

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### NOTICES AND ORDERS OF THE DAY

No. 25

THURSDAY, 7 MAY 2009, 9.00 a.m.

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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.*

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**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](http://www.parliament.wa.gov.au).*

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#### GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Occupational Safety and Health Legislation Amendment Bill 2009** (Minister for Commerce) (LC No. 027)

To be read a first time.

2. **Veterinary Surgeons Amendment Bill 2009** (Minister for Agriculture and Food) (LC No. 033)

To be read a first time.

3. **Parliamentary Commissioner Amendment Bill 2009** (Premier) (No. 023, 2r. – 19/3/09)

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

4. **Major Events (Aerial Advertising) Bill 2009** (Minister for Sport and Recreation) (No. 029, 2r. – 18/3/09)

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

5. **Co-operatives Bill 2009** (Minister for Commerce) (No. 024, 2r. – 18/3/09)

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

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

Further consideration in detail – Clause 1.

**7. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2009** (Treasurer) (LC No. 031, 2r. – 31/3/09)

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

**8. Electoral Amendment (Miscellaneous) Bill 2008** (Deputy Premier) (LC No. 004, 2r. – 31/3/09)

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

**9. Address-in-Reply**

Adjourned debate (Minister for Health – continuation of remarks).

**10. Criminal Code Amendment Bill 2008** (Attorney General) (No. 014, 2r. – 4/12/08)

To be read a third time.

**11. Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the statement be noted.

**12. Interpretation and Reprints Amendment Bill 2008** (Premier) (No. 003, 2r. – 3/12/08)

Second reading. Adjourned debate (Leader of the House).

**13. Statutes (Repeals and Miscellaneous Amendments) Bill 2008** (Attorney General) (LC No. 013, 2r. – 19/3/09)

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

**14. Local Government Amendment Bill 2009** (Minister for Local Government) (LC No. 028, 2r. – 8/4/09)

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

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**PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION**

**1. Burmese Constitution and Planned 2010 Elections** (Notice given – 11/11/08)

Mr J.N. Hyde: To move –

That this House rejects the Burmese junta's newly adopted Constitution and planned 2010 elections and notes:

- (1) The Constitution was designed to institutionalise military rule; was drafted by the junta's hand-picked delegates rather than elected representatives; and was approved by coercion in a sham referendum held in the midst of devastation caused by Cyclone Nargis in May 2008.
- (2) The 2010 elections will be held only in accordance with the catastrophically flawed 2008 Constitution; will go ahead with the strict intention to nullify the 1990 democratic general elections, which Suu Kyi's party won by a landslide; and will guarantee a military-dominated parliament and military-controlled government.

**2. Education and Health Standing Committee – Inquiry into Nickel Loading** (Notice given – 2/12/08)

Ms A.J.G. MacTiernan: To move –

- (1) That the House direct the Education and Health Standing Committee to enquire into and report on:
  - (a) the health effects of nickel exposure resulting from nickel loading operations at the Esperance Port Authority;

- (b) the capacity of nickel exposure to be kept within recognised safe limits during bulk operations; and
- (c) any other matter relating to safety of nickel loading operations.

(2) That the Committee report by 30 April 2009.

**3. Liberal Party Law and Order Election Promises** (Notice given – 2/12/08)

Ms M.M. Quirk: To move –

That this House condemns the Premier for his failure to deliver on key law and order promises outlined in the *Liberal Plan for the First 100 Days of Government* which include:

- (a) the passing of laws for mandatory sentences for thugs who assault police and public officers;
- (b) the introduction of additional powers for the Courts to impose restrictions on anti-social behaviour;
- (c) the re-establishment of the Graffiti Taskforce and increased penalties for graffiti vandals and those who sell spray cans to minors;
- (d) an increase in penalties for hoons – including the confiscation of the vehicles of repeat offenders;
- (e) legislation for tougher penalties for cannabis and other drug possession, cultivation, the sale of drugs to children, and the sale of drug paraphernalia;
- (f) the commencement of work on a new juvenile prison facility for 18–22 year old offenders in the metropolitan area;
- (g) commencement of work on the installation of CCTV at locations across the state in cooperation with local communities as part of a \$6 million Community Crime Prevention Program; and
- (h) the repeal of Labor's prostitution legislation to stop the spread of brothels in our suburbs and towns.

**4. Liberal Party Health Promises and Plan for Better Health Services** (Notice given – 2/12/08)

Mr R.H. Cook: To move –

That this House condemns the Minister for Health for his failure to act on issues as detailed in the *Liberal Plan for the First 100 Days of Government* and the Government's policy on health, *Liberal Plan for Better Health Services*.

**5. Western Australian Jobs and Economic and Financial Management** (Notice given – 31/3/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its failure to protect Western Australian jobs and its poor economic and financial management.

**6. Employment-generating Iconic Capital Works Projects** (Notice given – 31/3/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its lack of vision in the development of employment-generating, iconic capital works projects.

**7. State Underground Power Program** (Notice given – 1/4/09)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Energy for stalling the State Underground Power Program (SUPP) and failing to fund any new underground power projects in Western Australia.

**8. Ellenbrook Rail Line** (Notice given – 5/5/09)

Ms R. Saffioti: To move –

That this House condemns the Barnett Liberal Government for abandoning its election commitment to start building a rail line to Ellenbrook in 2012.

**9. Demolition of the Merredin Railway Institute Hall** (Notice given – 6/5/09)

Mr J.N. Hyde: To move –

That this House demands the Minister for Heritage support a stop work order on demolition of the Merredin Railway Institute Hall, built in 1930 and the only timber Railway Institute Hall remaining in Western Australia.

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**PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY**
**1. \*Tobacco Products Control Amendment Bill 2008** (Dr J.M. Woollard) (No. 017, 2r. – 26/11/08)

Consideration in detail (after *pro forma* amendment).

**2. Weapons (Supply to Minors and Enhanced Police Powers) Amendment Bill 2008** (Ms M.M. Quirk) (No. 022, 2r. – 3/12/08)

Second reading. Adjourned debate (Minister for Police).

**3. Implementation of Government's Hundred Day Plan** (Moved – 3/12/08)

Adjourned debate (Mr J.M. Francis – continuation of remarks) on the motion moved by Mr M. McGowan –

That the House condemns the Barnett Government for its failure to implement the election promises contained within its first 100-day plan document.

**4. Perth Theatre Trust Amendment Bill 2009** (Mr J.N. Hyde) (No. 035, 1r. – 11/3/09)

To be read a second time.

**5. Local Government Amalgamation Policy** (Moved – 1/4/09)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr P. Papalia –

That this House condemns the Premier and the Minister for Local Government for their confusing, destructive and non-consultative local government amalgamation policy.

**6. Independent Mental Health and Wellbeing Commissioner** (Moved – 8/4/09)

Adjourned debate (Ms L.L. Baker – continuation of remarks) on the motion moved by Mr R.H. Cook –

That this House condemns the Minister for Mental Health for his failure to act on issues as detailed in the *Liberal Plan for the First 100 Days of Government* which says the Government will appoint an independent Mental Health and Wellbeing Commissioner.

**7. Criminal Code (Identity Theft) Amendment Bill 2009** (Mr J.R. Quigley) (No. 045, 2r. – 6/5/09)

Second reading. Adjourned debate (Leader of the House).

**8. Enhancement of the Pilbara Interconnected Power Grid** (Notice given – 5/5/09)

Adjourned debate (Mr W.R. Marmion – continuation of remarks) on the motion moved by Ms A.J.G. MacTiernan –

That this House calls on the Premier to support the submission to Infrastructure Australia for the enhancement of the Pilbara Interconnected Power Grid and guarantee a more robust, sustainable and cheaper energy system for the Pilbara and a system able to underpin the enormous growth in demand for electricity projected for the Pilbara.

## COMMITTEES TO REPORT

### Public Accounts Committee:

Inquiry into the Implications of the New Structure  
and Functions of the Department of Premier  
and Cabinet and the Public Sector Commission – 11 June 2009

### Community Development and Justice Standing Committee:

Inquiry into the Adequacy of Services to Meet the  
Developmental Needs of Western Australia's Children – 31 July 2009

### Economics and Industry Standing Committee:

Inquiry into the Provision, Use and Regulation of Caravan  
Parks (and Camping Grounds) in Western Australia – 24 September 2009

### Education and Health Standing Committee:

Review of Western Australia's Current and Future Hospital  
and Community Health Services – 19 November 2009

## REFERENCES TO COMMITTEES

<i>Committee</i>	<i>Reference</i>	<i>Date Due</i>
Education and Health Standing Committee	General Health Screening of Children at Pre-primary and Primary School Level	18 June 2009

## GOVERNMENT RESPONSE TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Education and Health Standing Committee: Inquiry into the Tobacco Products Control Amendment Bill 2008	Minister for Health Minister for Mental Health Minister for Corrective Services Minister for Indigenous Affairs	12 June 2009

Joint Standing Committee on the Corruption and Crime Commission: Report on the Relationship Between the Parliamentary Inspector and the Commissioner of the Corruption and Crime Commission	Premier	19 June 2009
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- \* Denotes amendments appear 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

### *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 V.A. Catania: 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 Nickol Bay Hospital.
- ”.

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.

”.

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** ”.

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***Tobacco Products Control Amendment Bill 2008 (No. 017—2)***

Clause 5.

The Minister for Health: To move –

Page 2, line 25 – To delete the line and substitute:

“

- (1) In section 23(1) delete the definition of **50% retailer**.

- (2) Delete section 23(2) and (3).

- (3) In section 23(4):

- (a) delete “22(2)” and insert:

22(1)

- (b) in paragraph (b) delete “at the time for the purposes of section 22(2); and” and insert:

by the regulations; and

”.

Clause 7.

The Minister for Health: To move –

Page 3, lines 17 to 23 – To delete the lines.

The Minister for Health: To move –

Page 3, line 24 – To insert after “area”:

“ unless the place in which the person is smoking is a smoking zone ”.

The Minister for Health: To move –

Page 4, after line 21 – To insert:

“

- (4) For the purposes of *The Criminal Code* section 338A(d) and any other written law, a person is lawfully entitled to abstain from working in a smoking zone when the smoking zone is open to, or being used by, the public or a section of the public.

”.

The Minister for Health: To move –

Page 4, lines 22 and 23 – To delete “**children in open playgrounds or sportsgrounds**” and substitute:

“ **playground equipment** ”.

The Minister for Health: To move –

Page 4, lines 24 to 32 and page 5 lines 1 to 7 – To delete the lines and substitute:

“

A person must not smoke within 10 metres of children’s playground equipment that —

- (a) is in a public place or a part of a public place; and
- (b) is not in an enclosed public place.

”.

The Minister for Health: To move –

Page 6, lines 1 to 6 – To delete the lines and substitute:

“

#### **107E. Local government legislative power not affected**

Nothing in section 107A, 107B or 107C is intended to limit the power conferred on a local government by the *Local Government Act 1995* or any other Act to make local laws about matters mentioned in those sections.

#### **107F. Dismissal or detriment because of refusal to work in smoking zone and employee’s remedy for breach**

- (1) In this section —

*employee* and *employer* have the respective meanings given in the *Industrial Relations Act 1979* section 7(1).

- (2) An employer must not —
- (a) dismiss an employee; or
  - (b) alter an employee's position to the employee's disadvantage; or
  - (c) refuse to promote or transfer an employee; or
  - (d) otherwise injure an employee in relation to the employee's employment; or
  - (e) threaten to do any of those things,
- for the reason, or for reasons that include the reason, that the employee does not consent to working in a smoking zone when the smoking zone is open to, or being used by, the public or a section of the public (the *consent*).
- Penalty: see section 115.
- (3) In proceedings for a contravention of subsection (2), if it is proved that an employer took any course of action mentioned in that subsection against or in relation to an employee after the employee refused to give the consent, it is for the employer to prove that the course of action was taken for some reason other than because the employee refused to give the consent.
- (4) Subsection (2) is a civil penalty provision for the purposes of the *Industrial Relations Act 1979* section 83E.
- (5) The *Industrial Relations Act 1979* section 97YG applies as if the reference in that section to a contravention of section 97YF of that Act includes a reference to a contravention of the *Tobacco Products Control Act 2006* section 107F(2).

”.

Clause 8.

The Minister for Health: To move —

Page 6, after line 12 — To insert:

“

- (2) In section 115(1)(b) in the Table at the end of column 2 insert:

s. 107F(2)

”.

Clause 10.

The Minister for Health: To move —

Page 7, line 3 — To delete “delete paragraph (b) and” and substitute:

“ after paragraph (b) ”.

Clause 11.

The Minister for Health: To move —

Page 7, lines 16 to 30 and page 8 lines 1 to 6 — To delete the lines.

Clause 12.

The Minister for Health: To move –

Page 8, after line 17 – To insert:

“

***outdoor eating area*** means a public place or part of a public place —

- (a) that is provided, on a commercial basis, as an area where food or drink may be consumed by people sitting at tables; and
- (b) that is not an enclosed public place;

***restaurant licence***, in relation to a place, means —

- (a) a restaurant licence granted under the *Liquor Control Act 1988* in relation to that place; or
- (b) a condition of any other kind of licence, order or permit under the *Liquor Control Act 1988* —
  - (i) to the effect that a provision of that Act relating to restaurant licences applies to that place; or
  - (ii) that otherwise has an effect in relation to that place that is similar to a provision of that Act relating to restaurant licences;

***smoking zone*** means a place that —

- (a) is in licensed premises but not in a place to which a restaurant licence applies; and
- (b) is in an outdoor eating area at the licensed premises; and
- (c) has a total area that is not more than 50% of the whole of the area of that outdoor eating area;

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**PETER J. MCHUGH**

Clerk of the Legislative Assembly

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