

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 153

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 22 JUNE 2011

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Uranium Mining in Western Australia – Mr C.J. Tallentire presented a petition from 550 persons requesting that the Legislative Assembly immediately reinstate the ban on uranium mining in Western Australia (P. 428).

Boulder Alcohol Restrictions – Dr G.G. Jacobs presented a petition from 40 persons requesting that cask wine be sold between 12.00 noon and 6.00 p.m. only, and be restricted to one cask per person (P. 429).

Proposed Hammond Park High School – Mr F.M. Logan presented a petition from 135 persons requesting that the Minister for Education immediately bring forward the development and construction of a High School at Hammond Park (P. 430).

Container Deposit Scheme – Mr M.P. Murray presented a petition from 148 persons requesting the immediate introduction of a Container Deposit Scheme, similar to the system operating in South Australia (P. 431).

3. Papers

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

By the Clerk –

Court Security and Custodial Services Contract – Court Security and Custodial Services Contract Between The Commissioner of the Department of Corrective Services, for and on behalf of the State of Western Australia and Serco Australia Pty Limited (3498).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules (No. 2) 2011 G.G. 17/06/2011) (3499).

District Court of Western Australia Act 1969 – Rules (District Court Amendment Rules 2011 G.G. 17/06/2011) (3500).

Energy Coordination Act 1994 – Regulations (Energy Coordination (Customer Contracts) Amendment Regulations (No. 2) 2011 G.G. 14/06/2011) (3501).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2011 G.G. 17/06/2011) (3502).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 2) 2011 [1029] G.G. 17/06/2011) (3503).

Local Government Act 1995 – Local Laws (Shire of Coorow Standing Orders Local Law 2011 G.G. 17/06/2011) (3504).

Poisons Act 1964 – Orders (Poisons (Appendix A Amendment) Order 2011 G.G. 17/06/2011) (3505).

Rates and Charges (Rebates and Deferments) Act 1992 – Regulations (Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2011 G.G. 17/06/2011) (3506).

Registration of Deeds Act 1856 – Regulations (Registration of Deeds Amendment Regulations 2011 G.G. 14/06/2011) (3507).

Strata Titles Act 1985 – Regulations (Strata Titles General Amendment Regulations 2011 G.G. 14/06/2011) (3508).

Transfer of Land Act 1893 – Regulations (Transfer of Land Amendment Regulations 2011 G.G. 14/06/2011) (3509).

Valuation of Land Act 1978 – Regulations (Valuation of Land Amendment Regulations (No. 2) 2011 G.G. 14/06/2011) (3510).

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Premier on his recent trip to the United Arab Emirates, London and Brussels.

The Minister for Education on the 2011 Australian Awards for Teaching Excellence.

The Minister for Culture and the Arts on the death of Western Australian writer Tom Hungerford, A.M.

5. Duties Amendment Bill 2011

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to amend the *Duties Act 2008*.” 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.

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

6. Restraining Orders Amendment Bill 2011

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Restraining Orders Act 1997* and to make a consequential amendment to the *Criminal Investigation Act 2006*.” be introduced and read a first time.

Question put and passed.

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

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

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

7. Metropolitan Redevelopment Authority Bill 2011

The Minister for Planning, pursuant to notice, moved,

That a bill for “An Act to:

- provide for the planning and redevelopment of, and the control of development in, certain land in the metropolitan region; and
- establish a State agency with planning, development control, land acquisition and disposal and other functions in respect of that land; and
- provide for related matters, including the repeal or amendment of certain Acts.” be introduced and read a first time.

Question put and passed.

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

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

Ms R. Saffioti moved, That the debate be adjourned.

Question put and passed.

8. Equal Opportunity Amendment Bill 2011

Mr Mr J.N. Hyde, pursuant to notice, moved,

That a bill for “An Act to amend the *Equal Opportunity Act 1984* and for related purposes.” be introduced and read a first time.

Question put and passed.

Mr J.N. Hyde presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the day’s sitting.

9. Workers’ Compensation and Injury Management Amendment Bill 2011

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

CONSIDERATION IN DETAIL

Clauses 1 to 73 agreed to.

Clause 74.

The Minister for Transport moved,

Page 53, line 20 – To delete “amendment” and substitute:

“ amending ”.

Page 53, line 21 – To delete “*amendment*” and substitute:

“ *amending* ”.

Page 53, line 24 – To delete “amendment” and substitute:

“ amending ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 75 to 83 agreed to.

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

10. Questions

Questions without Notice were taken.

Questions on Notice Nos 5777 to 5794 were asked.

Questions on Notice Nos 5294, 5297, 5337, 5338, 5351 and 5614 to 5617 were answered.

Papers tabled by the Minister for Police –

Question on Notice No. 5614 – Actual and authorised strength in Western Australia by policing district as at 31 January 2011 (3511).

Question on Notice No. 5615 – Actual and authorised strength in Western Australia by policing district as at 28 February 2011 (3512).

Question on Notice No. 5616 – Actual and authorised strength in Western Australia by policing district as at 31 March 2011 (3513).

Question on Notice No. 5617 – Actual and authorised strength in Western Australia by policing district as at 30 April 2011 (3514).

11. Suspension of Standing Orders

Mr B.S. Wyatt, 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 condemns the Minister for Education and her office for deceptive and misleading conduct over the contents of the report, *Orchestrating Lives: an Evaluation of the Early Intervention Conductive Education Trial at Carson Street School*.

Debate ensued.

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

“ subject to 15 minutes for debate being allocated to each side of the House ”.

Debate ensued.

Amendment put and passed.

On the question, That so much of Standing Orders be suspended,

Question put.

The 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.

12. Minister for Education – Contents of Report

Mr B.S. Wyatt, pursuant to the foregoing motion, moved,

That this House condemns the Minister for Education and her office for deceptive and misleading conduct over the contents of the report, *Orchestrating Lives: an Evaluation of the Early Intervention Conductive Education Trial at Carson Street School* subject to 15 minutes for debate being allocated to each side of the House.

Debate ensued.

Papers

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

By the Minister for Education –

Education, Minister for – *Orchestrating Lives: an Evaluation of the Early Intervention, Conductive Education Trial at Carson Street School*, December 2010 (3515).

Education, Minister for – Additional pages – *Orchestrating Lives: an Evaluation of the Early Intervention, Conductive Education Trial at Carson Street School*, December 2010 (3516).

Question put.

The Assembly divided.

Ayes (25)

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

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
 Mr B.S. Wyatt
 Ms R. Saffioti (*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
 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
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic

Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr C.C. Porter
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Mr J.E. McGrath (*Teller*)

Question thus negated.

13. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

14. Workers’ Compensation and Injury Management Amendment Bill 2011

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

CONSIDERATION IN DETAIL

Clause 84.

The Minister for Transport moved,

Page 62, line 30 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 85.

The Minister for Transport moved,

Page 63, lines 9 and 10 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Page 63, line 14 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Page 63, line 17 – To delete the words “**pleural plaques**” and substitute:

“ **diffuse pleural fibrosis** ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 86.

The Minister for Transport moved,

Page 63, lines 23 and 24 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Page 64, lines 3 and 4 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 87.

The Minister for Transport moved,

Page 64, line 13 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 88 to 100 agreed to.

Clause 101.

The Minister for Transport moved,

Page 73, lines 24 and 25 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 102 to 120 agreed to.

Clause 121.

The Minister for Transport moved,

Page 88, lines 11 and 12 – To delete “Minister for Public Sector Management.” and substitute:

“ Public Sector Commissioner. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 122 and 123 agreed to.

Clause 124.

The Minister for Transport moved,

Page 93, line 17 – To delete the words “Pleural plaques (diffuse pleural fibrosis)” and substitute:

“ Diffuse pleural fibrosis ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 125 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Transport moved, That clause 80 of the bill be reconsidered in detail.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 80.

The Minister for Transport moved,

Page 60, line 18 – To delete the words “pleural plaques (diffuse pleural fibrosis)” and substitute:

“ diffuse pleural fibrosis ”.

Amendment put and passed.

Clause, as amended, agreed to.

Reconsideration 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.

15. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

16. Conservation Legislation Amendment 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 C.J. Tallentire speaking) and adjourned until a later stage of the sitting.

17. Personal Explanation

The Premier made a personal explanation with regard to information he supplied during the debate on the motion concerning the Minister for Education.

18. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 8, followed by Private Members' Business Order of the Day No. 15, be next considered.

19. Water Corporation Drainage Charge

Mr F.M. Logan, pursuant to notice, moved,

That this House calls on the Minister for Water to immediately cancel the introduction of the expanded Water Corporation drainage charge which applies from 1 July 2011 and undertake a process of meaningful consultation with residents affected by the expansion of the drainage charge.

Debate ensued.

Papers

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

By the Minister for Water –

Water Corporation – Letter from the Chief Executive Officer of the Water Corporation to the Minister for Water with regard to drainage charges (3517).

Water Corporation – Maps showing water catchment boundaries (3518).

Question put.

The Assembly divided.

Ayes (23)

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

Mrs C.A. Martin
 Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 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
 Ms R. Saffioti (*Teller*)

Noes (26)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
 Mr J.M. Francis
 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 W.R. Marmion

Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

Question thus negated.

20. Road Safety Council Amendment (Functions) 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.

The Assembly divided.

Ayes (22)

Dr A.D. Buti
 Mr R.H. Cook
 Mr J.N. Hyde
 Mr W.J. Johnston
 Mr J.C. Kobelke
 Mr F.M. Logan
 Mr M. McGowan
 Mrs C.A. Martin

Mr M.P. Murray
 Mr A.P. O’Gorman
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 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
 Ms R. Saffioti (*Teller*)

Noes (25)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable

Mr M.J. Cowper
 Mr J.M. Francis
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr W.R. Marmion
 Ms A.R. Mitchell

Dr M.D. Nahan
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

Question thus negated.

Bill thus defeated.

21. Notice of Motion after the Time Prescribed

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

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 6.46 p.m. until Thursday, 23 June at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Ms L.L. Baker, and Mr D.A. Templeman.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly