

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 113

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 19 OCTOBER 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. Speaker's Statement – Media Arrangements

The Speaker advised members that he had approved the presence of television cameras in both the north and south doors of the Chamber to record the Apology to Unmarried Mothers of Adopted Children motion this afternoon.

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Culture and the Arts on the Western Australian Museum re-opening on Wednesdays.

The Minister for Water on the Perth and South West rainfall levels and on-the-spot fines for those using sprinklers on the wrong days.

The Minister for Heritage on further grants made through the Heritage Grants Program.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 4177 to 4224 were asked.

Questions on Notice Nos 3990, 3995, 4001 and 4004 were answered.

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

Question on Notice No. 4001 – Average Accident and Emergency waiting times at Western Australian metropolitan hospitals for each day in August 2010 (2777).

Question on Notice No. 4004 – Daily total of surgeries cancelled for the months of June, July and August 2010 (2778).

5. Petition

School Crossing on Guildford Road – Ms L.L. Baker presented a petition from 278 persons requesting that the Type A school crossing be reinstated on Guildford Road to assist students of Bayswater and St Columbus Primary Schools (P. 327).

6. 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 – Annual Report 2009–2010 (Received by the Clerk of the Legislative Assembly on 30 August 2010 and held for a period of thirty days in accordance with section 35 of the Inspector of Custodial Services Act 2003 and deemed tabled on 30 September 2010) (2681).

By the Clerk –

Fisheries, Department of – State of the Fisheries and Aquatic Resources Report 2009–2010 (2771).

Gas Standards Act 1972 – Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2010 G.G. 15/10/2010) (2772).

Industrial Relations Act 1979 – Regulations (Industrial Relations Commission Amendment Regulations (No. 2) 2010 G.G. 12/10/2010) (2773).

Retail Trading Hours Act 1987 – Regulations (Retail Trading Hours Amendment Regulations 2010 G.G. 15/10/2010) (2774).

Rottnest Island Authority Act 1987 – Regulations (Rottnest Island Amendment Regulations 2010 G.G. 15/10/2010) (2775).

Waste Avoidance and Resource Recovery Act 2007 – Local Laws (Shire of Broomehill-Tambellup Waste Services Amendment Local Law 2010 G.G. 12/10/2010) (2776).

7. Additional Information

The Premier provided additional information relating to a question without notice from Mr E.S. Ripper that was not asked in the House on 14 October 2010.

Paper

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

By the Premier –

Question Without Notice – Question from Mr E.S. Ripper dated 14 October 2010, which was not asked in the House but provided to the Premier, regarding the apprehension and transportation of persons under the *Mental Health Act 1996* (2779).

8. Notices of Motion

9. 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 Commercial Tenancy (Retail Shops) Amendment Bill 2009 and the Directions 2031 Planning Document 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.

10. Public Accounts Committee – Reporting Date

The Speaker advised members that he had received a letter dated 19 October 2010 from the Chairman of the Public Accounts Committee, extending the reporting date on its Inquiry into Project Planning and Funding Applications for Major Western Australian Infrastructure Projects to 18 November 2010.

11. Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the Premier to move a motion in relation to past adoption practices and that the debate be conducted under the time limits determined for a matter of public interest.

Debate ensued.

Question put.

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

12. Apology to Unmarried Mothers of Adopted Children

The Premier, pursuant to the foregoing motion, moved,

That this House notes:

- (1) That with regard to past adoption practices, it is now recognised that from the 1940s to the 1980s the legal, health and welfare system then operating in Western Australia, in many instances, did not strike the correct balance between the goal of minimising the emotional and mental impact of the adoption process on unmarried mothers with the goal of achieving what was considered at the time to be in the best interests of the child.
- (2) That processes such as the immediate removal of the baby following birth, preventing bonding with the mother, were thought at the time to be in the mother's and the child's best interest.
- (3) That this House recognises that in some cases such practices have caused long-term anguish and suffering for the people affected.
- (4) The Parliament acknowledges that previous Parliaments and Governments were directly responsible for the application of some of the processes which impacted upon unmarried mothers of adopted children, and now apologises to the mothers, their children and families who were adversely affected by these past adoption practices and expresses sympathy to those individuals whose interests were not best served by the policy of those times.

Debate ensued.

Question put and passed.

13. Procedure and Privileges Committee

Mr M.W. Sutherland, as Deputy Speaker, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee – Comments Made by the Member for Cannington, Report No. 10 (2280).

Procedure and Privileges Committee – Comments Made by the Member for Cannington, Transcript of Evidence: Session One (Closed Session) (2281).

Procedure and Privileges Committee – Comments Made by the Member for Cannington, Transcript of Evidence: Session Two (2282).

Mr M.W. Sutherland, Mr M. McGowan, Mr F.M. Logan and Mr F.A. Alban spoke, and Mr W.J. Johnston, by leave, spoke on the report.

14. Leave of Absence

Mr M. McGowan, pursuant to notice, moved,

That the member for Kimberley be given leave of absence until 12 November 2010 on account of ill health.

Debate ensued.

Question put and passed.

15. Fair Trading Bill 2010**Acts Amendment (Fair Trading) Bill 2010**

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

Cognate Debate

Leave was granted to debate the *Acts Amendment (Fair Trading) Bill 2010* in conjunction with the *Fair Trading Bill 2010*.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 128 agreed to.

Schedule 1 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 Commerce 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. Acts Amendment (Fair Trading) Bill 2010

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

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 Commerce 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.

17. Liquor Control Amendment Bill 2010

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

CONSIDERATION IN DETAIL

Clause 30.

The Minister for Racing and Gaming had moved,

Page 30, line 20 – To delete “those” and substitute:

“ licensed ”.

Amendment put and passed.

The Minister for Racing and Gaming moved,

Page 30, line 21 – To delete “violent, quarrelsome” and substitute:

“ violent ”.

Page 31, line 7 – To delete “A” and substitute:

“ Except as provided in subsection (7A), a ”.

Page 31, after line 9 – To insert:

“

- (7A) A person does not commit an offence under subsection (6) if the person enters the premises solely for the purpose of performing duties relating to the person’s work.

”.

Page 32, after line 2 – To insert:

“

- (1A) In this section –

secure webpage means a page on a website that is accessible only by –

- (a) the licensee or occupier of licensed premises; or
- (b) a manager of licensed premises; or
- (c) a prescribed person or class of persons or a person in a prescribed circumstance.

”.

Page 32, line 3 – To delete “website” and substitute:

“ secure webpage ”.

Page 32, line 16 – To delete the line.

Page 32, lines 19 and 20 – To delete the lines and substitute:

“

- (3) Except as provided in subsection (4), a person who discloses something that has been published under subsection (1) commits an offence.

Penalty: a fine of \$10 000.

- (4) A licensee or manager of licensed premises does not commit an offence under subsection (3) if –

- (a) he or she discloses information published under subsection (1) to a responsible person in relation to those premises; and
- (b) the disclosure is made for the purposes of enabling the responsible person to perform duties relating to the person’s work on the licensed premises.

”.

Page 32, line 28 – To delete “3 months” and substitute:

“ one month ”.

Page 33, lines 6 and 7 – To delete “3 months or more” and substitute:

“ more than one month ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 31 agreed to.

Clause 32.

The Minister for Racing and Gaming moved,

Page 35, line 19 – To delete the line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 33 agreed to.

Clause 34.

The Minister for Racing and Gaming moved,

Page 36, line 21 – To delete “prohibiting” and substitute:

“ regulating ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 35 agreed to.

Clause 36.

The Minister for Racing and Gaming moved,

Page 37, line 21 – To delete “sale, supply or consumption of liquor” and substitute:

“

sale or supply of liquor is to, or the consumption of liquor is by, a person who
is at least 18 years of age and that sale, supply or consumption

”.

Mr J.N. Hyde moved,

To insert after “consumption” in the amendment moved by the Minister:

“ and small arts and cultural venues catering for under 120 patrons ”.

Amendment to the amendment put.

Amendment, by leave, withdrawn.

On the question, That the Minister’s amendment be agreed to,

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 37 to 43 agreed to.

Clause 44.

Mr M.P. Murray moved,

Page 42, after line 28 – To insert:

“

(b) after paragraph (gb) insert:

(ha) impose restrictions on the type of drinking vessel permitted at the licensed premises; or

”.

Amendment put.

Amendment, by leave, withdrawn.

Clause agreed to.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

18. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment –

14 October 2010

Railway (Roy Hill Infrastructure Pty Ltd) Agreement Bill 2010 (Message No. 114).

Misuse of Drugs Amendment Bill 2010 (Message No. 115).

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.43 p.m. until Wednesday, 20 October 2010 at 12.00 noon.

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

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly