

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 104****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****TUESDAY, 14 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 Emergency Services on the Fire and Emergency Services Authority Major Incident Review of the Toodyay bushfire.

Papers

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

By the Minister for Emergency Services –

Fire and Emergency Services Authority of Western Australia – Bush Fire Investigation Report (2490).

Fire and Emergency Services Authority of Western Australia – Major Incident Review of Toodyay Fire December 2009, Final Report (2491).

The Minister for Regional Development on his decision to decline to table certain documents relating to a Freedom of Information access application, as requested by Mr M. McGowan in the House on 9 September 2010.

The Minister for Racing and Gaming on the return to racing at the York Race Club, following a period of abandoned meetings due to unsafe track conditions.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 3509, 3526, 3543, 3560, 3577, 3579, 3594, 3611, 3628, 3645, 3647, 3672, 3674, 3678, 3686, 3687, 3694, 3696 to 3701, 3703 to 3728, 3732, 3733, 3796 and 3799 were answered.

Paper tabled by the Attorney General; Minister for Corrective Services –

Question on Notice No. 3694 – Adult sentenced prison census as at 30 June 2010 and juvenile serviced detention census as at 30 June 2010 (2487).

Paper tabled by the Minister for Commerce; Science and Innovation; Housing –

Question on Notice No. 3719 – Number of tenants identified as exceeding income limits living in Department of Housing accommodation, presented by suburb (2488).

Paper tabled by the Minister representing the Minister for Child Protection; Community Services; Seniors and Volunteering; Women's Interests –

Question on Notice No. 3543 – Names and salary level of people paid an attraction and/or retention allowance over the past 12 months in the Minister's departments or agencies (2489).

4. Petition

Uranium Mining in Western Australia – Mr C.J. Tallentire presented a petition from 546 persons requesting that the Legislative Assembly immediately reinstate the ban on uranium mining in Western Australia (P. 319).

5. Papers

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

By the Clerk –

Bunbury Port Authority – Annual Report 2009–2010 (2461).

Bush Fires Act 1954 – Regulations (Bush Fires Amendment Regulations (No. 2) 2010 G.G. 10/09/2010) (2462).

Conservation and Land Management Act 1984 – Lease No. 1993/97 between the Department of Environment and Conservation and the Walganup Aboriginal Corporation for the purpose of a dam site for domestic use located on the eastern side of Pemberton townsite within State Forest No. 39 (2463).

Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations 2010 G.G. 10/09/2010) (2464).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 10) 2010 [979] G.G. 10/09/2010) (2465).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing for Rock Lobster Order 2010 G.G. 10/09/2010) (2466).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 7) 2010 G.G. 10/09/2010) (2467).

Fremantle Port Authority – Annual Report 2009–2010 (2468).

Financial Management Act 2006 – Notice given under section 82 of the Act by the Minister for Regional Development relating to a Freedom of Information request (2469).

Hairdressers Registration Board of Western Australia – Annual Report 2009 (2470).

Local Government Act 1995 – Local Laws (City of Rockingham - Bush Fire Control and Bush Fire Brigades Amendment Local Law 2010 G.G. 10/09/2010) (2471).

Local Government Act 1995 – Local Laws (City of Rockingham Dogs Amendment Local Law 2010 G.G. 10/09/2010) (2472).

Local Government Act 1995 – Local Laws (City of Rockingham Pest Plants Amendment Local Law 2010 G.G. 10/09/2010) (2473).

Local Government Act 1995 – Local Laws (Shire of Collie Cemeteries Local Law 2010 G.G. 08/09/2010) (2474).

Local Government Act 1995 – Local Laws (Shire of Collie Dog Local Law 2010 G.G. 08/09/2010) (2475).

Midland Redevelopment Act 1999 – Ministerial Approval under section 20(2)(a) of the Act to lease portion of Block 1, Lot 9503, Centennial Place, Midland (2476).

Occupational Safety and Health Act 1984 – Approved Code of Practice: Man Overboard: Prevention and Response 2010 (2477).

Occupational Safety and Health Act 1984 – Approved Code of Practice: Prevention and Control of Legionnaires' Disease 2010 (2478).

Occupational Safety and Health Act 1984 – Revoked Code of Practice: Prevention and Control of Legionnaires' Disease 2000 (2479).

Pay-roll Tax Assessment Act 2002 – Regulations (Pay-roll Tax Assessment Amendment Regulations 2010 G.G. 07/09/2010) (2480).

Tobacco Products Control Act 2006 – Regulations (Tobacco Products Control Amendment Regulations (No. 2) 2010 G.G. 10/09/2010) (2481).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Charges) Amendment By-laws (No. 2) 2010 G.G. 10/09/2010) (2482).

Western Australian Coastal Shipping Commission – Annual Report 2009–2010 (2483).

Western Australian Electoral Commission – Political Finance Annual Report 2008–2009 (2484).

Western Australian Industrial Relations Commission – Annual Report 2009–2010 (2485).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management Amendment Regulations (No. 2) 2010 G.G. 10/09/2010) (2486).

6. 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, Job Losses and Cuts to Core Services, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

7. Matter of Public Interest – Fairer Outcomes for Workers and Patients in Western Australian Hospitals

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

At least five members having risen in support,

Mr R.H. Cook moved,

That this House supports fairer outcomes for workers and patients in Western Australian hospitals and reaffirms Parliament's view that it values all hospital workers and the role they play in delivering quality hospital and health services for Western Australian patients.

Debate ensued.

Mr T.R. Buswell moved, That the motion be amended by deleting the word "fairer" and substituting "fair".

On the question, That the word be deleted,

Amendment put.

The Assembly divided.

Ayes (27)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable
 Mr M.J. Cowper
 Mr J.H.D. Day

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

Noes (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

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*)

Amendment thus passed.

On the question, That the word be inserted,

Amendment put.

The Assembly divided.

Ayes (27)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr V.A. Catania
 Dr E. Constable
 Mr M.J. Cowper
 Mr J.H.D. Day

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 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr D.A. Templeman (*Teller*)

Amendment thus passed.

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

Question put and passed.

8. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2010

Message No. 105 dated 9 September 2010 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Building and Construction Industry Training Fund and Levy Collection Act 1990*.”

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

Question put and passed.

9. Cement Works (Cockburn Cement Limited) Agreement 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.

The Assembly divided.

Ayes (49)

Mr P. Abetz	Mr J.N. Hyde	Mr J.R. Quigley
Mr F.A. Alban	Mr A.P. Jacob	Mr D.T. Redman
Ms L.L. Baker	Dr G.G. Jacobs	Mr E.S. Ripper
Mr C.J. Barnett	Mr R.F. Johnson	Mrs M.H. Roberts
Mr I.C. Blayney	Mr W.J. Johnston	Ms R. Saffioti
Mr T.R. Buswell	Mr J.C. Kobelke	Mr A.J. Simpson
Mr G.M. Castrilli	Mr A. Krsticevic	Mr T.G. Stephens
Mr V.A. Catania	Mr F.M. Logan	Mr M.W. Sutherland
Dr E. Constable	Mr J.E. McGrath	Mr C.J. Tallentire
Mr R.H. Cook	Mr W.R. Marmion	Mr P.C. Tinley
Mr M.J. Cowper	Mr P.T. Miles	Mr T.K. Waldron
Mr J.H.D. Day	Ms A.R. Mitchell	Mr P.B. Watson
Mr J.M. Francis	Mr M.P. Murray	Mr M.P. Whitley
Ms J.M. Freeman	Dr M.D. Nahan	Mr B.S. Wyatt
Mr B.J. Grylls	Mr A.P. O’Gorman	Mr D.A. Templeman (<i>Teller</i>)
Dr K.D. Hames	Mr P. Papalia	
Mrs L.M. Harvey	Mr C.C. Porter	

Noes (1)

Ms A.S. Carles (*Teller*)

Question thus passed.

Bill read a second time.

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

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

Debate ensued.

Question put.

The Assembly divided.

Ayes (47)

Mr P. Abetz	Mr A.P. Jacob	Mr J.R. Quigley
Mr F.A. Alban	Dr G.G. Jacobs	Mr D.T. Redman
Ms L.L. Baker	Mr R.F. Johnson	Mr E.S. Ripper
Mr C.J. Barnett	Mr W.J. Johnston	Mrs M.H. Roberts
Mr T.R. Buswell	Mr J.C. Kobelke	Ms R. Saffioti
Mr G.M. Castrilli	Mr A. Krsticevic	Mr A.J. Simpson
Dr E. Constable	Mr F.M. Logan	Mr T.G. Stephens
Mr R.H. Cook	Mr J.E. McGrath	Mr M.W. Sutherland
Mr M.J. Cowper	Mr W.R. Marmion	Mr C.J. Tallentire
Mr J.H.D. Day	Mr P.T. Miles	Mr P.C. Tinley
Mr J.M. Francis	Ms A.R. Mitchell	Mr T.K. Waldron
Ms J.M. Freeman	Mr M.P. Murray	Mr P.B. Watson
Mr B.J. Grylls	Dr M.D. Nahan	Mr M.P. Whitely
Dr K.D. Hames	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mrs L.M. Harvey	Mr P. Papalia	Mr D.A. Templeman (<i>Teller</i>)
Mr J.N. Hyde	Mr C.C. Porter	

Noes (1)

Ms A.S. Carles

Question thus passed.

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

10. Prohibited Behaviour Orders Bill 2010

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

Debate ensued.

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

Question put and passed.

11. Police 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 Minister for Police was granted leave to continue his remarks in reply at a later stage of the sitting.

12. Variation to the Order of Business

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

13. Prohibited Behaviour Orders Bill 2010

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (24)

Mr P. Abetz	Mr B.J. Grylls	Mr P.T. Miles
Mr C.J. Barnett	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
Mr V.A. Catania	Dr G.G. Jacobs	Mr A.J. Simpson
Dr E. Constable	Mr R.F. Johnson	Mr M.W. Sutherland
Mr J.H.D. Day	Mr A. Krsticevic	Mr T.K. Waldron
Mr J.M. Francis	Mr W.R. Marmion	Mr J.E. McGrath (<i>Teller</i>)

Noes (21)

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

Question thus passed.

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

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.44 p.m. until Wednesday, 15 September 2010 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Mr J.J.M. Bowler, Mr I.M. Britza, Mr M. McGowan and Dr J.M. Woppard.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly