

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 166

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 8 SEPTEMBER 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

School Crossings – Mrs M.H. Roberts presented a petition from 699 persons requesting that the Legislative Assembly urge the Minister for Police and Road Safety to review and overturn the decision of the Children’s Crossing and Road Safety Committee regarding the school crossing in South Guildford (P. 464).

School Crossings – Mrs M.H. Roberts presented a petition from 324 persons requesting that the Legislative Assembly urge the Minister for Police and Road Safety to review and overturn the decision of the Children’s Crossing and Road Safety Committee regarding the school crossing in Stratton (P. 465).

Privatisation of Services in Schools and Hospitals – Mr A.J. Waddell presented a petition from 133 persons requesting that the Legislative Assembly urge the Premier and other Liberal members to support the No Privatisation of Hospitals and Schools Bill 2010 (P. 466).

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#### *Paper*

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

By the Minister for Agriculture and Food; Forestry; Corrective Services –

Non-Conforming Petition – Say “No” to Gnangara Prison (3842).

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### 3. Speaker's Statement – Select Committee into Child Migration – Release of Documents

The Speaker advised members he had approved the release of information relating to Fairbridge Farm School Pinjarra, gathered by the former Legislative Assembly Select Committee into Child Migration. The request was made by former member, the Hon. Mike Barnett. The Select Committee was terminated prior to the conclusion of its inquiry as a result of the dissolution of the Legislative Assembly on 14 November 1996. Any committee evidence or documents that were not published or

publicly released cannot be disclosed until the expiration of 10 years and subject to the determination of the Speaker.

#### **4. Papers**

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

By the Clerk –

Duties Act 2008 – Report to Parliament from the Minister for Finance, in accordance with Section 205 of the Act (3837).

Synergy – Statement of Corporate Intent 2011–2012 (3838).

Verve Energy – Statement of Corporate Intent 2011–2012 (3839).

Western Australian Industrial Relations Commission, Department of the Registrar – Annual Report 2010–2011 (3840).

Western Power – Statement of Corporate Intent 2011–2012 (3841).

#### **5. Notices of Motion**

#### **6. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Health on the number of graduating medical students being offered internships in Western Australian public hospitals.

The Minister for Education on the increase in enrolments in, and instructor applications for, the VacSwim course.

The Minister for Environment on the Environmental Community Grants Program.

#### **7. Curriculum Council Amendment Bill 2011**

Message No. 180 dated 7 September 2011 from the Legislative Council was reported agreeing to the bill without amendment.

#### **8. Grievances**

The Speaker called for grievances which were then made.

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#### *Paper*

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

By the Minister for Environment –

Environment, Minister for – Hectares notified/approved to clear for agricultural/horticultural purposes (3843).

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#### **9. Suspension of Standing Orders**

Mr E.S. Ripper, 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 condemns the Barnett Government for its heartless cuts to the Redress WA scheme and the impact this has had on many West Australians including Michelle Stubbs who has today returned her letter of apology to the Premier in protest.

Debate ensued.

The Leader of the House moved,

To add the words –

“

and for the debate to proceed with 15 minutes available for Government members, 15 minutes for Opposition members and three minutes for Independent members

”.

Amendment put.

The Assembly divided.

Ayes (28)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
Mr I.M. Britza  
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  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr A. Krsticevic  
Mr J.E. McGrath  
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*)

Noes (24)

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  
Mr M. McGowan

Mrs C.A. Martin  
Mr M.P. Murray  
Mr A.P. O’Gorman  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mr E.S. Ripper  
Mrs M.H. Roberts

Ms R. Saffioti  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr A.J. Waddell  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr D.A. Templeman (*Teller*)

Amendment thus 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.

## 10. Redress WA Scheme

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That this House condemns the Barnett Government for its heartless cuts to the Redress WA scheme and the impact this has had on many West Australians including Michelle Stubbs who has today returned her letter of apology to the Premier in protest, and for the debate to proceed with 15 minutes available for Government members, 15 minutes for Opposition members and three minutes for Independent members.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (24)

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  
 Mr M. McGowan

Mrs C.A. Martin  
 Mr M.P. Murray  
 Mr A.P. O’Gorman  
 Mr P. Papalia  
 Mr J.R. Quigley  
 Ms M.M. Quirk  
 Mr E.S. Ripper  
 Mrs M.H. Roberts

Ms R. Saffioti  
 Mr C.J. Tallentire  
 Mr P.C. Tinley  
 Mr A.J. Waddell  
 Mr P.B. Watson  
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Mr P. Abetz  
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 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
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 Mr J.E. McGrath  
 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.

### 11. Personal Explanation

The Premier made a personal explanation on the amount of money allocated to the Redress WA scheme.

### 12. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police, Report No. 18 (3844).

Mr J.N. Hyde spoke on the report.

### 13. Education and Health Standing Committee

Dr J.M. Woollard, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Education and Health Standing Committee – Annual Report 2010–2011, Report No. 11 (3845).

Dr J.M. Woollard and Dr G.G. Jacobs spoke on the report.

### 14. Misuse of Drugs 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 (Dr J.M. Woollard speaking) and adjourned until a later stage of the sitting.

## **15. Members' Statements**

The Acting Speaker called for members' statements which were then made.

## **16. Questions**

Questions without Notice were taken.

Questions on Notice Nos 6084 to 6128 were asked.

Questions on Notice Nos 5682, 5803, 5805, 5811, 5813, 5815, 5817, 5819, 5822 to 5826, 5828 to 5837, 5840, 5842 to 5854, 5862, 5864, 5865, 5867, 5869, 5870, 5872 to 5876, 5878 to 5887, 5889 to 5893, 5895 to 5904, 5906 to 5910, 5912 to 5921, 5930, 5934, 5936 to 5940, 5945, 5962 and 5999 were answered.

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### *Paper*

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

By the Minister for Education –

Minister for Education – Schools Receiving Funding in October 2011 and in 2012 (3846).

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## **17. Unanswered Question on Notice**

Mr M.P. Murray asked why no answer had been received in respect of his Question on Notice No. 4854.

## **18. Public Accounts Committee – Terms of Reference**

The Speaker advised members that he had received a letter dated 7 September 2011 from the Chairman of the Public Accounts Committee advising that the Committee had determined for itself the following terms of reference –

That the Public Accounts Committee inquire into and report on the processes utilised and outcomes reached in awarding Serco Australia the contract for the provision of non-clinical services at Fiona Stanley Hospital. In particular, the Committee is to examine the:

- (1) project definition processes undertaken to identify both the services required at the hospital and which of those services are to be provided by Serco Australia;
- (2) procurement plan, including the public sector comparator, endorsing the private sector delivery of non-clinical services at Fiona Stanley Hospital;
- (3) risk management planning undertaken;
- (4) compliance management arrangements for the contract; and
- (5) objectives, including service quality and value for money, and the extent to which the contract as signed is likely to meet those objectives.

The Committee will report to the Assembly by 1 December 2011.

## **19. Joint Standing Committee on the Corruption and Crime Commission – Extension of Reporting Dates**

The Speaker advised members that he had received correspondence from the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising that the Committee had resolved to extend the reporting date for its Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function, and its Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth, to 29 March 2012.

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

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

**21. Misuse of Drugs 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 Minister for Police was granted leave to continue his remarks at a later stage of the sitting.

Question put and passed.

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

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

**23. Cat 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 Leader of the House moved, That the debate be adjourned.

Question put and passed.

**24. Trustee Companies (Commonwealth Regulation) Amendment Bill 2010**

Message No. 181 dated 8 September 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Trustee Companies (Commonwealth Regulation) 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 Trustee Companies (Commonwealth Regulation) Amendment Bill 2010*

**No. 1**

Page 5, lines 1 to 3 — To delete “applies when a certificate of transfer issued by ASIC under the Corporations Act section 601WBG comes into force.” and insert —

applies if —

- (a) ASIC cancels the licence of a trustee company (the *transferring company*) and makes a determination under the Corporations Act section 601WBA that there is to be a transfer of estate assets and liabilities from the transferring company to another licensed trustee company (the *receiving company*); and
- (b) ASIC issues a certificate of transfer under the Corporations Act section 601WBG for the transfer; and
- (c) either or both of the transferring company or the receiving company are registered in Western Australia.

**No. 2**

Page 5, line 4 — To delete “The” and insert —

When the certificate of transfer comes into force, the

**No. 3**

Page 8, after line 8 — To insert —

- (k) provide for and give effect to the transfer of duties, obligations, immunities, rights and privileges of the transferring company from the transferring company to the receiving company.

Ordered, That consideration in detail of Legislative Council Message No. 181 be made an Order of the Day for the next sitting of the Assembly.

**25. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 20 September 2011 at 2.00 p.m.

Question put and passed.

**26. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 5.03 p.m. until Tuesday, 20 September 2011 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mr T.R. Buswell, Mr V.A. Catania, Mrs L.M. Harvey and Mr T.G. Stephens.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly