

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 112****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****THURSDAY, 14 OCTOBER 2010****1. Meeting of Assembly**

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Clerk –

State Witness Protection Program – Annual Report 2009–2010 (2764).

Surveillance Devices Act 1998 – Annual Report 2009–2010 (2765).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the success of Western Australian athletes at the 2010 Commonwealth Games.

The Minister for Heritage on the Goldfields Earthquake Restoration Fund.

4. Grievances

The Speaker called for grievances which were then made.

5. Notice of Motion after the Time Prescribed

Mr M. McGowan was granted leave to give a late notice of motion.

6. Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable –

- (a) the Premier to make a brief ministerial statement forthwith; and
- (b) Private Members' Business Notice of Motion No. 7 to take precedence at a later stage of this day's sitting.

Debate ensued.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

7. Brief Ministerial Statements

A Brief Ministerial Statement was made by –

The Premier on the canonisation of Blessed Mary MacKillop.

8. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts

Mr J.E. McGrath, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Review of the Racing and Wagering Western Australia Acts, Joint Standing Committee on the – Inquiry into the Racing and Wagering Western Australia Acts, Report No. 2 (2766).

Review of the Racing and Wagering Western Australia Acts, Joint Standing Committee on the – Inquiry into the Racing and Wagering Western Australia Acts, Minutes No. 1 dated 15 October 2009 to Minutes No. 29 dated 11 October 2010 (2767).

Review of the Racing and Wagering Western Australia Acts, Joint Standing Committee on the – Inquiry into the Racing and Wagering Western Australia Acts, Submissions (2768).

Mr J.E. McGrath, Mr J.J.M. Bowler and Mr P.B. Watson spoke on the report.

9. Petroleum and Energy Legislation Amendment Bill 2009

Message No. 112 dated 12 October 2010 from the Legislative Council was reported agreeing to the amendments made by the Legislative Assembly in the Petroleum and Energy Legislation Amendment Bill 2009.

10. Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2010

Message No. 113 dated 13 October 2010 from the Legislative Council was reported agreeing to the bill without amendment.

11. Planning and Development Amendment Bill 2009

Mr J.N. Hyde, pursuant to notice, moved,

That the Planning and Development Amendment Bill 2009 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 12 October 2010.

Question put and passed.

12. Heritage of Western Australia Amendment Bill 2009

Mr J.N. Hyde, pursuant to notice, moved,

That the Heritage of Western Australia Amendment Bill 2009 be restored to the point it reached prior to its removal from the Notice Paper on Tuesday, 12 October 2010.

Question put and passed.

13. Cannabis Law Reform Bill 2009

The Order of the Day for the consideration in detail of Legislative Council Message No. 111 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Cannabis Law Reform Bill 2009* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Cannabis Law Reform Bill 2009

No. 1

Page 4, lines 7 to 13 — To delete the lines and insert —

child means a person who is under 18 years of age;

No. 2

Page 4, after line 21 — To insert —

adult means a person who is not a young person;

No. 3

Page 5, after line 25 — To insert —

young person means a person who —

- (a) is under 18 years of age; or
- (b) in relation to the commission, or alleged commission, of a minor cannabis related offence, was under 18 years of age when the offence was committed, or allegedly committed.

No. 4

Page 11, lines 17 and 18 — To delete “by the regulations”.

No. 5

Page 11, after line 19 — To insert —

but does not include anything prescribed, or belonging to a class prescribed, as excluded from this definition.

No. 6

Page 11, lines 20 to 29 — To delete the lines and insert —

- (2) A person who sells, or offers to sell, cannabis smoking paraphernalia to a child commits a simple offence.
Penalty: a fine of \$24 000 or imprisonment for 2 years or both.
- (3) A person —
 - (a) who sells, or offers to sell, cannabis smoking paraphernalia to an adult; or

- (b) who displays cannabis smoking paraphernalia, or authorises or allows cannabis smoking paraphernalia to be displayed, for sale in a shop or other retail outlet,

commits a simple offence.

Penalty: a fine of \$10 000.

No. 7

Page 16, after line 27 — To insert —

Part 6 — Working with Children (Criminal Record Checking) Act 2004 amended

14. Act amended

This Part amends the *Working with Children (Criminal Record Checking) Act 2004*.

15. Schedule 2 amended

In Schedule 2 after the item relating to the *Children and Community Services Act 2004* section 192 insert:

Misuse of Drugs Act 1981

- | | |
|-----------|---|
| s. 19A(2) | Selling, or offering to sell, cannabis smoking paraphernalia to a child |
|-----------|---|

No. 8

Page 1, after bullet point 2 — To insert —

- amend the *Working With Children (Criminal Record Checking) Act 2004*; and

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment Nos 1 to 8 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Telecommunications (Interception) Western Australia 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.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

Ms M.M. Quirk moved,

Page 4, after line 4 – To insert:

“

(4) In section 3(1) delete the definition ***responsible Minister.***

”

Amendment put.

The Assembly divided.

Ayes (24)

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

Noes (27)

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

Amendment thus negated.

Clause agreed to.

Clauses 7 and 8 agreed to.

Clause 9 put.

The Assembly divided.

Ayes (27)

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

Noes (23)

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

Clause thus passed.

Clause 10 put.

The Assembly divided.

	Ayes (26)	
Mr P. Abetz	Dr K.D. Hames	Dr M.D. Naham
Mr F.A. Alban	Mrs L.M. Harvey	Mr C.C. Porter
Mr C.J. Barnett	Mr A.P. Jacob	Mr D.T. Redman
Mr I.C. Blayney	Dr G.G. Jacobs	Mr A.J. Simpson
Mr T.R. Buswell	Mr R.F. Johnson	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr A. Krsticevic	Mr T.K. Waldron
Mr M.J. Cowper	Mr W.R. Marmion	Dr J.M. Woollard
Mr J.H.D. Day	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
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Ms L.L. Baker	Mr M. McGowan	Ms R. Saffioti
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Ms A.S. Carles	Mr A.P. O'Gorman	Mr C.J. Tallentire
Mr R.H. Cook	Mr P. Papalia	Mr P.C. Tinley
Ms J.M. Freeman	Mr J.R. Quigley	Mr A.J. Waddell
Mr J.N. Hyde	Ms M.M. Quirk	Mr M.P. Whitely
Mr W.J. Johnston	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)
Mr J.C. Kobelke	Mrs M.H. Roberts	

Clause thus passed.

Clauses 11 to 13 agreed to.

Title agreed to.

Consideration in detail concluded.

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

15. Members' Statements

The Acting Speaker called for members' statements which were then made.

16. 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 Corrective Services –

Corrective Services, Department of – Briefing Paper for the Minister: Use of Tasers by the Department (2770).

Questions on Notice Nos 4167 to 4176 were asked.

Question on Notice No. 2769 was answered.

Paper tabled by the Minister for Culture and the Arts –

Question on Notice No. 3981 – Correspondence relating to alleged plagiarism surrounding the winning entry in the 2008 Royal Agricultural Show Open Art Award (2769).

17. Additional Information

The Minister for Health provided additional information relating to Question without Notice No. 612 from Dr J.M. Woppard.

18. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

19. Telecommunications (Interception) Western Australia Amendment Bill 2010

The Order of the Day for the conclusion of the consideration in detail stage of the bill having been read,

Leave was granted to proceed forthwith to the third reading of the bill.

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

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

20. Liquor Control Amendment Bill 2010

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

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

The Minister for Racing and Gaming moved,

Page 2, line 11 — To delete “This Act” and substitute:

“ This Act, except Part 6, ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 4 to 29 agreed to.

Clause 30.

The Minister for Racing and Gaming moved,

Page 30, line 20 — To delete “those” and substitute:

“ licensed ”.

Amendment put.

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

Question put and passed.

21. Variation to the Order of Business

Ordered, That Private Members’ Business Notice of Motion No. 7 be next considered.

22. Canonisation of Mother Mary MacKillop

Mr T.G. Stephens, pursuant to notice, moved,

That this House acknowledges the canonisation of Mother Mary MacKillop – founder of the Order of the Sisters of St Joseph of the Sacred Heart – who becomes the first Australian saint formally recognised by the Catholic Church, recognising with appreciation the work of her Sisters of St Joseph in Western Australia, particularly their special work in education and welfare, working with the poor, the disadvantaged and with the Aboriginal community.

Debate ensued.

Question put and passed.

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 5.00 p.m. until Tuesday, 19 October 2010 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members except Mr I.M. Britza, Mr V.A. Catania, Dr E. Constable, Mr F.M. Logan, Mrs C.A. Martin and Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly