

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 194

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 20 MARCH 2012

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 silver menorah gifted to Parliament by the Hebrew Congregation of Perth.

The Minister for Regional Development on the Royalties for Regions Progress Report 2010–2011.

Paper

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

By the Minister for Regional Development –

Minister for Regional Development – Royalties for Regions Progress Report July 2010 – June 2011 (4597).

The Minister for Local Government on the transfer of land at Whitby Falls to the Metropolitan Cemeteries Board.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 7400 to 7506 were asked.

Questions on Notice Nos 6808, 6809, 7083, 7105 to 7107, 7109, 7113, 7126, 7127, 7129 to 7133, 7136, 7137, 7142, 7147, 7148, 7150, 7154, 7155, 7159 to 7161, 7164 to 7168, 7192, 7194, 7196, 7197, 7199, 7203, 7205, 7206, 7215, 7217, 7218, 7221, 7223, 7224, 7230, 7232, 7233, 7243, 7245, 7261 to 7263, 7266, 7278, 7279, 7282, 7283, 7287 to 7289, 7291, 7293, 7295, 7299 to 7301, 7309, 7310, 7319, 7334, 7336, 7343 and 7346 were answered.

Papers tabled by the Minister for Education –

Question on Notice No. 7130 – 2011 Secondary School Grant Recipients of the Clothing Allowance Component of the Secondary Assistance Scheme (4595).

Question on Notice No. 7150 – Comparison of Teacher Salaries in Australian Government Schools: Snapshot as at 1 February 2012 (4596).

4. Speaker's Statement – Distribution of Goods and Services Tax Revenue

On 11 November 2011, the House agreed to a motion in relation to the distribution of revenue from the Goods and Services Tax (GST), a copy of which was forwarded to the Prime Minister and to the Speaker of the House of Representatives. The Speaker received a letter from the Speaker of that House advising that he had tabled the resolution on 7 February 2012. Further, the Speaker received advice from the Parliamentary Secretary to the Prime Minister that a copy of that resolution had been forwarded to the GST Distribution Review for its consideration.

5. Petitions

Belmont Ski Area – Ms L.L. Baker presented a petition from 128 persons requesting that the Legislative Assembly ensure that the Barnett Government closes the Belmont Ski Area (P. 555).

Gosnells Police and Citizens Youth Centre (PCYC) – Mr C.J. Tallentire presented a petition from 38 persons requesting that the Legislative Assembly ensure the continued future of the Gosnells PCYC and ensures that sufficient resources and funding are allocated to enable this to occur (P. 556).

Skilled Local Jobs – Mr C.J. Tallentire presented a petition from 38 persons requesting that the Legislative Assembly ensures that a greater share of skilled work for major resources projects is performed in Western Australia (P. 557).

6. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Banksia Hill Juvenile Detention Centre, Report No. 76, January 2012 (Received by the Clerk of the Legislative Assembly on 9 February 2012 and held for a period of thirty days in accordance with the Inspector of Custodial Services Act 2003) (4553).

By the Clerk –

Agriculture and Related Resources Protection Act 1976 – Local Laws (Shire of Brookton Pest Plants Local Law 2012 G.G. 06/03/2012) (4554).

Bail Act 1982 – Regulations (Bail Amendment Regulations 2012 G.G. 06/03/2012) (4555).

Biosecurity and Agriculture Management Act 2007 – Regulations (Biosecurity and Agriculture Management Industry Funding Scheme (Grains) Amendment Regulations 2012 G.G. 02/03/2012) (4556).

Building Act 2011 – Regulations (Building Regulations 2012 G.G. 13/03/2012) (4557).

Building and Construction Industry Training Fund and Levy Collection Act 1990 – Regulations (Building and Construction Industry Training Fund and Levy Collection Amendment Regulations 2012 G.G. 13/03/2012) (4558).

Building Services (Complaint Resolution and Administration) Act 2011 – Regulations (Building Services (Complaint Resolution and Administration) Amendment Regulations 2012 G.G. 12/03/2012) (4559).

Building Services (Registration) Act 2011 – Regulations (Building Services (Registration) Amendment Regulations 2012 G.G. 12/03/2012) (4560).

Cemeteries Act 1986 – Local Laws (Shire of Brookton Cemeteries Amendment Local Law 2012 G.G. 06/03/2012) (4561).

Conservation and Land Management Act 1984 – Lease No. 2188/97 between the Conservation and Land Management Executive Body and the Water Corporation for Serpentine Dam Café, Gallery and Carpark within a Portion of State Forest No. 22, dated 29 November 2011 (4562).

Construction Industry Portable Paid Long Service Leave Act 1985 – Regulations (Industrial Relations Commission Amendment Regulations 2012 G.G. 16/03/2012) (4563).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations (No. 3) 2012 G.G. 16/03/2012) (4564).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Explosives) Amendment Regulations 2012 G.G. 16/03/2012) (4565).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (General) Amendment Regulations 2012 G.G. 16/03/2012) (4566).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Major Hazard Facilities) Amendment Regulations 2012 G.G. 16/03/2012) (4567).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Security Risk Substances) Amendment Regulations (No. 2) 2012 G.G. 16/03/2012) (4568).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Storage and Handling of Non-explosives) Amendment Regulations 2012 G.G. 16/03/2012) (4569).

Dog Act 1976 – Local Laws (Shire of Augusta-Margaret River Dogs Amendment Local Law 2011 G.G. 16/03/2012) (4570).

Dog Act 1976 – Local Laws (Shire of Brookton Dogs Amendment Local Law 2012 G.G. 06/03/2012) (4571).

Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations 2012 G.G. 13/03/2012) (4572).

Employment Dispute Resolution Act 2008 – Regulations (Employment Dispute Resolution Amendment Regulations 2012 G.G. 16/03/2012) (4573).

Environmental Protection Act 1986 – Regulations (Environmental Protection (NEPM-NPI) Amendment Regulations 2012 G.G. 02/03/2012) (4574).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations 2012 G.G. 02/03/2012) (4575).

Evidence Act 1906 – Regulations (Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2012 G.G. 09/03/2012) (4576).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2012 G.G. 16/03/2012) (4577).

Freedom of Information Act 1992 – Regulations (Freedom of Information Amendment Regulations (No. 2) 2012 G.G. 06/03/2012) (4578).

Freedom of Information Act 1992 – Regulations (Freedom of Information Amendment Regulations 2012 G.G. 06/03/2012) (4579).

Health Act 1911 – Notices (City of Armadale – Health Fees and Charges (2012) G.G. 16/03/2012) (4580).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 2) 2012 G.G. 13/03/2012) (4581).

Legal Profession Act 2008 – Regulations (Legal Profession Amendment Regulations 2012 G.G. 06/03/2012) (4582).

Local Government Act 1995 – Local Laws (City of Albany Activities on Thoroughfares and Public Places and Trading Local Law 2011 G.G. 09/03/2012) (4583).

Local Government Act 1995 – Local Laws (City of Albany Local Government Property Local Law 2011 G.G. 09/03/2012) (4584).

Local Government Act 1995 – Local Laws (City of Gosnells Thoroughfares and Public Places Local Law 2012 G.G. 12/03/2012) (4585).

Local Government Act 1995 – Local Laws (City of Swan Standing Orders Local Law 2010 G.G. 16/03/2012) (4586).

Local Government Act 1995 – Local Laws (Shire of Brookton Local Government Property Local Law 2012 G.G. 06/03/2012) (4587).

Local Government Act 1995 – Local Laws (Town of Bassendean Dust and Sand Local Law 2011 G.G. 06/03/2012) (4588).

Murdoch University Act 1973 – Statutes (Murdoch University – Amending Statute No. 1 of 2012 G.G. 02/03/2012) (4589).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Members of Parliament Funded by the Imprest System for the Three Months ended 30 September 2011 (4590).

Public Accounts Committee – Government Response to Report No. 15, Review of the Reports of the Auditor General December 2011, dated 1 March 2012 (4591).

Sentencing Act 1995 – Regulations (Sentencing Amendment Regulations 2012 G.G. 06/03/2012) (4592).

Vocational Education and Training Act 1996 – Regulations (Vocational Education and Training (General) Amendment Regulations 2012 G.G. 16/03/2012) (4593).

Weapons Act 1999 – Regulations (Weapons Amendment Regulations 2012 G.G. 13/03/2012) (4594).

By the Parliamentary Secretary representing the Minister for Indigenous Affairs –

Aboriginal Affairs Planning Authority Act 1972 – Reserves 9656 and 33542 Fitzroy Crossing, Report of the Aboriginal Affairs Planning Authority (4598).

7. Notices of Motion

8. Matter of Public Interest – Police Portfolio

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 handling of the police portfolio, its record of broken promises on law and order, its failure to stem the tide of anti-social behaviour and its failure to ensure the safety and security of Western Australians.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker

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

Mr M. McGowan

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

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (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 T.R. Buswell
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper

Mr J.H.D. Day
 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
 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.

9. Gas Services Information Bill 2011

Message No. 201 dated 7 March 2012 from the Legislative Council was reported forwarding for concurrence a bill for “An Act to provide for the establishment and operation of a gas bulletin board and the preparation and publication of a gas statement of opportunities, and for related purposes.”

The Minister for Planning moved, That the bill be read a first time.

Question put and passed.

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

Question put and passed.

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

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

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

Question put and passed.

10. Joint Standing Committee on Audit

Message No. 202 dated 8 March 2012 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 235 it has disagreed to the amendments made by the Legislative Assembly to Legislative Council Message No. 179.

11. Community Protection (Offender Reporting) Amendment Bill (No. 2) 2011

Message No. 203 dated 8 March 2012 from the Legislative Council was reported agreeing to the bill without amendment.

12. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3, 2 and 4 be next considered.

13. Criminal Organisations Control Bill 2011

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

CONSIDERATION IN DETAIL

Clauses 84 to 100 agreed to.

Clause 101.

Mr J.R. Quigley moved,

Page 76, line 26 – To insert after “business”:

“ or lawful political protest or lawful industrial action ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 102 to 176 agreed to.

Clause 177.

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

Question put and passed.

14. Local Government Amendment Bill 2011

Message No. 204 dated 20 March 2012 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government Amendment 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 Local Government Amendment Bill 2011

No. 1

Page 17, lines 16 to 26 — To delete the lines and insert —

43. Saving provisions for CEOs

(1) In this clause —

preserved CEO, in relation to a local government, means a person who is employed, other than in an acting or temporary capacity, as the CEO of the local government on 19 October 2011.

(2) Section 5.39(7) does not apply in respect of —

(a) a CEO for such time as that person is employed under a contract of employment —

(i) that was entered into or renewed before section 13 of the amending Act came into operation; or

(ii) for a position that was advertised before section 13 of the amending Act came into operation;

or

(b) a preserved CEO of a local government if —

(i) the remuneration paid or provided to the CEO on 19 October 2011 under a contract of employment was more than the amount recommended by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A to be paid or provided to the CEO at that time; and

(ii) the CEO continues to be employed as the CEO of that local government.

(3) Section 5.39(8) does not apply to a local government that is renewing a contract of employment with its preserved CEO in the circumstances set out in subsection (2)(b).

(4) Before a local government renews a contract with its preserved CEO in circumstances set out in subsection (2)(b), the local government must take into account any determination by the Salaries and Allowances Tribunal under the

Salaries and Allowances Act 1975 section 7A as to the remuneration to be paid or provided to a CEO of a local government that is of a comparable size and location.

No. 2

Page 22, line 10 — To delete “remuneration” and insert —

amount of remuneration, or the minimum and maximum amounts of remuneration,

Ordered, That consideration in detail of Legislative Council Message No. 204 be made an Order of the Day for the next sitting of the Assembly.

15. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 4 and 14 be next considered.

16. Western Australia Day (Renaming) 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 Premier 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.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.01 p.m. until Wednesday, 21 March 2012 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mrs C.A. Martin.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly