

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 130

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 24 FEBRUARY 2011

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Animal Welfare Unit Inspectorate – Petitions requesting that six permanent full-time General Inspectors be fully funded for the Department of Local Government's Animal Welfare Unit Inspectorate were presented by –

Ms L.L. Baker from 470 persons (P. 368); and

Mr J.C. Kobelke from 43 persons (P. 371).

Urban Development South of Moore River – Ms L.L. Baker presented a petition from 159 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 369).

Coal Infrastructure – Mr C.J. Tallentire presented a petition from 110 persons requesting that there be no further expansion of coal infrastructure in Western Australia (P. 370).

3. Papers

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

By the Clerk –

Co-operative Bulk Handling – Annual Report 2009–2010 (3145).

Forest Products Commission – Statement of Corporate Intent 2010–2011 (3146).

Land Administration Act 1997 – Proposal No. 1/2011 under section 42(4) of the Act in relation to the excision of 2169m² from Class A Reserve 23959 to enable the transfer of the land in fee simple to Landcorp for disposal, with proceeds to fund the Kwinana Town Centre Revitalisation Project (3147).

Land Administration Act 1997 – Proposal No. 2/2011 under section 42(4) of the Act in relation to cancellation of Class A Reserve 23962 to enable the transfer of the land in fee simple to Landcorp for disposal, with proceeds to fund the Kwinana Town Centre Revitalisation Project (3148).

4. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, Uranium Mining Prohibition (Keeping WA free from the Nuclear Fuel Chain) Bill 2009, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

The Speaker further advised, for members' information, that a bill removed under this Standing Order may be restored by motion to the point it had reached prior to its removal.

5. Community Development and Justice Standing Committee – Extension of Reporting Date

The Speaker advised members that he had received a letter from the Chairman of the Community Development and Justice Standing Committee extending the reporting date on its Inquiry into the Adequacy and Future Directions of Social Housing in Western Australia until 8 September 2011.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on the plans for future accommodation for ministerial offices and central government departments.

The Minister for Health on additional funding for the Ngala Helpline.

7. Grievances

The Speaker called for grievances which were then made.

8. Joint Standing Committee on Delegated Legislation

Mr J.M. Francis, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Delegated Legislation, Joint Standing Committee on – Annual Report 2010, Report No. 44 (3149).

Mr J.M. Francis, Ms J.M. Freeman and Mr A.J. Waddell spoke on the report.

9. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Corruption and Crime Commission, Joint Standing Committee on the – Death of a Witness, Report No. 14 (3150).

Mr J.N. Hyde spoke on the report.

Sitting suspended from 10.38 a.m. to 10.40 a.m.

10. Juries Legislation Amendment Bill 2010

The Order of the Day for the third reading of the bill having been read, the Attorney General moved,

That the Juries Legislation Amendment Bill 2010 be reconsidered for the purpose of reconsidering the remainder of proposed new section 34K within Clause 34.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 34.

The Attorney General moved,
 Page 28, lines 5 to 19 — To delete the lines.
 Amendment put and passed.
 Clause, as amended, agreed to.
 Reconsideration in detail concluded.

Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as would enable the third reading of the Juries Legislation Amendment Bill 2010 to be moved forthwith.

Debate ensued.

Question put and passed.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

The Attorney General 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.

11. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

Debate interrupted by the Chair (Mr W.J. Johnston speaking) and adjourned until a later stage of the sitting.

12. Members' Statements

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

13. Questions

Questions without Notice were taken.

Questions on Notice Nos 4708 to 4746 were asked.

14. Additional Information

The Minister for Environment provided additional information relating to Question on Notice No. 4282 from Mr C.J. Tallentire.

Paper

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

By the Minister for Environment –

Question on Notice No. 4282 – Corrected Answer to Question on Notice No. 4282 (3151).

15. Unanswered Question on Notice

Ms M.M. Quirk asked why no answer had been received in respect of her Question on Notice No. 3996.

16. Variation to the Order of Business

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

17. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

19. 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.

20. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

24 February 2011

Heritage and Planning Legislation Amendment Bill 2010 (Message No. 137).

Child Support (Adoption of Laws) Amendment Bill 2009 (Message No. 138).

21. Police Amendment Bill 2010

Message No. 136 dated 24 February 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Police Amendment Bill 2010* 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 Police Amendment Bill 2010

No. 1

Page 6, after line 10 — To insert —

- (4) If the Commissioner decides to charge a person for providing police services for an event, that person may apply to the State Administrative Tribunal for a review of the decision on the ground that what the person is promoting or organising is not an event as defined in section 39E.

No. 2

Page 9, after line 26 — To insert —

39N. Review of Part IVB

- (1) In this section —
commencement day means the day on which the *Police Amendment Act 2011* section 4 comes into operation.
- (2) The Minister is to carry out a review of the operation and effectiveness of this Part as soon as is practicable after the expiration of 36 months after the commencement day, and in the course of that review the Minister is to consider and have regard to —
- (a) the effectiveness of this Part; and
 - (b) the need for the retention of this Part; and
 - (c) any other matters that appear to the Minister to be relevant to the operation and effectiveness of this Part.
- (3) The Minister is to prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

Ordered, That consideration in detail of Legislative Council Message No. 136 be made an Order of the Day for the next sitting of the Assembly.

22. Notice of Motion after the Time Prescribed

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

23. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 15 March 2011 at 2.00 p.m.

Question put and passed.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.02 p.m. until Tuesday, 15 March 2011 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr J.J.M. Bowler and Mr T.K. Waldron.

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
 Speaker of the Legislative Assembly