

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 176

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 1 NOVEMBER 2011

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 Agriculture and Food on his recent official visit to South Korea and Japan.

The Minister for Environment on community concerns about the operation of Cockburn Cement's plant at Munster.

The Minister for Sport and Recreation on the emergency funding provided to flood affected sporting and recreation facilities in Carnarvon.

3. Questions

Questions without Notice were taken.

Questions on Notice Nos 6446 to 6793 were asked.

Questions on Notice Nos 6062, 6125, 6127, 6130, 6148, 6175, 6176, 6179, 6182 to 6186, 6189 to 6192, 6194, 6195, 6198, 6200, 6206, 6209, 6212 to 6218, 6220 to 6223, 6226 to 6229, 6231 to 6234, 6236, 6238, 6239, 6241, 6243, 6244, 6246, 6248, 6249, 6252, 6254 to 6256, 6258, 6260 to 6267, 6269, 6271 to 6274, 6276, 6281, 6289, 6290, 6302 and 6309 were answered.

Paper tabled by the Minister for Tourism –

Question on Notice No. 6127 – Question relating to itemising events and funding Tourism Western Australia provides in the Mid West, South West, Great Southern, Pilbara, Wheatbelt, Peel, Goldfields-Esperance, Gascoyne and Kimberley areas (4156).

Paper tabled by the Minister for Culture and the Arts –

Question on Notice No. 6195 – Insurance costs charged to host touring exhibitions at the Art Gallery of Western Australia (AGWA), the Western Australian Museum and other arts agencies (4157).

Paper tabled by the Minister representing the Minister for Finance –

Question on Notice No. 6200 – Summary of the State Government's lease agreements spreading across 96 buildings which are now being consolidated into about 15 properties (4158).

4. Petitions

Diagnostic Mammogram Service in Mandurah – Mr D.A. Templeman presented a petition from 695 persons requesting that immediate action be taken to ensure that a diagnostic mammogram service is again made available to the local women of Mandurah (P. 488).

Moore River Estuary Development – Ms L.L. Baker presented a petition from 120 persons requesting that the Legislative Assembly support the recommendation that the land adjoining the proposed Wilbinga Conservation Park be protected from future development (P. 489).

Wickham District Bowls Club – Mr V.A. Catania presented a petition from 22 persons requesting that the Legislative Assembly assist the Wickham District Bowls Club in their efforts to secure land at the Wickham Health Centre site for the purpose of building bowling greens and a clubroom. (P. 490).

5. 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 2010–2011 (Received by the Clerk of the Legislative Assembly on 20 September 2011 and held for a period of thirty days in accordance with the Inspector of Custodial Services Act 2003) (4143).

By the Clerk –

Agriculture and Food, Department of – Annual Report 2010–2011 (4144).

Agricultural Practices Board – Annual Report 2010–2011 (4145).

Architects Board of Western Australia – Annual Report 2010–2011 (4146).

Australian Health Practitioner Regulation Agency – Annual Report 2010–2011 (4147).

Commission for Occupational Safety and Health – Annual Report 2010–2011 (4148).

Financial Management Act 2006 – Notice under Section 82 of the Act from the Minister for Tourism in respect to not providing an answer to part (a) of Legislative Assembly Question on Notice No. 6062 (4149).

Financial Management Act 2006 – Notice under Section 82 of the Act from the Minister for Tourism in respect to not providing an answer to part (a) of Legislative Assembly Question on Notice No. 6127 (4150).

Motor Vehicle Industry Board – Annual Report 2010–2011 (4151).

Racing and Wagering Western Australia – Annual Report 2010–2011 (4152).

Rail Safety, Office of – Annual Report 2010–2011 (4153).

Real Estate and Business Agents Supervisory Board – Annual Report 2010–2011 (4154).

Settlement Agents Supervisory Board – Annual Report 2010–2011 (4155).

6. Correction to Tabled Paper

The Speaker announced that he had authorised corrections to the following Tabled Paper tabled on 28 September 2011 –

Rottneest Island Authority – Annual Report 2010–2011 – Correction (4027A).

7. Notices of Motion

8. Removal of Order of the Day

The Speaker advised members that the Order of the Day that appeared on the last Notice Paper as Private Members' Business Order of the Day No. 1, Commercial Tenancy (Retail Shops) Amendment Bill 2009, had not been debated for more than 12 calendar months and had been removed from the Notice Paper.

9. Criminal Investigation (Covert Powers) Bill 2011

The Order of the Day for the third reading of the bill having been read, the Minister for Police 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.

10. Electoral and Constitution 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.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 12 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Premier moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

11. Industrial Legislation 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.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

Mr F.M. Logan moved,

Page 7, lines 4 to 26 – To delete the lines and substitute:

“

- (b) 4 persons appointed from among persons whose names are on a panel of 8 names comprised of –

- (i) 4 names submitted by the Master Builders' Association of Western Australia; and

- (ii) 4 names submitted by the Chamber of Commerce and Industry of Western Australia (Inc);

- (c) 4 persons appointed from among persons whose names are on a panel of 8 names comprised of –
- (i) 4 names submitted by the Trades and Labor Council of Western Australia; and
 - (ii) 4 names submitted by The Building Trades Association of Unions of Western Australia (Association of Workers).

”.

Amendment put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker	Mr F.M. Logan	Mr T.G. Stephens
Mr R.H. Cook	Mr M. McGowan	Mr P.C. Tinley
Ms J.M. Freeman	Mrs C.A. Martin	Mr A.J. Waddell
Mr J.N. Hyde	Mr P. Papalia	Mr P.B. Watson
Mr W.J. Johnston	Ms M.M. Quirk	Mr B.S. Wyatt
Mr J.C. Kobelke	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)

Noes (25)

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

Amendment thus negatived.

Clause agreed to.

Clauses 7 to 61 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 Transport moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and passed.

12. Cat Bill 2011

Message No. 184 dated 1 November 2011 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Cat Bill 2011* 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 Cat Bill 2011

No. 1

Page 8, line 9 — To delete “an offence against —” and insert —

2 or more offences against any of the following —

No. 2

Page 9, lines 9 to 11 — To delete “of 2 or more offences against this Act in the period of 12 months before the cancellation.” and insert —

within the period of 12 months before the cancellation of 2 or more offences against any of the following —

- (a) this Act;
- (b) the *Dog Act 1976*;
- (c) the *Animal Welfare Act 2002*.

No. 3

Page 10, after line 29 — To insert —

- (3) A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

No. 4

Page 12, after line 2 — To insert —

- (3) A certificate referred to in subsection (2)(a) cannot apply in respect of a cat that is under 6 months of age.

Ordered, That consideration in detail of Legislative Council Message No. 184 be made an Order of the Day for the next sitting of the Assembly.

13. Messages from the Legislative Council

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

1 November 2011

Petroleum and Geothermal Energy Safety Levies Bill 2011 (Message No. 187).

Petroleum and Geothermal Energy Safety Levies Amendment Bill 2011 (Message No. 188).

Inspector of Custodial Services Amendment Bill 2011 (Message No. 189).

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 9.08 p.m. until Wednesday, 2 November 2011 at 12.00 noon.

Members present during any part of the day's proceedings – All the members except Dr A.D. Buti, Mr M.P. Murray and Ms R. Saffioti.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. GRANT WOODHAMS

Speaker of the Legislative Assembly