

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 205

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 17 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. Speaker's Statement – Budget Day Arrangements

The Speaker reminded members that the Budget would be presented at 2.00 p.m. today.

### 3. Petitions

New Courthouse and 24 hour Police Station for Armadale – Dr A.D. Buti presented a petition from 1,822 persons requesting that a new courthouse and a 24 hour 7 day a week public access police station in the City of Armadale be provided (P. 592).

New 24 hour Police Station for Armadale – Mr A.J. Simpson presented a petition from 10,152 persons requesting that the Legislative Assembly implements the request for a 24 hour police station in Armadale (P. 593).

Proposed Hammond Park High School – Mr F.M. Logan presented a petition from 249 persons requesting that the Legislative Assembly immediately brings forward the development and construction of a High School at Hammond Park (P. 594).

### 4. Papers

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

By the Clerk –

Community Development and Justice Standing Committee – Government Response to Report No. 8 – A Fading Dream: Affordable Housing in Western Australia (4821).

Consultants Engaged by Government – Report for the six months ended 30 June 2011 (4822).

Premier and Cabinet, Department of – Report on Ministerial Office Staffing as at 26 April 2012 (4823).

Western Australian Electoral Commission – Local Government Postal Elections, Election Report 2011 (4824).

## **5. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Education on an update of the Independent Public Schools initiative.

The Minister for Emergency Services on National Volunteers Week.

The Minister for Environment on his recent Ministerial visit to the Kimberley.

## **6. Grievances**

The Speaker called for grievances which were then made.

## **7. 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:

- (a) condemns the Barnett Government for its failure to fund the LEARN Autism Centre in Fremantle;
- (b) condemns the Premier for misleading the House in relation to the Government's knowledge and awareness of the funding request; and
- (c) calls on the Barnett Government to today provide the necessary funding for the Centre to continue to operate.

Debate ensued.

The Leader of the House moved, To add the words:

“ and that the debate be conducted according to the time limits for a Matter of Public Interest ”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Acting 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.

## **8. LEARN Autism Centre in Fremantle**

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

That this House:

- (a) condemns the Barnett Government for its failure to fund the LEARN Autism Centre in Fremantle;
- (b) condemns the Premier for misleading the House in relation to the Government's knowledge and awareness of the funding request; and
- (c) calls on the Barnett Government to today provide the necessary funding for the Centre to continue to operate.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (26)

Ms L.L. Baker	Mrs C.A. Martin	Mr T.G. Stephens
Dr A.D. Buti	Mr M. McGowan	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	Ms R. Saffioti ( <i>Teller</i> )
Mr F.M. Logan	Mrs M.H. Roberts	

## Noes (29)

Mr P. Abetz	Mr M.J. Cowper	Mr J.E. McGrath
Mr F.A. Alban	Mr J.H.D. Day	Mr P.T. Miles
Mr C.J. Barnett	Mr J.M. Francis	Ms A.R. Mitchell
Mr I.C. Blayney	Dr K.D. Hames	Dr M.D. Nahan
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 W.R. Marmion	

Question thus negated.

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*Paper*

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

By the Premier –

Premier – Letter from Dr. Ron Chalmers to the Chief Executive Officer of the LEARN Autism Centre (4825).

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## 9. Variation to the Order of Business

Ordered, That Bills Notices of Motion Nos 1 and 2 be postponed to a later stage of the sitting.

## 10. Fire and Emergency Services Legislation Amendment Bill 2012

The Minister for Emergency Services, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Fire and Emergency Services Authority of Western Australia Act 1998*; and
- the *Bush Fires Act 1954*; and
- the *Fire Brigades Act 1942*; and
- the *Fire and Emergency Services Superannuation Act 1985*; and
- the *Emergency Management Act 2005*,

and to make consequential amendments to other Acts.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

**11. Lotteries Commission Amendment Bill 2011**

The Order of the Day for the third reading of the bill having been read, the Leader of the House on behalf of the Premier 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.

**12. Community Protection (Offender Reporting) Amendment Bill 2011**

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

*CONSIDERATION IN DETAIL*

Clauses 1 to 14 agreed to.

Clause 15.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

**13. Members' Statements**

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

**14. Speaker's Statement – Media Arrangements for Budget Day**

The Speaker advised members that he had approved the presence of a news camera at the northern side door of the Chamber and photographers in the public and press galleries for 2.00 p.m. for a period of 10 minutes to enable coverage of the Budget.

**15. Questions**

Questions without Notice were taken.

Questions on Notice Nos 8016 to 8028 were asked.

Questions on Notice Nos 7820, 7871 and 7872 were answered.

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

Ordered, That Bills Notices of Motion Nos 1 and 2 be next considered.

**17. Appropriation (Consolidated Account) Recurrent 2012-13 Bill 2012**

The Treasurer, pursuant to notice, moved,

That a bill for "An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2013." be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

*Papers*

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

By the Treasurer –

Budget 2012–13 – Budget Paper No. 1, Budget Speech (4826).

Budget 2012–13 – Budget Paper No. 2, Budget Statements, Volume 1 (4827).

Budget 2012–13 – Budget Paper No. 2, Budget Statements, Volume 2 (4828).

Budget 2012–13 – Budget Paper No. 3, Economic and Fiscal Outlook (4829).  
 Budget 2012–13 – Budget Overview 2012–13 (4830).

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Mr D.A. Templeman moved, That the debate be adjourned.  
 Question put and passed.

**18. Appropriation (Consolidated Account) Capital 2012-13 Bill 2012**

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2013.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

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

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

**20. Community Protection (Offender Reporting) Amendment Bill 2011**

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

*CONSIDERATION IN DETAIL*

Clauses 15 to 44 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 Police 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.

**21. Water Services Bill 2011**

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

*CONSIDERATION IN DETAIL*

Clause 97.

The Minister for Water had moved,

Page 83, lines 8 and 9 – To delete the lines and substitute:

“

(8) Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

”.

On the question, That the words be deleted,

Amendment put and passed.

On the question, That the words be inserted,

Amendment put.

The Assembly divided.

Ayes (25)

Mr P. Abetz  
Mr F.A. Alban  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr I.M. Britza  
Mr V.A. Catania  
Dr E. Constable  
Mr M.J. Cowper  
Mr J.H.D. Day

Mr J.M. Francis  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr A.P. Jacob  
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  
Mr A.J. Simpson (*Teller*)

Noes (22)

Dr A.D. Buti  
Ms A.S. Carles  
Mr R.H. Cook  
Mr J.N. Hyde  
Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr F.M. Logan  
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  
Mr T.G. Stephens

Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr A.J. Waddell  
Mr P.B. Watson  
Mr M.P. Whitely  
Ms L.L. Baker (*Teller*)

Amendment thus agreed to.

Clause, as amended, agreed to.

Clauses 98 to 220 agreed to.

Clause 221.

The Minister for Water moved,

Page 178, after line 11 – To insert:

“

- (2A) None of the following persons are liable for any losses, damage or injury resulting from the installation, removal, repair or maintenance of a fire hydrant unless the person was acting in bad faith —
- (a) a licensee;
  - (b) a person authorised by a licensee for the purposes of Part 5 or 6;
  - (c) an individual acting on behalf of a person (who may or may not be an individual) referred to in paragraph (b).

”.

Amendment put and passed.

The Minister for Water moved,

Page 178, line 12 – To delete “Subsection (2) does” and substitute:

“ Subsections (2) and (3) do ”.

Amendment put and passed.

The Minister for Water moved,

Page 178, lines 19 to 21 — To delete the lines and substitute:

“

- (5) In this section —
- (a) a reference to losses, damage or injury includes a reference to loss of enjoyment or amenity value and to a change in the aesthetic environment; and

- (b) a reference to liability resulting from taking an action includes a reference to liability resulting from a failure to take that action.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 222 to 226 agreed to.

Schedule 1.

The Minister for Water moved,

Page 189, after line 35 – To insert:

“

- (3A) Subclause (1) applies to fire hydrants on Crown land or in a road that, immediately before commencement day, were attached to the water service works of a licensee, as if those fire hydrants were property of the licensee at that time.

”.

Page 190, line 1 – To delete “Subclause (1) applies in relation” and substitute:

“ This clause applies ”.

Page 190, line 9 – To delete “paragraph (a)” and substitute:

“ subclause (1)(a) ”.

Amendments put and passed.

Schedule 1, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

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

## **22. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 5.28 p.m. until Tuesday, 22 May 2012 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members were present.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**  
Speaker of the Legislative Assembly