

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 107

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 21 SEPTEMBER 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 Tourism on the 2011 Perth International Arts Festival and the performance of Pan.Optikum at the opening of the festival.

The Minister for Culture and the Arts on the Perth Fashion Festival.

The Minister for Agriculture and Food on the drought pilot program announced in May 2010 which offers assistance to farm businesses affected by drought.

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 Health –

Question without Notice – Question to, and answer from, the Minister for Health regarding doctors in country hospitals (2542).

Question on Notice No. 3997 was asked.

Questions on Notice Nos 3754 to 3765, 3767 to 3770, 3773 to 3778, 3780 to 3794 and 3966 were answered.

Papers tabled by the Deputy Premier; Minister for Health; Indigenous Affairs –

Question on Notice No. 3780 – Average accident and emergency waiting times per patient at metropolitan hospitals for each day in April 2010 (2534).

Question on Notice No. 3781 – Average accident and emergency waiting times per patient at metropolitan hospitals for each day in May 2010 (2535).

Question on Notice No. 3782 – Average accident and emergency waiting times per patient at metropolitan hospitals for each day in June 2010 (2536).

Question on Notice No. 3783 – Average accident and emergency waiting times per patient at metropolitan hospitals for each day in July 2010 (2537).

Question on Notice No. 3788 – List of number of patients operated on in each surgical category, and list of each procedure referred to a private hospital (2538).

Question on Notice No. 3789 – Headcount of actual staff for each metropolitan hospital as at 30 June 2010 (2539).

Question on Notice No. 3790 – Headcount of actual staff for each regional hospital as at 30 June 2010 (2540).

4. Petitions

Road from Newman to Marble Bar via Nullagine – Mr T.G. Stephens presented a petition from 155 persons requesting that the State Government maintain and upgrade the unsealed road from Newman to Marble Bar via Nullagine (P. 320).

Skate Park at Mirror Park, Ocean Reef – Mr A.P. O’Gorman presented a petition from 43 persons requesting that the State Government withhold any assistance to the City of Joondalup which would assist the development of a skate park at Mirror Park, Ocean Reef (P. 321).

Senior Constable Mark Johnson – Mr V.A. Catania presented a petition from 269 persons requesting that the Legislative Assembly address the forced transfer of Senior Constable Mark Johnson from the Onslow Police Station (P. 322).

5. Unanswered Questions on Notice

Mr M. McGowan asked why no answer had been received in respect of his Questions on Notice Nos 2966 and 1490.

6. Papers

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

By the Speaker –

Corruption and Crime Commission of Western Australia – Annual Report 2009–2010 (2541).

By the Clerk –

Accacia Prison Services Agreement – Annual Report 2009–2010 (2513).

Coal Miners’ Welfare Board, The – Annual Report 2009–2010 (2514).

Criminal Procedure Act 2004 – Regulations (Criminal Procedure Amendment Regulations 2010 G.G. 17/09/2010) (2515).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2010 G.G. 17/09/2010) (2516).

Fire and Emergency Services Authority of Western Australia – Annual Report 2009–2010 (2517).

Gender Reassignment Board of Western Australia – Annual Report 2009–2010 (2518).

Liquor Control Act 1988 – Regulations (Liquor Control (Koongie Park Restricted Area) Regulations 2010 G.G. 17/09/2010) (2519).

Liquor Control Act 1988 – Regulations (Liquor Control (Kundat Djaru Restricted Area) Regulations 2010 G.G. 17/09/2010) (2520).

Liquor Control Act 1988 – Regulations (Liquor Control (Nicholson Block Restricted Area) Regulations 2010 G.G. 17/09/2010) (2521).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 5) 2010 G.G. 17/09/2010) (2522).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 6) 2010 G.G. 17/09/2010) (2523).

Liquor Control Act 1988 – Regulations (Liquor Control Amendment Regulations (No. 7) 2010 G.G. 17/09/2010) (2524).

Local Health Authorities Analytical Committee – Annual Report 2009–2010 (2525).

Minerals and Energy Research Institute of Western Australia – Annual Report 2009–2010 (2526).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 5) 2010 G.G. 14/09/2010) (2527).

Plant Diseases Act 1914 – Regulations (Plant Diseases Amendment Regulations (No. 2) 2010 G.G. 17/09/2010) (2528).

Public Advocate, Office of the – Annual Report 2009–2010 (2529).

Quadriplegic Centre Board of Management – Annual Report 2009–2010 (2530).

State Records Commission – Annual Report 2009–2010 (2531).

Western Australian Electoral Commission – Annual Report 2009–2010 (2532).

Western Australia Police – Annual Report 2010 (2533).

7. Notices of Motion

8. Removal of Order of the Day

The Speaker advised members that the Orders of the Day that appeared on the last Notice Paper as Nos 1 and 2 under Private Members' Business, the Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 and the Butane Products Control Bill 2009, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

The Speaker further advised, for members' information, that a bill removed under this Standing Order may be restored by motion to the point it had reached prior to its removal.

9. Matter of Public Interest – Country Health Resources

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

At least five members having risen in support,

Mr M. McGowan moved,

That this House expresses its grave concern about the medical crisis in country Western Australia and the lack of resources and priority for country health.

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

Ms L.L. Baker

Ms A.S. Carles

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

Mr J.R. Quigley

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Ms R. Saffioti

Mr T.G. Stephens

Mr C.J. Tallentire

Mr P.C. Tinley

Mr P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

Noes (29)

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

Question thus negatived.

10. Children and Community Services 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.

The Leader of the House moved, That the debate be adjourned until a later stage of the day's sitting.
Question put and passed.

11. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3 and 1 be next considered.

12. Public Sector Reform Bill 2009

The Order of the Day for the consideration in detail of Legislative Council Message No. 107 was read.
The Message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Public Sector 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.

No. 1

Page 76, after line 19 — To insert —

- (ia) a decision made in respect of the Government officer under section 79(3)(b) or (c) or (4); or

No. 2

Page 77, lines 1 to 16 — To delete the lines.

No. 3

Page 77, after line 24 — To insert —

- (ia) a decision made in respect of the employee under section 79(3)(b) or (c) or (4); or

No. 4

Page 94, line 15 — To delete “an employing authority”.

CONSIDERATION IN DETAIL

The Premier moved, That Amendment Nos 1 to 4 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

13. Children and Community Services 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

Dr J.M. Woollard moved,

That the scope of the Children and Community Services Amendment Bill 2010 be extended to allow the member for Alfred Cove to move her proposed New Clause 66A, as listed on the Notice Paper.

Debate ensued.

Motion agreed to.

Clauses 1 to 3 agreed to.

Clause 4.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 3, line 10 – To delete “designated” and substitute:

“ appointed ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 5 to 16 agreed to.

Clause 17.

The Parliamentary Secretary representing the Minister for Child Protection moved,

Page 15, lines 13 and 14 – To delete the lines and substitute:

“

(2) The CEO may, in writing, appoint a person to be an assessor if the CEO is satisfied that the person has the experience, skills, attributes or qualifications the CEO considers appropriate to enable the person to effectively exercise the powers in subsection (3).

(3A) An officer is not eligible for appointment under subsection (2).

(3B) An assessor is to be paid such remuneration and allowances (if any) as the CEO, on the recommendation of the Minister for Public Sector Management, determines.

”.

Amendment put and passed.

Ms L.L. Baker moved,

Page 15, after line 24 – To insert:

“

- (f) be accessible to hear complaints concerning any child in the facility made by the child, their guardians or their relatives;
- (g) enquire into and seek to resolve complaints concerning any child in the facility made by those persons, their guardians or their relatives;
- (h) determine if it would be appropriate for any other person or body to further enquire into or deal with any matter, to refer the matter to that person or body; and
- (i) assist with the making and presentation of an application of Review under s.88G and/or 88H under this Act in respect of a child in the facility or, where authorized by this Act to do so, to make any application.

”

Amendment put and negatived.

Ms L.L. Baker 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 put.

Mr T.G. Stephens moved, That clause 17, as amended, be postponed.

Motion, by leave, withdrawn.

The Leader of the House moved, That the debate be adjourned until a later stage of the day’s sitting.

Question put and passed.

14. Retail Trading Hours Amendment Bill 2009

Message No. 110 dated 21 September 2010 from the Legislative Council was reported agreeing to the bill without amendment.

15. Police Amendment Bill 2010

The Order of the Day for the third reading of the bill having been read, the Minister for Police moved, That the bill be now read a third time.

Debate ensued.

Question put.

The Assembly divided.

Ayes (26)

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 T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Mr V.A. Catania	Mr A. Krsticevic	Dr J.M. Woollard
Mr M.J. Cowper	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr J.H.D. Day	Ms A.R. Mitchell	

Noes (20)

Ms L.L. Baker
 Mr J.J.M. Bowler
 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 P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Mrs M.H. Roberts
 Mr T.G. Stephens

Mr C.J. Tallentire
 Mr P.C. Tinley
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Question thus passed.

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

16. Petroleum and Energy Legislation Amendment Bill 2009

The Order of the Day for the third reading of the bill having been read, the Leader of the House, on behalf of the Minister for Commerce, moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and returned with amendments to the Legislative Council.

17. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.06 p.m. until Wednesday, 22 September 2010 at 12.00 noon.

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

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
 Speaker of the Legislative Assembly