

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 162

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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WEDNESDAY, 31 AUGUST 2011

### 1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Petitions

Golden Bay Amenities – Mr P. Papalia presented a petition from 32 persons requesting that profit from the proposed housing development at Golden Bay be partially used to fund amenities for the local community (P. 460).

Moore River Estuary Development – Ms L.L. Baker presented a petition from 95 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 461).

### 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 – Right Teacher, Right Place, Right Time: Teacher Placement in Public Schools, Report 6 – August 2011 (3798).

By the Clerk –

Forest Products Commission – Statement of Corporate Intent 2011–2012 (3799).

Local Government Advisory Board – Annual Report 2010–2011 (3800).

Minister for Local Government – Report on Study Tour of England, Scotland, Canada and New Zealand during July 2011 (3801).

Official Travel – Report of Interstate and Overseas Travel undertaken by Members of Parliament funded by the Imprest System, for the three months ended 31 March 2011 (3802).

### 4. Education and Health Standing Committee – Government Response Non-Compliance

The Speaker advised members that in relation to the recommendations contained in the Education and Health Standing Committee's report entitled Changing Patterns in Illicit Drug Use, which was tabled on 26 May 2011, no response had been received from the Minister for Health, the Minister for Police, the Minister for Corrective Services and the Attorney General by the required time.

## **5. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Education on the new Western Australian College of Agriculture in Harvey.

The Minister for Environment on the final environmental approval for the Wheatstone LNG development at Onslow.

The Minister for Racing and Gaming on Greyhounds WA and its newest star named Miata.

## **6. Notice of Motion Postponed**

Ordered, That Business of the Assembly Notice of Motion No. 1 be postponed to a later stage of the sitting.

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

Ordered, That Government Business Orders of the Day Nos 1, 4 and 7 be next considered.

## **8. Fish Resources Management Amendment Bill 2011**

The Minister for Environment, pursuant to notice, moved,

That a bill for “An Act to amend the *Fish Resources Management Act 1994*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Environment 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. Inheritance (Family and Dependants Provision) Amendment Bill 2011**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Inheritance (Family and Dependants Provision) Act 1972*, to make provision for the maintenance and support of the family and dependants of the deceased persons out of the assets of the deceased's estate.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

## **10. Professional Combat Sports Amendment Bill 2009**

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

### *CONSIDERATION IN DETAIL*

Clauses 1 to 5 agreed to.

Clause 6.

The Minister for Sport and Recreation moved,

Page 3, after line 14 – To insert:

“

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

”.

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*Paper*

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

By the Minister for Sport and Recreation –

Sport and Recreation, Minister for – Letter to Associate Professor David Mountain, President, Australian Medical Association (WA) (3803).

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Amendment put and passed.

The Minister for Sport and Recreation moved,

Page 3, lines 17 to 19 – To delete the lines and substitute:

“

- (a) during the whole or a part of which any contestant is, for any reason, including an injury or illness, or a bribe, promise or threat by another person, not competing to the best of his or her ability; or

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8.

The Minister for Sport and Recreation moved,

Page 4, after line 28 – To insert:

“

- (ca) delete paragraph (a)(iii) and insert:

- (iii) one person shall be a medical practitioner who in the opinion of the Minister has knowledge of injuries suffered by contestants;

”.

Amendment put and passed.

Clause, as amended, agreed to.

New Clause 9.

The Minister for Sport and Recreation moved,

Page 5, after line 7 – To insert:

“

**9. Section 5 amended**

In section 5(1)(e) delete “Governor” and insert:

Minister

”.

New clause agreed to.

Clauses 9 to 12 agreed to.

Clause 13.

Mr R.H. Cook moved,

Page 7, line 8 – To insert before “there”:

“

after the application is considered by the member of the Commission appointed under section 4(2)(a)(iii) of the Act and the Commission gives due consideration of a report from that member and

”.

Amendment put and negatived.

Clause agreed to.

Clauses 14 to 21 agreed to.

Clause 22.

The Minister for Sport and Recreation moved,

Page 12, line 8 – To delete “contestant.” and substitute:

“

contestant or impose any condition or restriction on the registration of a contestant that it thinks fit.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 23 to 31 agreed to.

Clause 32.

The Minister for Sport and Recreation moved,

Page 17, line 8 – To delete “participant.” and substitute:

“

participant or impose any condition or restriction on the registration of an industry participant that it thinks fit.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 33 to 44 agreed to.

Clause 45.

The Minister for Sport and Recreation moved,

Page 22, after line 20 – To insert:

“

#### **47AA. Commission may require information**

- (1) At any time after it issues a permit under section 45 for a contest and before the contest has taken place, the Commission, by giving the person a written notice, may require any or all of these persons –

- (a) the person who holds the permit;
- (b) a person who will participate in the contest;
- (c) a person who will be involved in conducting the contest,

to give the Commission the information specified in the notice, being information relevant to the contest.

- (2) A person given a notice under subsection (1) must obey it.

Penalty: a fine of \$6 000.

”.

Amendment put and passed.

The Minister for Sport and Recreation moved,

Page 22, after line 30 – To insert:

“

; or

- (c) that the contest will be or is a sham contest.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 46.

The Minister for Sport and Recreation moved,

Page 24, lines 10 to 14 – To delete the lines and substitute:

“

- (2) A person must not –

- (a) agree to participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows will be a sham contest; or
- (b) participate, whether as a contestant, judge or referee or in some other capacity, in a contest that he or she knows is a sham contest; or
- (c) be involved in any capacity in organising, arranging, promoting or conducting a contest that he or she knows will be or is a sham contest.

”.

Amendment put and passed.

The Minister for Sport and Recreation moved,

Page 24, lines 17 to 21 – To delete the lines and substitute:

“

- (2) Delete section 47(3) to (6) and insert:

- (3) A referee of a contest who, knowing it is a sham contest, does not stop it or gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

- (4) A judge of a contest who, knowing it is a sham contest, gives a decision in it commits an offence.

Penalty: a fine of \$12 000.

- (5) A judge or referee of a contest who suspects it will be or is a sham contest must report the matter in writing to the Commission as soon as practicable.

Penalty: a fine of \$12 000.

”.

Amendment put and passed.

Clause, as amended, agreed to.

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

**11. Questions**

Questions without Notice were taken.

Questions on Notice Nos 6047 to 6058 were asked.

Question on Notice No. 5863 was answered.

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

Ordered, That Government Business Order of the Day No. 5 be next considered.

**13. Metropolitan Redevelopment Authority Bill 2011**

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

Debate ensued.

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*Paper*

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

By the Minister for Planning –

Metropolitan Redevelopment Authority Bill 2011 – Explanatory Memorandum – Revised version (3804).

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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. Variation to the Order of Business**

Ordered, That Government Business Orders of the Day Nos 7, 5 and 6 be next considered.

**15. Professional Combat Sports Amendment Bill 2009**

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

*CONSIDERATION IN DETAIL*

Clause 47.

The Minister for Sport and Recreation moved,

Page 25, lines 1 to 8 – To delete the lines and substitute:

“

(2) If after its inquiry the Commission is satisfied on the balance of probabilities that a contest is a sham contest, it –

- (a) may order any person who is legally required to pay money or money's worth to a contestant for participating in the contest not to pay the contestant without the written consent of the Commission; and
- (b) may order that an amount of money not more than the money or money's worth (if any) paid or payable to a contestant or industry participant who, in the opinion of the Commission, has participated in, or been involved in any capacity in conducting, the contest be paid to the Commission.

”.

Amendment put and passed.

The Minister for Sport and Recreation moved,

Page 25, after line 11 – To insert:

“

- (4) A person given an order made under subsection (2)(a) must obey it.  
Penalty: a fine of \$12 000.
- (5) If the Commission makes an order under subsection (2)(b), the Commission may recover the amount ordered to be paid to the Commission in a court of competent jurisdiction as a debt due to the Commission.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 48 to 59 agreed to.

Clause 60.

The Minister for Sport and Recreation moved,

Page 37, after line 14 – To insert:

“

- (5) Without limiting subsection (1) regulations with a savings or transitional effect may be made to provide for the consequences of the operation of the amendments made to this Act by the *Professional Combat Sports Amendment Act 2009*.

”.

Amendment put and passed.

Clause, as amended, 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.

## **16. Metropolitan Redevelopment Authority Bill 2011**

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

Debate resumed.

Question put and passed.

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

## **17. Residential Tenancies Amendment Bill 2011**

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 P. Papalia speaking) and adjourned until a later stage of the sitting.

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

Ordered, That Private Members' Business Orders of the Day Nos 10 and 14 be next considered.

## **19. Skilled Local Jobs Bill 2011**

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

Debate resumed.

Question put.

The Assembly divided.

## Ayes (25)

Ms L.L. Baker  
 Mr J.J.M. Bowler  
 Dr A.D. Buti  
 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 P. Papalia  
 Mr J.R. Quigley  
 Mr E.S. Ripper  
 Mrs M.H. Roberts  
 Ms R. Saffioti  
 Mr T.G. Stephens

Mr C.J. Tallentire  
 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 (26)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr C.J. Barnett  
 Mr I.C. Blayney  
 Mr I.M. Britza  
 Mr T.R. Buswell  
 Mr G.M. Castrilli  
 Mr V.A. Catania  
 Dr E. Constable

Mr M.J. Cowper  
 Mr J.M. Francis  
 Mr B.J. Grylls  
 Dr K.D. Hames  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
 Mr A. Krsticevic  
 Mr J.E. McGrath

Mr W.R. Marmion  
 Mr P.T. Miles  
 Ms A.R. Mitchell  
 Dr M.D. Nahan  
 Mr C.C. Porter  
 Mr M.W. Sutherland  
 Mr T.K. Waldron  
 Mr A.J. Simpson (*Teller*)

Question thus negatived.

Bill thus defeated.

## 20. Indigenous Affairs

The Order of the Day having been read for the resumption of debate on the motion moved by Mr J.J.M. Bowler,

That this House recognise the need for a bipartisan and new approach on the matter of Indigenous affairs.

Debate resumed.

Debate interrupted by the Chair (Mr T.G. Stephens speaking) and adjourned until a later stage of the sitting.

## 21. Variation to the Order of Business

Ordered, That Business of the Assembly Notice of Motion No. 1 be next considered.

## 22. Withdrawal of Notice of Motion

The Leader of the House withdrew Business of the Assembly – Notice of Motion No. 1.



**23. 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, 1 September 2011 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Mrs L.M. Harvey, Mr A.P. O’Gorman and Ms M.M. Quirk.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly