

WESTERN AUSTRALIA

## LEGISLATIVE ASSEMBLY

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### VOTES AND PROCEEDINGS

No. 84

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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WEDNESDAY, 19 MAY 2010

**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Petition**

In-fill Sewerage Program for Port Hedland – Mr T.G. Stephens presented a petition from 38 persons requesting that the in-fill sewerage program for Port Hedland be completed (P. 287).

**3. Notices of Motion**

**4. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Premier on the review of the number of Government Boards and Committees.

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*Papers*

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

By the Premier –

Premier and Cabinet, Department of – Boards and Committees Abolished as at March 2010 (2103).

Premier and Cabinet, Department of – Status of Boards and Committees (2104).

Premier and Cabinet, Department of – Boards and Committees Requiring Abolishment Via Legislative Change (2105).

Premier and Cabinet, Department of – Boards, Committees, Reviews and Taskforces created since 23 September 2008 and 1 February 2010 and Cost of Each (2106).

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The Minister for Agriculture and Food on the Department of Agriculture and Food's new Executive.

The Minister for Tourism on the recent Ministerial visit to Singapore and Kuala Lumpur relating to the Tourism and Education portfolios.

## 5. Suspension of Standing Orders

Mr M. McGowan, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That the Premier and Minister for Water provide a detailed explanation to the House of the reasons for the dismissal of the Director General of the Department of Water and whether all appropriate processes and laws have been followed.

Debate ensued.

The Leader of the House moved, To add –

“

and that up to 20 minutes in total be provided to non-Government Members and up to 20 minutes in total be provided to Government Members to speak on the motion.

”

Amendment put and passed.

Question, as amended, put.

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

## 6. Director General of the Department of Water

Mr E.S. Ripper, pursuant to the foregoing motion, moved,

That the Premier and Minister for Water provide a detailed explanation to the House of the reasons for the dismissal of the Director General of the Department of Water and whether all appropriate processes and laws have been followed.

Debate ensued.

Question put.

The Assembly divided.

### Ayes (24)

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

### Noes (29)

Mr P. Abetz	Mr J.H.D. Day	Ms A.R. Mitchell
Mr F.A. Alban	Mr B.J. Grylls	Dr M.D. Nahan
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	Mr A.P. Jacob	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.

**7. Agriculture and Related Resources Protection Amendment Bill 2010**

The Minister for Agriculture and Food, pursuant to notice, moved,

That a bill for “An Act –

- to amend the *Agriculture and Related Resources Protection Act 1976*; and
- to amend the *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Act 2007*,

and for related purposes.” be introduced and read a first time.

Question put and passed.

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

The Minister for Agriculture and Food moved, That the bill be now read a second time.

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

Question put and passed.

**8. Health Practitioner Regulation National Law (WA) Bill 2010**

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

*CONSIDERATION IN DETAIL*

Clauses 40 and 41 agreed to.

Clause 42.

Dr J.M. Woollard moved,

Page 19, line 1 – To delete the line.

Amendment put.

The Assembly divided.

Ayes (1)

Dr J.M. Woollard (*Teller*)

Noes (52)

Mr P. Abetz  
Mr F.A. Alban  
Ms L.L. Baker  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr J.J.M. Bowler  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Mr V.A. Catania  
Dr E. Constable  
Mr R.H. Cook  
Mr M.J. Cowper  
Mr J.H.D. Day  
Ms J.M. Freeman  
Mr B.J. Grylls  
Dr K.D. Hames  
Mrs L.M. Harvey  
Mr A.P. Jacob

Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr A. Krsticevic  
Mr F.M. Logan  
Ms A.J.G. MacTiernan  
Mr M. McGowan  
Mr J.E. McGrath  
Mr W.R. Marmion  
Mrs C.A. Martin  
Mr P.T. Miles  
Ms A.R. Mitchell  
Mr M.P. Murray  
Dr M.D. Nahan  
Mr A.P. O’Gorman  
Mr P. Papalia  
Mr C.C. Porter

Mr J.R. Quigley  
Ms M.M. Quirk  
Mr D.T. Redman  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Ms R. Saffioti  
Mr A.J. Simpson  
Mr M.W. Sutherland  
Mr C.J. Tallentire  
Mr P.C. Tinley  
Mr A.J. Waddell  
Mr T.K. Waldron  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 43 to 126 agreed to.

Clause 127.

The Minister for Health moved,

Page 50, line 26 to Page 52, line 1 — To delete the lines and substitute:

“

**Table**

<p><b>Schedule 1 — [Blank]</b></p>
<p><b>Schedule 2 — Pharmacy medicines</b></p> <p>Substances, the safe use of which may require advice from a pharmacist and which should be available from a pharmacy or, where a pharmacy service is not available, from a licensed person.</p>
<p><b>Schedule 3 — Pharmacist only medicines</b></p> <p>Substances, the safe use of which requires professional advice but which should be available to the public from a pharmacist without a prescription.</p>
<p><b>Schedule 4 — Prescription only medicines, or Prescription Animal Remedy</b></p> <p>Substances, the use or supply of which should be by or on the order of persons permitted under the Act to prescribe and should be available from a pharmacist on prescription.</p>
<p><b>Schedule 5 — Caution</b></p> <p>Substances with a low potential for causing harm, the extent of which can be reduced through the use of appropriate packaging with simple warnings and safety directions on the label.</p>
<p><b>Schedule 6 — Poison</b></p> <p>Substances with a moderate potential for causing harm, the extent of which can be reduced through the use of distinctive packaging with strong warnings and safety directions on the label.</p>
<p><b>Schedule 7 — Dangerous Poison</b></p> <p>Substances with a high potential for causing harm at low exposure and which require special precautions during manufacture, handling or use. These poisons should be available only to specialised or authorised users who have the skills necessary to handle them safely. Special regulations restricting their availability, possession, storage or use may apply.</p>

**Schedule 8 — Controlled Drug**

Substances which should be available for use but require restriction of manufacture, supply, distribution, possession and use to reduce abuse, misuse and physical or psychological dependence.

**Schedule 9 — Prohibited Substance**

Substances which may be abused or misused, the manufacture, possession, sale or use of which should be prohibited by law except when required for medical or scientific research, or for analytical, teaching or training purposes with approval of the CEO.

Amendment put and passed.

Clause, as amended, agreed to.

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

**9. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2925 to 3025 were asked.

Questions on Notice Nos 2550 to 2552, 2566, 2574, 2577, 2578, 2580, 2587 to 2589, 2591 to 2595, 2597 to 2602, 2605, 2606, 2608, 2610 to 2619, 2629, 2634, 2642 to 2644, 2646, 2648 to 2657, 2660, 2661, 2663 to 2674, 2678, 2680, 2691, 2692, 2700, 2701, 2703, 2705, 2707, 2709, 2713, 2719, 2721 to 2723, 2772 and 2876 were answered.

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Papers tabled by the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works –

Question on Notice No. 2648 – Details of Management Initiated Redundancies (MIR) in the each department, agency and statutory authority under the portfolios of Treasury; Commerce; Science and Innovation; Housing and Works (2088).

Question on Notice No. 2610 – Details of officers employed in the Treasurer’s Ministerial Office (2089).

Papers tabled by the Minister for Education; Tourism –

Question on Notice No. 2634 – Details of Staff on Short-Term Contracts at Independent Public Schools (2090).

Question on Notice No. 2608 – Details of officers employed in the Minister for Education’s Ministerial Office (2091).

Papers tabled by the Minister Representing the Minister for Energy; Training and Workforce Development –

Question on Notice No. 2652 – Details of Management Initiated Redundancies (MIR) in the each department, agency and statutory authority under the portfolios of Energy; Training and Workforce Development (2092).

Question on Notice No. 2614 – Details of officers employed in the Minister for Energy; Training and Workforce Development’s Ministerial Office (2093).

Paper tabled by the Minister for Planning; Culture and the Arts –

Question on Notice No. 2613 – Details of officers employed in the Minister for Planning’s Ministerial Office (2094).

Paper tabled by the Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health –

Question on Notice No. 2612 – Details of officers employed in the Minister for Sport and Recreation; Racing and Gaming’s Ministerial Office (2095).

Paper tabled by the Premier –

Question on Notice No. 2642 – Details of Management Initiated Redundancies (MIR) in the each department, agency and statutory authority under the portfolios of the Premier; Minister for State Development (2096).

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

Question on Notice No. 2605 – Details of officers employed in the Deputy Premier; Minister for Health; Indigenous Affairs’ Ministerial Office (2097).

Paper tabled by the Minister for Mines and Petroleum; Fisheries; Electoral Affairs –

Question on Notice No. 2606 – Details of officers employed in the Minister for Mines and Petroleum; Fisheries; Electoral Affairs’ Ministerial Office (2098).

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

Question on Notice No. 2615 – Details of officers employed in the Attorney General; Minister for Corrective Services’ Ministerial Office (2099).

Paper tabled by the Minister for Water; Mental Health –

Question on Notice No. 2617 – Details of officers employed in the Minister for Water; Mental Health’s Ministerial Office (2100).

Paper tabled by the Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education –

Question on Notice No. 2619 – Details of officers employed in the Minister for Agriculture and Food; Forestry’s Ministerial Office (2101).

Paper tabled by the Minister for Police; Road Safety –

Question on Notice No. 2723 – Details of Total Amount Payable to Road Trauma Council Trust Fund in 2009, and details of Projects Funds Allocated to (2102).

#### **10. Unanswered Question on Notice**

Mr J.C. Kobelke sought information regarding an incomplete answer provided by the Minister for Water.

#### **11. Additional Information**

The Premier provided additional information relating to Question on Notice No. 2247 from Mr M. McGowan.

#### *Paper*

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

By the Premier –

Question on Notice No. 2247 – Role of Hon. George Cash in Departments and Agencies in the Premier’s Portfolio (2107).

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

Ordered, That Government Business Order of the Day No. 1 be resumed

#### **13. Health Practitioner Regulation National Law (WA) Bill 2010**

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

## CONSIDERATION IN DETAIL

Clause 128.

The Minister for Health moved,

Page 52, lines 14 and 15 — To delete the lines and substitute:

“

- (c) supply;
- (d) sell;
- (e) prescribe.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 129 to 167 agreed to.

Schedule.

Dr J.M. Woollard moved,

Page 71, lines 18 and 19 – To delete “and are of an appropriate quality” and substitute:

“ consistent with best practice principles ”.

Amendment put.

The Assembly divided.

Ayes (1)

Dr J.M. Woollard (*Teller*)

Noes (54)

Mr P. Abetz	Mr J.N. Hyde	Mr P. Papalia
Mr F.A. Alban	Mr A.P. Jacob	Mr C.C. Porter
Ms L.L. Baker	Dr G.G. Jacobs	Mr J.R. Quigley
Mr C.J. Barnett	Mr R.F. Johnson	Ms M.M. Quirk
Mr I.C. Blayney	Mr W.J. Johnston	Mr D.T. Redman
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mrs M.H. Roberts
Mr T.R. Buswell	Mr A. Krsticevic	Ms R. Saffioti
Ms A.S. Carles	Mr F.M. Logan	Mr A.J. Simpson
Mr G.M. Castrilli	Ms A.J.G. MacTiernan	Mr T.G. Stephens
Mr V.A. Catania	Mr M. McGowan	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	Mrs C.A. Martin	Mr A.J. Waddell
Mr J.H.D. Day	Mr P.T. Miles	Mr T.K. Waldron
Ms J.M. Freeman	Ms A.R. Mitchell	Mr P.B. Watson
Mr B.J. Grylls	Mr M.P. Murray	Mr M.P. Whitely
Dr K.D. Hames	Dr M.D. Nahan	Mr B.S. Wyatt
Mrs L.M. Harvey	Mr A.P. O’Gorman	Mr D.A. Templeman ( <i>Teller</i> )

Amendment thus negatived.

On the Schedule,

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

#### 14. Variation to the Order of Business

Ordered, That Private Members’ Business Notices of Motion Nos 13 and 14 and Private Members’ Business Order of the Day No. 20 be next considered.

**15. Years 11 and 12 at District High Schools**

Mrs M.H. Roberts, pursuant to notice, moved,

That this House –

- (a) acknowledges that the Minister for Education’s plan to cut year 11 and 12 from 21 district high schools will force students to travel long distances or study through the School of Isolated and Distance Education or attend boarding schools;
- (b) notes that this plan will particularly disadvantage country students and has the potential to cause them to completely abandon their education at just 16 years of age contrary to the requirement for them to remain in education or training until age 17; and
- (c) calls on the Minister for Education to immediately reverse her decision and to report to the House on how she can genuinely improve education opportunities for the students concerned.

Debate ensued.

Ms J.M. Freeman moved, That the debate be adjourned.

Question put and passed.

**16. Burma Human Rights**

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

- (1) That this House notes that the 5 March 2010 report of the United Nations Special Rapporteur on the Situation of Human Rights in Myanmar documents “a pattern of gross and systematic violation of human rights which has been in place for many years and still continues”.
- (2) That this House welcomes the Australian Government’s indication that it would support investigating possible options for a United Nations commission of inquiry.
- (3) That this House:
  - (a) reiterates its support for human rights and democracy in Burma;
  - (b) calls for the release of each of the 2,100 political prisoners in Burma;
  - (c) condemns the 2008 constitution as anti-democratic; and
  - (d) calls on all governments to refuse to accept the results of the Burmese elections scheduled to be held later this year unless all political prisoners are unconditionally released and a new democratic constitution is introduced that would permit the full participation of all political parties and individuals and would respect the will of the Burmese people.

Debate ensued.

Question put and passed.

**17. Message from the Governor**

Message No. 94 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Agriculture and Related Resources Protection Amendment Bill 2010.

**18. Notice of Motion after the Time Prescribed**

The Leader of the House was granted leave to give a late notice of motion.

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

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

**20. Health Practitioner Regulation National Law (WA) Bill 2010**

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

*CONSIDERATION IN DETAIL*

Schedule.

Dr J.M. Woollard moved,

Page 74, lines 33 to 35 – To delete all words after “means” and substitute –

“

an accreditation entity recognised under the *Health Insurance Act 1973 (Cwth)* as at 1 July 2009, or where such an entity did not exist, an entity other than a committee established by a national board, that exercises an accreditation function;

”.

Amendment put.

The Assembly divided.

Ayes (1)

Dr J.M. Woollard (*Teller*)

Noes (37)

Mr P. Abetz  
Mr F.A. Alban  
Ms L.L. Baker  
Mr C.J. Barnett  
Mr I.C. Blayney  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Mr V.A. Catania  
Dr E. Constable  
Mr M.J. Cowper  
Ms J.M. Freeman  
Mr B.J. Grylls  
Dr K.D. Hames

Mrs L.M. Harvey  
Mr A.P. Jacob  
Dr G.G. Jacobs  
Mr R.F. Johnson  
Mr J.C. Kobelke  
Mr F.M. Logan  
Mr M. McGowan  
Mr J.E. McGrath  
Mr W.R. Marmion  
Mrs C.A. Martin  
Mr P.T. Miles  
Ms A.R. Mitchell  
Dr M.D. Nahan

Mr P. Papalia  
Mr J.R. Quigley  
Mr D.T. Redman  
Mr A.J. Simpson  
Mr T.G. Stephens  
Mr M.W. Sutherland  
Mr A.J. Waddell  
Mr T.K. Waldron  
Mr P.B. Watson  
Mr M.P. Whitely  
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Dr J.M. Woollard moved,

Page 97, line 22 – To insert after “jurisdiction” –

“ nominated by the relevant State Minister ”.

Amendment put.

The Assembly divided.

Ayes (1)

Dr J.M. Woollard (*Teller*)

## Noes (41)

Mr P. Abetz	Mr A.P. Jacob	Mr J.R. Quigley
Mr F.A. Alban	Dr G.G. Jacobs	Ms M.M. Quirk
Ms L.L. Baker	Mr R.F. Johnson	Mr D.T. Redman
Mr C.J. Barnett	Mr J.C. Kobelke	Mrs M.H. Roberts
Mr I.C. Blayney	Mr F.M. Logan	Mr A.J. Simpson
Mr J.J.M. Bowler	Mr M. McGowan	Mr T.G. Stephens
Mr G.M. Castrilli	Mr W.R. Marmion	Mr M.W. Sutherland
Dr E. Constable	Mrs C.A. Martin	Mr D.A. Templeman
Mr M.J. Cowper	Mr P.T. Miles	Mr A.J. Waddell
Ms J.M. Freeman	Ms A.R. Mitchell	Mr T.K. Waldron
Mr B.J. Grylls	Mr M.P. Murray	Mr P.B. Watson
Dr K.D. Hames	Dr M.D. Nahan	Mr M.P. Whitely
Mrs L.M. Harvey	Mr A.P. O’Gorman	Mr J.E. McGrath ( <i>Teller</i> )
Mr J.N. Hyde	Mr P. Papalia	

Amendment thus negatived.

Dr J.M. Woollard moved,

Page 149, in the “Title” column of the Table – Insert in the “Medical” category below “medical practitioner” –

“ , physician ”.

Amendment put.

The Assembly divided.

## Ayes (1)

Dr J.M. Woollard (*Teller*)

## Noes (35)

Mr P. Abetz	Mrs L.M. Harvey	Dr M.D. Nahan
Mr F.A. Alban	Mr A.P. Jacob	Mr P. Papalia
Ms L.L. Baker	Dr G.G. Jacobs	Mr J.R. Quigley
Mr C.J. Barnett	Mr R.F. Johnson	Mr D.T. Redman
Mr I.C. Blayney	Mr J.C. Kobelke	Mr A.J. Simpson
Mr G.M. Castrilli	Mr M. McGowan	Mr T.G. Stephens
Dr E. Constable	Mr J.E. McGrath	Mr M.W. Sutherland
Mr R.H. Cook	Mr W.R. Marmion	Mr T.K. Waldron
Mr M.J. Cowper	Mrs C.A. Martin	Mr P.B. Watson
Ms J.M. Freeman	Mr P.T. Miles	Mr M.P. Whitely
Mr B.J. Grylls	Ms A.R. Mitchell	Mr D.A. Templeman ( <i>Teller</i> )
Dr K.D. Hames	Mr M.P. Murray	

Amendment thus negatived.

Schedule agreed to.

Postponed Clause 7 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.

**21. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 7.43 p.m. until Thursday, 20 May 2010 at 9.00 a.m.

*Members present during any part of the day's proceedings* – All the members except Mr I.M. Britza and Mr J.M. Francis.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly