

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 127

TUESDAY, 22 FEBRUARY 2011, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

— approximately 2.00 p.m. each day

Matter of Public Interest

— one per week on any day

Private Members' Business

— 4.00 p.m. to 7.00 p.m. Wednesdays

Grievances

— approximately 9.00 a.m. Thursdays

Private Members' Statements

— 12.50 p.m. Thursdays

**Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

BILLS – NOTICE OF MOTION

1. Restoration of Bills (Notice given – 17/02/11)

The Leader of the House: To move –

That the *Royal Perth Hospital Protection Bill 2008* and the *Professional Combat Sports Amendment Bill 2009* be restored to the point they reached prior to their removal from the Notice Paper on Thursday, 17 February 2011.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. Juries Legislation Amendment Bill 2010 (Attorney General) (No. 160, 2r. – 25/11/10)
Second reading. Adjourned debate (Mr D.A. Templeman).

2. **Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010** (Minister for Road Safety) (No. 176, 2r. – 24/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

3. **Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.

4. **Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010** (Treasurer) (No. 164, 2r. – 9/11/10)

Consideration in detail.

5. **Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010** (Treasurer) (No. 155, 2r. – 9/11/10)

Consideration in detail.

6. **Building Bill 2010** (Minister for Commerce) (No. 172, 2r. – 10/11/10)

Second reading. Adjourned debate (Mr C.J. Tallentire – continuation of remarks).

7. **Building Services (Registration) Bill 2010** (Minister for Commerce) (No. 171, 2r. – 10/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

8. **Building Services (Complaint Resolution and Administration) Bill 2010** (Minister for Commerce) (No. 169, 2r. – 10/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

9. **Building Services Levy Bill 2010** (Minister for Commerce) (No. 168, 2r. – 10/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

10. **Fish Resources Management Amendment (Fees) Bill 2010** (Deputy Premier) (No. 180, 2r. – 24/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

11. **Fish Resources Management Amendment (Fees) Bill (No. 2) 2010** (Deputy Premier) (No. 179, 2r. – 24/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

12. **Hope Valley-Wattleup Redevelopment Amendment Bill 2010** (Minister for Planning) (No. 165, 2r. – 25/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

13. **Young Offenders Legislation Amendment (Research Information) Bill 2010** (Attorney General) (No. 181, 2r. – 25/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

14. **Trustee Companies (Commonwealth Regulation) Amendment Bill 2010** (Attorney General) (No. 161, 2r. – 25/11/10)

Second reading. Adjourned debate (Mr D.A. Templeman).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009** (Notice given – 17/6/09, renewed – 23/2/10)

Mr M.P. Murray: To move –

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* under the *Genetically Modified Crops Free Areas Act 2003*, a copy of which was laid upon the Table of the House on 9 June 2009, is hereby disallowed.

2. Referral to Community Development and Justice Standing Committee (Notice given – 18/8/10)

Mr E.S. Ripper: To move –

- (1) That this House refer the issue of the 29 December 2009 Toodyay bushfires which destroyed significant homes and property to the Community Development and Justice Standing Committee for investigation.
- (2) That the Committee specifically investigate:
 - (a) compensation for affected land owners who have lost property;
 - (b) liability in relation to the damage caused; and
 - (c) the actions of Western Power prior to and after the fire.

3. Heritage Act Amendments (Notice given – 15/9/10)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for failing to:

- (a) introduce his own promised Heritage Act amendments; and
- (b) support Labor's proposed legislation to fix ongoing problems with demolition of valued heritage by neglect.

4. Minister for Tourism (Notice given — 12/10/10)

Mr J.N. Hyde: To move –

That this House expresses its lack of confidence in the Minister for Tourism due to her lack of real action to tackle plummeting tourism arrivals and remedy a lack of vision in Western Australia tourism and events.

5. Swan Urban Growth Corridor and East Landsdale Development (Notice given – 9/11/10)

Ms R. Saffioti: To move –

That the Government address the outstanding issues in relation to the Swan Urban Growth Corridor and the East Landsdale development, including addressing the outstanding planning issues and improving roads and public transport in the area.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Uranium Mining Prohibition (Keeping WA free from the Nuclear Fuel Chain) Bill 2009 (Ms A.S. Carles) (No. 112, 1r. – 23/2/10)

To be read a second time.

2. Logging of Native Forests under the Existing Management Plan in South West Region of Western Australia (Moved – 17/3/10)

Adjourned debate (Dr J.M. Woollard – continuation of remarks) on the motion moved by

Dr J.M. Woollard –

- (1) That this House refers to the Standing Committee on Economics and Industry for consideration and report by 30 November 2010 the following:

To inquire into and report on the costs and benefits, including the broader community costs and considerations, of logging of native forests under the existing Forest Management Plan in the South West region of Western Australia.
- (2) That this House calls on the Government to place a moratorium on any further logging of those native forests until the Government has reported to the Assembly its response to the report of the Committee.

3. **Perth Theatre Trust Amendment Bill 2009** (Mr J.N. Hyde) (No. 35, 1r. – 11/3/09)
(restored – 18/3/10)

To be read a second time.

4. **Equal Opportunity (Members of Parliament) Amendment Bill 2010** (Mr M.P. Whitely)
(No. 124, 2r. – 21/4/10)

Second reading. Adjourned debate (Mr A.J. Simpson).

5. **Household Fees and Charges, 2010–2011 Budget and Forward Estimates** (Moved – 5/5/10)

Adjourned debate (Minister for Water – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House demands that the Premier:

- (a) limit further increases in household fees and charges after the record increases contained in the 2009 – 2010 Budget;
- (b) ensure that the 2010 – 2011 Budget is an honest reflection of the State's finances; and
- (c) ensure that the forward estimates contain all of the projects announced by the Liberal-National Government.

6. **Schools of Isolated and Distance Education Courses for Years 11 and 12 Students** (Moved – 26/5/10)

Adjourned debate (Minister for Agriculture and Food – continuation of remarks) on the motion moved by Mrs M.H. Roberts –

That the Government immediately cancel all bills sent to secondary schools for Year 11 and 12 students doing courses through Schools of Isolated and Distance Education (SIDE).

7. **Justice Reinvestment Strategy** (Moved – 16/6/10)

Adjourned debate (Mr P. Abetz – continuation of remarks) on the motion moved by Mr P. Papalia –

That this House calls on the Barnett Government to implement a 'justice reinvestment' strategy to lower the rate of re-offending and make our communities safer.

8. **Industrial Relations Amendment Bill 2010** (Mr V.A. Catania) (No. 147, 1r. – 11/8/10)

To be read a second time.

9. **Increases to Family Bills in Western Australia** (Moved – 18/8/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its continued savage increases to family bills in Western Australia.

10. **Appointment of a Select Committee into the Increases to State Debt Since 2000** (Moved – 15/9/10) (last debated – 22/9/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That a Select Committee be appointed to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular, to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years which will be needed to cover existing or foreseeable liabilities;

- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;
- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years which will minimise the adverse effect of the debt on the revenues and expenditures of the State, and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

11. Butane Products Control Bill 2009 (Mr R.H. Cook) (No. 041, 2r. – 16/9/09) (restored – 23/9/10)

Second reading. Adjourned debate (Leader of the House).

12. *Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09) (restored – 23/9/10)

Second reading. Adjourned debate (Leader of the House).

13. Maintenance of Homeswest Properties (Moved – 13/10/10)

Adjourned debate (Mrs L.M. Harvey – continuation of remarks) on motion moved by Mr P.C. Tinley –

That the House condemns the Barnett Government for its many failures in the area of housing, especially in the area of maintenance of Homeswest properties.

14. Planning and Development Amendment Bill 2009 (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

15. Heritage of Western Australia Amendment Bill 2009 (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09) (restored – 14/10/10)

To be read a second time.

16. Commercial Tenancy (Retail Shops) Amendment Bill 2009 (Mr F.M. Logan) (No. 081, 2r. – 14/10/09) (restored – 21/10/10)

Second reading. Adjourned debate (Mr J.E. McGrath).

17. Road Safety Council Amendment (Functions) Bill 2010 (Ms M.M. Quirk) (No. 173, 2r. – 17/11/10)

Second reading. Adjourned debate (Leader of the House).

18. Referral to Committee (Moved – 17/11/10)

Adjourned debate (Mr J.N. Hyde – continuation of remarks) on the motion moved by Mr J.N. Hyde –

- (1) That a bipartisan Select Committee of four members be established to review the *Heritage of Western Australia Act 1990* with the view to considering:
 - (a) the effectiveness of the operations of the Heritage Council;
 - (b) the need for the continuation of the functions of the Heritage Council; and
 - (c) any other matters relevant to the operation and effectiveness of the Act.

- (2) That, in accordance with Standing Order 277, the responsible Minister be directed to respond to the Committee's recommendations.
- (3) That the Committee report to the Legislative Assembly by 16 June 2011.

19. Manufacturing and Engineering Sector (Moved – 24/11/10)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Mr M. McGowan –

That the Barnett Government be condemned for its failure to act on the important issues of local content and jobs in the manufacturing and engineering area.

COMMITTEES TO REPORT

Community Development and Justice Standing Committee:

Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia – 7 April 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into the Use of Controlled Operations and Informants by Anti-Corruption and Law-Enforcement Agencies with Particular Emphasis on the Risks of Misuse of Power, Corruption, and Threat to Public Safety – 21 April 2011

Education and Health Standing Committee:

Inquiry into the Adequacy and Appropriateness of Prevention and Treatment Services for Alcohol and Illicit Drug Problems in Western Australia – 26 May 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into how the Corruption and Crime Commission deals with allegations and notifications of WA Police misconduct – 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should continue to conduct public hearings in the exercise of its misconduct function – 22 September 2011

Joint Standing Committee on the Corruption and Crime Commission:

Inquiry into whether the Corruption and Crime Commission should have the jurisdiction to recover proceeds of crime and unexplained wealth – 22 September 2011

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Domestic Gas Prices for Industry and Consumers	28 February 2011
Economics and Industry Standing Committee	<i>Franchising Bill 2010</i>	26 May 2011

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee: Inquiry into Project Planning and Funding Applications for Major Western Australia Infrastructure Projects	Minister for State Development; Treasurer	18 February 2011
Community Development and Justice Standing Committee: Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies	Premier; Treasurer; Attorney General; Minister for Corrective Services; Minister for Police; Minister Assisting the Minister for Transport	25 February 2011
Joint Standing Committee on the Commissioner for Children and Young People: Functions and Powers of the Joint Standing Committee on the Commissioner for Children and Young People	Attorney General	25 February 2011
Joint Standing Committee on the Corruption and Crime Commission: Analysis of Recommended Reforms to the <i>Corruption and Crime Commission Act 2003</i>	Attorney General	17 May 2011

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- * Denotes amendments appear in the Notices and Amendments section of the Notice Paper.
- † Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.
- ‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

NOTICES AND AMENDMENTS

Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (No. 072—1)

Clause 4.

Ms M.M. Quirk: To move –

Page 3, line 9 – To delete “**Show Cause Notice**” and substitute:

“ **Enforcement notices** ”.

Ms M.M. Quirk: To move –

Page 3, lines 27 to 30 – To delete the lines and substitute:

“

the Inspector may issue either an improvement notice under subsection (2) or a prohibition notice under subsection (3).

- (2) An improvement notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that a person –
 - (i) is contravening a provision referred to in subsection (1); or
 - (ii) has contravened a provision referred to in subsection (1) in circumstances that make it likely that the contravention will continue or be repeated;
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the provision referred to in subsection (1) in respect of which that suspicion is held;
 - (d) state that the CEO is required by the notice to remedy the contravention or likely contravention or the matters or activities occasioning the contravention or likely contravention before a specified time; and
 - (e) be in the prescribed form.
- (3) A prohibition notice shall –
 - (a) state that the Inspector has reasonable grounds to suspect that there is occurring or may occur an activity which involves or will involve a contravention of a provision referred to in subsection (1);
 - (b) state reasonable grounds for forming that suspicion;
 - (c) specify the activity which in the Inspector’s opinion involves or will involve the contravention;

- (d) state that the activity is prohibited until the Inspector is satisfied that the matters which give or will give rise to the contravention are remedied; and
- (e) be in the prescribed form.

”.

Clause 8.

Ms M.M. Quirk: To move –

Page 6, line 9 – After “treatment” insert:

“

; and

- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 6, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 7A(1) in each calendar year.

”.

Clause 12.

Ms M.M. Quirk: To move –

Page 8, line 9 – After “treatment” insert:

“

; and

- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Mr E.S. Ripper: To move –

Page 8, line 13 – To delete “prisoner’s imprisonment” and substitute:

“ person in custody ”.

Ms M.M. Quirk: To move –

Page 8, after line 28 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 29A(1) in each calendar year.

”.

Clause 15.

Mr E.S. Ripper: To move –

Page 9, line 21 – To delete “held in custody or”.

Clause 16.

Ms M.M. Quirk: To move –

Page 10, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 10, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 24A(1) in each calendar year.

”.

Clause 20.

Ms M.M. Quirk: To move –

Page 12, line 9 – After “treatment” insert:

“

- ; and
- (c) must be treated in accordance with such other basic standards as are prescribed by regulations

”.

Ms M.M. Quirk: To move –

Page 12, after line 27 – To insert:

“

- (5) The Inspector of Custodial Services must audit the compliance by persons exercising authority under this Act or implementing or enforcing this Act with subsection (1) with respect to at least 10% of the total population of persons notified under section 9A(1) in each calendar year.

”.

PETER J. MCHUGH

Clerk of the Legislative Assembly