

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 1****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT****THURSDAY, 6 NOVEMBER 2008**

THE PARLIAMENT of Western Australia begun and held in the City of Perth on Thursday, the Sixth day of November in the Fifty seventh year of the Reign of her Majesty Queen Elizabeth II, and in the Year of Our Lord, Two thousand and eight.

1. Proclamation Summoning Parliament to Meet

The Legislative Assembly met at 11.00 a.m. pursuant to the Proclamation of His Excellency the Governor, dated 7 October 2008, which was read by the Clerk, Peter John McHugh, and was as follows –

CONSTITUTION ACT 1889
PROCLAMATION

WESTERN AUSTRALIA)	By His Excellency Doctor Kenneth Comninos
Kenneth Michael)	Michael, Companion of the Order of Australia,
Governor)	Governor of the State of Western Australia

By this proclamation, I, the Governor, acting under the *Constitution Act 1889* section 3 –

- (a) fix Parliament House in the City of Perth as the place for holding the first session of the Legislative Assembly and the Legislative Council in the 38th Parliament; and
- (b) fix Parliament House in the City of Perth on Thursday, 6 November 2008 at 11.00 a.m. as the place and the time for holding the first session of the Legislative Assembly in the 38th Parliament; and
- (c) fix Parliament House in the City of Perth on Thursday, 6 November 2008 at 2.45 p.m. as the place and the time for holding the first session of the Legislative Council in the 38th Parliament.

Given under my hand and the Public Seal of the State
on 7 October 2008.

By Command of the Governor,
COLIN BARNETT
Premier.

2. Commissioner to Administer the Oath or Affirmation to Members.

The Honourable Commissioner Justice Michael John Murray, Judge of the Supreme Court of Western Australia, was announced to the House and was conducted to the Chair.

The Commission was read by the Clerk as follows -

COMMISSION

WESTERN AUSTRALIA)	By His Excellency Doctor Kenneth Comninos
Kenneth Michael)	Michael, Companion of the Order of Australia,
Governor)	Governor of the State of Western Australia

GOVERNOR OF THE STATE OF WESTERN AUSTRALIA.

To: The Honourable Justice Michael John Murray, Judge of the Supreme Court of Western Australia:

I, the Governor, acting under *Constitution Act 1889* section 22 authorise you to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly on the first day of the 38th Parliament on Thursday, 6 November 2008.

Issued under my hand and the Public Seal of the State
at Perth on 14 October 2008.

3. Writs.

The Clerk produced the certified copy of the writ for the General Election and informed the Commissioner that the following members were duly elected –

Albany	-	Peter Bruce Watson
Alfred Cove	-	Janet May Woollard
Armadale	-	Alannah Joan Geraldine MacTiernan
Balcatta	-	John Charles Kobelke
Bassendean	-	Martin Paul Whitely
Bateman	-	Charles Christian Porter
Belmont	-	Eric Stephen Ripper
Blackwood-Stirling	-	Donald Terrence Redman
Bunbury	-	Giovanni Mario Castrilli
Cannington	-	William Joseph Johnston
Carine	-	Antonio Krsticevic
Central Wheatbelt	-	Brendon John Grylls
Churchlands	-	Elizabeth Constable
Cockburn	-	Francis Michael Logan
Collie-Preston	-	Michael Philip Murray
Cottesloe	-	Colin James Barnett
Darling Range	-	Anthony James Simpson
Dawesville	-	Kim Desmond Hames
Eyre	-	Graham Gibson Jacobs
Forrestfield	-	Andrew John Waddell
Fremantle	-	James Andrew McGinty
Geraldton	-	Ian Charles Blayney
Girrawheen	-	Margaret Mary Quirk
Gosnells	-	Christopher John Tallentire

Hillarys	-	Robert Frank Johnson
Jandakot	-	Joseph Michael Francis
Joondalup	-	Anthony Patrick O’Gorman
Kalamunda	-	John Howard Dadley Day
Kalgoorlie	-	John James Mansell Bowler
Kimberley	-	Carol Anne Martin
Kingsley	-	Andrea Ruth Mitchell
Kwinana	-	Roger Hugh Cook
Mandurah	-	David Alan Templeman
Maylands	-	Lisa Loraine Baker
Midland	-	Michelle Hopkins Roberts
Mindarie	-	John Robert Quigley
Moore	-	Grant Allen Woodhams
Morley	-	Ian Maxwell Britza
Mount Lawley	-	Michael William Sutherland
Murray-Wellington	-	Murray John Cowper
Nedlands	-	William Richard Marmion
Nollamara	-	Janine Marie Freeman
North West	-	Vincent Alexander Catania
Ocean Reef	-	Albert Paul Jacob
Perth	-	John Norman Hyde
Pilbara	-	Thomas Gregory Stephens
Riverton	-	Michael Dennis Nahan
Rockingham	-	Mark McGowan
Scarborough	-	Liza Mary Harvey
South Perth	-	John Edwin McGrath
Southern River	-	Peter Abetz
Swan Hills	-	Francesco Angelo Alban
Vasse	-	Troy Raymond Buswell
Victoria Park	-	Benjamin Sana Wyatt
Wagin	-	Terrence Keith Waldron
Wanneroo	-	Paul Terrance Miles
Warnbro	-	Paul Papalia
West Swan	-	Rita Saffioti
Willagee	-	Alan John Carpenter

4. Administration of Oath or Affirmation

All the above members took and subscribed the Oath of Allegiance or made and subscribed an Affirmation of Allegiance and signed the roll of members.

His Honour the Commissioner then retired from the Chamber.

5. Election of the Speaker

Mr E.S. Ripper, as the member with the longest continuous service, assumed the Chair.

The Premier moved, That Mr G.A. Woodhams do take the Chair of the Assembly as Speaker.

The Minister for Regional Development formally seconded the motion.

As there were no further nominations, Mr E.S. Ripper declared Mr G.A. Woodhams elected as Speaker.

Mr G.A. Woodhams assumed the Chair.

6. Presentation of Speaker

The Premier informed the Legislative Assembly that His Excellency the Governor would be pleased to receive the Speaker and such members as desired to accompany him at 12.30 p.m. that afternoon.

Sitting suspended from 11.59 a.m. to 2.45 p.m.

The Speaker resumed the Chair.

7. Presentation of Speaker

The Speaker reported that, accompanied by Mr A.P. Jacob and Ms J.M. Freeman he had presented himself to His Excellency the Governor, and on behalf of the Legislative Assembly had laid claim to its undoubted rights and privileges, and asked that the most favourable construction be put upon its proceedings.

His Excellency the Governor had been pleased to express his satisfaction at the choice of the Legislative Assembly in the following terms –

6 November 2008

Dear Mr Speaker,

It is with much pleasure that I learn you have been elected by the Members of the Legislative Assembly to the high and honourable office of Speaker of the House.

I congratulate you upon your election and have every confidence you will fill the office in a worthy and dignified manner. I recognise and I shall respect the Legislative Assembly's undoubted rights and privileges.

Yours sincerely,

Dr Ken Michael

Governor.

8. Commission to Administer the Oath or Affirmation to Members

The Speaker reported that he had received a Commission from His Excellency the Governor, to swear in honourable members which was read by the Clerk, as follows –

Commission

authorising

THE HONOURABLE GRANT WOODHAMS

Speaker of the Legislative Assembly

to administer the oath or affirmation of allegiance

to members of the Legislative Assembly

WESTERN AUSTRALIA)	By His Excellency Doctor Kenneth Comninos
Kenneth Michael)	Michael, Companion of the Order of Australia,
Governor)	Governor of the State of Western Australia.
[L.S.]		

To: The Honourable Grant Woodhams, Speaker of the Legislative Assembly:

I the Governor, acting under the *Constitution Act 1889* section 22, authorise you while you are the Speaker of the Legislative Assembly, to administer the oath or affirmation of office in a form set out in Schedule E to that Act to members of the Legislative Assembly.

Issued under my hand and the Public Seal of the State
at Perth on 6 November 2008.

9. Message from the Governor

The following message was delivered by the Usher of the Black Rod –

Mr Speaker,

His Excellency the Governor requests the attendance of the members of the Legislative Assembly in the Legislative Council Chamber, to hear his reasons for summoning the present session of Parliament.

Accordingly, Mr Speaker, accompanied by members, went to attend His Excellency, and having heard His Excellency's speech, returned.

10. Ministerial and Other Government Office Holders

The Premier announced that consequent to the election held on 6 September 2008, he was sworn in as Premier, together with all Ministers, with effect from 23 September 2008. Mr R.F. Johnson had been appointed Leader of the House with effect from 23 September 2008 and Mr J.E. McGrath had been appointed Government Whip.

The Ministry –

Honourable Colin James Barnett MLA

Premier; Minister for State Development

Honourable Dr Kim Desmond Hames MLA

Deputy Premier; Minister for Health; Indigenous Affairs

Honourable Norman Frederick Moore MLC

Minister for Mines and Petroleum; Fisheries; Electoral Affairs

Honourable Brendon John Grylls MLA

Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport

Honourable Dr Elizabeth Constable MLA

Minister for Education; Tourism; Women's Interests

Honourable Simon McDonnell O'Brien MLC

Minister for Transport; Disability Services

Honourable Troy Raymond Buswell MLA

Treasurer; Minister for Commerce; Science and Innovation; Housing and Works

Honourable Robert Frank Johnson MLA

Minister for Police; Emergency Services; Road Safety

Honourable Terrence Keith Waldron MLA

Minister for Sport and Recreation; Racing and Gaming; Minister Assisting the Minister for Health

Honourable John Howard Dadley Day MLA

Minister for Planning; Culture and the Arts

Honourable Peter Charles Collier MLC

Minister for Energy; Training

Honourable Charles Christian Porter MLA

Attorney General; Minister for Corrective Services

Honourable Robyn Mary McSweeney MLC

Minister for Child Protection; Community Services; Seniors and Volunteering

Honourable Dr Graham Gibson Jacobs MLA

Minister for Water; Mental Health

Honourable Giovanni Mario Castrilli MLA

Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Honourable Donald Terrence Redman MLA

Minister for Agriculture and Food; Forestry; Minister Assisting the Minister for Education

Honourable Donna Evelyn Mary Faragher MLC

Minister for Environment; Youth

Ministers representing Ministers in the Legislative Assembly –

Honourable Norman Frederick Moore MLC representing the Premier; Minister for State Development; Minister for Sport and Recreation; Racing and Gaming

Honourable Simon McDonnell O'Brien MLC representing the Deputy Premier; Minister for Health; Indigenous Affairs; Minister Assisting the Minister for Health; Attorney General; Minister for Corrective Services

Honourable Peter Charles Collier MLC representing the Minister for Education; Minister Assisting the Minister for Education; Minister for Police; Emergency Services; Road Safety; Minister for Local Government; Heritage; Citizenship and Multicultural Interests

Honourable Robyn Mary McSweeney MLC representing the Minister for Planning; Culture and the Arts; Minister for Agriculture and Food; Forestry

Honourable Donna Evelyn Mary Faragher, MLC representing the Minister for Tourism; Women's Interests

Ministers representing Ministers in the Legislative Council –

Honourable Colin James Barnett MLA representing the Minister for Energy

Honourable Dr Kim Desmond Hames MLA representing the Minister for Mines and Petroleum; Fisheries; Electoral Affairs; Minister for Disability Services

Honourable Troy Raymond Buswell MLA representing the Minister for Training

Honourable Dr Graham Gibson Jacobs MLA representing the Minister for Environment; Youth; Minister for Child Protection; Community Services

Parliamentary Secretaries –

Murray John Cowper MLA

Parliamentary Secretary to the Minister for Police; Emergency Services; Road Safety

Anthony James Simpson MLA

Parliamentary Secretary to the Minister for Child Protection; Community Services; Seniors and Volunteering

William Richard Marmion MLA

Parliamentary Secretary to the Minister for Transport; Disability Services

Honourable Helen Margaret Morton MLC

Parliamentary Secretary to the Minister for Water; Mental Health

Honourable Wendy Maxine Duncan MLC

Parliamentary Secretary to the Minister for Regional Development; Lands; Minister Assisting the Minister for State Development; Minister Assisting the Minister for Transport

Honourable Barry John House MLC

Parliamentary Secretary to the Treasurer; Minister for Commerce; Science and Innovation; Housing and Works

Paper

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

By the Premier -

Reconstitution of the Ministry – Government Gazette, Tuesday, 23 September 2008, No. 163; State Government Ministerial Offices, 6 October 2008 (77).

11. Opposition Office Holders

Mr E.S. Ripper announced that he was appointed Leader of the Opposition with effect from 16 September 2008, Mr R.H. Cook was appointed Deputy Leader of the Opposition with effect from 16 September 2008, and Mr D.A. Templeman was appointed Opposition Whip with effect from 16 September 2008.

12. National Party Office Holders

Mr B.J. Grylls announced that following the general election held on 6 September 2008 he remains as Leader of the National Party and Mr T.K. Waldron remains as Deputy Leader of the National Party.

13. Messages from the Governor

Message No. 23 dated 19 June 2008 from His Excellency the Lieutenant Governor and Deputy of the Governor from the previous Parliament was reported assenting to the following Bills –

Acts Amendment (Consent to Medical Treatment) Bill 2008, Act No. 25 of 2008.

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2008, Act No. 26 of 2008.

The following messages from His Excellency the Governor from the previous Parliament were reported assenting to the following bills –

No. 24 – 1 July 2008

Community Protection (Offender Reporting) Amendment Bill 2008, Act No. 27 of 2008.

Eastern Goldfields Transport Board Repeal Bill 2008, Act No. 28 of 2008.

No. 25 – 27 June 2008

Criminal Law Amendment (Homicide) Bill 2008, Act No. 29 of 2008.

Revenue Laws Amendment Bill 2008, Act No. 30 of 2008.

Revenue Laws Amendment Bill (No. 2) 2008, Act No. 31 of 2008.

No. 26 – 27 June 2008

Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008, Act No. 36 of 2008.

No. 27 – 29 June 2008

Appropriation (Consolidated Account) Bill (No. 5) 2007, Act No. 32 of 2008.

Appropriation (Consolidated Account) Bill (No. 6) 2007, Act No. 33 of 2008.

Appropriation (Consolidated Account) Bill (No. 1) 2008, Act No. 34 of 2008.

Appropriation (Consolidated Account) Bill (No. 2) 2008, Act No. 35 of 2008.

No. 28 – 1 July 2008

Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Bill 2008, Act No. 37 of 2008.

No. 29 – 3 July 2008

Electoral Amendment Bill 2008, Act No. 38 of 2008.

Public Transport Authority Amendment Bill 2008, Act No. 42 of 2008.

No. 30 – 8 July 2008

Food Bill 2005, Act No. 43 of 2008.

No. 31 – 15 August 2008

Road Traffic (Administration) Bill 2007, Act No. 39 of 2008.

Road Traffic (Authorisation to Drive) Bill 2007, Act No. 40 of 2008.

Road Traffic (Vehicles) (Taxing) Bill 2007, Act No. 41 of 2008.

14. Messages from the Legislative Council

Messages from the Legislative Council in the previous Parliament were reported returning the following bills without amendment –

24 June 2008

Appropriation (Consolidated Account) Bill (No. 1) 2008 (Message No. 224).

Appropriation (Consolidated Account) Bill (No. 2) 2008 (Message No. 225).

Appropriation (Consolidated Account) Bill (No. 5) 2007 (Message No. 226).

Appropriation (Consolidated Account) Bill (No. 6) 2007 (Message No. 227).

Nickel Refinery (BHP Billiton Nickel West Pty Ltd) (Termination of Agreements) Agreement Bill 2008 (Message No. 228).

25 June 2008

Diamond (Argyle Diamond Mines Joint Venture) Agreement Amendment Bill 2008 (Message No. 230).

26 June 2008

Electoral Amendment Bill 2008 (Message No. 235).

Road Traffic (Authorisation to Drive) Bill 2007 (Message No. 237).

Road Traffic (Vehicles) (Taxing) Bill 2007 (Message No. 238).

Road Traffic (Administration) Bill 2007 (Message No. 239).

Public Transport Authority Amendment Bill 2008 (Message No. 243).

The following messages from the Legislative Council, also received in the last Parliament were reported –

Statutes (Repeals and Minor Amendments) Bill 2006

Message No. 229 dated 24 June 2008 from the Legislative Council was reported –

The Legislative Council, having this day passed the *Statutes (Repeals and Minor Amendments) Bill 2006*, presents the same to the Legislative Assembly for its concurrence.

Surrogacy Bill 2007

Message No. 231 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Surrogacy Bill 2007* 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 Surrogacy Bill 2007

No. 1

Clause 6, page 3, after line 21 – To insert –

“

- (3) An expense is a reasonable expense for the purposes of subsection (1)(a) to the extent only that it is —
 - (a) a reasonable medical expense that is not recoverable under any health insurance or other scheme; or
 - (b) the value of earnings foregone because of leave taken —
 - (i) for a period of not more than 2 months during which the birth occurs or was expected to occur; or
 - (ii) at any other time for medical reasons arising during the pregnancy;
 - or
 - (c) a reasonable expense of psychological counselling; or
 - (d) a premium payable for health, disability or life insurance that —
 - (i) would not have been taken out if the surrogacy arrangement had not been entered into; and
 - (ii) provides cover for a period during which an expense referred to in another paragraph of this subsection is incurred or might be, or have been expected to be, incurred.

”.

No. 2

Clause 7, page 3, line 23 – To insert after “enforceable” –

“ except to the extent provided for in subsection (3) ”.

No. 3

Clause 7, page 3, after line 23 – To insert –

“

- (2) Subsection (1) does not affect the ability of the court to make an order under Part 3.
- (3) An obligation under a surrogacy arrangement to pay or reimburse reasonable expenses referred to in section 6(1) is as enforceable as it would be if subsection (1) had not been enacted and the arrangement was not unenforceable for any other reason.

”.

No. 4

Clause 14, page 6, after line 9 – To insert –

“

“independent legal advice” is legal advice provided by a person who —

- (a) is chosen by the person receiving the advice; and
- (b) is not providing advice to the arranged parents as well as to any other person required to receive the advice;

”.

No. 5

Clause 15, page 6, line 16 – To insert after “Australia” –

“ and at least one arranged parent has reached 25 years of age ”.

No. 6

Clause 15, page 6, lines 23 to 31 – To delete the lines and insert instead –

“

“eligible couple” means 2 people of opposite sexes who are married to, or in a de facto relationship with, each other and who, as a couple —

- (a) are unable to conceive a child due to medical reasons not excluded by subsection (3); or
- (b) although able to conceive a child, would be likely to conceive a child affected by a genetic abnormality or a disease;

“eligible person” means a woman who —

- (a) is unable to conceive a child due to medical reasons not excluded by subsection (3); or
- (b) although able to conceive a child, would be likely to conceive a child affected by a genetic abnormality or a disease; or
- (c) although able to conceive a child, is unable for medical reasons to give birth to a child.

- (3) The medical reasons for being unable to conceive a child that are referred to in the definitions of “eligible couple” and “eligible person” do not include —

- (a) a reason arising from a person’s age; or
- (b) a reason prescribed for the purpose of the *Human Reproductive Technology Act 1991* section 23(1)(d).

”.

No. 7

Clause 16, page 7, line 3 – To insert after “may” –

“ , if the making of the order would not be not prevented by section 15B(1), ”.

No. 8

Clause 16, page 7, line 10 – To insert after “circumstances” –

“

, or if the child was born before the day fixed under section 2 of this Act, in which case the application may be lodged within one year after that day

”.

No. 9

Clause 17, page 7, line 31 – To delete “, as defined in subsection (3),”.

No. 10

Clause 17, page 8, lines 17 to 24 – To delete the lines.

No. 11

Clause 17, page 9, after line 7 – To insert –

“

(6) In subsection (4) –

“**genetic parent**” of a child means a person from whose egg or sperm the child is conceived.

”.

No. 12

Clause 35, page 19, line 11 – To delete “18” and insert instead –

“ 16 ”.

No. 13

Clause 35, page 19, line 12 – To delete “18” and insert instead –

“ 16 ”.

No. 14

Clause 36, page 20, line 3 – To delete “18” and insert instead –

“ 16 ”.

No. 15

Clause 36, page 20, line 19 – To delete “18” and insert instead –

“ 16 ”.

No. 16

Clause 37, page 20, line 29 – To delete “18” and insert instead –

“ 16 ”.

No. 17

Clause 37, page 21, line 13 – To delete “18” and insert instead –

“ 16 ”.

No. 18

Clause 46, page 30, after line 13 – To insert –

“

(2) Section 18(1) is amended by inserting after paragraph (b) —

“

(ba) an artificial fertilisation procedure for implementing a surrogacy arrangement as defined in the *Surrogacy Act 2007* section 3;

”.

”.

No. 19

Clause 46, page 30, after line 16 – To insert –

“

(b) in paragraph (a) —

- (i) by deleting “or” at the end of subparagraph (ia);
- (ii) by inserting after subparagraph (ii) —

“

or

- (iii) a woman who is unable to give birth to a child due to medical reasons and is a party to a surrogacy arrangement (as defined in section 3 of the *Surrogacy Act 2007*) that is lawful;

”
,
”
.

No. 20

New Division 2, page 6, after line 11 – To insert the following new Division –

“

Division 2A — Parentage order excluded for certain arrangements

15A. Meaning of “Council”

In this Division —

“**Council**” means the Western Australian Reproductive Technology Council established under the *Human Reproductive Technology Act 1991* section 8.

15B. Approval of surrogacy arrangement

- (1) A parentage order cannot be made in respect of a child unless the surrogacy arrangement has been approved in writing under section 15C by the Council.
- (2) Subsection (1) does not apply if the child was born as a result of a pregnancy that commenced before the day fixed under section 2 of this Act.

15C. Requirements for surrogacy arrangement to be approved

The Council may approve a surrogacy arrangement only if —

- (a) the birth mother —
 - (i) has reached 25 years of age; and
 - (ii) unless the Council is satisfied that there are exceptional circumstances because of which it should dispense with this requirement, has given birth to a live child;
- and
- (b) the arrangement is set out in a written agreement signed by —
 - (i) each of the arranged parents; and
 - (ii) the birth mother and her husband or de facto partner, if any; and
 - (iii) any other person (a “**donor**”) whose egg or sperm is to be used for the conception of the child or who is the spouse or de facto partner of a donor;

and

- (c) the Council is satisfied that, at least 3 months before the approval is given, each of the persons required by paragraph (b) to sign the agreement (the “**parties**”) has —
 - (i) undertaken any counselling about the implications of the surrogacy arrangement that regulations under this Act require; and
 - (ii) been assessed by a clinical psychologist and confirmed, in a written report provided to the Council, to be psychologically suitable to be involved in the surrogacy arrangement; and
 - (iii) received independent legal advice about the effect of the surrogacy arrangement;
- and
- (d) the Council is satisfied that, at least 3 months before the approval is given, each of the arranged parents, the birth mother and any donor has been assessed by a medical practitioner and confirmed, in a written report provided to the Council, to be medically suitable to be involved in the surrogacy arrangement; and
- (e) the intended birth mother has not yet become pregnant under the arrangement.

15D. Application of *Human Reproductive Technology Act 1991*

- (1) For the purposes of the performance by the Council of a function under this Act, the provisions of the *Human Reproductive Technology Act 1991* referred to in the Table to this subsection apply as if the function were a function under that Act.

Table

s. 10(1), (3) and (4)	Sch. cl. 4
Sch. cl. 6	Sch. cl. 7
Sch. cl. 8	Sch. cl. 9
Sch. cl. 10	

- (2) The Council may, by resolution, delegate a function it is given by this Act to a committee appointed in accordance with subsection (1).
- (3) For the purpose of the *Human Reproductive Technology Act 1991* Schedule clause 10(1)(d) a delegation made under subsection (2) is taken to be a delegation made under section 11 of that Act.
- (4) To enable it to perform its functions under this Act, the Council may make use of staff, services or facilities available to it under the *Human Reproductive Technology Act 1991*.

”.

Industrial and Related Legislation Amendment Bill 2007

Message No. 232 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Industrial and Related Legislation Amendment Bill 2007* 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 Industrial and Related Legislation Amendment Bill 2007

No. 1

Clause 9, page 6, lines 16 and 17 – To delete “, with the consent of the President”.

No. 2

Clause 38, page 32, lines 28 to 31 – To delete the lines.

No. 3

Clause 38, page 33, line 7 – To delete the line.

No. 4

New Clause 38, page 31, after line 12 – To insert the following new clause –

“

38. Section 195 amended

Section 195(1) is amended in the definition of “authorised officer” by deleting “appointed” and inserting instead —

“ designated ”.

”.

No. 5

New Clause 39, page 31, before line 13 – To insert the following new clause –

“

39. Section 196 amended

Section 196(1) is amended by deleting “appointed” and inserting instead —

“ designated ”.

”.

No. 6

New Part 9, page 93, after line 23 – To insert the following new Part –

“

**Part 9 — Amendment to *Employment Dispute Resolution Act*
2008**

60. The Act amended

The amendment in this Part is to the *Employment Dispute Resolution Act 2008*.

61. Section 31 amended

Section 31(1) is amended by inserting after “may be made” —

“ by the Chief Commissioner ”.

”.

No. 7

Long Title, page 1, after line 15 — To insert —

“

- the *Employment Dispute Resolution Act 2008*.

”.

Contractual Benefits Bill 2007

Message No. 233 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Contractual Benefits Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Contractual Benefits Bill 2007

No. 1

Clause 19, page 15, line 3 – To insert after “made” –

“ by the Chief Commissioner ”.

Indigenous Conservation Title Bill 2007

Message No. 234 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Indigenous Conservation Title Bill 2007* 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 Indigenous Conservation Title Bill 2007

No. 1

Clause 12, page 8, line 27 – To delete “section 16(1)(d)” and insert instead –

“ section 16(12) ”.

No. 2

Clause 16, page 11, lines 24 to 27 – To delete the lines and insert instead –

“

(d) excise part of any ICT land for the purpose of creating a road.

”.

No. 3

Clause 16, page 12, line 5 – To delete “or (e)”.

No. 4

Clause 16, page 12, lines 9 and 10 – To delete the lines.

No. 5

Clause 16, page 12, line 30 – To delete “, (d) or (e)” and insert instead –

“ or (d) ”.

No. 6

Clause 16, page 13, line 1 – To delete “(1)(e)” and insert instead –

“ (1)(d) ”.

No. 7

Clause 16, page 13, line 6 – To delete “(1)(e)” and insert instead –

“ (1)(d) ”.

No. 8

Clause 16, page 13, after line 10 – To insert –

“

- (12) Subject to this section, ICT land cannot be excised or surrendered (in whole or part) except in accordance with an Act specifying the ICT land to be excised or surrendered.
- (13) If ICT land is excised or surrendered in accordance with an Act referred to in subsection (12), subject to that Act expressly providing differently, the following applies —
 - (a) if the land is excised, it becomes Crown land;
 - (b) if the land is surrendered, it becomes Crown land that is taken to be reserved under the LAA Part 4 as a class A reserve for the purpose of —
 - (i) if, immediately before the surrender, the land was the whole or any part of an area of ICT land that included the whole or any part of the Gibson Desert area — the conservation of flora and fauna; or
 - (ii) if, immediately before the surrender, the land was the whole or any part of an area of ICT land that included the whole or any part of the Rudall River area — a national park;
 - (c) the land must be treated as land taken under the LAA Part 9;
 - (d) the LAA Part 10 applies as if a reference in that Part to a taking order were a reference to the Act in accordance with which the land was excised or surrendered.

”.

Electoral Amendment Bill (No. 2) 2008

Message No. 236 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electoral Amendment Bill (No. 2) 2008* 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 Electoral Amendment Bill (No. 2) 2008

No. 1

Clause 2, page 2, lines 8 and 9 – To delete the lines.

No. 2

Clause 7, page 4, line 28 – To delete “3 years” and insert instead –

“ 1 year ”.

No. 3

Clause 14, page 6, lines 24 to 27 – To delete the clause.

No. 4

Clause 15, page 7, lines 1 to 18 – To delete the clause.

No. 5

Clause 17, page 8, lines 1 to 10 – To delete the clause.

No. 6

Part 3, page 9, lines 1 to 27 – To delete the Part.

No. 7

Long Title, page 1, lines 6 and 7 – To delete “**and the Electoral (Political Finance) Regulations 1996**”.

Road Traffic (Consequential Provisions) Bill 2007

Message No. 240 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic (Consequential Provisions) Bill 2007* 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 Road Traffic (Consequential Provisions) Bill 2007

No. 1

Clause 27, page 7, lines 16 to 18 – To delete the lines.

No. 2

Clause 63, page 13, in the Table – To delete “s. 78A in the definition of “senior officer””.

No. 3

Clause 63, page 13, in the Table – To insert after “79” –

“ (1), (2)(a) and (b), (3) ”.

No. 4

Clause 63, page 14, in the Table – To delete “(twice)” after “s. 79C(1), (2)”.

No. 5

Clause 64, page 14, in the Table – To insert after “79” –

“ (1) ”.

No. 6

Clause 64, page 14, in the Table – To insert after “79C(1)” –

“ (a) and (b) ”.

No. 7

Clause 64, page 14, in the Table – To insert after “79C(1), (2)” –

“ (a) ”.

Road Traffic (Vehicles) Bill 2007

Message No. 241 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic (Vehicles) Bill 2007* 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 Road Traffic (Vehicles) Bill 2007

No. 1

Clause 15, page 24, lines 2 to 4 – To delete the lines and insert instead –

“

(1) Regulations may provide for —

- (a) the issue of a registration label on the grant or renewal of a vehicle licence for vehicles of prescribed classes as evidence of the currency of the vehicle licence; and
- (b) the information about a vehicle to be contained in or on a registration label for the vehicle; and
- (c) matters relating to the affixing to vehicles, and display, of registration labels.

”

No. 2

Clause 15, page 24, lines 7 to 20 – To delete the lines.

No. 3

Clause 38, page 41, after line 9 – To insert –

“

- (d) the matters to be taken into account by the Commissioner of Main Roads when deciding an application to modify a mass requirement in relation to the transportation of grain to a bulk handler, including any matters that a bulk handler requires a transporter of grain to comply with as part of the bulk handler's business practices; and

”

No. 4

Clause 145, page 115, lines 22 to 25 – To delete the lines.

Food Bill 2005

Message No. 242 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 330, that it does not insist on its amendments Nos 10 and 13.

Consumer Credit (Western Australia) Code Regulations Amendment Order 2008

Message No. 244 dated 26 June 2008 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 317 it has agreed to the following resolution -

That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order 2008*, a copy of which was laid on the Table of the House on 6 May 2008 pursuant to the *Consumer Credit (Western Australia) Act 1996*.

Joint Standing Committee on the Commissioner for Children and Young People

Message No. 245 dated 26 June 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 341 it has agreed to the following resolution –

That –

- (1) This House agrees to the resolution contained in Legislative Assembly Message No. 341.
- (2) Hon Ken Travers and Hon Barbara Scott be appointed as members of the Joint Standing Committee on the Commissioner for Children and Young People.

15. Speaker's Statement – Casting and Deliberative Votes from the Chair

The Speaker advised members that –

Section 24 of the *Constitution Acts Amendment Act 1899* provides in part as follows, and I quote:

“... all questions which shall arise in the Legislative Assembly shall be decided by a majority of votes of the members present, other than the Speaker, and when the votes shall be equal the Speaker shall have the casting vote ...”

Immediately prior to the election, the Clerk of the Legislative Assembly sought advice from the State Solicitor on the question of whether any member other than the Speaker when occupying the Chair, whether as Deputy Speaker or Acting Speaker, is entitled to exercise the Speaker's casting vote and conversely in assuming the Chair, whether that temporary occupant is deprived of their deliberative vote.

A written opinion has been received from the State Solicitor's office which is to the effect that only the Speaker can exercise a casting vote and that other members when in the Chair, as either Deputy Speaker or Acting Speaker, retain their deliberative vote. It is only when the Speaker is absent through illness or other unavoidable cause that the Deputy Speaker fills the office and performs the duty of the Speaker, including exercising a casting vote only.

The opinion indicates that the Solicitor General has seen the opinion and concurs with it. It has been circulated to Party Leaders in this House and to independent members.

Having had an opportunity to consider the opinion, I advise that the following practical implementation will apply regarding voting by members in the Chair.

1. If the Speaker is in the Chair for a division, the Speaker can only and will only vote if the numbers are equal;
2. If the Deputy Speaker or an Acting Speaker is in the Chair for a division, that member will exercise a deliberative vote. After the doors are locked for the division and the tellers have been appointed, the member in the Chair will say:
Before the tellers begin, I cast my vote with the Ayes/Noes.
3. If the Clerk is satisfied on the advice of the Speaker or by other means that the Speaker is absent by reason of illness or other unavoidable cause, within the meaning of section 22 of the *Constitution Acts Amendment Act 1899*, the Clerk will formally announce that to the House and note that the Deputy Speaker will perform the duties and exercise the authority of the Speaker, including the exercise of the casting vote, until the Speaker's return. In these circumstances, where the Deputy Speaker has a casting vote, that member cannot exercise a deliberative vote.

I make the point that the section 22 preconditions for transfer of the casting vote to the Deputy Speaker are not fulfilled simply on the basis that the Speaker decides not to be present in the House, perhaps because of meetings or arrangements elsewhere: clearly that circumstance does not amount to an unavoidable absence.

One related matter is the formation of a quorum in the House. Section 24 of the *Constitution Acts Amendment Act 1899* provides that a quorum requires the presence of one third of the members of the Assembly, exclusive of the Speaker. Where the whole number of members is not exactly divisible by 3, a quorum is the whole number as is next greater than one third. In this Parliament therefore a quorum is the presence of 20 Members, exclusive of the Speaker. If the member in the Chair is not the Speaker, that member is counted for the purpose of a quorum. If the Deputy Speaker has taken on the duties and powers of the Speaker under

section 22, then the Deputy Speaker cannot be counted for the purposes of a quorum, whether in the Chair or otherwise in the House.

I table a copy of the advice from the State Solicitor's Office.

Paper

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

By the Speaker -

State Solicitor's Office - Deliberative and Casting Vote of the Deputy Speaker and Acting Speakers of the Legislative Assembly, Legal Opinion, 18 September 2008 (78).

16. Petitions

Butler Railway Station – Mr J.R. Quigley presented a petition from 73 persons requesting that the decision to cancel the Butler Railway Station be reversed and that members of the Legislative Assembly support the construction of the Butler Railway Station (P. 1).

South Hedland Underground Power – Mr T.G. Stephens presented a petition from 76 persons requesting that the Legislative Assembly give appropriate consideration and support towards the planning stages for this initiative to be brought in line with the town's basic infrastructure needs (P. 2).

17. Notices of Motion

18. Papers

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

By the Speaker –

Procedure and Privileges Committee – Corruption and Crime Commission Report on behalf of the Procedure and Privileges Committee, *Report on Issues Relating to Record Keeping in the Ministerial Office of the Hon. John James Mansell Bowler MLA*, Report No. 7 (79).

Register of Members' Financial Interests – Annual Returns as at 30 June 2008 and Additional Information for Returns from the year 2007-2008 and Primary Return at 11 March 2008 of Members of the Legislative Assembly under the *Members of Parliament (Financial Interests) Act 1992* (80).

By the Clerk –

Papers received after 19 June 2008 and deemed tabled in the 37th Parliament –

Verve Energy – Statement of Corporate Intent 2008–2009 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 July 2008) (3997).

Western Power – Statement of Corporate Intent 2008–2009 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 July 2008) (3998).

Synergy – Statement of Corporate Intent 2008–2009 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 July 2008) (3999).

Horizon Power – Statement of Corporate Intent 2008–2009 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 July 2008) (4000).

Economic Regulation Authority – Review of the Grain Marketing Act, dated 27 June 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 July 2008) (4001).

Economic Regulation Authority – Inquiry into Competition in Water and Wastewater Services Sector, 30 June 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 July 2008) (4002).

Economic Regulation Authority – Inquiry into Developer Contributions to the Water Corporation, 30 June 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 July 2008) (4003).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Acacia Prison, Report No. 53, June 2008 (Received by the Clerk of the Legislative Assembly on 27 June 2008 and held for a period of thirty days as directed by section 35 of the Inspector of Custodial Services Act 2003) (4004).

Electricity Corporations Act 2005 – Ministerial Direction under Section 111 of the Act, entitled Electricity Corporations (Capacity Cap Exemption) Direction 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 5 August 2008) (4006).

Papers received after 7 August 2008 and deemed tabled in the 38th Parliament –

Auditor General, Office of the [OAG] – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 29 August 2008) (1).

Parliamentary Inspector of the Corruption and Crime Commission of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 September 2008) (2).

Potato Marketing Corporation of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 September 2008) (3).

Treasury and Finance, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 September 2008) (4).

Police Service, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 24 September 2008) (5).

Agricultural Practices Board – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (6).

Agricultural Produce Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (7).

Agriculture Protection Board of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (8).

Agriculture and Food, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (9).

Fire and Emergency Services Authority of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (10).

Forest Products Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (11).

LandCare Trust – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (12).

Perth Market Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (13).

Rural Business Development Corporation – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (14).

Meat Industry Authority, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (15).

Inspector of Custodial Services, Office of the – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly on 26 August 2008 and held for a period of thirty days as directed by section 35 of the Inspector of Custodial Services Act 2003) (16).

Coastal Shipping Commission, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 25 September 2008) (17).

Information Commissioner of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (18).

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Misconduct Concerning Mr Stephen Lee, Mayor of the City of Cockburn (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (19).

Corruption and Crime Commission of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (20).

Armadale Redevelopment Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (21).

Art Gallery of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (22).

Culture and the Arts, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (23).

East Perth Redevelopment Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (24).

Government of Western Australia – Annual Report on State Finances 2007–2008, September 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (25).

LandCorp – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (26).

Midland Redevelopment Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (27).

Perth Theatre Trust – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (28).

Planning and Infrastructure, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (29).

Screen West (Inc.) – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (30).

Library of Western Australia, State – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (31).

Subiaco Redevelopment Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (32).

Swan Bells Foundation – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (33).

Museum, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (34).

Planning Commission, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (35).

Treasury Corporation, Western Australian – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (36).

Burswood Park Board – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (37).

Child Protection, Department for – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (38).

Communities, Department for – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (39).

Gaming and Wagering Commission of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (40).

Liquor Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (41).

Racing, Gaming and Liquor, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (42).

Racing Penalties Appeal Tribunal of Western Australia – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (43).

Sport and Recreation, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (44).

Western Australian Institute of Sport [WAIS] – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (45).

Police Service, Western Australian – State Witness Protection Program – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (46).

Legislative Assembly, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (47).

Parliamentary Services Department – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (48).

Governor's Establishment – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 26 September 2008) (49).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Eastern Goldfields Regional Prison, Report No. 54, July 2008 (Received by the Clerk of the Legislative Assembly on 20 August 2008 and held for a period of thirty days as directed by section 35 of the Inspector of Custodial Services Act 2003) (50).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of the District Court Custody Centre, Report No. 55, July 2008 (Received by the Clerk of the Legislative Assembly on 27 August 2008 and held for a period of thirty days as directed by section 35 of the Inspector of Custodial Services Act 2003) (51).

Animal Resources Authority – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (52).

Indigenous Affairs, Department of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (53).

Gascoyne Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (54).

Goldfields Esperance Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (55).

Great Southern Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (56).

Kimberley Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (57).

Land Information Authority, Western Australian [Landgate] – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (58).

Mid-West Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (59).

Health Review, Office of – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (60).

Healthway – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (61).

Peel Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (62).

Pilbara Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (63).

Professional Combat Sports Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (64).

Quadriplegic Centre Board of Management – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (65).

Queen Elizabeth II Centre Trust – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (66).

South West Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (67).

Wheatbelt Development Commission – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 September 2008) (68).

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Misconduct Concerning Rezoning of Land at Whitby (Received by the Clerk of the Legislative Assembly and deemed tabled on 3 October 2008) (69).

Auditor General, Office of the [OAG] – Performance Examination, Improving Resource Project Approvals, Report No. 5 (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 October 2008) (70).

Corruption and Crime Commission of Western Australia – Report on the Inquiry into Alleged Misconduct by Public Officers in Connection with the Investigation of the Murder of Mrs Pamela Lawrence, the Prosecution and Appeals of Mr Andrew Mark Mallard, and Other Related Matters (Received by the Clerk of the Legislative Assembly and deemed tabled on 7 October 2008) (71).

Horizon Power – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 8 October 2008) (72).

Western Power – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 22 October 2008) (73).

Verve Energy – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 28 October 2008) (74).

Corruption and Crime Commission of Western Australia – Report on the Investigation of Alleged Misconduct Concerning Officers of the Department of Fisheries (Received by the Clerk of the Legislative Assembly and deemed tabled on 30 October 2008) (75).

Synergy – Annual Report 2007–2008 (Received by the Clerk of the Legislative Assembly and deemed tabled on 31 October 2008) (76).

19. Interpretation and Reprints Amendment Bill 2008

The Premier, in order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, without notice, moved –

That a Bill for “An Act to amend the *Interpretation Act 1984* and *Reprints Act 1984*.” be introduced and read a first time.

Question put and passed.

The Premier presented an explanatory memorandum and Bill read a first time.

Ordered, That the second reading of the Bill be made an Order of the Day for the next sitting of the Assembly.

20. His Excellency the Governor’s Speech

The Speaker reported that, accompanied by members, he had attended His Excellency the Governor in the Legislative Council Chamber, when His Excellency was pleased to make a speech to both Houses of Parliament. For the sake of greater accuracy, the Speaker had caused copies of the speech to be distributed amongst members of the Chamber.

21. Address in Reply to the Governor's Speech

Ms A.R. Mitchell moved, That the following Address in Reply to His Excellency's Speech be agreed to –

To His Excellency the Honourable, Dr Ken Michael, AC, Governor of the State of Western Australia.

May it please Your Excellency –

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the speech you have been pleased to address to Parliament.

Mr P. Abetz formally seconded the motion.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

22. Election of Deputy Speaker

The Premier moved, That Mr M.W. Sutherland be appointed as Deputy Speaker.

The Deputy Premier formally seconded the motion.

The Leader of the Opposition moved, That Mr P.B. Watson be appointed as Deputy Speaker.

Mr M. McGowan formally seconded the motion.

A ballot being required, the Speaker called on Mr J.E. McGrath and Mr D.A. Templeman to act as scrutineers.

The Speaker announced the results of the ballot as follows –

Mr M.W. Sutherland 29 votes

Mr P.B. Watson 29 votes

The results being equal, the Speaker cast his vote for Mr M.W. Sutherland.

The Speaker declared Mr M.W. Sutherland elected as Deputy Speaker.

23. Speaker's Statement – Meal Breaks

The Speaker advised members that as in the previous Parliament, the Assembly would break for dinner on Tuesdays between 6.00 p.m. and 7.00 p.m., on Wednesdays there would not be a break for dinner unless the business of the Assembly indicated a need for one, and on Thursdays the Assembly would break for lunch between 1.00 p.m. and 2.00 p.m.

24. Questions

Questions without notice were taken.

25. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.51 p.m. until Tuesday, 11 November 2008 at 2.00 p.m.

Members present during any part of the day's proceedings – All the members were present.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly