

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 123

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 24 NOVEMBER 2010

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of a delegation from Chengdu in the Sichuan province of China, led by the Mayor of Chengdu, Mr Ge Honglin.

3. Petitions

Uranium Mining in Western Australia – Mr C.J. Tallentire presented a petition from 1,035 persons requesting that the Legislative Assembly recognise the risk posed by uranium mining and reinstate the ban on uranium mining in Western Australia (P. 355).

Increases in Household Costs – Ms M.M. Quirk presented a petition from 809 persons requesting that the Premier and the State Government stop any further increases being made to fees and charges in next year's State Budget (P. 356).

Goldfields Driving Range – Mr J.J.M. Bowler presented a petition from 751 persons requesting that the Legislative Assembly recommend that the City of Kalgoorlie-Boulder support Mr Ronald Neill, Proprietor of the Goldfields Driving Range, in continuing to operate this business on Reserve 41254 with a five year lease with an option to renew for another five years (P. 357).

4. Papers

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

By the Speaker –

Auditor General, Office of the [OAG] – Report No. 11: Universal Child Health Checks (2911).

Auditor General, Office of the [OAG] – Report No. 12: Second Public Sector Performance Report 2010 (2912).

By the Clerk –

Public Sector Standards Commissioner, Office of the – State of the Sector Report 2010 (2913).

State Coroner, Office of the – Annual Report 2008–2009 (2914).

5. Notices of Motion

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Deputy Premier on his official visit to India which included appointments relating to health, state development and education.

The Minister for Planning on the issue of access to limestone resources at Nowergup.

The Minister for Mental Health on the one-off grant of \$250,000 to Lifeline WA.

7. Economics and Industry Standing Committee – Appointment of Member

Mr D.A. Templeman, pursuant to notice, and as amended by leave, moved,

That this House appoints the Member for Southern River to the Economics and Industry Standing Committee for the purpose only and for the duration of that Committee's inquiry into the *Franchising Bill 2010*.

Debate ensued.

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

Question put.

The Assembly divided.

Ayes (29)

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

Noes (22)

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

Question thus passed.

8. Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Amendment Bill 2010

The Minister for State Development, pursuant to notice, moved,

That a bill for “An Act to amend the *Railway and Port (The Pilbara Infrastructure Pty Ltd) Agreement Act 2004* and the *Railways (Access) Act 1998.*” be introduced and read a first time.

Question put and passed.

The Minister for State Development presented an explanatory memorandum and bill read a first time.
The Minister for State Development 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. Fish Resources Management Amendment (Fees) Bill 2010

The Minister for Planning, on behalf of the Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Fish Resources Management Act 1994* sections 58 and 258.” be introduced and read a first time.

Question put and passed.

The Minister for Planning, on behalf of the Deputy Premier, presented an explanatory memorandum and bill read a first time.

The Minister for Planning, on behalf of the Deputy Premier, 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. Fish Resources Management Amendment (Fees) Bill (No. 2) 2010

The Minister for Planning, on behalf of the Deputy Premier, pursuant to notice, moved,

That a bill for “An Act to amend the *Fish Resources Management Act 1994* as amended by the *Fish Resources Management Amendment (Fees) Act 2010.*” be introduced and read a first time.

Question put and passed.

The Minister for Planning, on behalf of the Deputy Premier, presented an explanatory memorandum and bill read a first time.

The Minister for Planning, on behalf of the Deputy Premier, moved, That the bill be now read a second time.

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

Question put and passed.

11. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

The Minister for Road Safety, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* and to make consequential amendments to the *Road Traffic (Administration) Act 2008.*” be introduced and read a first time.

Question put and passed.

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

The Minister for Road Safety moved, That the bill be now read a second time.

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

Question put and passed.

12. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 3 and 1 be next considered.

13. Occupational Licensing National Law (WA) Bill 2010

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

CONSIDERATION IN DETAIL

Clause 1.

Clause put.

The Assembly divided.

Ayes (28)

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

Noes (23)

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

Clause thus passed.

Clauses 2 to 4 agreed to.

Clause 5.

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

14. Questions

Questions without Notice were taken.

Questions on Notice Nos 4356 to 4419 were asked.

Questions on Notice Nos 4217, 4227, 4232, 4240, 4245, 4255 and 4308 were answered.

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

Question on Notice No. 4217 – Officers in the Senior Executive Service in the Departments of Attorney General and Corrective Services (2915).

15. Variation to the Order of Business

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

16. Occupational Licensing 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 5.

The Minister for Commerce moved,

Page 3, line 18 to page 4, line 10 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8.

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

17. Variation to the Order of Business

Ordered, That Private Members' Business Notices of Motion Nos 8 and 7 be next considered.

18. Manufacturing and Engineering Sector

Mr M. McGowan, pursuant to notice, moved,

That the Barnett Government be condemned for its failure to act on the important issues of local content and jobs in the manufacturing and engineering area.

Debate ensued.

Debate interrupted by the Chair (Dr M.D. Nahan speaking) and adjourned until a later stage of the sitting.

19. Trade Measurement Legislation (Amendment and Expiry) Bill 2010

Message No. 124 dated 24 November 2010 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Trade Measurement Legislation (Amendment and Expiry) Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Trade Measurement Legislation (Amendment and Expiry) Bill 2010

No. 1

Page 6, line 28 — To insert after “person” —

cannot be

No. 2

Page 6, lines 29 and 30 — To delete “cannot be punished for the offence”.

No. 3

Page 8, line 31 to page 9, line 19 — To delete the lines.

Ordered, That consideration in detail of Legislative Council Message No. 124 be made an Order of the Day for the next sitting of the Assembly.

20. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2, 1 and 3 be next considered.

21. Occupational Licensing 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 8.

Clause put.

The Assembly divided.

Ayes (24)

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

Noes (18)

Ms L.L. Baker	Mr M. McGowan	Mrs M.H. Roberts
Dr A.D. Buti	Mr M.P. Murray	Mr T.G. Stephens
Mr R.H. Cook	Mr A.P. O'Gorman	Mr C.J. Tallentire
Ms J.M. Freeman	Mr J.R. Quigley	Mr A.J. Waddell
Mr J.C. Kobelke	Ms M.M. Quirk	Mr M.P. Whitely
Mr F.M. Logan	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)

Clause thus passed.

Clause 9 agreed to.

Schedule agreed to.

Title agreed to.

Consideration in detail concluded.

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

Debate ensued.

Question put.

The Assembly divided.

Ayes (24)

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

Noes (18)

Ms L.L. Baker	Mr M. McGowan	Mrs M.H. Roberts
Dr A.D. Buti	Mr M.P. Murray	Mr T.G. Stephens
Mr R.H. Cook	Mr A.P. O'Gorman	Mr C.J. Tallentire
Ms J.M. Freeman	Mr J.R. Quigley	Mr A.J. Waddell
Mr J.C. Kobelke	Ms M.M. Quirk	Mr M.P. Whitely
Mr F.M. Logan	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)

Question thus passed.

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

22. Iron Ore Agreements Legislation Amendment Bill (No. 2) 2010

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

CONSIDERATION IN DETAIL

Clauses 1 to 49 agreed to.

Title agreed to.

Consideration in detail concluded.

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

Debate ensued.

Question put and passed.

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

23. Building 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.

Question put and passed.

24. Variation to the Order of Business

Ordered, That consideration of Business of the Assembly Order of the Day on the motion, Economics and Industry Standing Committee – Appointment of Member, be resumed.

25. Economics and Industry Standing Committee – Appointment of Member

The Order of the Day having been read for the resumption of debate on the motion moved by Mr D.A. Templeman,

That this House appoints the Member for Southern River to the Economics and Industry Standing Committee for the purpose only and for the duration of that Committee's inquiry into the *Franchising Bill 2010*.

Debate resumed.

The Leader of the House moved, To delete "appoints" and substitute –

" co-opts ".

Debate ensued.

Amendment put and passed.

Motion, as amended, agreed to.

26. Acts Amendment (Fair Trading) Bill 2010

Message No. 126 dated 24 November 2010 from the Legislative Council was reported agreeing to the bill without amendment.

27. Fair Trading Bill 2010

Message No. 125 dated 24 November 2010 from the Legislative Council was reported as follows –
The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Fair Trading Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Fair Trading Bill 2010

No. 1

Page 13, lines 5 and 6 — To delete the lines.

No. 2

Page 17, line 5 — To delete the line and insert —

- (c) in so far as it constitutes Schedule 2 to the *Competition and Consumer Act 2010* (Commonwealth), is part of this Act; and
- (d) in so far as it constitutes regulations made under section 139G of the *Competition and Consumer Act 2010* (Commonwealth), is subsidiary legislation for the purposes of this Act.

No. 3

Page 17, lines 10 and 11 — To delete “by order published in the *Gazette*” and insert —

by bill.

No. 4

Page 17, line 12 to page 18, line 8 — To delete the lines.

No. 5

Page 22, lines 8 to 17 — To delete the clause.

No. 6

Page 22, lines 27 to 30 — To delete the lines and insert —

- (b) the offender has been acquitted or convicted of the offence with which the offender is charged, or has already been convicted or acquitted of an offence of which the offender might be convicted upon the indictment or prosecution notice on which the offender has been charged, under the application law of the other participating jurisdiction,

the offender is not liable to be prosecuted or punished for the offence against the Australian Consumer Law (WA).

No. 7

Page 98, line 1 to page 349, line 10 — To delete the schedule.

Ordered, That consideration in detail of Legislative Council Message No. 125 be made an Order of the Day for the next sitting of the Assembly.

28. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.22 p.m. until Thursday, 25 November 2010 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mrs C.A. Martin and Mr P.B. Watson.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly