

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 116****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

TUESDAY, 9 NOVEMBER 2010**1. Meeting of Assembly**

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

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Police on the recently approved Indigenous Partnership Fund recommendations.

The Minister for Sport and Recreation on the outcomes of the Professional Combat Sports Commission's investigation into the Green-Briggs boxing contest.

Paper

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

By the Minister for Sport and Recreation –

Professional Combat Sports Commission – Review of Approval Process for Green/Briggs Boxing Contest 21 July 2010 (2837).

The Minister for Citizenship and Multicultural Interests on the Western Australian winners in the 2010 National Ethnic Business Awards.

3. 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, Department of – Images of the previous and current residences of the Deegan family in Mardiwah Loop, Halls Creek (2838).

Questions on Notice Nos 4235 to 4299 were asked.

Questions on Notice Nos 4010, 4011, 4020, 4022, 4023, 4027, 4029 to 4035, 4039, 4041, 4043, 4044, 4046 to 4053, 4055, 4056, 4058 to 4060, 4062, 4064, 4067, 4072, 4073, 4077 to 4096, 4098, 4100, 4101, 4103, 4104, 4116, 4120, 4123, 4126, 4128, 4129, 4162, 4165, 4170 and 4205 were answered.

Papers tabled by the Minister for Education; Tourism –

Question on Notice No. 4077 – Department of Education Administrator’s Guide: Management of staff misconduct complaints (2834).

Question on Notice No. 4088 – Written advice relating to the issue of asbestos at Harvey Senior High School (2835).

Paper tabled by the Parliamentary Secretary representing the Minister for Transport –

Question on Notice No. 4126 – List of authorised individuals, departments and organisations that have access to information from the Department of Transport’s Licensing Centre database records (2836).

4. Petitions

Proposed Kununurra Heavy Vehicle Route and Ord River Bridge – Mr T.G. Stephens presented a petition from 53 persons requesting that the proposed sites for the Kununurra Heavy Vehicle Route and the Ord River Bridge be reconsidered (P. 329).

Canning Bridge Precinct concept area – Dr J.M. Woollard presented a petition from 1 person requesting that the Canning Bridge Precinct concept area be re-examined and that aspects of the proposal be restricted (P. 330).

Canning Bridge Precinct Vision – Dr J.M. Woollard presented a petition from 1 person requesting that the aspects of the Canning Bridge Precinct Vision be restricted (P. 331).

Greenhouse Pollution Emissions – Mr P.T. Miles presented a petition from 220 persons requesting that the necessary steps be taken to rapidly reduce greenhouse pollution emissions (P. 332).

5. Papers

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

By the Speaker –

Inspector of Custodial Services, Office of the – Report No. 68: Report of an Announced Inspection of Casuarina Prison (Received by the Clerk of the Legislative Assembly on 1 October 2010 and held for a period of thirty days) (2793).

By the Clerk –

Animal Welfare Act 2002 – Regulations (Animal Welfare (Pig Industry) Regulations 2010 G.G. 05/11/2010) (2794).

Armadale Redevelopment Act 2001 – Regulations (Armadale Redevelopment Amendment Regulations 2010 G.G. 26/10/2010) (2795).

Bush Fires Act 1954 – Regulations (Bush Fires Amendment Regulations (No. 3) 2010 G.G. 05/11/2010) (2796).

Cemeteries Act 1986 – Local Laws (Shire of Esperance Cemeteries Amendment Local Law 2010 G.G. 05/11/2010) (2797).

Conservation and Land Management Act 1984 – Lease No. 1275/97 Between the Department of Environment and Conservation and Alcoa of Australia Limited for the Purpose of Water Supply for Commercial Purposes Located Within Portions of State Forest Nos 14 and 23 near Dwellingup (2798).

Conservation and Land Management Act 1984 – Lease No. 1772/97 Between the Department of Environment and Conservation and Swan Transit Group Pty Ltd for the Purpose of a Bus Parking Site Within a Portion of State Forest No. 22 (2799).

Curtin University of Technology Act 1966 – By-laws (Land and Traffic Amendment By-laws 2010 G.G. 19/10/2010) (2800).

Dog Act 1976 - Local Laws (City of Melville Dog Amendment Local Law 2010 G.G. 22/10/2010) (2801).

Fish Resources Management Act 1994 – Management Plans (Gascoyne Demersal Scalefish Management Plan 2010 G.G. 22/10/2010) (2802).

Fish Resources Management Act 1994 – Management Plans (Shark Bay Snapper Management Plan Revocation 2010 [978] G.G. 22/10/2010) (2803).

Fish Resources Management Act 1994 – Management Plans (West Coast Estuarine Fishery (Interim) Management Plan Amendment 2010 G.G. 03/11/2010) (2804).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 11) 2010 [988] G.G. 05/11/2010) (2805).

Fish Resources Management Act 1994 – Orders (Shark Bay Line Fishing (Amendment and Revocation of Orders) Order 2010 [867] G.G. 22/10/2010) (2806).

Health Act 1911 – Local Laws (Shire of Koorda Health Amendment Local Law 2010 G.G. 26/10/2010) (2807).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations (No. 3) 2010 G.G. 22/10/2010) (2808).

Insurance Commission of Western Australia – Statement of Corporate Intent 2010–2011 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 October 2010) (2791).

Law Reform Commission – Selection Eligibility and Exemption of Jurors, Final Report (2809).

Legal Profession Act 2008 – Rules (Legal Profession Amendment Rules 2010 G.G. 26/10/2010) (2810).

Liquor Control Act 1988 – Regulations (Liquor Control (Oombulgorri Restricted Area) Amendment Regulations 2010 G.G. 05/11/2010) (2811).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 4) 2010 G.G. 22/10/2010) (2812).

Local Government Act 1995 – Local Laws (City of Melville Parking Facilities Amendment Local Law 2010 G.G. 22/10/2010) (2813).

Local Government Act 1995 – Local Laws (City of Melville Repeal Local Law 2010 G.G. 22/10/2010) (2814).

Local Government Act 1995 – Local Laws (Shire of Wongan-Ballidu Local government (Council Meetings) Local Law 2010 G.G. 05/11/2010) (2815).

Department of Premier and Cabinet – Report on Ministerial Resourcing as at 28 October 2010 (2816).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 4) 2010 G.G. 02/11/2010) (2817).

Official Travel – Report of Interstate and Overseas Travel Undertaken by Members of Parliament Funded by the Imprest System for the Three Months Ended 30 June 2010 (2818).

Poisons Act 1964 – Orders (Poisons (Appendix A Amendment) Order 2010 G.G. 22/10/2010) (2819).

Poisons Act 1964 – Regulations (Poisons Amendment Regulations (No. 7) 2010 G.G. 22/10/2010) (2820).

Public Sector Management Act 1994 – Regulations (Public Sector Management (General) Amendment Regulations (No. 2) 2010 G.G. 22/10/2010) (2821).

Public Sector Management Act 1994 – Regulations (Public Sector Management (General) Amendment Regulations 2010 G.G. 05/11/2010) (2822).

Public Sector Management Act 1994 – Regulations (Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2010 G.G. 05/11/2010) (2823).

Racing and Wagering Western Australia – Annual Report 2009–2010 (2824).

Racing and Wagering Western Australia Act 2003 – Rules (Rules of Wagering Amendment Rules (No. 2) 2010 G.G. 19/10/2010) (2825).

Rail Safety Act 1998 – Notices (Rail Safety (BHP Billiton Iron Ore Railway) Exemption Notice 2010 G.G. 22/10/2010) (2826).

Rail Safety Act 1998 – Regulations (Rail Safety Amendment Regulations (No. 2) 2010 G.G. 26/10/2010) (2827).

Retail Trading Hours Act 1987 – Regulations (Retail Trading Hours (Special Trading Precincts and Holiday Resorts) Regulations (No. 2) 2010 G.G. 22/10/2010) (2828).

Salaries and Allowances Act 1975 – Regulations (Salaries and Allowances Amendment Regulations 2010 G.G. 29/10/2010) (2829).

Shipping and Pilotage Act 1967 – Regulations (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 4) 2010 G.G. 29/10/2010) (2830).

Western Australian Greyhound Racing Association – Annual Report 2009–2010 (2831).

Western Australian Treasury Corporation – Statement of Corporate Intent 2010–2011 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 October 2010) (2792).

Workers' Compensation and Injury Management Act 1981 – Directions (WorkCover WA Guides for the evaluation of Permanent Impairment - Third Edition G.G. 01/11/2010) (2832).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2010 G.G. 29/10/2010) (2833).

6. Notices of Motion

7. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as No. 1 under Private Members' Business, South-West Infrastructure Projects, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

8. Matter of Public Interest – Premier's Arrangements with the Member for Fremantle

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,

That this House condemns the Premier for his corrupt staff for votes deal with the Member for Fremantle and calls on the Premier to release all documents related to the issue.

Debate ensued.

Paper

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

By the Premier –

Premier and Cabinet, Department of – Correspondence between the Premier and the Member for Fremantle relating to the Member for Fremantle's electorate office staff numbers (2839).

Question put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr J.N. Hyde

Mr W.J. Johnston

Mr J.C. Kobelke

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr A.P. O'Gorman

Mr P. Papalia

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Ms R. Saffioti

Mr T.G. Stephens

Mr P.C. Tinley

Mr A.J. Waddell

Mr P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (28)

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

Question thus negatived.

9. Message from the Governor

Message No. 117 from His Excellency the Governor was reported assenting to the following bills –

Approvals and Related Reforms (No. 1) (Environment) Bill 2009, Act No. 40 of 2010.

Cement Works (Cockburn Cement Limited) Agreement Amendment Bill 2010, Act No. 41 of 2010.

Petroleum and Energy Legislation Amendment Bill 2009, Act No. 42 of 2010.

Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010, Act No. 43 of 2010.

Misuse of Drugs Amendment Bill 2010, Act No. 44 of 2010.

Cannabis Law Reform Bill 2009, Act No. 45 of 2010.

Agriculture and Related Resources Protection Amendment Bill 2010, Act No. 46 of 2010.

10. Environmental Protection Amendment Bill 2010

Message No. 117 dated 21 October 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Environmental Protection Act 1986*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

11. Appropriation (Consolidated Account) Recurrent 2009–10 (Supplementary) Bill 2010

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for recurrent payments made during the year ended 30 June 2010 under the authority of the *Financial Management Act 2006* and the *Treasurer’s Advance Authorisation Act 2010*.” be introduced and read a first time.

Question put and passed.

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

The Treasurer moved, That the bill be now read a second time.

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

Question put and passed.

12. Appropriation (Consolidated Account) Capital 2009–10 (Supplementary) Bill 2010

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for capital payments made during the year ended 30 June 2010 under the authority of the *Financial Management Act 2006* and the *Treasurer’s Advance Authorisation Act 2010*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.
 The Treasurer moved, That the bill be now read a second time.
 Mr D.A. Templeman moved, That the debate be adjourned.
 Question put and passed.

13. Misuse of Drugs Amendment Bill (No. 2) 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.
 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.
 Question put and passed.
 Bill read a third time and forwarded to the Legislative Council for concurrence.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

15. Criminal Code Amendment (Infringement Notices) 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 3 agreed to.
 Clause 4.
 Ms M.M. Quirk moved,
 Page 4, after line 3 – To insert –
 “

723. Annual statistics to be tabled in Parliament

As soon as is practicable after the end of each financial year that this Chapter is in operation, the Minister shall cause to be tabled in each House of Parliament the following statistics with respect to the operation of this Chapter for the financial year:

- (a) the offences for which infringement notices were issued;
- (b) the total number of infringement notices issued;
- (c) the number of infringement notices for which fines were paid;
- (d) the number of infringement notices challenged in court; and
- (e) the number of infringement notices for which fines remained unpaid.

724. Review of Chapter

- (1) The Minister shall carry out a review of the operation of this Chapter as soon as is practicable after this Chapter has been in force for three calendar years.

- (2) The Minister shall prepare a report based on his or her review of this Chapter and shall, as soon as is practicable after its preparation, cause the report to be laid before each House of Parliament.

”.

Amendment put.

The Assembly divided.

Ayes (22)

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

Noes (24)

Mr F.A. Alban	Mr J.H.D. Day	Mr P.T. Miles
Mr C.J. Barnett	Mr J.M. Francis	Ms A.R. Mitchell
Mr I.C. Blayney	Mr B.J. Grylls	Dr M.D. Nahan
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr C.C. Porter
Mr T.R. Buswell	Mr A.P. Jacob	Mr D.T. Redman
Mr G.M. Castrilli	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>)

Amendment thus negatived.

Clause agreed to.

Title agreed to.

Consideration in detail concluded.

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.

Question put and passed.

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

16. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 6, 8 and 2 be next considered.

17. Building and Construction Industry Training Fund and Levy Collection 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.

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

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

Question put and passed.

Bill read a third time and passed.

18. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

19. Mutual Recognition (Western Australia) Bill 2010

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Urgent Bill

The Premier moved, That the Mutual Recognition (Western Australia) Bill 2010 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

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

The Premier moved, That the bill be now read a third time.

Question put and passed.

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

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.19 p.m. until Wednesday, 10 November 2010 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Dr K.D. Hames, Dr G.G. Jacobs, Mrs C.A. Martin and Mr J.R. Quigley.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly