

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

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No. 167

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

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TUESDAY, 20 SEPTEMBER 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 Emergency Services on the appointment of Mr Wayne Gregson APM as Chief Executive Officer of the Fire and Emergency Services Authority.

The Minister for Water on the agreement between Rio Tinto and the State Government regarding the West Pilbara Water Supply Scheme.

The Minister for Heritage on the review of the *Heritage of Western Australia Act 1990*.

### 3. Questions

Questions without Notice were taken.

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#### *Paper*

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

By the Premier –

Government of Western Australia – Memorandum of Understanding between the Government of the State of Western Australia of the Commonwealth of Australia and the National Development and Reform Commission of the People's Republic of China on Promotion of Investment Cooperation (3884).

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Questions on Notice Nos 6129 to 6152 were asked.

Questions on Notice Nos 5812, 5820, 5821, 5827, 5838, 5839, 5861, 5877, 5888, 5894, 5905, 5911, 5922, 5924, 5944, 5946 to 5950, 5952 to 5955, 5957 to 5961, 5967 to 5974, 5976 to 5980, 5982, 5985 to 5990, 5995, 5996, 6000 to 6005, 6007, 6011 to 6015, 6018 to 6022 and 6026 to 6029 were answered.

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Papers tabled by the Deputy Premier; Minister for Health; Tourism –

Question on Notice No. 6018 – Details of services provided, including bed numbers and staffing, at Rockingham General Hospital under the Clinical Services Framework (3874).

Question on Notice No. 6019 – Details of services provided, including bed numbers and staffing, at Armadale-Kelmscott Hospital under the Clinical Services Framework (3875).

Question on Notice No. 6020 – Details of services provided, including bed numbers and staffing, at Joondalup Health Campus under the Clinical Services Framework (3876).

Question on Notice No. 6021 – Details of services provided, including bed numbers and staffing, at Swan Districts Hospital under the Clinical Services Framework (3877).

Question on Notice No. 6022 – Details of services provided, including bed numbers and staffing, at Peel Health Campus under the Clinical Services Framework (3878).

Paper tabled by the Treasurer –

Question on Notice No. 5839 – Details of gifts, accommodation or travel accepted by officers above level 7.1 within the Treasurer's portfolio areas from a private company or individual (3879).

Papers tabled by Minister for Education –

Question on Notice No. 6001 – Details of applications and grants awarded under the Department of Education's Community Languages Program (3880).

Question on Notice No. 5969 – Details of consultancy work undertaken on behalf of the Department of Education and the status of that work (3881).

Question on Notice No. 5974 – Suspensions and exclusions for selected schools for the years 2007, 2008, 2009, 2010 and 2011 to date (3882).

Paper tabled by the Minister representing the Minister for Finance –

Question on Notice No. 5821 – Date of 'roll in' to the Office of Shared Services' operations for each public sector agency (3883).

#### **4. Additional Information**

The Minister for Agriculture and Food provided additional information relating to Question on Notice No. 4854 from Mr M.P. Murray.

##### *Paper*

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

By the Minister for Agriculture and Food –

Agriculture and Food, Department of – Report on Agricultural Impact of Muir's Corella: 30 June 2008 (3885).

#### **5. Papers**

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

By the Speaker –

Legislative Assembly, Department of – Annual Report 2010–2011 (3848).

Parliamentary Services Department – Annual Report 2010–2011 (3849).

By the Clerk –

Agriculture and Related Resources Protection Act 1976 – Regulations (Agriculture and Related Resources Protection Regulations 2011 G.G. 09/09/2011) (3850).

Cemeteries Act 1986 – Local Laws (Shire of Augusta-Margaret River Cemeteries Amendment Local Law 2011 G.G. 06/09/2011) (3851).

Conservation and Land Management Act 1984 – Lease No. 2317/100 Between the Department of Environment and Conservation and Kimberley Wild Expeditions Pty Ltd for a Commercial Camping facility at the Kurrajong Site in Purnululu National Park (3852).

Conservation and Land Management Act 1984 – Lease No. 2324/97 Between the Department of Environment and Conservation and the Water Corporation for a Water Treatment Plant on a Portion of State Forest No. 7 at Mundaring (3853).

East Perth Redevelopment Act 1991 – Regulations (East Perth Redevelopment (Subtracted Area – Stage 2) Regulations 2011 G.G. 06/09/2011) (3854).

Fair Trading Act 2010 – Notices (Consumer Protection Notice No. 33 of 2011 – Revocation of interim ban and imposition of permanent ban on certain babies' dummies to which there are crystals, beads or other similar ornaments attached G.G. 16/09/2011) (3855).

Fair Trading Act 2010 – Notices (Consumer Protection Notice No. 34 of 2011 – Revocation of interim ban and imposition of permanent ban on Hazard Identified items, which are designed to be attached to babies' dummies G.G. 16/09/2011) (3856).

Financial Management Act 2006 – Notice Under Section 65 of the Act, from the Minister for Agriculture and Food, advising that the Department of Agriculture and Food's Annual Report 2010–2011 will not be tabled within the prescribed period (3857).

First Home Owner Grant Act 2000 – Regulations (First Home Owner Grant Amendment Regulations 2011 G.G. 09/09/2011) (3858).

Fish Resources Management Act 1994 – Management Plans (Abalone Management Plan Amendment 2011 G.G. 16/09/2011) (3859).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Management Plan Amendment (No. 3) 2011 [1041] G.G. 09/09/2011) (3860).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 11) 2011 G.G. 09/09/2011) (3861).

Government Employees Superannuation Board – Statement of Corporate Intent 2011–2012 (3862).

Local Government Act 1995 – Local Laws (Shire of Augusta-Margaret River Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2011 G.G. 06/09/2011) (3863).

Local Government Act 1995 – Local Laws (Shire of Derby/West Kimberley Waste Services Local Law 2011 G.G. 13/09/2011) (3864).

Local Government Act 1995 – Local Laws (Shire of Kalamunda Keeping and Control of Animals and Nuisance Local Law 2011 G.G. 05/09/2011) (3865).

Local Government Act 1995 – Local Laws (Shire of Murray Dog Amendment Local Law 2011 G.G. 13/09/2011) (3866).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations 2011 G.G. 09/09/2011) (3867).

Parliamentary Inspector of the Corruption and Crime Commission – Annual Report 2010–2011 (Received by the Clerk of the Legislative assembly and deemed tabled on 12 September 2011) (3847).

Taxation Administration Act 2003 – Regulations (Taxation Administration Amendment Regulations 2011 G.G. 09/09/2011) (3868).

Terrorism (Preventative Detention) Act 2006 – Regulations (Terrorism (Preventative Detention) Regulations 2011 G.G. 16/09/2011) (3869).

Weapons Act 1999 – Regulations (Weapons Amendment Regulations (No. 2) 2011 G.G. 16/09/2011) (3870).

Western Australian Industrial Relations Commission, Chief Commissioner of the – Annual Report 2010–2011 (3871).

Workcover – Annual Report 2010–2011 (3872).

Corruption and Crime Commission, Joint Standing Committee on the – Government Response to Report 15: Corruption Risks of Controlled Operations and Informants (3873).

## 6. Notices of Motion

### 7. Matter of Public Interest – Misuse of Force by Western Australia Police

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

At least five members having risen in support,

Mr J.R. Quigley moved,

That the House expresses its deep concern at the complete failure of the Attorney General and Police Minister to act when informed of serious allegations of misuse of force by WA Police.

Debate ensued.

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#### *Paper*

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

By the Attorney General –

Attorney General – Letter to Professor Robert Cunningham by the Attorney General, dated 30 November 2010 (3886).

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Question put.

The Assembly divided.

#### Ayes (25)

Ms L.L. Baker

Dr A.D. Buti

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

Mr M. McGowan

Mrs C.A. Martin

Mr M.P. Murray

Mr A.P. O’Gorman

Mr J.R. Quigley

Ms M.M. Quirk

Mr E.S. Ripper

Mrs M.H. Roberts

Ms R. Saffioti

Mr T.G. Stephens

Mr C.J. Tallentire

Mr A.J. Waddell

Mr P.B. Watson

Mr M.P. Whitely

Mr B.S. Wyatt

Mr D.A. Templeman (*Teller*)

#### Noes (29)

Mr P. Abetz

Mr F.A. Alban

Mr C.J. Barnett

Mr I.C. Blayney

Mr J.J.M. Bowler

Mr I.M. Britza

Mr T.R. Buswell

Mr G.M. Castrilli

Mr V.A. Catania

Mr M.J. Cowper

Mr J.H.D. Day

Mr J.M. Francis

Mr B.J. Grylls

Dr K.D. Hames

Mr A.P. Jacob

Dr G.G. Jacobs

Mr R.F. Johnson

Mr A. Krsticevic

Mr J.E. McGrath

Mr W.R. Marmion

Mr P.T. Miles

Ms A.R. Mitchell

Dr M.D. Nahan

Mr C.C. Porter

Mr D.T. Redman

Mr M.W. Sutherland

Mr T.K. Waldron

Dr J.M. Woollard

Mr A.J. Simpson (*Teller*)

Question thus negatived.

## 8. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

## 9. Cat 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*

Clause 1.

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*Referral to Community Development and Justice Standing Committee*

Mr W.J. Johnston, without notice, moved—

That the Cat Bill 2011 be referred to the Community Development and Justice Standing Committee to examine and report on the bill by 1 December 2011.

Debate ensued.

Question put and negatived.

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Clause agreed to.

Clause 2 agreed to.

Clause 3.

Mr A.J. Waddell moved,

Page 4, lines 10 and 11 – To delete the lines.

Amendment put and negatived.

Clause agreed to.

Clause 4.

Mr A.J. Waddell moved,

Page 5, line 6 – To delete the words “In the case of a cat that is not registered, but is microchipped, a” and substitute:

“ A ”.

Amendment put and negatived.

Clause agreed to.

Clause 5.

Mr A.J. Waddell moved,

Page 6, lines 6 to 8 – To delete the lines and substitute:

“

- (1) The owner of a cat that has reached 6 months of age must ensure that the cat is registered by ensuring it has been microchipped in accordance with Part 2 Division 2.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 6 to 11 agreed to.

Clause 12.

The Minister for Local Government moved,

Page 10, lines 6 to 25 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 13.

The Minister for Local Government moved,

Page 11, lines 1 and 2 – To delete the lines.

Amendment put and passed.

The Minister for Local Government moved,

Page 11, line 13 – To delete the line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 14.

Mr A.J. Waddell moved,

Page 11, after line 23 – To insert:

“

- (3) The Department of Local Government shall provide a rebate scheme to ensure pensioners and other low income earners are shielded from the full costs of microchipping cats.

”.

Question put.

The Assembly divided.

#### Ayes (20)

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

#### Noes (24)

Mr P. Abetz	Mr V.A. Catania	Mr A. Krsticevic
Mr F.A. Alban	Mr M.J. Cowper	Mr J.E. McGrath
Mr C.J. Barnett	Mr J.M. Francis	Mr P.T. Miles
Mr I.C. Blayney	Mr B.J. Grylls	Ms A.R. Mitchell
Mr J.J.M. Bowler	Dr K.D. Hames	Dr M.D. Nahan
Mr I.M. Britza	Mr A.P. Jacob	Mr M.W. Sutherland
Mr T.R. Buswell	Dr G.G. Jacobs	Mr T.K. Waldron
Mr G.M. Castrilli	Mr R.F. Johnson	Mr A.J. Simpson ( <i>Teller</i> )

Amendment thus negatived.

Clause agreed to.

Clauses 15 to 17 agreed to.

New Clause 17A.

Mr A.J. Waddell moved,

Page 12, after line 9 – To insert:

“

#### **17A. Privacy provisions**

It is an offence under this Act for a microchip database company to reveal details of its database without prior approval of the cat owner or an authorised person under this Act.

Penalty: a fine of \$5 000.

”.

Amendment put and negatived.

Clause 18.

Mr A.J. Waddell moved,  
Page 12, after line 24 – To insert:

“

- (3) The Department of Local Government shall provide a rebate scheme to ensure pensioners and other low income earners are shielded from the full costs of sterilising cats.

”.

Amendment put and negatived.

Clause agreed to.

Clause 19.

Clause negatived.

New Clause 19.

The Minister for Local Government moved,

Page 12, after line 24 — To insert:

“

**19. Identifying as sterilised a cat that is not sterilised**

A person must not identify a cat as sterilised in the manner prescribed if it is not sterilised.

Penalty: a fine of \$5 000.

”.

New clause agreed to.

New Clause 19A.

The Minister for Local Government moved,

Page 12, after line 24 — To insert:

“

**19A. Notice of sterilisation to be given to microchip database company**

A veterinarian who sterilises a microchipped cat must, within 7 days after sterilising the cat, give notice in writing in the form, if any, prescribed of the sterilisation of the cat to the microchip database company for that cat.

Penalty: a fine of \$5 000.

”.

New clause agreed to.

Clauses 20 to 28 agreed to.

Clause 29.

The Minister for Local Government moved,

Page 17, line 18 – To delete “or” and substitute:

“ and ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 30 to 32 agreed to.

Clause 33.

The Minister for Local Government moved,

Page 20, lines 5 to 8 — To delete the lines and substitute:

“

- (a) if the operator believes on reasonable grounds that the cat —

- (i) is feral, diseased or dangerous; and
- (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 34 to 47 agreed to.

Clause 48.

The Minister for Local Government moved –

Page 27, lines 26 to 29 — To delete the lines and substitute:

“

- (a) if the person believes on reasonable grounds that the cat —
  - (i) is feral, diseased or dangerous; and
  - (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 49 agreed to.

Clause 50.

The Minister for Local Government moved,

Page 29, after line 8 — To insert:

“

- (d) specifying how the objection may be made.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 51.

Mr P. Papalia moved,

Page 30, lines 1 to 11 – To delete the lines.

Amendment put.

The Assembly divided.

#### Ayes (19)

Ms L.L. Baker  
Mr R.H. Cook  
Mr J.N. Hyde  
Mr W.J. Johnston  
Mr J.C. Kobelke  
Mr F.M. Logan  
Mrs C.A. Martin

Mr M.P. Murray  
Mr P. Papalia  
Mr J.R. Quigley  
Ms M.M. Quirk  
Mrs M.H. Roberts  
Mr T.G. Stephens  
Mr C.J. Tallentire

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



## Noes (22)

Mr P. Abetz  
 Mr F.A. Alban  
 Mr I.C. Blayney  
 Mr J.J.M. Bowler  
 Mr I.M. Britza  
 Mr T.R. Buswell  
 Mr G.M. Castrilli  
 Mr V.A. Catania

Mr M.J. Cowper  
 Mr J.M. Francis  
 Mr B.J. Grylls  
 Dr K.D. Hames  
 Mr A.P. Jacob  
 Dr G.G. Jacobs  
 Mr R.F. Johnson  
 Mr A. Krsticevic

Mr J.E. McGrath  
 Mr P.T. Miles  
 Ms A.R. Mitchell  
 Mr M.W. Sutherland  
 Mr T.K. Waldron  
 Mr A.J. Simpson (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 52 to 66 agreed to.

Clause 67.

The Minister for Local Government moved,

Page 34, line 17 — To delete the line.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 68 to 85 agreed to.

Title agreed to.

Consideration in detail concluded.

Mr W.J. Johnston moved,

That the Cat Bill 2011 be reconsidered in detail for the purpose only of considering clause 47.

Question put and passed.

### *RECONSIDERATION IN DETAIL*

Clause 47 agreed to.

Reconsideration 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.

## **10. Messages from the Governor**

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 32 – 12 September 2011

Restraining Orders Amendment Bill 2011, Act No. 32 of 2011.

Duties Amendment Bill (No. 2) 2011, Act No. 33 of 2011.

Parliamentary Superannuation Amendment Bill 2011, Act No. 34 of 2011.

State Superannuation Amendment Bill 2011, Act No. 35 of 2011.

No. 33 – 13 September 2011

Conservation Legislation Amendment Bill 2010, Act No. 36 of 2011.

Curriculum Council Amendment Bill 2011, Act No. 37 of 2011.

**11. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly at 12.18 a.m. on Wednesday, 21 September 2011 until 12.00 noon on the same day.

*Members present during any part of the day's proceedings* – All the members except Dr E. Constable, Mrs L.M. Harvey, and Mr P.C. Tinley.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. GRANT WOODHAMS**

Speaker of the Legislative Assembly