

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 203

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 15 MAY 2012

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Death of William Gordon Young – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That this House records its sincere regret at the death of William Gordon Young and tenders its deep sympathy to his family.

The motion was supported by Mr M. McGowan and Mr T.K. Waldron.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on Western Australia Police's newest helicopter, the Eurocopter Dauphin, known as Polair 62.

The Minister for Planning on the Greater Bunbury Region Scheme Amendment 0019/41, Harvey Townsite Expansion.

Papers

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

By the Minister for Planning –

Greater Bunbury Region Scheme Amendment – Greater Bunbury Region Scheme Amendment 0019/41, Harvey Townsite Expansion: Report on Submissions and Submissions (4807).

Greater Bunbury Region Scheme Amendment – Greater Bunbury Region Scheme Amendment 0019/41, Harvey Townsite Expansion: Plan No. 3.2403 (4808).

The Minister for Planning on the Metropolitan Region Scheme Amendment 1211/41, Maddington-Kenwick Strategic Employment Area – Precinct 1.

Papers

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1211/41, Maddington-Kenwick Strategic Employment Area – Precinct 1, Report on Submissions and Submissions (4809).

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1211/41, Maddington-Kenwick Strategic Employment Area – Precinct 1, Plan number 3.2356/2 (4810).

The Minister for Local Government on interest rates and administration charges imposed by local governments.

4. Speaker's Statement – Budget Day Arrangements

The Speaker advised members that the Government had requested that the Budget be presented at 2.00 p.m. on Thursday, 17 May 2011 in accordance with standard practice. Members' statements would be called upon at 12.20 p.m. and Questions without Notice at 12.30 p.m. until 1.00 p.m.

5. Questions

Questions without Notice were taken.

Papers

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

By the Minister for Health –

Minister for Health – Federal Funding of Western Australian Infrastructure (4811).

By the Premier –

Premier – Documents relating to a meeting of Chiefs of Staff to discuss the feed-in-tariff (4812).

Questions on Notice Nos 7911 to 7994 were asked.

Questions on Notice Nos 7391, 7398, 7409, 7411, 7490, 7495, 7521, 7547, 7584, 7587, 7606, 7610, 7613, 7618, 7621, 7627, 7630, 7635, 7638, 7648, 7650, 7655, 7697, 7699, 7704, 7720, 7738, 7746, 7756, 7761, 7771, 7783, 7789, 7868 and 7880 were answered.

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

Question on Notice No. 7409 – Question in relation to the number of studies, reports or assessments tendered, contracted or commissioned by the Department of Regional Development and Lands since 1 January 2011; including the formal name of each study, the cost and the date they were commissioned (4781).

Question on Notice No. 7630 – Question regarding the number of officers within the Minister's portfolio above level 3.1 who have accepted a gift from a private company or individual since 1 November 2011 (4782).

Papers tabled by the Premier; Minister for State Development –

Question on Notice No. 7610 – Question in relation to the number of officers above level 3.1 within the Premier's portfolio who have accepted any hospitality, invitation to an event, free accommodation or free travel from a private company or individual (4783).

Question on Notice No. 7627 – Question regarding the number of officers within the Premier's portfolio above level 3.1 who have accepted a gift from a private company or individual since 1 November 2011 (4784).

Papers tabled by the Minister for Health –

Question on Notice No. 7648 – Details on the number of public hospitals in the Perth metropolitan area that charge parking fees, including the hourly parking rate at each hospital from 1 January 2010 to January 2012, a summary of parking revenue and the money spent on staff who possess a corporate smartrider (4785).

Question on Notice No. 7650 – Question in relation to the number of public hospitals in Western Australia that provide maternity services, including: those which provide 24 hour obstetric coverage, the number of unfilled vacancies for obstetricians in each relevant hospital and whether these hospitals have unfilled vacancies for midwives; provide 24 hour anaesthetic support on site at the hospital; have 24 hour surgical theatres on site to perform emergency procedures such as caesarean sections and a neo-natal facility (4786).

6. Petitions

First Choice Liquor Superstore Maylands – Ms L.L. Baker presented a petition from 4 persons requesting that the Legislative Assembly ensures that Liquorland is not granted a liquor licence for the proposed First Choice Liquor Superstore in Maylands and also that it investigates the potential of heavily discounted liquor sold by these types of stores to influence violence in the community (P. 583).

Midland Train Line – Ms L.L. Baker presented a petition from 11 persons requesting that the Legislative Assembly ensures that the Barnett Government addresses continued issues of overcrowding on the Midland train line, as it has done on the Joondalup-Mandurah lines (P. 584).

Belmont Ski Area – Ms L.L. Baker presented a petition from 32 persons requesting that the Legislative Assembly ensures that the Barnett Government closes the Belmont Ski Area (P. 585).

Car-Park Facilities Cockburn Central Railway Station – Mr F.M. Logan presented a petition from 219 persons requesting that the Legislative Assembly calls upon the State Government to commit to building a new overpass road bridge joining an upgraded North Lake Road to Armadale Road and a new rail station with car parking at Russell Road (P. 586).

Proposed Hammond Park High School – Mr F.M. Logan presented a petition from 135 persons requesting that the Legislative Assembly immediately bring forward the development and construction of a High School at Hammond Park (P. 587).

Geraldton Blood Services – Mr I.C. Blayney presented a petition from 6,251 persons requesting that the Legislative Assembly take whatever steps are necessary to ensure the continuation of the Australian Red Cross Blood Services and Blood Donor Centre for the people of Geraldton and the Mid-West (P. 588).

7. Papers

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

By the Clerk –

Cemeteries Act 1986 – Local Laws (Shire of York Cemeteries Amendment Local Law 2012 G.G. 01/05/2012) (4787).

Dog Act 1976 – Local Laws (Shire of York Dogs Amendment Local Law 2012 G.G. 01/05/2012) (4788).

Energy Coordination Act 1994 – Regulations (Energy Coordination (Gas Tariffs) Amendment Regulations (No. 2) 2012 G.G. 01/05/2012) (4799).

Energy Safety Act 2006 – Notices (Energy Safety Levy Notice 2012 G.G. 01/05/2012) (4798).

Environmental Protection Act 1986 – Regulations (Environmental Protection (Abattoirs) Amendment Regulations 2012 G.G. 08/05/2012) (4800).

Environmental Protection Act 1986 – Regulations (Environmental Protection Amendment Regulations (No. 2) 2012 G.G. 08/05/2012) (4801).

Fish Resources Management Act 1994 – Management Plans (Joint Authority Southern Demersal Gillnet and Demersal Longline Managed Fishery Management Plan Amendment 2012 [1094] G.G. 04/05/2012) (4795).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2012 [1093] G.G. 04/05/2012) (4796).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Scalefish (Interim) Management Plan Amendment 2012 [1095] G.G. 04/05/2012) (4797).

Health Act 1911 – Local Laws (Shire of Kalamunda Health Amendment Local Law 2012 G.G. 04/05/2012) (4789).

Home Building Contracts Act 1991 – Regulations (Home Building Contracts (Home Indemnity Insurance Exemptions) Amendment Regulations 2012 G.G. 11/05/2012) (4802).

Home Building Contracts Act 1991 – Regulations (Home Building Contracts Amendment Regulations 2012 G.G. 08/05/2012) (4803).

Legal Profession Act 2008 – Regulations (Legal Profession Amendment Regulations (No. 2) 2012 G.G. 01/05/2012) (4804).

Local Government Act 1995 – Local Laws (City of Busselton Holiday Homes Local Law 2012 G.G. 30/04/2012) (4790).

Local Government Act 1995 – Local Laws (Mindarie Regional Council Waste Facility Site Local Law 2012 G.G. 11/05/2012) (4791).

Local Government Act 1995 – Local Laws (Shire of Kalamunda Keeping and Control of Animals and Nuisance Amendment Local Law 2012 G.G. 04/05/2012) (4792).

Local Government Act 1995 – Local Laws (Shire of York Extractive Industries Amendment Local Law 2011 G.G. 01/05/2012) (4793).

Local Government Act 1995 – Local Laws (Shire of York Local Government Property Amendment Local Law 2012 G.G. 01/05/2012) (4794).

Restraining Orders Act 1997 – Regulations (Restraining Orders Amendment Regulations 2012 G.G. 04/05/2012) (4805).

State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations (No. 2) 2012 G.G. 11/05/2012) (4806).

8. Notices of Motion

9. Matter of Public Interest – Mismanagement of the Energy Portfolio

The Speaker informed the Assembly that he was in receipt of a notice from Mr M. McGowan that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr M. McGowan moved,

That this House expresses its lack of confidence in the Hon Peter Collier and calls on the Premier to dismiss him from Cabinet as a consequence of his mismanagement of the energy portfolio.

Debate ensued.

Disorder – Suspension of Member

The Speaker, having named Mr M.P. Whitely for disorderly conduct under Standing Order No. 42, put the question, That Mr M.P. Whitely be suspended from the service of the Assembly.

Question put.

The Assembly divided.

Ayes (32)

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
 Ms A.S. Carles
 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 W.R. Marmion

Mr J.E. McGrath
 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
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Noes (24)

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

Mr M. McGowan
 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

Ms R. Saffioti
 Mr T.G. Stephens
 Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr A.J. Waddell
 Mr P.B. Watson
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

Debate resumed on the foregoing motion.

Question put.

The Assembly divided.

Ayes (23)

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

Mr M. McGowan
 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 B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Noes (30)

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
 Ms A.S. Carles
 Mr G.M. Castrilli
 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 W.R. Marmion
 Mr J.E. McGrath
 Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr D.T. Redman
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Question thus negated.

10. Water Services Bill 2011

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

CONSIDERATION IN DETAIL

Clauses 9 to 82 agreed to.

Clause 83.

The Minister for Water moved,

Page 65, lines 15 and 16 – To delete “licence under the *Local Government (Miscellaneous Provisions) Act 1960*” and substitute:

“ permit under the *Building Act 2011* ”.

Page 65, line 17 – To delete “building licence” and substitute:

“ permit ”.

Page 65, lines 19 and 20 – To delete “licence under the *Local Government (Miscellaneous Provisions) Act 1960*” and substitute:

“ permit under the *Building Act 2011* ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 84 to 87 agreed to.

Clause 88.

Clause put and negatived.

Clauses 89 to 96 agreed to.

Clause 97.

The Minister for Water moved –

Page 82, line 21 to page 83, line 9 – To delete the lines and substitute:

“

- (6) An agreement between a licensee and FESA or a local government about the provision and maintenance of fire hydrants in an area may displace the application of subsection (5) in relation to that area.
- (7) A licensee may recover the reasonable costs and expenses of installing, removing, repairing or maintaining a fire hydrant in accordance with the regulations, which (without limiting that) may —
 - (a) limit what may be recovered as costs and expenses;
 - (b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);
 - (c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.
- (8) Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

”.

The Minister for Water, by leave, withdrew his amendment.

The Minister for Water moved –

Page 82, line 21 to page 83, line 7 – To delete the lines and substitute:

“

- (6) An agreement between a licensee and FESA or a local government about the provision and maintenance of fire hydrants in an area may displace the application of subsection (5) in relation to that area.

- (7) A licensee may recover the reasonable costs and expenses of installing, removing, repairing or maintaining a fire hydrant in accordance with the regulations, which (without limiting that) may —
- (a) limit what may be recovered as costs and expenses;
 - (b) provide for the costs and expenses to be recovered from FESA or a local government (according to whose district the fire hydrant is in);
 - (c) provide for the recovery of the costs and expenses in a court of competent jurisdiction.

”.

Amendment put and passed.

The Minister for Water moved,

Page 83, lines 8 and 9 – To delete the lines and substitute:

“

- (8) Subsection (7) does not prevent the costs and expenses from being recovered indirectly via statutory water service charges.

”.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

11. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.06 p.m. until Wednesday, 16 May 2012 at 12.00 noon.

Members present during any part of the day's proceedings – All members were present.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly