

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 184

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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THURSDAY, 24 NOVEMBER 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

Electronic Speed Zone Signs – Mr P.B. Watson presented a petition from 16 persons requesting that the Legislative Assembly call upon the Minister for Transport to make Albany Primary School and Mount Lockyer Primary School priority locations for the 2011–2012 installation program for electronic speed zone signs (P. 512).

Protection from Second Hand Smoke – Mr P.B. Watson presented a petition from 26 persons requesting that the Legislative Assembly enact laws to further protect people from exposure to second hand tobacco smoke in public places. (P. 513).

Container Deposit Scheme – Mr P.B. Watson presented a petition from 31 persons requesting that Legislative Assembly call upon the Barnett Government to immediately introduce a Western Australian Container Deposit Scheme, similar to the system that operates in South Australia (P. 514).

Skilled Local Jobs – Mr P.B. Watson presented a petition from 134 persons requesting that the Western Australian Parliament pass laws that would ensure a greater share of skilled work for major resource projects is performed in Western Australia (P. 515).

### 3. Papers

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Public Sector Misconduct in Relation to the Purchase of Toner Cartridges in Exchange for Gifts Outside Government Procurement Policies and Arrangements (4245).

By the Clerk –

Public Sector Commission – State of the Sector Report 2011 (4246).

#### **4. Correction to Tabled Paper**

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 1 November 2011 –

Agriculture and Food, Department of – Annual Report 2010–2011 – Correction (4144A).

#### **5. Notices of Motion**

#### **6. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Tourism on the Chevron 2012 Perth International Track Cycling Grand Prix.

The Minister for Corrective Services on the signing of a Memorandum of Understanding between five government agencies to ensure that the risk posed to the public by serious offenders is reduced.

The Minister for Citizenship and Multicultural Interests on the Interagency Settlement Group who provide information on assistance to those who enter Australia under the Humanitarian Program.

#### **7. Grievances**

The Acting Speaker called for grievances which were then made.

#### **8. Manslaughter Legislation Amendment Bill 2011**

Message No. 193 dated 24 November 2011 from the Legislative Council was reported agreeing to the bill without amendment.

#### **9. 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 – City of Gosnells Waste Local Law 2011 and Shire of Derby/West Kimberley Waste Services Local Law 2011 – Report 46 (4247).

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

#### **10. Community Development and Justice Standing Committee**

Mr A.P. O’Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – Western Australia’s Readiness for the 2011–12 Bushfire Season – Report No. 9 (4248).

Mr A.P. O’Gorman and Mr A.P. Jacob spoke on the report.

Debate interrupted by a motion to suspend Standing Orders.

#### *Suspension of Standing Orders*

Mr E.S. Ripper, 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 the House expresses its grave concern at the severe fires occurring in the Margaret River area and enables the Minister for Environment to explain his role in relation to these fires and especially answer the following questions –

- (a) When were you first told that prescribed fire burns in this area were to be undertaken?
- (b) Did you inform anyone that prescribed burns should not have been undertaken on or in advance of hot windy days?
- (c) When were you first told that the prescribed burns in Margaret River had broken containment lines?

- (d) Did the Department of Environment and Conservation communicate with Fire and Emergency Services Authority in regards to the prescribed burn?
- (e) When were the Incident and Deputy Incident controller appointed?
- (f) At what point was Mr Gregson first informed by DEC that the fire had breached containment lines and was out of control?
- (g) When did FESA take over control of the incident?

Debate ensued.

The Leader of the House moved, That the following words be added:

“

subject to the debate being conducted under the time limits applying to a Matter of Public Interest

”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

The Speaker having counted the House, and an absolute majority 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.

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*Fires in the Margaret River Region*

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That the House express its grave concern at the severe fires occurring in the Margaret River area; and to enable the Minister for Environment to explain his role in relation to these fires and especially answer the following questions –

- a) When were you first told that prescribed fire burns in this area were to be undertaken?
- b) Did you inform anyone that prescribed burns should not have been undertaken on or in advance of hot windy days?
- c) When were you first told that the prescribed burns in Margaret River had broken containment lines?
- d) Did the Department of Environment and Conservation communicate with Fire and Emergency Services Authority in regards to the prescribed burn?
- e) When were the Incident and Deputy Incident controller appointed?
- f) At what point was Mr Gregson first informed by DEC that the fire had breached containment lines and was out of control?
- g) When did FESA take over control of the incident?

Debate ensued.

The Leader of the House moved, To delete all words after “House” and substitute:

“

acknowledges the excellent work being done by firefighters and other emergency services workers in relation to the fires occurring in the Margaret River area.

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Amendment put and passed.

Motion, as amended, agreed to.

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Resumption of remarks on the Community Development and Justice Standing Committee Report No. 9.

Ms M.M. Quirk, Mr I.M. Britza and Mr T.G. Stephens spoke on the report.

### 11. 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 – Parliamentary Inspector's Report Concerning Telecommunication Interceptions and Legal Professional Privilege – Report No. 21 (4257).

Mr J.N. Hyde spoke on the report.

Debate interrupted by the Chair (Mr J.N. Hyde 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. Speaker's Statement – Mobile Phones and iPads

The Speaker advised members of the rules concerning the use of mobile phones and iPads in the Legislative Assembly Chamber.

### 14. Questions

Questions without Notice were taken.

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#### *Papers*

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

By the Treasurer –

Treasurer – Housing Costs Through the Roof: Australia's Housing Stress (4259).

Treasurer – Administrations Under the *Bankruptcy Act 1966* (4260).

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Questions on Notice Nos 6821 to 7011 were asked.

Questions on Notice Nos 6332, 6344, 6347, 6349, 6362, 6364, 6366, 6373, 6376, 6377, 6440, 6441, 6455, 6477, 6489, 6545, 6549, 6604, 6610, 6621, 6628, 6644, 6661, 6695, 6696, 6706, 6729, 6730, 6764 and 6774 were answered.

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

Question on Notice No. 6344 – Summary of agencies within the Minister's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4249).

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

Question on Notice No. 6347 – Summary of agencies within the Minister's portfolio of responsibilities with any officer above level 3.1 accepting a hospitality invitation to an event, free accommodation or free travel from a private company or individual since 1 July 2011 (4250).

Paper tabled by the Minister for Health –

Question on Notice No. 6440 – Summary head count of the number of staff (including FTE breakdown) for each metropolitan hospital as at 30 September 2011 (4251).

Question on Notice No. 6441 – Summary head count of the number of staff (including FTE breakdown) for each regional hospital as at 30 September 2011 (4252).

Papers tabled by the Minister for Sport and Recreation; Racing and Gaming –

Question on Notice No. 6477 – Question in relation to the Western Australian Languages Services Policy launched by the Premier Colin Barnett in 2008 stating that Government Agencies are required to have policies for funding and delivering translating and interpreting services that take into account relevant Government policy, legal circumstances and the needs of potential and current clients (4253).

Question on Notice No. 6610 – Summary of the number of Director General and Chief Executive Officer positions under the Minister's control including acting positions (4254).

Papers tabled by the Minister for Planning; Culture and the Arts; Science and Innovation –

Question on Notice No. 6696 – Summary of the total number of employees engaged in media, communications, marketing, or speechwriting, including the job title of these employees and their entitlements (4255).

Question on Notice No. 6730 – Summary of all departments and agencies staff salary level and the staff who have been paid an attraction and/or retention allowance under the Minister's control (4256).

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

Question on Notice No. 6604 – Summary of the number of Director General and Chief Executive Officer positions under the Minister's control including acting positions (4258).

#### **15. Variation to the Order of Business**

Ordered, That Business of the Assembly Order of the Day for the continuation of remarks on the Joint Standing Committee on the Corruption and Crime Commission's Report No. 21 be resumed.

#### **16. Joint Standing Committee on the Corruption and Crime Commission**

The Order of the Day for the resumption of remarks on the Joint Standing Committee on the Corruption and Crime Commission Report No. 21 was read (see paragraph 11).

Mr J.N. Hyde spoke on the report.

#### **17. Suspension of Standing Orders**

The Leader of the House, pursuant to notice, moved,

That so much of Standing Orders be suspended as is necessary to enable the Member for Pilbara to speak for up to half an hour during the time allocated for Government Business on Thursday, 24 November 2011, in relation to the Iron Ore Agreements Legislation Amendment Bill 2011 and the Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011.

Debate ensued.

Question put and passed.

#### **18. Statement by the Member for Pilbara**

Mr T.G. Stephens, pursuant to the foregoing motion, spoke on the Iron Ore Agreements Legislation Amendment Bill 2011 and the Iron Ore Agreements Legislation (Amendment, Termination and Repeals) Bill 2011.

#### **19. Variation to the Order of Business**

Ordered, That Government Business Orders of the Day Nos 1 and 4 be next considered.

**20. Local Government Amendment Bill 2011**

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

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*Paper*

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

By the Minister for Local Government –

Salaries and Allowances Tribunal – Report under section 7A of the *Salaries and Allowances Act 1975* (4261).

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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.

**21. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 3.27 p.m. until Tuesday, 29 November 2011 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Ms L.L. Baker, Mr C.J. Barnett, Mr I.C. Blayney, Mr T.R. Buswell, Dr E. Constable, Mrs C.A. Martin and Ms R. Saffioti.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**  
Speaker of the Legislative Assembly