

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 114

### FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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**WEDNESDAY, 20 OCTOBER 2010**

#### **1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

#### **2. Personal Explanation**

Mr A. Krsticevic made a personal explanation on the suppression of his name from Corruption and Crime Commission transcripts.

#### **3. Petition**

Reticulated Power to the Windy Harbour Settlement – Mr D.T. Redman presented a petition from 149 persons requesting that the Legislative Assembly seek a government grant for the purpose of providing reticulated power to the Windy Harbour Settlement (P. 328).

#### **4. Papers**

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

By the Clerk –

Builders' Registration Board – Annual Report 2009–2010 (2783).

Commission for Occupational Safety and Health – Annual Report 2009–2010 (2784).

Education and Health Standing Committee – Government Response to Report No. 4, Invest Now or Pay Later: Securing the Future of Western Australia's Children (2785).

Land Valuers Licensing Board – Annual Report 2009–2010 (2786).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report Ending 30 September 2010 (2787).

Waste Authority – Annual Report 2009–2010 (2788).

#### **5. Notice of Motion**

## **6. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Regional Development on the boost to regional tourism projects throughout Western Australia's national parks.

The Minister for Agriculture and Food on the progress of the drought relief pilot scheme announced earlier in 2010.

The Minister for Commerce on the outcome of negotiations with the Western Australian Prison Officers' Union on a replacement enterprise agreement for prison officers.

## **7. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts – Disestablishment**

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

That the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts be disestablished as it has completed its review of those Acts and reported on 14 October 2010.

Question put and passed.

Ordered, That the Legislative Council be acquainted and requested to agree to a similar resolution.

## **8. Mutual Recognition (Western Australia) Bill 2010**

The Premier, pursuant to notice, moved,

That a bill for “An Act to continue the adoption of the *Mutual Recognition Act 1992* of the Parliament of the Commonwealth (and any amendments made to it before the enactment of this Act) which provides for the recognition within each State and Territory of the Commonwealth of regulatory standards adopted elsewhere in Australia regarding goods and occupations, and for related purposes.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and bill read a first time.

The Premier 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. Liquor Control Amendment Bill 2010**

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

### *CONSIDERATION IN DETAIL*

Clauses 45 to 47 agreed to.

Clause 48.

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Mr M.P. Murray moved,

That the Liquor Control Amendment Bill 2010 be referred to the Economics and Industry Standing Committee and that the Committee report to the Legislative Assembly by 11 November 2010.

Debate ensued.

Question put.

The Assembly divided.

## Ayes (22)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Mr J.J.M. Bowler	Mr M.P. Murray	Mr C.J. Tallentire
Dr A.D. Buti	Mr P. Papalia	Mr P.C. Tinley
Ms A.S. Carles	Mr J.R. Quigley	Mr A.J. Waddell
Mr R.H. Cook	Ms M.M. Quirk	Mr P.B. Watson
Mr W.J. Johnston	Mr E.S. Ripper	Mr D.A. Templeman ( <i>Teller</i> )
Mr J.C. Kobelke	Mrs M.H. Roberts	
Mr F.M. Logan	Ms R. Saffioti	

## Noes (23)

Mr F.A. Alban	Mr B.J. Grylls	Ms A.R. Mitchell
Mr C.J. Barnett	Dr K.D. Hames	Mr D.T. Redman
Mr I.C. Blayney	Mrs L.M. Harvey	Mr A.J. Simpson
Mr T.R. Buswell	Mr A.P. Jacob	Mr M.W. Sutherland
Mr V.A. Catania	Mr R.F. Johnson	Mr T.K. Waldron
Dr E. Constable	Mr A. Krsticevic	Dr J.M. Woollard
Mr M.J. Cowper	Mr W.R. Marmion	Mr J.E. McGrath ( <i>Teller</i> )
Mr J.H.D. Day	Mr P.T. Miles	

Question thus negated.

Clause 48 put.

The Assembly divided.

## Ayes (26)

Mr P. Abetz	Mr B.J. Grylls	Dr M.D. Naham
Mr F.A. Alban	Dr K.D. Hames	Mr C.C. Porter
Mr C.J. Barnett	Mrs L.M. Harvey	Mr D.T. Redman
Mr I.C. Blayney	Mr A.P. Jacob	Mr A.J. Simpson
Mr T.R. Buswell	Mr R.F. Johnson	Mr M.W. Sutherland
Mr V.A. Catania	Mr A. Krsticevic	Mr T.K. Waldron
Dr E. Constable	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.H.D. Day	Mr P.T. Miles	Mr J.E. McGrath ( <i>Teller</i> )
Mr J.M. Francis	Ms A.R. Mitchell	

## Noes (25)

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

Clause thus passed.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

## 10. Questions

Questions without Notice were taken.

Questions on Notice Nos 4225 to 4232 were asked.

Questions on Notice Nos 3989, 4002 and 4015 were answered.

**11. Matter of Public Interest – Household Bills and Wage Increases**

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

At least five members having risen in support,

Mr E.S. Ripper moved,

This House calls on the Government to recognise the unbearable pressure placed on families by savage rises in their bills and the increase in that pressure when the government fails to offer fair wage increases or pay its bills on time.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

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

Noes (28)

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

Question thus negated.

**12. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

**13. Liquor Control Amendment Bill 2010**

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

*CONSIDERATION IN DETAIL*

Clauses 49 to 51 agreed to.

Clause 52.

The Minister for Racing and Gaming moved,

Page 46, lines 3 to 7 — To delete the lines and substitute:

“

- (4A) A licensee, or an employee or agent of a licensee (the *seller*), commits an offence if—
- the seller sells liquor to another person (the *buyer*) whom the seller reasonably believes, or ought reasonably to believe, intends to sell the liquor in contravention of subsection (1); and
  - the buyer sells the liquor in contravention of subsection (1).

”.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

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

The Leader of the House, without notice, moved,

That Private Members' Business Notice of Motion No. 7 and Private Members' Business Order of the Day No. 10 be next considered.

Debate ensued.

Mr M. McGowan moved, To add after “considered.”

That the motion be amended to include Private Members' Business Order of the Day No. 20, Franchising Bill 2010, introduced by the Member for Southern River.

Debate ensued.

Amendment put.

The Assembly divided.

##### Ayes (26)

Ms L.L. Baker	Mr F.M. Logan	Mr T.G. Stephens
Mr J.J.M. Bowler	Mr M. McGowan	Mr C.J. Tallentire
Dr A.D. Buti	Mr M.P. Murray	Mr P.C. Tinley
Ms A.S. Carles	Mr A.P. O'Gorman	Mr A.J. Waddell
Mr V.A. Catania	Mr J.R. Quigley	Mr P.B. Watson
Mr R.H. Cook	Ms M.M. Quirk	Mr M.P. Whitely
Ms J.M. Freeman	Mr E.S. Ripper	Mr B.S. Wyatt
Mr W.J. Johnston	Mrs M.H. Roberts	Mr D.A. Templeman ( <i>Teller</i> )
Mr J.C. Kobelke	Ms R. Saffioti	

##### Noes (24)

Mr F.A. Alban	Mr J.M. Francis	Mr W.R. Marmion
Mr C.J. Barnett	Mr B.J. Grylls	Mr P.T. Miles
Mr I.C. Blayney	Dr K.D. Hames	Dr M.D. Nahan
Mr T.R. Buswell	Mrs L.M. Harvey	Mr C.C. Porter
Mr G.M. Castrilli	Mr A.P. Jacob	Mr D.T. Redman
Dr E. Constable	Dr G.G. Jacobs	Mr A.J. Simpson
Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Sutherland
Mr J.H.D. Day	Mr A. Krsticevic	Mr J.E. McGrath ( <i>Teller</i> )

Amendment thus passed.

On the question, That the motion, as amended, be agreed to,  
Question put and passed.

#### **15. Karrinyup Lakes Lifestyle Village**

Mr A.P. O'Gorman, pursuant to notice, moved,

That this House condemns the Barnett Government for its lack of action in bringing forward legislation to amend the *Retirement Villages Act 1992* as per the recommendations of the

Economics and Industry Standing Committee inquiry into the Karrinyup Lakes Lifestyle Village and refusing to acknowledge the victimised elderly residents who are suffering under their unscrupulous owners.

Debate ensued.

The Minister for Commerce moved,

To delete all words after “House” with the view to inserting the following:

“

- (1) Acknowledges the continuing difficulties suffered by residents of the Karrinyup Lakes Lifestyle Village and supports further enforcement actions by the Department of Commerce in pursuing any unlawful activities by Moss Glades; and
- (2) Recognises the complex issues, extensive public consultation undertaken and almost 100 recommendations made as part of the review process of the *Retirement Villages Act 1992* and supports prompt legislative change.

”.

Amendment put and passed.

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

Question put and passed.

## **16. No Privatisation of Hospitals and Schools 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 (Mr A.P. Jacob speaking) and adjourned until a later stage of the sitting.

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

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

## **18. Liquor Control Amendment Bill 2010**

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

### *CONSIDERATION IN DETAIL*

Clause 52.

The Minister for Racing and Gaming had moved,

Page 46, lines 3 to 7 — To delete the lines and substitute:

“

- (4A) A licensee, or an employee or agent of a licensee (the *seller*), commits an offence if —
  - (a) the seller sells liquor to another person (the *buyer*) whom the seller reasonably believes, or ought reasonably to believe, intends to sell the liquor in contravention of subsection (1); and
  - (b) the buyer sells the liquor in contravention of subsection (1).

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 53 to 69 agreed to.

New Clauses.

The Minister for Racing and Gaming moved,  
Page 57, after the Table — To insert:

“

## **Part 6 — Criminal Investigation (Identifying People) Act 2002 amended**

### **70. Act amended**

This Part amends the *Criminal Investigation (Identifying People) Act 2002*.

### **71. Section 73 amended**

Before section 73(1)(n) insert:

(nb) for the purposes of the *Liquor Control Act 1988* section 115AC or 152K;

”.

New clauses 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.

### **19. Personal Explanation**

The Minister for Police made a personal explanation on the answer provided to Legislative Council Question without Notice No. 825 regarding the placement of cameras in the Perth watch-house.

### **20. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 7.52 p.m. until Thursday, 21 October 2010 at 9.00 a.m.

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

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

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