

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 174

THURSDAY, 20 OCTOBER 2011, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

–	approximately 2.00 p.m. each day
–	one per week on any day
–	4.00 p.m. to 7.00 p.m. Wednesdays
–	approximately 9.00 a.m. Thursdays
–	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 – NOTICES OF MOTION

1. Manslaughter Legislation Amendment Bill 2011 (Notice given – 19/10/11)

The Attorney General: To move –

That a Bill for “An Act to amend –

- *The Criminal Code*; and
- *the Road Traffic Act 1974*,

and for related purposes.” be introduced and read a first time.

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***Criminal Investigation (Covert Powers) Bill 2011** (Minister for Police) (No. 210, 2r. – 18/8/11)

Second reading. Adjourned debate (Minister for Police – continuation of remarks in reply).

2. **Electoral and Constitution Amendment Bill 2011** (Premier) (LC No. 190, 2r. – 25/5/11)

Second reading. Adjourned debate (Mr P. Papalia – continuation of remarks).

3. **Premier's Statement**

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

4. **Water Services Bill 2011** (Minister for Water) (No. 202, 2r. – 26/5/11)

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

5. **Water Services Legislation Amendment and Repeal Bill 2011** (Minister for Water) (No. 201, 2r. – 26/5/11)

Second reading. Adjourned debate (Mr M. McGowan).

6. ***Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08) (restored 22/2/11)

Further consideration in detail – Clause 1.

7. **Local Government Amendment Bill 2011** (Minister for Local Government) (No. 241, 2r. – 19/10/11)

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. **Police Resourcing** (Notice given – 9/8/11)

Ms M.M. Quirk: To move –

That this House condemns the Barnett Government on its failure to provide a visible, well-resourced police presence providing timely responses, a sense of safety in the community and inroads into the rapidly escalating methamphetamines manufacture.

3. **Fiona Stanley Hospital – Facilities Management Contract** (Notice given – 9/8/11)

Mr R.H. Cook: To move –

That this House condemns the Barnett Government on its failure to publish in full the details of the Facilities Management Services Contract between the Western Australian Government and Serco Pty Ltd for services provided at Fiona Stanley Hospital and calls on the Government to table the full contract without exemptions.

4. **Classroom First and Networking Strategy** (Notice given – 15/3/11) (renewed – 30/8/11)

Mr B. Wyatt: To move –

That the House calls on the Minister for Education to outline how the Classroom First and Networking Strategy will improve the educational outcomes of our State's children and improve the quality of teaching in Western Australia.

5. Organ Donation (Notice given – 22/3/11) (renewed – 6/9/11)

Mr V. Catania: To move –

That the State Government make available information that will assist community consideration of options for organ donation, including an ‘opt out’ option and to debate the motion in accordance with the time limits applying to a matter of public interest.

6. Minister for Heritage (Notice given – 8/9/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Heritage for:

- (1) mismanaging the review of the *Heritage of Western Australia Act 1990*; and
- (2) failing to support adequate funding of regional heritage in Western Australia, including for such important heritage buildings as the Bill Sewell Complex in Geraldton.

7. Minister for Police (Notice given – 8/9/11)

Mr B.S. Wyatt: To move –

That this House condemns the Minister for Police; Emergency Services for:

- (a) his refusal to honour the Government’s election promise to reinstate school-based police officers in consultation with local communities; and
- (b) his attempt to mislead this House on Wednesday, 7 September 2011 by asserting that ‘school-based’ no longer means ‘based in schools’.

8. Minister for Planning – Concrete Batching Plants in East Perth (Notice given – 20/9/11)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Planning for calling in the decision of the City of Vincent to refuse 24 hour operation and extension of concrete batching plants in the residential areas of East Perth, and notes that the City of Vincent’s decision was supported by residents.

9. Taxi Amendment Regulations (No. 3) 2011 (Notice given – 27/9/11)

Mrs M.H. Roberts: To move –

That the *Taxi Amendment Regulations (No. 3) 2011* under the *Taxi Act 1994*, a copy of which was laid upon the Table of the Legislative Assembly on 10 August 2011, are hereby disallowed.

10. Distribution of GST Revenue (Notice given – 27/9/11)

Mr B.J. Grylls: To move –

That this House:

- (1) notes that GST revenues are distributed to the States and Territories in accordance with a formula driven by horizontal fiscal equalisation principles and legislated for in the *Federal Financial Relations Act 2009* (Cth);
- (2) notes that for 2010–2011 Western Australia received just 68 per cent of what it would have received if GST revenue were distributed across Australia on a per capita basis – the lowest relativity applied to any State since the formula was introduced;
- (3) notes that every other State and Territory, by contrast, received not less than 91 per cent of what it would have received if GST revenue was distributed equally across Australia;
- (4) calls on the Federal Government to amend the Act to stipulate a minimum GST revenue-sharing relativity of 75 per cent, which would allow continuing respect for the principles of horizontal fiscal equalisation, but with proper recognition for population and without Western Australia being unfairly penalised for its disproportionate contribution to our national economic prosperity; and

- (5) calls on Federal Members of Parliament to support the Private Members' motion as moved by Mr Tony Crook MP, Member for O'Connor, in relation to a fairer GST distribution.

11. Economics and Industry Standing Committee Recommendations (Notice given – 12/4/11) (renewed – 27/9/11)

Mr M. McGowan: To move –

That the House endorses the findings of the Economics and Industry Standing Committee inquiry into domestic gas prices and in particular the recommendation that:

- (a) the Government establishes an independent gas market monitor;
- (b) introduce the gas market bulletin board and statement of opportunities;
- (c) separate marketing of gas from the North West be supported; and
- (d) the Government immediately begin negotiations with the North West Shelf partners to ensure gas continues to be supplied into the domestic market from the Karratha gas plant beyond 2014.

12. Anti-Israel Boycott, Divestment and Sanctions (BDS) Campaign (Notice given – 29/9/11)

Mr J.N. Hyde: To move -

That this House:

- (a) notes with concern the anti-Israel boycott, divestment and sanctions (BDS) campaign against legitimate businesses operating in Australia which provide jobs to hundreds of Australians;
- (b) calls on all members to condemn the targeting of Max Brenner Chocolate Cafes and other businesses by anti-Israel protesters;
- (c) notes that some of the rhetoric used by proponents of the BDS campaign has descended into anti-Semitism; and
- (d) condemns anti-Semitism in all its forms.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. 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).

2. 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.

3. 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.

4. Perth Theatre Trust Amendment Bill 2011 (Mr J.N. Hyde) (No. 209, 1r. – 25/5/11)

To be read a second time.

5. Acts Amendment (Western Australia Day) Bill 2011 (Mr J.N. Hyde) (No. 216, 1r. – 15/6/11)

To be read a second time.

6. Equal Opportunity Amendment Bill 2011 (Mr J.N. Hyde) (No. 212, 1r. – 22/6/11)

To be read a second time.

7. *Franchising Bill 2010 (Mr P. Abetz) (No. 162, 2r. – 13/10/10) (last debated – 10/8/11)

Further consideration in detail – Clause 1.

8. Minister for Education (Moved – 17/8/11)

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

That this House calls on the Minister for Education to explain what actions she has taken in respect of the findings of the Standing Committee on Estimates and Financial Operations (Report 27), tabled on 1 July 2010 and the Public Sector Commissioner's investigation into the Orchestrating Lives: An Evaluation of the Early Intervention Conductive Education Trial at Carson Street School report, in relation to the quality and accuracy of advice, including briefing notes provided by the Department of Education to the Minister.

9. Indigenous Affairs (Moved – 23/6/11) (last debated – 31/8/11)

Adjourned debate (Mr T.G. Stephens – continuation of remarks) on the motion moved by Mr J.J.M. Bowler –

That this House recognise the need for a bipartisan and new approach on the matter of Indigenous affairs.

10. School Crossings (Moved – 7/9/11)

Adjourned debate (Mr A. Krsticevic – continuation of remarks) on the amendment moved by Mr A.P. Jacob –

To delete all words after "House" and substitute:

congratulates the Minister for Police on his decision to put on hold any removal of Type A and Type B crossings until the Government and the Children's Crossing and Road Safety Committee have reviewed the current policy to ensure children's crossings are safe.

on the motion moved by Mr A.P. O'Gorman –

That the House condemns the Government for withdrawal of crossings that do not fit the warrant criteria for a type A crossing across the State and subsequently endangering the lives of many school children who use these crossings.

11. Infrastructure Across Western Australia (Moved – 6/4/11) (last debated – 21/9/11)

Adjourned debate (Minister for Transport – continuation of remarks) on the motion moved by Mr E.S. Ripper –

That this House condemns the Barnett Government for its failure to invest in basic infrastructure across Western Australia, in particular its failure to purchase additional trains and buses or to construct new road works to keep up with population growth.

12. Liquor Control Amendment Bill 2011 (Dr J.M. Woollard) (No. 233, 2r. – 28/9/11)

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

13. Minister for Education – North Mandurah Primary School (Moved – 28/9/11)

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

That this House condemns the Minister for Education for her failures in relation to the North Mandurah Primary School and its loss of 17 permanent teaching positions and calls on her to immediately address this issue and other failures in her Education portfolio including the downgrading of a number of regional/district offices.

14. Container Deposit and Recovery Scheme Bill 2011 (Mr E.S. Ripper) (No. 234, 2r. – 19/10/11)

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

MESSAGE RECEIVED FROM THE LEGISLATIVE COUNCIL
1. Joint Standing Committee on Audit (No. 179)

The Legislative Council acquaints the Legislative Assembly that it has passed the following motion:

That pursuant to section 43 of the *Auditor General Act 2006* —

- (a) a Joint Standing Committee on Audit be established, comprised of four members (including the Chairman) of the Legislative Council Standing Committee on Estimates and Financial Operations and four members of the Legislative Assembly Public Accounts Committee, two of whom from each House support the Government;
- (b) the members of the Legislative Council Standing Committee on Estimates and Financial Operations and the Legislative Assembly Public Accounts Committee not appointed to the Joint Standing Committee under section (1)(a) are appointed to the Joint Standing Committee as participating members in accordance with Legislative Council Standing Order 326. The requirement for leave of the committee under Standing Order 326 does not apply to these appointments;
- (c) the Chairman of the Standing Committee on Estimates and Financial Operations will be the Chairman of the Joint Standing Committee; and
- (d) the Standing Orders of the Legislative Council relating to Standing Committees will be followed as far as they can be applied.

and invites the Legislative Assembly to pass a similar resolution.

COMMITTEES TO REPORT
Committee***Date Due***

Community Development and Justice Standing Committee:

24 November 2011

Inquiry into the State's preparedness for this year's coming fire season

<i>Committee</i>	<i>Date Due</i>
Community Development and Justice Standing Committee: Inquiry into the adequacy and future directions of social housing in Western Australia	1 December 2011
Economics and Industry Standing Committee: Inquiry into Ironbridge Holdings Pty Ltd and other matters regarding residential land and property developments	1 December 2011
Public Accounts Committee: Inquiry into the contract for the provision of non-clinical services at Fiona Stanley Hospital	1 December 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	1 March 2012
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	29 March 2012
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	29 March 2012
Education and Health Standing Committee: Inquiry into improving educational outcomes for Western Australians of all ages	30 November 2012
Community Development and Justice Standing Committee: Inquiry into the well-being of State Government workers and volunteers involved in emergency responses	1 December 2012

REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Economics and Industry Standing Committee	Consideration of the appropriateness of an inquiry into park home closures and evictions	13 April 2012

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee Report</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Education and Health Standing Committee – Changing Patterns in Illicit Drug Use in Western Australia	Minister for Mental Health; Minister for Police; Minister for Corrective Services; Attorney General; Minister for Health	26 August 2011 [non-compliance reported 31 August 2011]
Joint Standing Committee on the Corruption and Crime Commission – Parliamentary Inspector’s Report Concerning the Procedures Adopted by the Corruption and Crime Commission when Dealing with Complaints of the Excessive Use of Force by Police	Attorney General	8 December 2011
Joint Standing Committee on the Corruption and Crime Commission – Closed Hearing with Gail Archer SC and Further Analysis of Proposed Reforms to the <i>Corruption and Crime Commission Act 2003</i>	Attorney General	29 December 2011

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- * Denotes amendments appearing 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

Criminal Investigation (Covert Powers) Bill 2011 (No. 210 — 1)

Clause 3.

Ms M.M. Quirk: To move –

Page 2, lines 21 and 22 – To delete the lines.

Ms M.M. Quirk: To move –

Page 2, lines 28 to 30 – To delete the lines.

Ms M.M. Quirk: To move –

Page 3, lines 1 and 2 – To delete the lines.

Ms M.M. Quirk: To move –

Page 3, line 14 – To delete the line.

Ms M.M. Quirk: To move –

Page 3, lines 22 and 23 – To delete the lines.

Ms M.M. Quirk: To move –

Page 4, lines 10 to 12 – To delete the lines.

Ms M.M. Quirk: To move –

Page 4, lines 19 to 25 – To delete all words after “*jurisdiction*” and substitute:

“ means Western Australia. ”.

Clause 5.

Ms M.M. Quirk: To move –

Page 6, line 25 – To delete “3” and substitute:

“ 7 ”.

Clause 43.

Ms M.M. Quirk: To move –

Page 37, lines 11 and 12 – To delete the lines.

Clause 48.

Ms M.M. Quirk: To move –

Page 43, lines 12 and 13 – To delete the lines.

Clause 79.

Ms M.M. Quirk: To move –

Page 63, lines 5 and 6 – To delete the lines.

Clause 84.

Ms M.M. Quirk: To move –

Page 68, lines 4 and 5 – To delete the lines.

Clause 100.

Ms M.M. Quirk: To move –

Page 80, lines 11 and 12 – To delete the lines.

Franchising Bill 2010 (No. 162—1)

Clause 3.

Mr P. Abetz: To move –

Page 2, lines 14 and 15 – To delete the lines and substitute:

“

Commissioner has the meaning given to that term by the *Fair Trading Act 2010* section 6.

”.

Clause 4.

Mr P. Abetz: To move –

Page 3, lines 17 and 18 – To delete all words after “a” and substitute:

“

franchise business in, or substantially in, Western Australia.

”.

Mr P. Abetz: To move –

Page 3, after line 26 – To insert:

“

(3) This Bill does not apply to agreements which are excluded under sections 5(3)(a) and (b) of the Franchising Code of Conduct.

”.

Clause 11.

Mr P. Abetz: To move –

Page 6, line 9 – To delete “means” and substitute:

“ includes ”.

Clause 12.

Mr P. Abetz: To move –

Page 7, line 20 – To delete “*Trade Practices Act 1974*” and substitute:

“ *Competition and Consumer Act 2010* ”.

Mr P. Abetz: To move –

Page 7, line 21 – To delete “*1987*” and substitute:

“ *2010* ”.

Mr P. Abetz: To move –

Page 8, line 2 – To delete “*1987*” and substitute:

“ *2010* ”.

Clause 13.

Mr P. Abetz: To move –

Page 9, line 1 – To delete:

“ a franchisee under a WA franchise agreement or ”.

Clause 14.

Mr P. Abetz: To move –

Page 9, line 21 – To delete “*Trade Practices Act 1974*” and substitute:

“ *Competition and Consumer Act 2010* ”.

Mr P. Abetz: To move –

Page 9, line 23 – To delete the line.

Mr P. Abetz: To move –

Page 9, lines 27 to 30 – To delete the lines.

Clause 15.

Mr P. Abetz: To move –

Page 10, lines 20 to 25 – To delete the lines.

Mr P. Abetz: To move –

Page 10, lines 26 and 28 – To delete “harm” where it occurs in both places and substitute:

“ loss or damage ”.

Royal Perth Hospital Protection Bill 2008 (No. 008—1)

Clause 1.

Mr R.H. Cook: To move –

Page 2, line 2 – To insert after “the”:

“ *Tertiary* ”.

Mr R.H. Cook: To move –

Page 2, line 2 – To delete “*Protection*” and substitute:

“ *Health Services* ”.

Clause 3.

Mr R.H. Cook: To move –

Page 2, after line 9 – To insert alphabetically:

“

continued operation means to remain in existence and provide ongoing health services at the current level at Royal Perth Hospital, other health institutions, hospitals and health services in Western Australia;

for the time being means at the time of the Act coming into operation;

Protection means the safeguarding of existing health services provided by Royal Perth Hospital and other health institutions, hospitals and health services in Western Australia;

tertiary means tertiary health care which may include but is not limited to, services provided by state-designated trauma centres, a burn centre, trauma surgery neurosurgery, cardiothoracic surgery, organ transplant, paediatric surgery, magnetic resonance imaging and positron emissions tomography, and include secondary, primary and emergency care;

the entity means the Board of a public hospital;

”.

Mr R.H. Cook: To move –

Page 2, line 11 – To insert after “being”:

“ any of the following ”.

Mr R.H. Cook: To move –

Page 2, line 15 – To insert after “whole”:

“ or part ”.

Clause 6.

Mr R.H. Cook: To move –

Page 2, line 26 – To insert before “tertiary”:

“ 400 bed ”.

Mr W.J. Johnston: To move –

Page 3, after line 2 – To insert:

“

- (2) For the purpose of maintaining Royal Perth Hospital, future annual appropriations shall not be reduced to levels below the allocation to the hospital as at 6 September 2008.

”.

Clause 7.

Mr R.H. Cook: To move –

Page 3, after line 8 – To insert:

“

- (2) No development is to take place at Royal Perth Hospital to the extent that development will impact on proposed services, resources and scope of services at the Fiona Stanley Hospital.

”.

Mr A.P. O’Gorman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Joondalup Health Campus.

”.

Mr W.J. Johnston: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Armadale-Kelmscott Hospital.

”.

Mr P. Papalia: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Rockingham General Hospital.

”

Mrs M.H. Roberts: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the new Midland Health Campus.

”

Mr D.A. Templeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Peel Health Campus.

”

Mr M.P. Murray: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the South West Regional Health Campus and Associated South West Hospitals.

”

Mrs C.A. Martin: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Broome Regional Health Campus.

”

Mr T.G. Stephens: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not negatively impact on the services, resources and scope of services at the Hedland Hospital (Hedland’s Regional Resource Centre), Newman Hospital, Tom Price Hospital, and Paraburdoo Hospital.

”

Mr J.C. Kobelke: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Osborne Park Hospital.

”.

Ms J.M. Freeman: To move –
Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on the development of planned or anticipated health services in the Mirrabooka area.

”.

Mr R.H. Cook: To move –
Page 3, lines 9 to 11 – To delete the lines and substitute:

“

- (2) **Development** means improving and advancing the health facilities at Royal Perth Hospital in a manner which ensures its continued operation as a tertiary hospital without undue interruption to service.

”.

Clause 9.

Ms J.M. Freeman: To move –
Page 3, lines 17 to 20 – To delete all words after “prescribing” and substitute:

“ medical and support services for the purpose of Section 6 ”.

Long title.

Mr R.H. Cook: To move –
Page 1, line 10 – To insert after “**Hospital**”:

“ **and other associated Western Australian hospitals** ”.

=====

PETER J. McHUGH

Clerk of the Legislative Assembly