

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 185

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 29 NOVEMBER 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. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the estimated costs for the State Government associated with hosting the 2011 Commonwealth Heads of Government Meeting.

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#### *Paper*

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

By the Premier –

Commonwealth Heads of Government Meeting – Summary of Estimated Costs to the Government of Western Australia (4296).

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The Minister for Tourism on the new direct air service between Qatar and Perth.

The Treasurer on the September 2011 Quarterly Financial Results Report.

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#### *Paper*

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

By the Treasurer –

Government of Western Australia – 2011–2012 Quarterly Financial Results Report, September 2011 (4297).

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### 3. Questions

Questions without Notice were taken.

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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 – Media Statement by the Director General of the Department of Environment and Conservation, 29 November 2011 (4298).

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Questions on Notice Nos 6442, 6446, 6448, 6451, 6452, 6459, 6461, 6463, 6464, 6470, 6471, 6473, 6478, 6486, 6540, 6543, 6544, 6556, 6558, 6564 to 6566, 6590, 6593, 6597, 6603, 6606, 6611, 6612, 6617, 6620, 6623, 6627, 6634, 6638, 6640, 6651, 6654, 6655, 6657, 6668, 6671, 6672, 6688, 6691, 6705, 6708, 6722, 6723, 6725, 6740, 6742, 6747, 6756, 6757, 6759, 6773, 6776, 6781 and 6794 were answered.

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Papers tabled by the Deputy Premier; Minister for Health; Tourism –

Question on Notice No. 6442 – Summary of the number of unfilled vacancies which existed at each metropolitan hospital as at 30 September 2011 (4278).

Question on Notice No. 6593 – Summary of the number of housekeeping staff employed through agencies on a casual basis at each metropolitan hospital in the following years: 2008–2009, 2009–2010, 2010–2011 and as at 30 September 2011 (4279).

Question on Notice No. 6470 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4280).

Question on Notice No. 6543 – Question in relation to officers associated with monitoring, development or administration of Royalties for Regions funds within agencies and whether any agency within the Deputy Premier's portfolio has employed an officer with responsibilities in relation to the Government's Royalties for Regions programme (4281).

Question on Notice No. 6603 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Deputy Premier, and for which departments and agencies (4282).

Question on Notice No. 6688 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Deputy Premier's portfolio (4283).

Papers tabled by the Minister for the Environment; Water –

Question on Notice No. 6451 – Question in relation to what licences the Department of Environment and Conservation issued to Atlas Pty Ltd with regard to its premises situated at Alexander Drive, Mirrabooka (4284).

Question on Notice No. 6617 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4285).

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

Question on Notice No. 6471 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4286).

Question on Notice No. 6723 – Summary of all departments and agencies under the Minister's control including the ministerial office, the names of people (i.e. staff and consultants) and their salary level, who have been paid an attraction and/or retention allowance including the total amount paid to each person (4287).

Question on Notice No. 6740 – Question in relation to vehicles used and the costs involved including cleaning and detailing cars in each department or agency within the Minister's portfolio (4288).

Papers tabled by the Treasurer; Attorney General –

Question on Notice No. 6473 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4289).

Question on Notice No. 6606 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Treasurer, and for which departments and agencies (4290).

Question on Notice No. 6691 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Treasurer's portfolio (4291).

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

Question on Notice No. 6747 – Question in relation to vehicles used and the costs involved including cleaning and detailing cars in each department or agency within the Minister's portfolio (4292).

Question on Notice No. 6478 – Summary of agencies which require policies for funding and delivering translating and interpreting services that take account of relevant Government policy, legal circumstances and the needs of potential and current clients under the Western Australian Languages Services Policy launched by Premier Colin Barnett in 2008 (4293).

Question on Notice No. 6611 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4294).

Paper tabled by the Minister for Energy; Training and Workforce Development; Indigenous Affairs –

Question on Notice No. 6612 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions under the control of the Minister, and for which departments and agencies (4295).

#### **4. Petitions**

Tom Price to Karratha Road – Mr T.G. Stephens presented a petition from 867 persons requesting that the Legislative Assembly take whatever steps possible to ensure that the State Government makes available the funds to complete stages 3 and 4 of the Tom Price to Karratha road (P. 516).

Electronic Speed Zone Signs – Mr P.B. Watson presented a petition from 17 persons requesting that the Legislative Assembly call upon the Minister for Transport to make Albany Primary School and Mount Lockyer Primary School priority locations for the 2011–2012 installation program for electronic speed zone signs (P. 517).

Container Deposit Scheme – Mr P.B. Watson presented a petition from 8 persons requesting that the Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 518).

Skilled Local Jobs – Mr P.B. Watson presented a petition from 60 persons requesting that the Western Australian Parliament pass laws that would ensure a greater share of skilled work for major resource projects is performed in Western Australia (P. 519).

West Australian Football League – Mr P.B. Watson presented a petition from 23 persons requesting that the Legislative Assembly call upon the Minister for Sport and Recreation to urge the Australian Broadcasting Corporation to continue to broadcast West Australian Football League matches (P. 520).

Uranium Mining in Western Australia – Ms A.S. Carles presented a petition from 341 persons requesting that the Legislative Assembly recognise the unacceptable risk to the community and the environment posed by uranium mining and to immediately reinstate the ban on uranium mining in Western Australia (P. 521).

Tuart Hill Primary School Speed Zone – Mr J.C. Kobelke presented a petition from 247 persons requesting that flashing “40” traffic signals be installed in the area adjacent to the Tuart Hill Primary School to improve driver awareness of the requirement to adhere to the 40km per hour speed limit (P. 522).

Takari Primary School Speed Zone – Mr J.C. Kobelke presented a petition from 113 persons requesting that flashing “40” traffic signals be installed in the area adjacent to the Takari Primary School to improve driver awareness of the requirement to adhere to the 40km per hour speed limit (P. 523).

Skilled Local Jobs – Mr J.C. Kobelke presented a petition from 70 persons requesting that the Western Australian Parliament pass laws that would ensure a greater share of skilled work for major resource projects is performed in Western Australia (P. 524).

Skilled Local Jobs – Mr P.C. Tinley presented a petition from 100 persons requesting that the Western Australian Parliament pass laws that would ensure a greater share of skilled work for major resource projects is performed in Western Australia (P. 525).

## 5. Papers

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

By the Speaker –

Parliamentary Commissioner for Administrative Investigations [Ombudsman] – Planning for Children in Care: An Ombudsman’s own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004 (4262).

By the Clerk –

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management (Declared Pest Account Rate Consultation) Regulations 2011 G.G. 22/11/2011) (4263).

Carers Advisory Council – Annual Report 2010–2011 (4264).

Cockburn Sound Management Council – State of Cockburn Sound 2010 (4265).

Criminal Procedure Act 2004 – Rules (Criminal Procedure (District Court) Amendment Rules 2011 G.G. 25/11/2011) (4266).

Education Service Providers (Full Fee Overseas Students) Registration Act 1991 – Regulations (Education Service Providers (Full Fee Overseas Students) Registration Amendment Regulations 2011 G.G. 25/11/2011) (4267).

Electricity Industry Act 2004 – Regulations (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2011 G.G. 25/11/2011) (4268).

Fish Resources Management Act 1994 – Management Plans (West Coast Deep Sea Crustacean Fishery (Interim) Management Plan Amendment 2011 [965] G.G. 22/11/2011) (4269).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 13) 2011 G.G. 22/11/2011) (4270).

Higher Education Act 2004 – Regulations (Higher Education Amendment Regulations 2011 G.G. 25/11/2011) (4271).

Local Government Act 1995 – Local Laws (Shire of Jerramungup Dust and Sand Local Law 2011 G.G. 22/11/2011) (4272).

Marine Parks and Reserves Authority – Annual Report 2010–2011 (4273).

Rail Safety Act 2010 – Regulations (Rail Safety Amendment Regulations (No. 3) 2011 G.G. 22/11/2011) (4274).

Shipping and Pilotage Act 1967 – Regulations (Navigable Waters Amendment Regulations (No. 2) 2011 G.G. 25/11/2011) (4275).

Salaries and Allowances Tribunal – Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission (4276).

State Emergency Management Committee – Annual Report 2010–2011 (4277).

## 6. Notices of Motion

### 7. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Manufacturing and Engineering Sector, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

### 8. Notices of Motion Lapsed

The Speaker advised that Private Members' Notices of Motion Nos 2 and 3, Police Resourcing and Fiona Stanley Hospital – Facilities Management Contract, had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

### 9. Matter of Public Interest – No Confidence in the Minister for the Environment

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 expresses no confidence in the Minister for the Environment given the events of the Margaret River bushfires.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (26)

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 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	Mr E.S. Ripper	Mr D.A. Templeman ( <i>Teller</i> )
Mr F.M. Logan	Mrs M.H. Roberts	

#### Noes (31)

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

Question thus negated.

### 10. Additional Information

The Premier provided additional information relating to Question on Notice No. 5869 from Mr M. McGowan.

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*Paper*

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

By the Premier –

Premier – Correction to the Premier’s answer to Question on Notice 5869 (4299).

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**11. Economics and Industry Committee – Extension of Reporting Date**

The Leader of the House, pursuant to notice, moved,

That the date for the presentation of the report of the Economics and Industry Standing Committee of its Inquiry into Ironbridge Holdings Pty Ltd and other matters regarding Residential Land and Property Developments be extended to 1 March 2012.

Debate ensued.

Question put and passed.

**12. Suspension of Standing Orders**

The Leader of the House, pursuant to notice, moved,

That for the remainder of 2011, so much of Standing Orders be suspended as is necessary to enable –

- (a) bills to proceed without delay after the second reading has been moved or without delay between the stages; and
- (b) messages from the Legislative Council to be taken into consideration on the day on which they are received.

Debate ensued.

Question put and passed.

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

Ordered, That Government Business Orders of the Day Nos 3, 1 and 4 be next considered.

**14. Legal Deposit 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.

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

The Minister for Culture and the Arts 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.

**15. Local Government Amendment Bill 2011**

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

*CONSIDERATION IN DETAIL*

Clauses 1 to 21 agreed to.

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*Paper*

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

By the Minister for Local Government –

Local Government, Minister for – List of Authorised Deposit-taking Institutions (4300).

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Clause 22.

On the question, That Clause 22 stand as printed.

Question put.

The Assembly divided.

Ayes (25)

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 T.R. Buswell  
Mr G.M. Castrilli  
Dr E. Constable

Mr M.J. Cowper  
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 P.T. Miles

Ms A.R. Mitchell  
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 (16)

Ms L.L. Baker  
Mr R.H. Cook  
Mr J.C. Kobelke  
Mrs C.A. Martin  
Mr A.P. O’Gorman  
Mr P. Papalia

Mr J.R. Quigley  
Ms M.M. Quirk  
Mr E.S. Ripper  
Mr T.G. Stephens  
Mr C.J. Tallentire  
Mr P.C. Tinley

Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Ms J.M. Freeman (*Teller*)

Clause thus passed.

Clauses 23 to 41 agreed.

Title agreed to.

Consideration in detail concluded.

The Minister for Local Government 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.

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

Ordered, That Government Business Orders of the Day Nos 4 and 7 be next considered.

**17. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011**

The Order of the Day for the consideration in detail of Legislative Council Message No. 192 was read.

The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Commercial Tenancy (Retail Shops) Agreements 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 Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011*

**No. 1**

Page 8, line 14 — To delete “comparable”.

*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.

**18. Premier’s Statement**

The Order of the Day for the resumption of the debate upon the question, That the Premier’s Statement be noted, was read.

Debate resumed.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

**19. Notice of Motion after the Time Prescribed**

The Leader of the House was granted leave to give a late notice of motion.

**20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 8.55 p.m. until Wednesday, 30 November 2011 at 12.00 noon.

*Members present during any part of the day's proceedings – All the members except Ms R. Saffioti.*

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly