



**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**2008–2009–2010–2011**

**MINUTES OF PROCEEDINGS**

**No. 118**

**TUESDAY, 20 SEPTEMBER 2011**

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**1** The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mr Rattenbury) took the Chair and made a formal recognition that the Assembly was meeting on the lands of the traditional custodians. The Speaker asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**2 PRIVILEGE—STATEMENT BY SPEAKER**

The Speaker made a statement concerning an alleged breach of privilege raised by Mr Smyth in relation to possible improper interference with the free exercise of the authority of the Standing Committee on Public Accounts during its consideration of the proposed nominee to the position of Auditor-General.

*Papers:* The Speaker presented the following papers:

Alleged breach of privilege—Copies of letters from—

Mr Smyth to the Speaker, dated 15 August 2011.

The Speaker to the Chair, Standing Committee on Public Accounts, dated 16 August 2011.

The Chair, Standing Committee on Public Accounts, to the Speaker, dated 7 September 2011.

Having considered the matter, the Speaker stated that he was prepared to allow precedence to a motion under standing order 276(e).

**3 PRIVILEGES 2011—SELECT COMMITTEE—ESTABLISHMENT**

Mr Smyth moved—That:

- (1) pursuant to standing order 276, a Select Committee on Privileges be established to examine whether there was improper interference with the free exercise by an Assembly committee of its authority, in relation to:

- (a) the announcement by the Chief Minister, in a press release, of the Government's proposed nominee for the position of Auditor-General;
  - (b) approaches made to the Chair of the Standing Committee on Public Accounts during the course of the Committee's consideration of the proposed nominee to the position of Auditor-General; and
  - (c) any other relevant matters;
- (2) the Committee shall report back to the Assembly by the last sitting week in November 2011; and
- (3) the Committee shall be composed of:
- (a) one member nominated by the Government;
  - (b) one member nominated by the Crossbench; and
  - (c) one member nominated by the Opposition;
- to be notified to the Speaker by 4 pm today.

Debate ensued.

Question—put.

The Assembly voted—

| AYES, 9    |               | NOES, 6      |               |
|------------|---------------|--------------|---------------|
| Ms Bresnan | Ms Le Couteur | Mr Barr      | Mr Hargreaves |
| Mr Coe     | Mr Rattenbury | Dr Bourke    |               |
| Mr Doszpot | Mr Seselja    | Ms Burch     |               |
| Mrs Dunne  | Mr Smyth      | Mr Corbell   |               |
| Ms Hunter  |               | Ms Gallagher |               |

And so it was resolved in the affirmative.

#### **4 LEAVE OF ABSENCE TO MEMBER**

Mr Hargreaves moved—That leave of absence be granted to Ms Porter for this sitting week due to her attendance at a CPA Seminar in Brisbane.

Question—put and passed.

#### **5 PETITION AND MINISTERIAL RESPONSES—STATEMENT BY MEMBER**

##### **Petition**

The Clerk announced that the following Member had lodged a petition for presentation:

Mr Doszpot, from 621 residents, requesting that the Assembly request the Government overturn the decision made by the Arawang Primary School in relation to the relocation of the Early Intervention Unit (Pet 126).

##### **Ministerial responses**

The Clerk announced that the following responses to petitions had been lodged by:

Mr Corbell (Attorney-General), dated 22 August 2011—Response to petition No. 120, lodged by Mr Hanson on 21 June 2011, concerning the introduction of a needle and syringe exchange program at the Alexander Maconochie Centre.

Mr Corbell (Minister for the Environment and Sustainable Development), dated 22 August 2011—Response to petition No. 123, lodged by Ms Porter on 29 June 2011, concerning a proposed 7/11 store at the Spence shops.

Mr Doszpot, by leave, made a statement in relation to the petition.

**6 JUSTICE AND COMMUNITY SAFETY—STANDING COMMITTEE (PERFORMING THE DUTIES OF A SCRUTINY OF BILLS AND SUBORDINATE LEGISLATION COMMITTEE)—SCRUTINY REPORT 42—STATEMENT BY CHAIR**

Mrs Dunne (Chair) presented the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 42, dated 15 September 2011, together with the relevant minutes of proceedings—

and, by leave, made a statement in relation to the report.

**7 PUBLIC ACCOUNTS—STANDING COMMITTEE—AUDITOR-GENERAL'S REPORT NO. 6/2009—GOVERNMENT OFFICE ACCOMMODATION—STATEMENT BY CHAIR—STATEMENTS BY MEMBERS**

Ms Le Couteur (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Public Accounts, at this stage, had resolved not to make any further inquiry into Auditor-General's Report No. 6/2009—Government Office Accommodation. However, the Committee will continue to monitor the outcome of the Government's market testing processes and the progress report on the Government office block project due in December 2011, as required by the resolution of the Assembly of 24 August 2011.

Mr Smyth sought leave to make a statement.

Objection being raised, leave not granted.

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*Suspension of standing and temporary orders—Statement by Member:* Mr Smyth moved—That so much of the standing and temporary orders be suspended as would prevent Mr Smyth from making a statement.

Debate ensued.

Question—put and passed, with the concurrence of an absolute majority.

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Mr Smyth made a statement in relation to the matter.

Mr Seselja (Leader of the Opposition), by leave, also made a statement in relation to the matter.

**8 MITCHELL CHEMICAL FIRE—STATEMENT BY MINISTER**

Mr Corbell (Minister for Police and Emergency Services), by leave, made a statement regarding the chemical fire at Mitchell on 16 September 2011.

**9 OPEN GOVERNMENT AND ACCESSIBILITY OF GOVERNMENT INFORMATION—STATEMENT BY MINISTER—STATEMENT BY MEMBER**

Ms Gallagher (Chief Minister), pursuant to the resolution of the Assembly of 6 April 2011, by leave, made a statement regarding open government and accessibility of government information.

Ms Le Couteur, by leave, also made a statement in relation to the matter.

**10 WORK HEALTH AND SAFETY BILL 2011**

The Assembly, according to order, resumed consideration at the detail stage.

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*Detail Stage*

Clause 1 agreed to.

Clauses 2 to 9, by leave, taken together and agreed to.

Ordered—That the clauses be considered in the following order:

- (1) clauses 116 to 151;
- (2) clause 172; and
- (3) the remainder of the Bill in sequential order.

Part 7 (Clauses 116 to 151) debated.

Question—put.

The Assembly voted—

| AYES, 10   |               | NOES, 5    |
|------------|---------------|------------|
| Mr Barr    | Ms Gallagher  | Mr Coe     |
| Dr Bourke  | Mr Hargreaves | Mr Doszpot |
| Ms Bresnan | Ms Hunter     | Mrs Dunne  |
| Ms Burch   | Ms Le Couteur | Mr Seselja |
| Mr Corbell | Mr Rattenbury | Mr Smyth   |

And so it was resolved in the affirmative—Part 7 (Clauses 116 to 151) agreed to.

Clause 172 debated—

Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour this day.

**11 QUESTIONS**

Questions without notice being asked—

*Paper:* Ms Burch (Minister for Community Services) presented the following paper:

*Children and Young People Act 2008—Possible breach of section 63—Copy of letter from the Director-General, Community Services Directorate, to the Public Advocate, dated 14 September 2011.*

Questions continued.

**12 ROSTERED MINISTER'S QUESTIONS**

Questions were asked of Mr Barr (Minister for Economic Development).

**13 QUESTIONS ON NOTICE NOS. 1712 AND 1713—ANSWERS—EXPLANATION**

Mr Hanson, pursuant to standing order 118A, asked Ms Gallagher (Minister for Health) for an explanation concerning the answers to questions on notice Nos. 1712 and 1713.

Ms Gallagher gave an explanation.

**14 QUESTION ON NOTICE NO. 1704—ANSWER—EXPLANATION**

Mr Seselja (Leader of the Opposition), pursuant to standing order 118A, asked Mr Barr (Treasurer) for an explanation concerning the answer to question on notice No. 1704.

Mr Barr gave an explanation.

**15 PRESENTATION OF PAPERS**

The Speaker, pursuant to standing order 191, presented the following papers:

Standing order 191—Amendments to:

ACT Teacher Quality Institute Amendment Bill 2011, dated 31 August 2011.

Food (Nutritional Information) Amendment Bill 2011, dated 31 August 2011.

Statute Law Amendment Bill 2011, dated 29 and 30 August 2011.

**16 PRESENTATION OF PAPERS**

Ms Gallagher (Chief Minister) presented the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Andrew Whale.

Anita Hargreaves, dated April 2009.

Bronwen Overton-Clarke, dated 9 March 2011.

Christine Nolan, dated 31 January 2011.

David Roulston.

Francis Duggan, dated 26 February 2011.

Geoffrey Rutledge, dated 20 April 2009.

Gregory Hammond, dated 9 August 2011.

Ian Wood-Bradley.

Kate Starick.

Natalie Howson, dated 11 February 2011.

Paul Wyles.

Penelope Farnsworth, dated 7 November 2009.

Sandra Jill Divorty.

Veronica Croome, dated 17 December 2008.

## Short-term contracts:

Alan Traves, dated 14 July 2011.  
Brian Wilson, dated 22 June 2011.  
Brook Dixon, dated 8 August 2011.  
Christopher Cole, dated 25 July 2011.  
Christopher Norman, dated 17 June 2011.  
Daniel Roberto Iglesias, dated 26 August 2011.  
Daniel Stewart, dated 31 July 2011.  
David Collett, dated 17 August 2011.  
David Dutton, dated 30 March and 22 July 2011.  
Denise Lamb, dated 21 and 26 July 2011.  
Derise Cubin, dated 14 July 2011.  
Douglas Gillespie, dated 22 July 2011.  
Fiona Barbaro, dated 4 August 2011.  
Gordon Elliott, dated 20 and 22 June 2011.  
Ian Primrose, dated 12 August 2011.  
Ian Thompson, dated 8 August 2011.  
Jan Swanepoel, dated 4 August 2011.  
Jenny Priest, dated 25 July 2011.  
John Woollard, dated 12 July 2011.  
Kim Salisbury, dated 4 August 2011.  
Liliana Hays, dated 25 August 2011.  
Megan Brighton, dated 13 July 2011.  
Natalie Wise, dated 28 July 2011.  
Penelope Farnsworth, dated 21 June 2011.  
Rachel Jackson, dated 5 September 2011.  
Robert Gotts, dated 24 August 2011.  
Rosemary Kennedy, dated 27 July and 1 August 2011.  
Susan Lebish, dated 28 June.  
Sushila Sharma, dated 11 and 12 August 2011.  
Thomas William Gordon, dated 8 June 2011.

## Contract variations:

Alyn Doig, dated 5 September 2011.  
Andrew Kefford, dated 4 August 2011.  
Ann Goleby, dated 5 and 8 August 2011.  
Brook Dixon, dated 9 September 2011.

Daniel Stewart, dated 17 August 2011.  
 David Read, dated 12 August 2011.  
 Glenn Lacey, dated 17 June 2011.  
 Heather Tomlinson, dated 14 July 2011.  
 Ian Cox, dated 17 August 2011.  
 Ian Hubbard, dated 14 July 2011.  
 Jenny Dodd, dated 1 September 2011.  
 John George Lundy, dated 5 September 2011.  
 Leanne Power, dated 16 August 2011.  
 Liz Beattie, dated 16 August 2011.  
 Mark Collis, dated 27 July 2011.  
 Michael Chisnall, dated 1 September 2011.  
 Paul Lewis, dated 25 August 2011.  
 Paul Wyles, dated 14 July 2011.  
 Philip Ghirardello, dated 29 July 2011.  
 Rebecca Kelley, dated 15 August 2011.  
 Robert Hyland, dated 28 June 2011.  
 Robert Neil, dated 14 July 2011.  
 Sara Burns, dated 8 August 2011.  
 Simonne Shepherd, dated 17 and 19 August 2011.

**17 STANDING COMMITTEES—REPORTS ON ANNUAL AND FINANCIAL REPORTS 2009-2010—GOVERNMENT RESPONSES—PAPERS—MOTION TO TAKE NOTE OF PAPERS**

Ms Gallagher (Chief Minister) presented the following Government responses:

Climate Change, Environment and Water—Standing Committee—Report 5—*Report on Annual and Financial Reports 2009-2010*.

Education, Training and Youth Affairs—Standing Committee—Report 6—*Report on Annual and Financial Reports 2009-2010*.

Health, Community and Social Services—Standing Committee—Report 6—*Report on Annual and Financial Reports 2009-2010*.

Justice and Community Safety—Standing Committee—Report 6—*Report on Annual and Financial Reports 2009-2010*.

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 10—*Report on Annual and Financial Reports 2009-2010*.

Public Accounts—Standing Committee—Report 16—*Report on Annual and Financial Reports 2009-2010*—

and moved—That the Assembly takes note of the papers.

Debate adjourned (Mr Rattenbury) and the resumption of the debate made an order of the day for the next sitting.

#### **18 PRESENTATION OF PAPER**

Mr Barr (Treasurer) presented the following paper:

Financial Management Act, pursuant to section 14—Instrument directing a transfer of funds from the Economic Development Directorate to the Community Services Directorate, including a statement of reasons, dated 8 and 12 September 2011.

#### **19 PRESENTATION OF PAPER**

Mr Barr (Minister for Tourism, Sport and Recreation) presented the following paper:

Exhibition Park Corporation—Rejuvenation Program.

#### **20 PRESENTATION OF PAPER**

Mr Corbell (Minister for Police and Emergency Services), pursuant to the resolution of the Assembly of 24 August 2011, presented the following paper:

Parkwood Road Recycling Estate—Fire inspection dates, fuel load advice and risk management.

#### **21 PRESENTATION OF PAPERS**

Mr Corbell (Manager of Government Business) presented the following papers:

##### **Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) Australian Computer Society Limited Liability (NSW) Scheme Amendment 2011 (No. 1)—Disallowable Instrument DI2011-238 (LR, 22 August 2011).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2011—Disallowable Instrument DI2011-218 (LR, 18 August 2011).

Crimes (Sentence Administration) Act—

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2011 (No. 3)—Disallowable Instrument DI2011-212 (LR, 18 August 2011).

Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2011 (No. 4)—Disallowable Instrument DI2011-245 (LR, 29 August 2011).

Gene Technology Act—Gene Technology Amendment Regulation 2011 (No. 1)—Subordinate Law SL2011-26 (LR, 31 August 2011).

Health Act—

Health (Local Hospital Network Council—Chair) Appointment 2011 (No. 1)—Disallowable Instrument DI2011-227 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 1)—Disallowable Instrument DI2011-228 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 2)—Disallowable Instrument DI2011-229 (LR, 18 August 2011).



Health (Local Hospital Network Council—Member) Appointment 2011 (No. 3)—Disallowable Instrument DI2011-231 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 4)—Disallowable Instrument DI2011-232 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 5)—Disallowable Instrument DI2011-233 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 6)—Disallowable Instrument DI2011-234 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 7)—Disallowable Instrument DI2011-235 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 8)—Disallowable Instrument DI2011-236 (LR, 18 August 2011).

Health (Local Hospital Network Council—Member) Appointment 2011 (No. 9)—Disallowable Instrument DI2011-237 (LR, 18 August 2011).

Planning and Development Act and Financial Management Act—Planning and Development (Land Agency Board) Appointment 2011 (No. 1)—Disallowable Instrument DI2011-241 (LR, 22 August 2011).

Public Health Act—Public Health (Fees) Determination 2011 (No. 1)—Disallowable Instrument DI2011-242 (LR, 25 August 2011).

Public Place Names Act—Public Place Names (Crace) Determination 2011 (No. 2)—Disallowable Instrument DI2011-240 (LR, 22 August 2011).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2011 (No. 2)—Disallowable Instrument DI2011-230 (LR, 18 August 2011).

Remuneration Tribunal Act—Remuneration Tribunal (Fees and Allowances of Members) Determination 2011 (No. 1)—Disallowable Instrument DI2011-204 (LR, 22 August 2011).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No. 4)—Disallowable Instrument DI2011-239 (LR, 18 August 2011).

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No. 5)—Disallowable Instrument DI2011-244 (LR, 25 August 2011).

University of Canberra Act—

University of Canberra (Granting of Status) Revocation Statute 2011—Disallowable Instrument DI2011-226 (LR, 25 August 2011).

University of Canberra (Liquor) Statute 2011—Disallowable Instrument DI2011-243 (LR, 25 August 2011).

Victims of Crime Act—Victims of Crime Amendment Regulation 2011 (No. 1)—Subordinate Law SL2011-25 (LR, 22 August 2011).

Workers Compensation Act—Workers Compensation Amendment Regulation 2011 (No. 1)—Subordinate Law SL2011-27 (LR, 1 September 2011).

**22 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—ECOLOGICAL FOOTPRINT AND THE A.C.T.**

The Assembly was informed that Dr Bourke, Ms Bresnan, Mr Coe, Mr Doszpot, Mr Hanson, Mr Hargreaves, Ms Hunter, Ms Le Couteur, Mr Seselja (Leader of the Opposition) and Mr Smyth had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Ms Bresnan be submitted to the Assembly, namely, “The ecological footprint and the ACT”.

Discussion ensued.

The time for discussion having expired—

Discussion concluded.

**23 MITCHELL CHEMICAL FIRE—STATEMENT—PAPER—MOTION TO TAKE NOTE OF PAPER**

Mr Corbell (Minister for Police and Emergency Services) presented the following paper:

Mitchell chemical fire—Statement—

and moved—That the Assembly takes note of the paper.

Debate adjourned (Mr Rattenbury) and the resumption of the debate made an order of the day for the next sitting.

**24 PRIVILEGES 2011—SELECT COMMITTEE—MEMBERSHIP**

The Speaker, pursuant to the resolution of the Assembly of today, informed the Assembly that he had been notified, in writing, of the nominations of Ms Bresnan, Mr Corbell (Manager of Government Business) and Mr Seselja (Leader of the Opposition) to be members of the Select Committee on Privileges 2011.

Mr Corbell moved—That the Members so nominated be appointed as members of the Select Committee on Privileges 2011.

Question—put and passed.

**25 WORK HEALTH AND SAFETY BILL 2011**

The Assembly, according to order, resumed further consideration at the detail stage.

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*Detail Stage*

Clause 172—Debated.

Question—put.

The Assembly voted—

AYES, 10

NOES, 5

|            |               |            |
|------------|---------------|------------|
| Mr Barr    | Ms Gallagher  | Mr Coe     |
| Dr Bourke  | Mr Hargreaves | Mrs Dunne  |
| Ms Bresnan | Ms Hunter     | Mr Hanson  |
| Ms Burch   | Ms Le Couteur | Mr Seselja |
| Mr Corbell | Mr Rattenbury | Mr Smyth   |

And so it was resolved in the affirmative—Clause 172 agreed to.

Clause 10 agreed to.

Clauses 11 to 30, by leave, taken together and agreed to.

Clauses 31 to 33, by leave, taken together—

Mrs Dunne, by leave, moved her amendments Nos. 2 to 4 together (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

| AYES, 5    | NOES, 10   |               |
|------------|------------|---------------|
| Mr Coe     | Mr Barr    | Ms Gallagher  |
| Mrs Dunne  | Dr Bourke  | Mr Hargreaves |
| Mr Hanson  | Ms Bresnan | Ms Hunter     |
| Mr Seselja | Ms Burch   | Ms Le Couteur |
| Mr Smyth   | Mr Corbell | Mr Rattenbury |

And so it was negatived.

Clauses 31 to 33 agreed to.

Clause 34—

Mrs Dunne moved her amendment No. 5 (*see* [Schedule 1](#)).

Debate continued.

Question—put.

The Assembly voted—

| AYES, 5    | NOES, 10   |               |
|------------|------------|---------------|
| Mr Coe     | Mr Barr    | Ms Gallagher  |
| Mrs Dunne  | Dr Bourke  | Mr Hargreaves |
| Mr Hanson  | Ms Bresnan | Ms Hunter     |
| Mr Seselja | Ms Burch   | Ms Le Couteur |
| Mr Smyth   | Mr Corbell | Mr Rattenbury |

And so it was negatived.

Clause 34 agreed to.

Clauses 35 to 70, by leave, taken together and agreed to.

Clause 71 agreed to.

Clauses 72 to 103, by leave, taken together and agreed to.

Clause 104—

Ms Bresnan moved her amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Amendment negatived.

Clause 104 agreed to.

Clause 105 agreed to.

Clause 106 agreed to.

Clauses 107 to 109, by leave, taken together and agreed to.

Clause 110 debated and agreed to.

Clause 111 agreed to.

Clause 112 agreed to.

Clause 113 agreed to.

Clauses 114 and 115, by leave, taken together and agreed to.

Clauses 152 to 154, by leave, taken together and agreed to.

Clause 155 agreed to.

Clauses 156 to 159, by leave, taken together and agreed to.

Clause 160 agreed to.

Clauses 161 to 170, by leave, taken together and agreed to.

Clause 171 agreed to.

Clause 173 agreed to.

Clauses 174 to 222, by leave, taken together and agreed to.

Clause 223 agreed to.

Clauses 224 to 229, by leave, taken together and agreed to.

Clause 230—

Ms Bresnan moved her amendment No. 5 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 4

Ms Bresnan  
Ms Hunter  
Ms Le Couteur  
Mr Rattenbury

NOES, 11

Mr Barr  
Dr Bourke  
Ms Burch  
Mr Coe  
Mr Corbell  
Mrs Dunne  
Ms Gallagher  
Mr Hanson  
Mr Hargreaves  
Mr Seselja  
Mr Smyth

And so it was negatived.

Clause 230 agreed to.

Remainder of Bill, by leave, taken as a whole and agreed to.

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Question—That this Bill be agreed to—put.

The Assembly voted—

| AYES, 10   |               | NOES, 5    |
|------------|---------------|------------|
| Mr Barr    | Ms Gallagher  | Mr Coe     |
| Dr Bourke  | Mr Hargreaves | Mrs Dunne  |
| Ms Bresnan | Ms Hunter     | Mr Hanson  |
| Ms Burch   | Ms Le Couteur | Mr Seselja |
| Mr Corbell | Mr Rattenbury | Mr Smyth   |

And so it was resolved in the affirmative—Bill agreed to.

**26 TERRORISM (EXTRAORDINARY TEMPORARY POWERS) AMENDMENT BILL 2011**

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

**27 CORONERS AMENDMENT BILL 2011**

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Ms Bresnan addressing the Assembly—

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Question—put and negatived.

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Debate continued.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

**28 PAPERS**

Mr Corbell (Minister for Territory and Municipal Services) presented the following papers:

Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Government response—Additional information:

Recommendation 158—Level of funding for services under taken by the RSPCA.

Recommendation 185—Final estimate for completion of the North Weston pond work.

**29 ADJOURNMENT**

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.31 p.m., adjourned until tomorrow at 10 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting, except Ms Porter\*.

\*on leave

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**Tom Duncan**  
Clerk of the Legislative Assembly

# SCHEDULES OF AMENDMENTS

## Schedule 1

### **WORK HEALTH AND SAFETY BILL 2011**

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Amendments circulated by Mrs Dunne

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**1**

**Clause 10 (3)**

**Page 8, line 7—**

*omit*

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**2**

**Clause 31 (1), penalty**

**Page 28, line 9—**

*omit the penalty, substitute*

Maximum penalty:

- (a) in the case of an offence committed by an individual—  
\$300 000, imprisonment for 5 years or both; or
  - (b) in the case of an offence committed by a body corporate—  
\$1 500 000.
- 

**3**

**Clause 32, penalty**

**Page 29, line 3—**

*omit the penalty, substitute*

Maximum penalty:

- (a) in the case of an offence committed by an individual—  
\$150 000; or
  - (b) in the case of an offence committed by a body corporate—  
\$750 000.
- 

**4**

**Clause 33, penalty**

**Page 29, line 19—**

*omit the penalty, substitute*

Maximum penalty:

- (a) in the case of an offence committed by an individual—  
\$50 000; or
  - (b) in the case of an offence committed by a body corporate—  
\$250 000.
-

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**5****Clause 34 (1)**  
**Page 30, line 4***omit*

section 28 (Duties of workers) or

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**6****Clause 71 (4)**  
**Page 61, line 7—***omit*

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**7****Clause 106 (h) (iii)**  
**Page 81, line 23—***omit*

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**8****Clause 110**  
**Page 84, line 23—***[oppose the clause]*

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**9****Clause 113 (2) to (4)**  
**Page 88, line 5—***omit clause 113 (2) to (4), substitute*

- (2) It is a defence to a proceeding under section 112 in relation to conduct referred to in section 112 (2) (a) or (b) if—
- (a) the conduct was reasonable in the circumstances; and
  - (b) a substantial reason for the conduct was to comply with the requirements of this Act or a corresponding WHS law.

*Note* A reference to an Act includes a reference to statutory instruments made or in force under the Act, including a regulation and any law or instrument applied, adopted or incorporated by the Act (see Legislation Act, s 104).

- (3) To avoid doubt, the burden of proof on the defendant under subsection (2) is an evidential burden of proof.

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**10****Part 7**  
**Page 91, line 1***omit*

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**11****Clause 155 (3) (c) (i) (A)**  
**Page 113, line 6—***omit*

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**12**  
**Clause 155 (7)**  
**Page 113, line 25—**

*omit*

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**13**  
**Clause 160 (b) (iii)**  
**Page 116, line 10—**

*omit*

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**14**  
**Clause 171 (6), note 1**  
**Page 125, line 25—**

*omit*

s 172 and s 173 in relation to self-incrimination and

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**15**  
**Clause 172**  
**Page 126, line 4—**

*[oppose the clause]*

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**16**  
**Clause 173 (1) (c)**  
**Page 126, line 24—**

*omit*

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**17**  
**Clause 173 (2)**  
**Page 127, line 1—**

*omit*

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**18**  
**Clause 223, table 223, items 5 and 6**  
**Page 154—**

*omit*

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**19**  
**Clause 246**  
**Page 171, line 23—**

*[oppose the clause]*

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**20**  
**Clause 248 (1)**  
**Page 172, line 19—**

*omit*

, infringement notice or notice of entry under part 7 (Workplace entry by WHS entry permit-holders)

*substitute*

or infringement notice

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**21****Clause 248 (6), definition of *responsible agency*, paragraph (a) (iv)  
Page 173, line 24—***omit*

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**22****Division 13.7  
Page 176, line 1—***omit*

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**23****Clause 267  
Page 180, line 10—***omit*part 7 (Workplace entry by WHS entry permit-holders) and  
division 13.7 (WHS civil penalty provisions),

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**24****Clause 271 (1)  
Page 182, line 4—***omit*(other than under part 7 (Workplace entry by WHS entry  
permit-holders))

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**25****Clause 304  
Page 191, line 1—***[oppose the clause]*

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**26****Schedule 3, clause 11  
Page 211, line 18—***[oppose the clause]*

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**27****Dictionary, definition of *official of a union*  
Page 216, line 9—***omit*

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**28****Dictionary, definition of *relevant person conducting a business or  
undertaking*  
Page 217, line 2—***omit*

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**29****Dictionary, definition of *relevant union*  
Page 217, line 4—***omit*

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**30**

**Dictionary, definition of *relevant worker***

**Page 217, line 6—**

*omit*

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**31**

**Dictionary, definition of *WHS civil penalty provision***

**Page 218, line 10—**

*omit*

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**32**

**Dictionary, definition of *WHS entry permit***

**Page 218, line 11—**

*omit*

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**33**

**Dictionary, definition of *WHS entry permit-holder***

**Page 218, line 13—**

*omit*

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## **Schedule 2**

### **WORK HEALTH AND SAFETY BILL 2011**

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Amendments circulated by Ms Bresnan

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**1**

**Clause 104 (2), except note**  
**Page 79, line 11—**

*omit*

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**2**

**Clause 110 (2)**  
**Page 85, line 6—**

*omit clause 110 (2), substitute*

- (2) A reason alleged for the discriminatory conduct is presumed to be the reason for that conduct unless the accused proves, on the balance of probabilities, that it was not a reason for the conduct.
- 

**3**

**Clause 112 (4)**  
**Page 87, line 10—**

*omit*

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**4**

**Clause 113 (2)**  
**Page 88, line 5—**

*omit clause 113 (2), substitute*

- (2) In a proceeding under section 112 in relation to conduct referred to in section 112 (2) (a) or (b), if a prohibited reason is alleged for discriminatory conduct, that reason is presumed to be a reason for the conduct unless the defendant proves, on the balance of probabilities, that it was not a reason for the conduct.
- 

**5**

**Proposed new clause 230 (1) (c) and (d)**  
**Page 162, line 8—**

*insert*

- (c) the secretary of a registered organisation established to represent the interests of workers; or
- (d) the chief executive officer of a registered organisation established to represent the interests of employers.
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