

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 202

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 3 MAY 2012

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Collie Police and Citizens Youth Centre (PCYC) – Mr M.P. Murray presented a petition from 1,955 persons requesting that the Legislative Assembly ensure the continued future of the Collie PCYC and that sufficient resources and funding are allocated to enable this to occur (P. 582).

3. Paper

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

By the Clerk –

Land Administration Act 1997 – Submission No. 9 under section 44(1) of the Act to grant two easements over Class A Reserve 19466 to facilitate extension to the University of Western Australia (Albany Centre) (4771).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the delegation he led to Japan to represent the State's tourism interests.

The Attorney General on the Law Reform Commission of Western Australia's report on the *Community Protection (Offender Reporting) Act 2004*.

Paper

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

By the Attorney General –

Law Reform Commission of Western Australia – Final Report: Community Protection (Offender Reporting) Act 2004 (4772).

The Minister for Racing and Gaming on the sale of land to the Burswood Entertainment Complex for construction of a multi-level carpark.

5. Grievances

The Speaker called for grievances which were then made.

6. 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 this House condemns the Barnett Government for failing to meet key accountability measures, including:

- (a) not tabling any consultants' reports dealing with the period since the end of December 2010;
- (b) tabling inaccurate consultants' reports; and
- (c) undermining the FOI process.

Debate ensued.

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

“

and that the debate be conducted with 20 minutes for Opposition members and 20 minutes for Government 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.

7. Government Accountability

Mr M. McGowan, pursuant to the foregoing motion, moved,

That this House condemns the Barnett Government for failing to meet key accountability measures, including:

- (a) not tabling any consultants' reports dealing with the period since the end of December 2010;
- (b) tabling inaccurate consultants' reports; and
- (c) undermining the FOI process.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker	Mr M. McGowan	Mr C.J. Tallentire
Dr A.D. Buti	Mr M.P. Murray	Mr P.C. Tinley
Mr R.H. Cook	Mr A.P. O’Gorman	Mr A.J. Waddell
Ms J.M. Freeman	Mr P. Papalia	Mr P.B. Watson
Mr J.N. Hyde	Mr J.R. Quigley	Mr M.P. Whitely
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Mr F.M. Logan	Ms R. Saffioti	

Noes (28)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable
 Mr M.J. Cowper

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 J.E. McGrath

Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr C.C. Porter
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

8. Notice of Motion Lapsed

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

9. Joint Standing Committee on Delegated Legislation

Mr J.M. Francis, as Chairman, presented the following reports which were ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Shire of Kellerberrin Parking and Parking Facilities Local Laws 2011, Report 47 (4773).

Mr J.M. Francis spoke on the report.

Delegated Legislation, Joint Standing Committee on – Town of Kwinana Extractive Industries Local Law 2011, Report 48 (4774).

Mr J.M. Francis spoke on the report.

Delegated Legislation, Joint Standing Committee on – Annual Report 2011, Report 49 (4775).

Mr J.M. Francis and Ms J.M. Freeman spoke on the report.

10. Workers' Compensation and Injury Management Amendment Bill 2012

The Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend the *Workers' Compensation and Injury Management Act 1981*.” be introduced and read a first time.

Question put and passed.

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

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

Mr J.C. Kobelke moved, That the debate be adjourned.

Question put and passed.

11. Criminal Appeals Amendment (Double Jeopardy) 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.

CONSIDERATION IN DETAIL

Clauses 1 to 11 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.

Debate ensued.

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

12. Members' Statements

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

13. Questions

Questions without Notice were taken.

Questions on Notice Nos 7904 to 7910 were asked.

Questions on Notice Nos 7134, 7488, 7601, 7612, 7629, 7649, 7730, 7733, 7752 and 7754 were answered.

Paper tabled by the Minister for Education –

Question on Notice No. 7134 – Question in relation to the total number and location of full-time equivalent school psychologists employed for government schools and whether they are permitted to undertake private practice by the Department of Education (4776).

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

Question on Notice No. 7629 – Details regarding the number of officers level 3.1 or above within the Minister's portfolio who have accepted any gift from a private company or individual since 1 November 2011 (4777).

Paper tabled by the Minister for Health; Tourism –

Question on Notice No. 7733 – Details on the increase in Rottnest Island landing fees and aerodrome fees for each of the years 2008, 2009, 2010 and 2011 (4778).

Question on Notice No. 7752 – Details and breakdown of the average salaries of full-time equivalent staff in all public acute and psychiatric hospitals in Western Australia in 2010–2011 and 2011–2012 for salaried medical officers, registered nurses, enrolled nurses, diagnostic and allied health professionals, administrative and clerical staff and domestic and other staff (4779).

14. Matter of Public Interest – Cuts to Government Agencies

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House condemns the Barnett Government for its cuts to government agencies, in particular the Department for Child Protection and Disability Services Commission, and the impact on children at risk, people with disabilities and their carers.

Debate ensued.

Question put.

The Assembly divided.

Ayes (22)

Ms L.L. Baker
 Dr A.D. Buti
 Ms A.S. Carles
 Ms J.M. Freeman
 Mr J.N. Hyde
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan

Mr M. McGowan
 Mr A.P. O’Gorman
 Mr P. Papalia
 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 B.S. Wyatt
 Ms R. Saffioti (*Teller*)

Noes (25)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 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
 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 C.C. Porter
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

15. Additional Information

The Minister for Planning provided additional information relating to Question on Notice No. 7676 from Mr P.C. Tinley.

Paper

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

By the Minister for Planning –

Question on Notice No. 7676 – Correction to the answer to Question on Notice No. 7676 (4780).

16. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 3, 7 and 8 be next considered.

17. Criminal Appeals Amendment (Double Jeopardy) Bill 2011

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

Debate resumed.

Question put and passed.

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

18. 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.

The Minister for Police moved, That in relation to the Community Protection (Offender Reporting) Amendment Bill 2011, the amendments listed on the Notice Paper standing in the name of the Minister for Police be made *pro forma*.

Question put and passed.

The amendments agreed to under the foregoing motion were –
Clause 33.

The Minister for Police: To move –

Page 27, line 5 – To insert after “substance,”:

“

or requires a reportable offender to comply with an order of the Commissioner to undergo treatment that consists of or includes the taking of any specified medication,

”.

The Minister for Police: To move –

Page 27, line 12 – To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move –

Page 27, line 15 – To insert before “specify”:

“

state that the reportable offender is to accompany a police officer to a police station or another specified place or

”.

The Minister for Police: To move –

Page 28, line 12 – To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move –

Page 28, line 17 – To insert after “blood,”:

“ hair, ”.

The Minister for Police: To move –

Page 28, line 26 – To insert after “blood,”:

“ hair, ”.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

19. Legal Deposit Bill 2011

The Order of the Day for the consideration in detail of Legislative Council Message No. 206 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Legal Deposit 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 Legal Deposit Bill 2011

No. 1

Page 4, lines 1 and 2 — To delete the lines.

No. 2

Page 5, lines 21 and 22 — To delete the lines.

CONSIDERATION IN DETAIL

The Minister for Planning moved, That amendment No. 1 be agreed to.

Question put and passed.

The Minister for Planning moved, That amendment No. 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Road Traffic Legislation Amendment Bill 2011

The Order of the Day for the consideration in detail of Legislative Council Message No. 209 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Legislation Amendment Bill 2011* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Road Traffic Legislation Amendment Bill 2011

No. 1

Page 11, line 17 — To delete “102D” and insert —

103

CONSIDERATION IN DETAIL

The Minister for Transport moved, That amendment No. 1 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 15 May 2012 at 2.00 p.m.

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 4.16 p.m. until Tuesday, 15 May 2012 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr C.J. Barnett, Mrs C.A. Martin and Mr T.G. Stephens.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly