

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 108****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****WEDNESDAY, 22 SEPTEMBER 2010****1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Net Fishing in Oyster Harbour – Mr P.B. Watson presented a petition from 1,606 persons requesting that the Legislative Assembly take action to impose a ban on both recreational and professional net fishing in Oyster Harbour (P. 323).

Uranium Mining in Western Australia – Ms L.L. Baker presented a petition from 22 persons requesting that the Legislative Assembly immediately re-instate the ban on uranium mining in Western Australia (P. 324).

Urban Development South of the Moore River – Ms L.L. Baker presented a petition from 40 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 325).

3. Papers

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

By the Speaker –

Auditor General, Office of the [OAG] – Report No. 8: Environmental Management of Cockburn Sound, September 2010 (2543).

Legislative Assembly, Department of – Annual Report 2009–2010 (2577).

Parliamentary Services Department – Annual Report 2009–2010 (2578).

By the Clerk –

Albany Port Authority – Annual Report 2009–2010 (2544).

Botanic Gardens and Parks Authority – Annual Report 2009–2010 (2545).
 CBD Courts Project Services Agreement – Annual Report 2009–2010 (2546).
 Coal Industry Superannuation Board – Annual Report 2009–2010 (2547).
 Chief Commissioner of the Western Australian Industrial Relations Commission – Annual Report 2009–2010 (2548).
 Chemistry Centre of Western Australia (ChemCentre) – Annual Report 2009–2010 (2549).
 Child Protection, Department for – Annual Report 2009–2010 (2550).
 Commerce, Department of – Annual Report 2009–2010 (2551).
 Communities, Department for – Annual Report 2009–2010 (2552).
 Disability Services Commission – Annual Report 2009–2010 (2553).
 Director of Equal Opportunity in Public Employment – Annual Report 2009–2010 (2554).
 Economic Regulation Authority – Annual Report 2009–2010 (2555).
 Environment and Conservation, Department of – Annual Report 2009–2010 (2556).
 Gold Corporation – Annual Report 2009–2010 (2557).
 Government Employees Superannuation Board – Annual Report 2009–2010 (2558).
 Governor’s Establishment – Annual Report 2009–2010 (2559).
 Housing Authority – Annual Report 2009–2010 (2560).
 Housing, Department of – Annual Report 2009–2010 (2561).
 Insurance Commission of Western Australia – Annual Report 2009–2010 (2562).
 Keep Australia Beautiful Council – Annual Report 2009–2010 (2563).
 Mines and Petroleum, Department of – Annual Report 2009–2010 (2564).
 Motor Vehicle Industry Board – Annual Report 2009–2010 (2565).
 Office of Health Review – Annual Report 2009–2010 (2566).
 Premier and Cabinet, Department of – Annual Report 2009–2010 (2567).
 Public Sector Commission – Annual Report 2009–2010 (2568).
 Public Sector Standards Commissioner, Office of the – Annual Report 2009–2010 (2569).
 Small Business Development Centre – Annual Report 2009–2010 (2570).
 State Development, Department of – Annual Report 2009–2010 (2571).
 State Government Insurance Corporation – Annual Report 2009–2010 (2572).
 Swan River Trust – Annual Report 2009–2010 (2573).
 Western Australian College of Teaching – Annual Report 2009–2010 (2574).
 WorkCover Western Australia – Annual Report 2009–2010 (2575).
 Financial Management Act 2006 – Notice Under Section 82 of the Act from the Minister for Agriculture and Food in Relation to Question Without Notice No. 476 Relating to Monsanto Australia Limited (2576).

4. Notices of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Education on the review of higher education in agriculture in Western Australia conducted by the Hon. Hendy Cowan.

Paper

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

By the Minister for Education –

Education, Review of – Review of Post-Secondary Agricultural Education in Western Australia (2579).

The Minister for Planning on the updated sea level rise value contained in the State Coastal Planning Policy.

The Minister for Commerce on the passage of the Retail Trading Hours Act Amendment Bill 2010 which allows for general retail shops in the metropolitan area to remain open until 9.00 pm on weeknights.

6. Misuse of Drugs Amendment Bill (No. 2) 2010

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act to amend the *Misuse of Drugs Act 1981* and to make a consequential amendment to the *Working with Children (Criminal Record Checking) Act 2004*.” be introduced and read a first time.

Question put and passed.

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

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

Mr M. McGowan moved, That the debate be adjourned.

Question put and passed.

7. Fair Trading Bill 2010

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to –

- promote and encourage fair trading practices and a competitive and fair market, and protect the interests of consumers, by applying the Australian Consumer Law (with modifications) as a law of Western Australia, and providing for codes of practice; and
- provide for the powers and functions of a Commissioner, including powers to carry out investigations into alleged breaches of this Act; and
- provide for the repeal of the *Consumer Affairs Act 1971*, *Fair Trading Act 1987* and *Door to Door Trading Act 1987*; and
- make consequential amendments to various Acts,

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

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

8. Acts Amendment (Fair Trading) Bill 2010

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to –

- shift the functions of various regulatory and licensing Boards to the Commissioner under the *Fair Trading Act 2010*; and
- establish certain investigatory and enforcement powers in relation to certain regulated persons; and
- enable the establishment of various consumer advisory committees under the *Fair Trading Act 2010*,

and to make amendments to various Acts as a consequence of enacting the *Fair Trading Act 2010* and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

9. Children and Community Services Amendment Bill 2010

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

CONSIDERATION IN DETAIL

Clause 17, as amended.

Ms L.L. Baker had moved,

Page 15, after line 24 – To insert:

“

- (4A) A child in the facility, or any person on behalf of a child in the facility, that person may –
- (a) request the person who is in charge of the facility to arrange for the child to be visited by an assessor.

”.

Amendment, by leave, withdrawn.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 15, after line 24 — To insert:

“

- (4A) A child in a facility, or a parent or other relative of a child in a facility, may request the person in charge of the facility to arrange for an assessor to visit the facility and see and talk with the child.

”.

Amendment put and passed.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 15, line 27 — To delete “subsection (3).” and substitute:

“ this section. ”.

Amendment put and passed.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 16, line 8 – To delete “designation” and substitute:

“ appointment ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 18 to 32 agreed to.

Clause 33.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 24, lines 20 to 30 – To delete the lines and substitute:

“

- (1) An individual is eligible to make an application under subsection (2) in respect of a child if —
 - (a) the individual has been the carer of the child; and
 - (b) the child has been the subject of one or more of the following types of protection order —
 - (i) a protection order (time-limited);
 - (ii) a protection order (until 18),
 for at least the period of 2 years immediately preceding the day on which the application is made.
- (2) An individual who is the carer of a child may, if eligible to do so under subsection (1), apply to the Court for the revocation of a protection order (time-limited) or protection order (until 18) and the making of a protection order (special guardianship) in respect of the child.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 34 to 66 agreed to.

New clause.

Dr J.M. Woollard moved,

Page 46, after line 5 – To insert:

“

67. Section 104A inserted

After section 103 insert:

104A. Body piercing

- (1) In this section —
body piercing means piercing a part of the body for the purpose of inserting a bar, pin, ring, stud or similar thing.

- (2) A person must not carry out body piercing on any of the following parts of the body of a child —
- (a) the genitals;
 - (b) the anal area;
 - (c) the perineum;
 - (d) the nipples.

Penalty: a fine of \$18 000 and imprisonment for 18 months.

- (3) It is not a defence to a charge under subsection (2) that the child, or a parent of the child, consented to the body piercing.
- (4) A person must not carry out body piercing on any other part of the body of a child unless the person has first obtained the written consent of a parent of the child to carry out body piercing on that part of the child's body.
- Penalty: a fine of \$12 000 and imprisonment for one year.
- (5) Subsection (4) does not apply to body piercing carried out on the ear of a child who has reached 16 years of age.
- (6) This section does not apply to body piercing carried out for a medical or therapeutic purpose.

Amendment put and passed.

Clause 67.

The Parliamentary Secretary representing the Minister for Child Protection moved,
Page 46, lines 10 and 11 – To delete the lines and substitute:

“

approved person means a person who is approved or belongs to a class of persons approved under section 113A(1);

Amendment put and passed.

Clause, as amended, agreed to.

Clause 68.

The Parliamentary Secretary representing the Minister for Child Protection moved,
Page 46, lines 21 to 25 – To delete the lines and substitute:

“

- (1) The CEO may approve a person or class of persons for the purposes of this Division if the CEO is satisfied that the person has, or persons belonging to that class have, the experience and training that the CEO considers necessary for the proper exercise of the powers conferred by this Division.
- (2) An approval under subsection (1) —
 - (a) must be in writing; and
 - (b) may be subject to such conditions as the CEO considers appropriate; and
 - (c) may be revoked at any time.

”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 69.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 47, line 2 – To delete “and (2)”.

Page 47, after line 5 – To insert:

“

(2) In section 113(2):

(a) delete “The powers” and insert:

A power

(b) in paragraph (a) delete “section 41; and” and insert:

section 41 or to a secure care facility under a secure care arrangement; and

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 70 to 84 agreed to.

Title agreed to.

Consideration 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.

10. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Regional Development –

Regional Development and Lands, Department of – Royalties for Regions: Snapshot 2010–2011 (2580).

Questions on Notice Nos 3998 to 4009 were asked.

Questions on Notice No 3766 was answered.

11. Liquor Control 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 (Ms M.M. Quirk speaking) and adjourned until a later stage of the sitting.

12. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 6 and Private Members' Business Order of the Day No. 22 be next considered.

13. Reversal of Cuts to Redress WA

Mr E.S. Ripper, pursuant to notice, moved,

That this House notes the Premier's comment that cuts to Redress WA were 'too tough' and calls on the Government to reverse the decision to cut the cap on ex-gratia payments to those who were abused as children in the care of the State from \$80,000 to \$45,000.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mr M.P. Murray	Mr C.J. Tallentire
Mr R.H. Cook	Mr A.P. O'Gorman	Mr P.C. Tinley
Ms J.M. Freeman	Mr P. Papalia	Mr P.B. Watson
Mr W.J. Johnston	Mr J.R. Quigley	Mr B.S. Wyatt
Mr J.C. Kobelke	Ms M.M. Quirk	Ms R. Saffioti (<i>Teller</i>)
Mr F.M. Logan	Mr E.S. Ripper	

Noes (23)

Mr P. Abetz	Mrs L.M. Harvey	Dr M.D. Nahan
Mr C.J. Barnett	Mr A.P. Jacob	Mr C.C. Porter
Mr I.C. Blayney	Dr G.G. Jacobs	Mr D.T. Redman
Mr J.J.M. Bowler	Mr R.F. Johnson	Mr A.J. Simpson
Mr T.R. Buswell	Mr A. Krsticevic	Mr T.K. Waldron
Mr M.J. Cowper	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.M. Francis	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr B.J. Grylls	Ms A.R. Mitchell	

Question thus negatived.

14. Appointment of a Select Committee into the Increases to State Debt Since 2000

The Order of the Day having been read for the resumption of debate on the motion moved by Mr B.S. Wyatt,

That a Select Committee be appointed to inquire into and report on the level of increases to the State debt since 2000, particularly borrowings which are growing State debt to extraordinary levels, and the effects that these and other borrowings may have on the future financial management of Western Australia, and in particular, to –

- (a) ascertain the overall level of debt of the State, its agencies and business enterprises, and the amount of its increase since 2000;
- (b) estimate the level of likely borrowings over the next six years which will be needed to cover existing or foreseeable liabilities;
- (c) identify any contingent liabilities which may require borrowings during the next six years;
- (d) identify the contributions of individual Government departments, agencies and business enterprises to this level of debt and future or contingent liabilities;

- (e) ascertain whether the debt of individual Government departments, agencies or business enterprises is fully, partially or not matched by realistically valued assets;
- (f) assess the impact of the debt on the revenue and expenditure of the State over the next six years;
- (g) recommend strategies for management of the debt over the next six years which will minimise the adverse effect of the debt on the revenues and expenditures of the State, and on the taxpayers of the State; and
- (h) recommend a long-term policy approach to the management and reporting of Government debt.

Debate resumed.

Debate interrupted by the Chair (Dr M.D. Nahan speaking) and adjourned until a later stage of the sitting.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 7.00 p.m. until Thursday, 23 September 2010 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Mrs C.A. Martin and Mr A.J. Waddell.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly