

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 144

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 13 JUNE 2007

1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. 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] - Shared Services Reform: A Work in Progress, Report No. 5 June 2007 (2775).

By the Clerk –

Financial Management Act 2006 - Notice under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Energy regarding Question without Notice No. 2194, dated 8 May 2007 (2776).

Financial Management Act 2006 - Notice under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Culture and the Arts regarding Question on Notice No. 2276, dated 9 May 2007 (2777).

Financial Management Act 2006 - Notice under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Disability Services regarding Question on Notice No. 2277, dated 9 May 2007 (2778).

Financial Management Act 2006 - Notice under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Energy regarding Question on Notice No. 2280, dated 9 May 2007 (2779).

Financial Management Act 2006 - Notice under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Tourism regarding Question on Notice No. 2295, dated 9 May 2007 (2780).

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Water Resources on changes to water licensing for farm and commercial users.

The Minister for Tourism on a partnership between ScreenWest and Bazmark Productions to give three Western Australian filmmakers the opportunity to work on the set of the film 'Australia'.

The Minister for the Environment on a new environmental education activity, 'Catchment Activity Day', designed and delivered by the Swan River Trust's Ribbons of Blue program.

The Minister for Education and Training on the Twomey Education Workforce Initiative Taskforce holding a series of public forums around the State over coming months.

The Minister for Energy on his official travel to Spain and the USA between 22 April and 11 May 2007 to raise the profile and capabilities of Western Australia across range a of industry sectors.

Paper

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

By the Minister for Energy -

Official Travel - Minister for Energy; Resources; Industry and Enterprise: Report on Mission to Spain and United States of America, 22 April 2007 to 11 May 2007 (2783).

4. Variation to the Order of Business

Ordered, That Business of the Assembly Notice of Motion No. 1 be postponed to a later stage of the sitting.

5. Western Australian College of Teaching Amendment Bill 2007

The Minister for Education and Training, pursuant to notice, moved,

That a bill for "An Act to amend the *Western Australian College of Teaching Act 2004*." be introduced and read a first time.

Question put and passed.

The Minister for Education and Training presented an explanatory memorandum and bill read a first time.

The Minister for Education and Training moved, That the bill be now read a second time.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

6. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007

The Minister representing the Minister for Local Government, pursuant to notice, moved,

That a bill for "An Act to amend the *Local Government (Miscellaneous Provisions) Act 1960*." be introduced and read a first time.

Question put and passed.

The Minister representing the Minister for Local Government presented an explanatory memorandum and bill read a first time.

The Minister representing the Minister for Local Government moved, That the bill be now read a second time.

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

7. Mines Safety and Inspection Amendment Bill 2007

The Minister for Employment Protection, pursuant to notice, moved,

That a bill for “An Act to amend the *Mines Safety and Inspection Act 1994*.” be introduced and read a first time.

Question put and passed.

The Minister for Employment Protection presented an explanatory memorandum and bill read a first time.

The Minister for Employment Protection moved, That the bill be now read a second time.

Mr A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

8. Consumer Credit (Western Australia) Code Amendment Order 2007

The Minister for Consumer Protection, pursuant to notice, moved,

- (1) That this House approves the draft *Consumer Credit (Western Australia) Code Amendment Order 2007*, a copy of which was laid on the Table of the House on 10 May 2007.
- (2) That the Legislative Council be acquainted accordingly and be invited to pass a similar resolution.

Question put and passed.

9. 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 a debate under the Matter of Public Interest time limits, so that the following motion can be moved and debated forthwith -

That this House calls on the Leader of the Opposition to explain to the House how his office allowed the unauthorised release of a confidential Corruption and Crime Commission report to the Parliament and to what extent he, his staff or other Members of Parliament were involved in what appears to be an unlawful action.

Debate ensued.

Question put.

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

10. Unauthorised Release of a Corruption and Crime Commission Report

The Leader of the House, pursuant to the foregoing motion, moved,

That this House calls on the Leader of the Opposition to explain to the House how his office allowed the unauthorised release of a confidential Corruption and Crime Commission report to the Parliament and to what extent he, his staff or other Members of Parliament were involved in what appears to be an unlawful action.

Debate ensued.

Question put and passed.

11. Revenue Laws Amendment (Assessment) Bill 2007

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 14 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Treasurer 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.

12. Fiona Stanley Hospital Construction Account Bill 2007

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

Sitting suspended from 1.50 p.m. to 2.00 p.m.

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

13. Speaker's Statement - 'Crunch and Sip' School Health Program

The Speaker advised members that he had approved an event in the Chamber during the lunchbreak on Thursday, 14 June 2007, during which time thirty students would be brought by the Cancer Council onto the floor of the Chamber to distribute fruit, vegetables and water to members as part of the "Crunch & Sip" school health program.

14. Questions

Questions without Notice were taken.

Paper

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

By the Minister for the Environment -

West Coast Rock Lobster Managed Fishery - Code of Practice for Reducing Whale Entanglements DVD (2784).

Questions on Notice Nos 2416 to 2432 were asked.

Questions on Notice Nos 2054, 2057, 2061, 2182, 2188, 2189, 2200, 2202, 2226, 2243 to 2245, 2258, 2274, 2275, 2284, 2286 and 2310 were answered.

Paper tabled by the Minister for Corrective Services -

Question on Notice No. 2189 - Department of Corrective Services - Prisoners' Statistics - April 2007 (2781).

Question on Notice No. 2275 - Department of Corrective Services - Prisoners' Statistics - March 2007 (2782).

15. Matter of Public Interest - Staffing and Resources Crisis in Western Australian Government Schools

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

At least five members having risen in support,

Mr P.D. Omodei moved,

That this House calls on the Government to more effectively address the current staffing and resources crisis in Western Australian government schools.

Debate ensued.

Question put.

The Assembly divided.

Ayes (20)

Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Mr J.H.D. Day
Dr K.D. Hames
Ms K. Hodson-Thomas

Dr G.G. Jacobs
Mr J.E. McGrath
Mr P.D. Omodei
Mr D.T. Redman
Mr A.J. Simpson
Mr G. Snook
Dr S.C. Thomas

Mr M.W. Trenorden
Mr T.K. Waldron
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (25)

Mr A.J. Carpenter
Dr J.M. Edwards
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke
Mr R.C. Kucera
Mr F.M. Logan
Ms A.J.G. MacTiernan
Mr J.A. McGinty

Mr M. McGowan
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O'Gorman
Mr P. Papalia
Ms J.A. Radisich
Mr E.S. Ripper

Mrs M.H. Roberts
Mr T.G. Stephens
Mr D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Question thus negatived.

16. Chemistry Centre (WA) Bill 2006

Message No. 152 dated 7 June 2007 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Chemistry Centre (WA) Bill 2006* 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 Chemistry Centre (WA) Bill 2006

No. 1

Clause 12, page 11, lines 10 and 11 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 2

Clause 22, page 17, lines 7 and 8 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 3

Clause 27, page 19, line 10 — To insert after “Account” —

“ , which is to be established ”.

No. 4

Clause 27, page 19, lines 11 to 13 — To delete the lines and insert instead —

“
 (a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or
 ”.

No. 5

Clause 27, page 19, lines 15 and 16 — To delete “the *Financial Administration and Audit Act 1985* section 3(1)” and insert instead —

“ section 3 of that Act ”.

No. 6

Clause 29, page 20, line 15 — To delete “Fund” and insert instead —

“ Account ”.

No. 7

Clause 29, page 20, line 20 — To delete “Fund” and insert instead —

“ Account ”.

No. 8

Clause 30, page 20, line 24 — To delete “Fund” and insert instead —

“ Account ”.

No. 9

Heading for Division 3, page 21, line 1 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006 and Auditor General Act 2006* ”.

No. 10

Clause 31, page 21, lines 3 and 4 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* and the *Auditor General Act 2006* ”.

No. 11

Clause 34, page 24, lines 2 and 3 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 12

Clause 34, page 24, lines 11 and 12 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 13

Clause 34, page 24, lines 19 and 20 — To delete “*Financial Administration and Audit Act 1985* section 69” and insert instead —

“ *Financial Management Act 2006* section 64 ”.

No. 14

New Clause 31, page 20, after line 28 — To insert the following new clause —

“

31. Liability for duties, taxes and other statutory imposts

- (1) Despite any other written law but except as stated in subsection (2) —
 - (a) the Chemistry Centre; and
 - (b) deeds or other instruments to which it is a party,
 are liable to and chargeable with duties, taxes or other imposts under any written law.
- (2) Despite subsection (1) but subject to subsection (3), the Chemistry Centre is not liable to pay any local government rate or charge.
- (3) Subsection (2) does not apply to the liability to pay any rate or charge in respect of land held under a lease or tenancy agreement from the Chemistry Centre.
- (4) The Chemistry Centre is to pay to the Treasurer in respect of each financial year an amount equivalent to the sum of all local government rates and charges that, but for subsection (2) and the *Local Government Act 1995* section 6.26(2)(a)(i), the Chemistry Centre would have been liable to pay in respect of that financial year.
- (5) Subsection (4) does not apply in relation to rates and charges in respect of land referred to in subsection (3).
- (6) An amount payable under subsection (4) —
 - (a) is to be determined in accordance with such principles as the Treasurer may direct; and
 - (b) is to be paid at such time or times as the Treasurer may direct.

- (7) The first payment under subsection (4) is to be in respect of the next full financial year after the commencement of this Act. ”.

No. 15

Schedule 2, page 37, line 7 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

No. 16

Schedule 2, page 39, line 31 to page 40, line 1 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

No. 17

Schedule 3, page 42, lines 16 and 17 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

No. 18

Schedule 3, page 42, lines 18 to 22 — To delete the lines and insert instead —

“

[* *Act No. 76 of 2006.*

For subsequent amendments see Act No. 77 of 2006.]

”.

No. 19

Long Title, page 1, line 9 — To delete “to” in the first place where it occurs.

Ordered, That consideration in detail of Legislative Council message No. 152 be made an Order of the Day for the next sitting of the Assembly.

17. Variation to the Order of Business

Ordered, That Private Members’ Business Notice of Motion No. 17 and Private Members’ Business Order of the Day No. 11 be next considered.

18. Parliamentary Select Committee on Water Licensing and Fees

Mr P.D. Omodei, pursuant to notice, moved,

That this House calls on the Government to establish a Parliamentary Select Committee to inquire into and report on water licensing and fees with specific reference to –

- (a) the basis of water licences and fees in the governance of water resources in this State;
- (b) the basis for a rational, equitable and fair water licence and fee system across the State;
- (c) the rationale for any licence; the renewal and duration of licences and fees;
- (d) the role and rationale, if any, for a licence administration fee for checking compliance and management of appeals;
- (e) report on the consistency of the imposition of licenses and fees as compared to other legislation applying to the same places;

- (f) investigate the feasibility of self-regulation in proclaimed areas;
- (g) whether water should be separated from land title in all cases and how licences will be affected;
- (h) the impact on agricultural viability in localities should water licences be transferred to other areas;
- (i) consumptive pools and water licence transfer both within and outside creek and river catchment; and
- (j) any other matter related to water licences, management fees, volumetric charge and water resource management.

The Committee to report by March 2008.

Debate ensued.

Question put.

The Assembly divided.

Ayes (15)

Mr M.J. Birney	Ms K. Hodson-Thomas	Mr A.J. Simpson
Mr G.M. Castrilli	Dr G.G. Jacobs	Dr S.C. Thomas
Dr E. Constable	Mr J.E. McGrath	Ms S.E. Walker
Mr J.H.D. Day	Mr P.D. Omodei	Mr G.A. Woodhams
Dr K.D. Hames	Mr D.T. Redman	Mr T.R. Sprigg (<i>Teller</i>)

Noes (23)

Mr J.J.M. Bowler	Mr M. McGowan	Mrs M.H. Roberts
Dr J.M. Edwards	Ms S.M. McHale	Mr T.G. Stephens
Mrs D.J. Guise	Mr A.D. McRae	Mr D.A. Templeman
Mr J.N. Hyde	Mrs C.A. Martin	Mr P.B. Watson
Mr J.C. Kobelke	Mr M.P. Murray	Mr M.P. Whitely
Mr R.C. Kucera	Mr P. Papalia	Mr B.S. Wyatt
Mr F.M. Logan	Ms J.A. Radisich	Mr S.R. Hill (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mr E.S. Ripper	

Question thus negatived.

19. Electricity Industry (Western Australian Renewable Energy Targets) Amendment Bill 2005

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

Debate resumed.

Debate interrupted by the Chair (Dr S.C. Thomas speaking) and adjourned until a later stage of the sitting.

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 p.m. until Thursday, 14 June 2007 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr P.W. Andrews, Mr C.J. Barnett, Mr D.F. Barron-Sullivan, Mr M.J. Cowper and Mr R.F. Johnson.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly