorisation) Amendment Regulations 2012 G.G. 29/06/2012) (5088).
- Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules (No. 3) 2012 G.G. 03/08/2012) (5089).
- Transport Co-ordination Act 1966 – Regulations (Country Taxi-cars (Fares and Charges) Amendment Regulations (No. 2) 2012 G.G. 29/06/2012) (5090).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (City of Mandurah Waste Management Amendment Local Law 2012 G.G. 20/07/2012) (5091).

Western Australian Marine Act 1982 – Regulations (W.A. Marine (Surveys and Certificates of Survey) Amendment Regulations 2012 G.G. 29/06/2012) (5092).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations 2012 G.G. 27/07/2012) (5093).

Working with Children (Criminal Record Checking) Act 2004 – Regulations (Working with Children (Criminal Record Checking) Amendment Regulations 2012 G.G. 29/06/2012) (5094).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the Corruption and Crime Commission's investigation of alleged public sector misconduct by the Commissioner of Police.

Papers

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

By the Premier –

Corruption and Crime Commission – Report on the Investigation of Alleged Public Sector Misconduct by the Commissioner of Police in Relation to the Use of the Western Australian Government Purchasing Card or any Other Entitlement, 16 July 2012 (5099).

Premier of Western Australia – Correspondence between the Premier and the Public Sector Commissioner in relation to public sector employment matters and the Commissioner of Police (5100).

The Minister for Sport and Recreation on the Western Australian Water Safety Strategy.

The Minister for Environment on the successful completion of the first Low Emissions Energy Development Fund project and announcement of round four grant recipients.

5. Restoration of Bill

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

That the Equal Opportunity Amendment Bill 2011 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 7 August 2012.

Question put and passed.

6. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 6, 1, and 5 be next considered.

7. Revenue Laws Amendment Bill 2011

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

8. Litter 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.

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

9. Questions

Questions without Notice were taken.

Questions on Notice Nos 8440 to 8448 were asked.

Questions on Notice Nos 7883, 8067, 8081, 8113, 8114, 8136, 8146, 8147, 8175, 8184 to 8186, 8188, 8196, 8206, 8207, 8209, 8229, 8240, 8252 to 8255, and 8259 to 8262 were answered.

Paper tabled by the Minister for Health –

Question on Notice No. 7883 – Details of hot meals provided by all public general and tertiary hospitals (5095).

Papers tabled by the Minister representing the Minister for Energy –

Question on Notice No. 8254 – Details of megawatt hours of electricity supplied to customers by Horizon Power from 2009 to 2012 to date, in accordance with certain tariffs (5096).

Question on Notice No. 8255 – Details of megawatt hours of electricity supplied to customers by Synergy from 2009 to 2012 to date, in accordance with certain tariffs (5097).

Paper tabled by the Minister representing the Minister for Commerce –

Question on Notice No. 8240 – List of current and 2011–2012 Occupational Safety and Health campaigns undertaken by Worksafe Australia (5098).

10. Suspension of Standing Orders

The Leader of the House, 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 leave be given to the Economics and Industry Standing Committee to meet when the House is sitting on Wednesday, 8 August 2012 from 4.00 p.m. to 7.00 p.m.

Debate ensued.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

11. Economics and Industry Standing Committee – Leave to meet when the House is sitting

The Leader of the House, pursuant to the foregoing motion, moved,

That leave be given to the Economics and Industry Standing Committee to meet when the House is sitting on Wednesday, 8 August 2012 from 4.00 p.m. to 7.00 p.m.

Question put and passed.

12. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

13. Litter 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.

Debate interrupted by the Chair (Minister for Environment speaking in reply) and adjourned until a later stage of the sitting.

14. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 24 and Private Members' Business Order of the Day No. 10 be next considered.

15. National Disability Insurance Scheme

Mr R.H. Cook, pursuant to notice, moved,

That this House condemns the Barnett Government for playing politics with the National Disability Insurance Scheme and failing to give Western Australians with a disability and their families access to a better system of lifetime funding and care.

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 W.J. Johnston

Mr J.C. Kobelke

Mr F.M. Logan

Mrs C.A. Martin

Mr M. McGowan

Mr M.P. Murray

Mr J.R. Quigley

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Mr C.J. Tallentire

Mr P.C. Tinley

Mr A.J. Waddell

Mr P.B. Watson

Mr M.P. Whitely

Mr D.A. Templeman (*Teller*)

Noes (24)

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr J.J.M. Bowler

Mr I.M. Britza

Mr T.R. Buswell

Mr G.M. Castrilli

Dr E. Constable

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 J.E. McGrath

Mr P.T. Miles

Ms A.R. Mitchell

Dr M.D. Nahan

Mr D.T. Redman

Mr M.W. Sutherland

Mr T.K. Waldron

Mr A.J. Simpson (*Teller*)

Question thus negated.

16. Workers' Compensation and Injury Management (Fair Protection for Firefighters) Amendment Bill 2012

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

Debate resumed.

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

17. Notice of Motion after the Time Prescribed

Mr C.J. Tallentire was granted leave to present a late notice of motion.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.01 p.m. until Thursday, 9 August 2012 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr J.H.D. Day.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly