

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 188

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 21 FEBRUARY 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. Speaker's Statement – Division Bells

The Speaker advised members that the division bells were not in working order and the hand bell would be rung throughout the building if required.

3. Opposition Office Holders

Mr M. McGowan announced that he was appointed Leader of the State Parliamentary Labour Party on 23 January 2012, and advised that Mrs M.H. Roberts was appointed Manager of Opposition Business.

4. Speaker's Statement – Chamber Seating

The Speaker advised that he had approved an amended seating plan for opposition members.

5. Speaker's Statement – Media Arrangements

The Speaker advised that he had approved the presence of television cameras in the north and south doors of the chamber and in the public and press galleries to film the commencement of Question Time. He also advised that in accordance with standing arrangements, a press photographer would be taking photographs from the public gallery for the first 10 minutes of Question Time.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the reconstitution of the Ministry.

Paper

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

By the Premier –

Premier – Reconstitution of the Ministry, 6 December 2011 (4403).

The Minister for Health on DonateLife week.

The Minister for Housing on the Government response to the Economics and Industry Standing Committee Report Number 10.

Paper

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

By the Minister for Housing –

Economics and Industry Standing Committee – Western Australian Government Response to Legislative Assembly Economics and Industry Standing Committee Report No. 10: Response to House – Matter of Park Home Residents – October 2011 (4404).

7. Questions

Questions without Notice were taken.

Questions on Notice Nos 7103 to 7240 were asked.

Questions on Notice Nos 6210, 6211, 6219, 6315, 6324, 6342, 6365, 6458, 6469, 6472, 6474, 6542, 6546, 6569, 6582 to 6584, 6599, 6602, 6619, 6625, 6636, 6641, 6653, 6670, 6687, 6704, 6709, 6710, 6721, 6738, 6743, 6755, 6760, 6761, 6772, 6775, 6778, 6795, 6796, 6798, 6799, 6801 to 6805, 6807, 6810, 6811, 6816, 6817, 6819, 6821 to 6834, 6836 to 6851, 6853 to 6868, 6870 to 6878, 6880 to 6885, 6887 to 6891, 6893 to 6903, 6905 to 6920, 6922 to 6930, 6932 to 6937, 6939 to 6954, 6956 to 6964, 6966 to 6971, 6973 to 6981, 6983 to 6988, 6990 to 6997, 7000 to 7005, 7007 to 7024, 7026 to 7042, 7044 to 7050, 7052, 7056, 7058, 7059, 7066 to 7068, 7070, 7073, 7076, 7079, 7081, 7082 and 7084 to 7107 were answered.

Papers tabled by the Minister for Education –

Question on Notice No. 6210 – Summary of the number of unexplained absences from school for the 2008, 2009 and 2010 school years for the following schools: Nollamara PS, Westminster Ed Support Centre, Westminster Junior PS, Westminster PS, Mirrabooka PS, Mirrabooka SHS, Mirrabooka SHS Ed Support, Boyare PS, Dryandra PS, Waddington PS, Koondoola PS & Alinjarra PS (4381).

Question on Notice No. 6569 – Question in relation to how many Behavioural Centres there are in Western Australia and whether they are located within a Secondary or Primary School (4382).

Question on Notice No. 6743 – 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 (4383).

Question on Notice No. 7094 – Summary of the total amount of money that has been expended by the State Government, the Federal Government and the federally funded Building the Education Revolution (BER) Program during 2010–2011 for Amaroo PS, Fairview PS, Allanson PS and Collie SHS (4384).

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

Question on Notice No. 6342 – Question in relation to staff above level 3.1 within the Deputy Premier's portfolio of responsibilities since July 2011 who have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual (4385).

Papers tabled by Premier; Minister for State Development –

Question on Notice No. 6602 – Question in relation to the number of Director General and Chief Executive Officer (CEO) positions that are under the control of the Premier, and for which Departments and Agencies (4386).

Question on Notice No. 6653 – Question in relation to the names, titles and levels of senior executive staff who have taken voluntary redundancies within the Premier's portfolios since 23 March 2011 (4387).

Question on Notice No. 6687 – Summary of the total number of employees engaged in the media, communications, or speechwriting under the Premier's portfolio (4388).

Papers tabled by the Minister for Environment; Water –

Question on Notice No. 6822 – Summary of the number of offset agreements the Department of Environment and Conservation has entered into with proponents in Western Australia including details of dollar value and projects to which the offset is related (4389).

Question on Notice No. 6873 – Question in relation to whether any officer in the Minister's office has had contact with registered lobbyist Mr Dean Smith or a representative of Mr Smith's company since 1 January 2011 (4390).

Question on Notice No. 6890 – Question in relation to whether any officer in the Minister's office has had contact with Mr Paul Everingham or a representative of Mr Everingham's company since 1 January 2011 (4391).

Question on Notice No. 7095 – Summary of the number of 'restriction of supply' notices issued by the Water Corporation including payment plans and details on the Hardship Utility Grant Scheme in the years 2009–2010 and 2010–2011 (4392).

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

Question on Notice No. 6843 – Question in relation to whether any officer in the Minister's office has had contact with registered lobbyist Ms Fay Duda or a representative of Ms Duda's company since 1 January 2011 (4393).

Question on Notice No. 6877 – Question in relation to whether any officer in the Minister's office has had contact with Mr Paul Everingham or a representative of Mr Everingham's company since 1 January 2011 (4394).

Question on Notice No. 6963 – Question in relation to whether the Minister has had contact with registered lobbyist Ms Fay Duda or a representative of Ms Duda's company since 1 January 2011 (4395).

Question on Notice No. 6997 – Question in relation to whether the Minister has had contact with Mr Paul Everingham or a representative of Mr Everingham's company since 1 January 2011 (4396).

Paper tabled by the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development –

Question on Notice No. 6472 – 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 (4397).

Papers tabled by the Minister for Health –

Question on Notice No. 7085- Summary breakdown of the total hours ambulances were ramped each day in October 2011 for the following hospitals: Armadale/Kelmscott, Fremantle, Joondalup, King Edward, Princess Margaret, Rockingham, Royal Perth Hospital, Sir Charles Gairdner and Swan District (4398).

Question on Notice No. 7086 – Summary breakdown of the total hours ambulances were ramped each day in November 2011 for the following hospitals: Armadale/Kelmscott, Fremantle, Joondalup, King Edward, Princess Margaret, Rockingham, Royal Perth Hospital, Sir Charles Gairdner and Swan District (4399).

Paper tabled by the Minister for Police; Road Safety –

Question on Notice No. 7092 – Summary breakdown of offences committed in the past 12 months for each suburb in the Kwinana electorate (4400).

Paper tabled by the Minister representing the Minister for Finance –

Question on Notice No. 6801 – Question in relation to the State Government's leased agreements spread across 96 buildings which are now being consolidated into approx. 15 properties (4401).

Paper tabled by the Minister representing the Minister for Finance; Commerce; Small Business –

Question on Notice No. 7092 – Question in relation to whether any officer in the Minister's office has had contact with Mr Paul Everingham or a representative of Mr Everingham's company since 1 January 2011 (4402).

8. Petitions

Road from Newman to Marble Bar – Mr T.G. Stephens presented a petition from 213 persons requesting that the State Government upgrades and seals the inland Pilbara road from Newman to Marble Bar (P. 536).

Permanent Park Home Residents – Mr T.G. Stephens presented a petition from 15 persons requesting that the State Government takes urgent action to help permanent park home residents obtain greater certainty in relation to their living arrangements into the future (P. 537).

Nurses in Yalgoo – Mr V.A. Catania presented a petition from 56 persons requesting that two full-time nurses be employed in the town of Yalgoo (P. 538).

Protection of Fremantle Heritage – Ms A.S. Carles presented a petition from 442 persons requesting that the Legislative Assembly takes steps to ensure that the built heritage and human scale of Fremantle is protected (P. 539).

Wubin-Mullewa Road – Mr G.A. Woodhams presented a petition from 697 persons requesting that the Legislative Assembly commits to ongoing funding for the upgrade of the Wubin-Mullewa Road until its completion (P. 540).

9. 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 No. 75: Report of an Announced Inspection of Bunbury Regional Prison (Received by the Clerk of the Legislative Assembly and held for a period of thirty days and deemed tabled on 20 January 2012) (4359).

By the Clerk –

Australian Crime Commission, Board of the – Annual Report 2010–2011 (4360).

Biosecurity Council of Western Australia – Annual Report 2010–2011 (4361).

Builders' Registration Board – Final Annual Report 1 July 2011 to 28 August 2011 (4362).

CBH Group – Annual Report 2011 (4363).

Conservation and Land Management Act 1984 – Lease No. 1522/97 between the Department of Environment and Conservation and Aeromodellers WA (Inc) for the purpose of Aeromodelling and Allied Recreational Activities within a portion of State Forest No. 65 (4364).

Conservation and Land Management Act 1984 – Lease No. 1916/97 between the Department of Environment and Conservation and the Shire of Boddington for the purpose of Telecommunications within a portion of Timber Reserve No. 148/25 (4365).

Conservation and Land Management Act 1984 – Lease No. 2169/100 between the Department of Environment and Conservation and Comgroup Australia Pty Ltd for the purpose of Telecommunications within a portion of CALM Act section 5(1)(h) Reserve No. 3525 Mt William (4366).

Conservation and Land Management Act 1984 – Lease No. 2301/100 between the Department of Environment and Conservation and the City of Rockingham for the purpose of Saxon Ranger Dive Site Part of Shoalwater Islands Marine Park (4367).

Conservation and Land Management Act 1984 – Lease No. 2310/97 between the Department of Environment and Conservation and Optus Mobile Pty Ltd for the purpose of Telecommunications within a portion of State Forest No. 20 (4368).

Government of Western Australia – Mid-Year Financial Projections Statement, December 2011 (4369).

Legal Practice Board of Western Australia – Annual Report 2010–2011 (4370).

Legal Profession Complaints Committee – Annual Report 2010–2011 (4371).

Medical Radiation Technologists Registration Board of Western Australia – Annual Report 2010–2011 (4372).

Metropolitan Redevelopment Authority Act 2011 – Ministerial Statement under section 82(2) of the Act regarding appointment of members to Land Redevelopment Committees (Received by the Clerk of the Legislative Assembly and deemed tabled on 20 December 2011) (4358).

Metropolitan Redevelopment Authority Act 2011 – Explanatory Statement setting out the reasons for declaring the Redevelopment Areas (4373).

Occupational Therapists' Registration Board of Western Australia – Annual Report 2010–2011 (4374).

Painters' Registration Board – Final Annual Report 1 January 2011 to 28 August 2011 (4375).

Pharmacy Registration Board of Western Australia – Annual Report 2010–2011 (4376).

Planning and Development Act 2005 – Revocation of Improvement Plan 32 – William St Station Precinct under section 120(1)(b) of the Act (4377).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the quarter ended 31 December 2011 (4378).

Western Australian Land Authority Act 1992 – Statutory Review of the Act (4379).

Western Australian Treasury Corporation – Quarterly Report for the quarter ended 31 December 2011 (4380).

10. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 28 September 2011 –

Minister for Education – Department of Education 2010–2011 Annual Report (3996).

11. Joint Standing Committee on the Corruption and Crime Commission – Government Response Non-Compliance

The Speaker reported that responses by the Attorney General to the recommendations of the Joint Standing Committee on the Corruption and Crime Commission's reports 'Parliamentary Inspector's Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of Excessive use of Force by Police' and 'Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the *Corruption and Crime Commission Act 2003*' had not been received by the required time.

The Speaker reported that a response by the Minister for Housing to the recommendations of the Community Development and Justice Standing Committee's report 'A Fading Dream – Affordable Housing in Western Australia' had not been received by the required time.

12. Procedure and Privileges Committee

The Speaker advised members that he had received a letter dated 13 February 2012, in which the Member for Rockingham resigned from the Procedure and Privileges Committee.

13. Notices of Motion

14. Messages from the Governor

Messages from His Excellency the Governor were reported recommending that appropriations be made for the purposes of the following bills –

Education and Care Services National Law (WA) Bill 2011 (Message No. 43).

Appropriation (Consolidated Account) Recurrent 2010-11 (Supplementary) Bill 2011 (Message No. 47).

Appropriation (Consolidated Account) Capital 2010-11 (Supplementary) Bill 2011 (Message No. 48).

Teacher Registration Bill 2011 (Message No. 49).

Criminal Organisations Control Bill 2011 (Message No. 50).

15. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 45 – 30 November 2011

Petroleum (Submerged Lands) Amendment Bill 2011, Act No. 57 of 2011.

Manslaughter Legislation Amendment Bill 2011, Act No. 58 of 2011.

No. 46 – 14 December 2011

Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011, Act No. 59 of 2011.

Residential Tenancies Amendment Bill 2011, Act No. 60 of 2011.

Iron Ore Agreements Legislation Amendment Bill 2011, Act No. 61 of 2011.

Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011, Act No. 62 of 2011.

16. Message from the Legislative Council

Message No. 200 dated 1 December 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution, proposing amended terms of reference for the Joint Delegated Legislation Committee –

That the Legislative Assembly be acquainted that the Legislative Council has adopted proposed Schedule 1, Item 6, *Joint Delegated Legislation Committee*, and invites the Legislative Assembly to concur.

SCHEDULE

6. Joint Delegated Legislation Committee

6.1 A *Joint Delegated Legislation Committee* is established.

6.2 The Committee consists of 8 Members, 4 of whom are appointed from each House. The Chair must be a Member of the Committee who supports the Government.

6.3 A quorum is 4 Members of whom at least one is a Member of the Council and one a Member of the Assembly.

6.4 (a) A report of the Committee is to be presented to each House by a Member of each House appointed for the purpose by the Committee.

- (b) Where a notice of motion to disallow an instrument has been given in either House pursuant to recommendation of the Committee, the Committee shall present a report to both Houses in relation to that instrument prior to the House's consideration of that notice of motion. If the Committee is unable to report a majority position in regards to the instrument, the Committee shall report the contrary arguments.
- 6.5 Upon its publication, whether under section 41(1)(a) of the *Interpretation Act 1984* or another written law, an instrument stands referred to the Committee for consideration.
- 6.6 In its consideration of an instrument, the Committee is to inquire whether the instrument –
 - (a) is within power;
 - (b) has no unintended effect on any person's existing rights or interests;
 - (c) provides an effective mechanism for the review of administrative decisions; and
 - (d) contains only matter that is appropriate for subsidiary legislation.
- 6.7 It is also a function of the Committee to inquire into and report on -
 - (a) any proposed or existing template, *pro forma* or model local law;
 - (b) any systemic issue identified in 2 or more instruments of subsidiary legislation; and
 - (c) the statutory and administrative procedures for the making of subsidiary legislation generally, but not so as to inquire into any specific proposed instrument of subsidiary legislation that has yet to be published.
- 6.8 In this order –
 - “instrument” means –
 - (a) subsidiary legislation in the form in which, and with the content it has, when it is published;
 - (b) an instrument, not being subsidiary legislation, that is made subject to disallowance by either House under a written law;
 - “subsidiary legislation” has the meaning given to it by section 5 of the *Interpretation Act 1984*.

Ordered, That consideration in detail of Legislative Council Message No. 200 be made an Order of the Day for the next sitting of the Assembly.

17. Premier's Statement

The Premier made a statement.

On the question, That the Premier's Statement be noted,

Debate ensued.

Mrs M.H. Roberts moved, That the following words be added:

and that this House calls upon the Premier to establish an independent judicial inquiry into the September 2011 Kimberley Ultramarathon. Terms of reference for such an inquiry should include, but not be limited to, the following:

- (1) all events and arrangements that were made prior, during and after the event that may have caused, contributed to or worsened the injuries that were sustained by Kate Sanderson, Turia Pitt, Michael Hull, Martin Van Der Merwe and others;
- (2) the appropriateness of the arrangements or any contract between RacingThePlanet and Eventscorp or WA Tourism or the Minister responsible for those agencies;
- (3) the suitability of RacingThePlanet and its staff to manage such an event;
- (4) the adequacy or otherwise of safety arrangements for event participants and others;
- (5) the adequacy or otherwise of medical evacuation procedures for the event;
- (6) the adequacy or otherwise of communications for the event;

- (7) insurance and civil liability matters; and
- (8) the role of WA Government Departments or agencies including, but not limited to, Eventscorp, WA Tourism, CALM, FESA, Police and Health.

Debate ensued.

Amendment, by leave, withdrawn.

On the question, That the Premier's Statement be noted,

Debate resumed.

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

Question put and passed.

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.02 p.m. until Wednesday, 22 February 2012 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr J.H.D. Day and Mr J.M. Francis.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly