

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 2

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

TUESDAY, 11 NOVEMBER 2008

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement – Media Presence

The Speaker advised members that as it was the second full sitting day of the new Parliament, he had approved the presence of television and still news cameras at the north and south doors of the Chamber, and in the public and press galleries, until approximately fifteen minutes into Question Time.

3. Death of Hon. Peter Durack – a former Member of the Legislative Assembly

The Premier, without notice, moved,

That this House records its sincere regret of the death of Hon. Peter Durack and tenders its deep sympathy to his family.

The motion was supported by Mr E.S. Ripper, Mr T.K. Waldron, Mr J.H.D. Day, Ms A.J.G. MacTiernan and Dr E. Constable.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

4. Questions

Questions without Notice were taken.

Questions on Notice Nos 1 to 93 were asked.

5. Petitions

North Perth Bus Routes – Mr J.N. Hyde presented a petition from 6 persons requesting the Government increase bus capacity along the route from North Perth to Wellington Bus Depot, specifically on the 347, 354 and 363 bus routes (P. 3).

Patient Assisted Travel Scheme – Mr T.G. Stephens presented a petition from 768 persons requesting that the Legislative Assembly give appropriate recognition and support for a review to commence immediately to give residents of the Pilbara district basic health care options and affordability (P. 4).

Goldfields Highway – Mr J.J.M. Bowler presented a petition from 465 persons requesting that the Legislative Assembly direct the Minister for Planning and Infrastructure to ensure the Level 5 upgrade is carried out to the Wiluna-Meekatharra Road within the next five years and commit to that deadline (P. 5).

Bus Route 555 – Mr M. McGowan presented a petition from 176 persons requesting a feasibility study be carried out to extend the existing 555 bus route to run every hour and to incorporate the Scenic drive and major tourist attractions in the Rockingham area (P. 6).

6. Papers

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

By the Speaker –

Legislative Council, Department of – Annual Report 2007–2008 (173).

By the Clerk –

Public Sector Standards Commissioner, Office of the – Parliamentary Series Report Two, Scrutiny of Qualifications in Selection Processes, November 2008 (81).

Acacia Prison Services Agreement – Annual Report 2007–2008 (82).

Albany Port Authority – Annual Report 2007–2008 (83).

AqWest Bunbury Water Board – Annual Report 2007–2008 (84).

Architects Board of Western Australia – Annual Report 2007–2008 (85).

Armadale Redevelopment Act 2001 – Ministerial Approval to enter into a contract in excess of \$1 million, in accordance with Section 17(4) of the Act, with Downer EDI Works for the reconstruction of Green Avenue and Tudor Road, Armadale, dated 22 August 2008 (86).

Attorney General, Department of the – Annual Report 2007–2008 (87).

Botanic Gardens and Parks Authority – Annual Report 2007–2008 (88).

Broome Port Authority – Annual Report 2007–2008 (89).

Builders' Registration Board – Annual Report 2007–2008 (90).

Building and Construction Industry Training Board – Annual Report 2007–2008 (91).

Building and Construction Industry Training Fund and Levy Collection Act 1990 – Review of the Operation and Effectiveness of the Act, September 2008 (92).

Bunbury Port Authority – Annual Report 2007–2008 (93).

Busselton Water – Annual Report 2007–2008 (94).

Chemistry Centre of Western Australia – Annual Report 2007–2008 (95).

Chief Commissioner of the Western Australian Industrial Relations Commission – Annual Report 2007–2008 (96).

Coal Industry Superannuation Board – Annual Report 2007–2008 (97).

Commissioner for Children and Young People – Annual Report 2007–2008 (98).

Conservation and Land Management Executive Body – Lease 850/97 between the Conservation and Land Management Executive Body and Catherine Lois Atkinson and Neville Ainsley Atkinson, dated 2 June 2008 (99).

Conservation and Land Management Executive Body – Lease 1011/97 between the Conservation and Land Management Executive Body and Perivale Orchards Pty Ltd, dated 2 June 2008 (100).

Conservation and Land Management Executive Body – Lease 1030/97 between the Conservation and Land Management Executive Body and Todd Miller, dated 2 June 2008 (101).

Conservation and Land Management Executive Body – Lease 1158/97 between the Conservation and Land Management Executive Body and Perivale Orchards Pty Ltd, dated 2 June 2008 (102).

Conservation and Land Management Executive Body – Lease 1263/97 between the Conservation and Land Management Executive Body and Treenbrook Cottages, dated 2 June 2008 (103).

Conservation and Land Management Executive Body – Lease 1277/97 between the Conservation and Land Management Executive Body and Francesco Tassone and Concettina Guiseppina Tassone, dated 2 June 2008 (104).

Conservation and Land Management Executive Body – Lease 1630/97 between the Conservation and Land Management Executive Body and Noel Hedley and Greta Lesley Hollands, dated 2 June 2008 (105).

Conservation and Land Management Executive Body – Lease 1684/97 between the Conservation and Land Management Executive Body and James Anthony Mack and Debra Karen Mack, dated 2 June 2008 (106).

Conservation and Land Management Executive Body – Lease 1749/97 between the Conservation and Land Management Executive Body and Terence John Fortescue, dated 2 June 2008 (107).

Conservation and Land Management Executive Body – Lease 1804/97 between the Conservation and Land Management Executive Body and Brackenridge Holdings Pty Ltd, dated 2 June 2008 (108).

Conservation and Land Management Executive Body – Lease 1840/97 between the Conservation and Land Management Executive Body and Murry and Lyn McIntosh, dated 2 June 2008 (109).

Conservation and Land Management Executive Body – Lease 1990/97 between the Conservation and Land Management Executive Body and Norman Francis Lindsay, dated 2 June 2008 (110).

Conservation and Land Management Executive Body – Lease 2220/97 between the Conservation and Land Management Executive Body and Dr. John Love, dated 2 June 2008 (111).

Consumer and Employment Protection, Department of – Annual Report 2007–2008 (112).

Corrective Services, Department of – Annual Report 2007–2008 (113).

Corruption and Crime Commission of Western Australia – Surveillance Devices Act 1998 Annual Report 2007–2008 (114).

Corruption and Crime Commission of Western Australia – Telecommunications (Interception and Access) Act 1979 Annual Report 2007–2008 (115).

Country High School Hostels Authority – Annual Report 2007–2008 (116).

Country Housing Authority – Annual Report 2007–2008 (117).

Court Security and Custodial Services – Annual Report 2007–2008 (118).

Criminal Injuries Compensation, Office of – Annual Report 2007–2008 (119).

Curriculum Council – Annual Report 2007–2008 (120).

Director of Equal Opportunity in Public Employment – Annual Report 2007–2008 (121).

Director of Public Prosecutions – Annual Report 2007–2008 (122).
 Disability Services Commission – Annual Report 2007–2008 (123).
 Drug and Alcohol Office – Annual Report 2007–2008 (124).
 Economic Regulation Authority – Annual Report 2007–2008 (125).
 Education and Training, Department of – Annual Report 2007–2008 (126).
 Education Services, Department of – Annual Report 2007–2008 (127).
 Energy, Office of – Annual Report 2007–2008 (128).
 Environment and Conservation, Department of – Annual Report 2007–2008 (129).
 Environmental Protection Authority – Annual Report 2007–2008 (130).
 Equal Opportunity Commission of Western Australia – Annual Report 2007–2008 (131).
 Fire and Emergency Services Superannuation Board – Annual Report 2007–2008 (132).
 Fisheries, Department of – Annual Report 2007–2008 (133).
 Fremantle Port Authority – Annual Report 2007–2008 (134).
 Gender Reassignment Board of Western Australia – Annual Report 2007–2008 (135).
 Geraldton Port Authority – Annual Report 2007–2008 (136).
 Gold Corporation – Annual Report 2007–2008 (137).
 Government Enterprise Superannuation Board – Annual Report 2007–2008 (138).
 Grain Licensing Authority – Annual Report 2007–2008 (139).
 Hairdressers Registration Board of Western Australia – Annual Report 2007 (140).
 Hairdressers Registration Board of Western Australia – Financial Statements 2007 (141).
 Heritage Council of Western Australia – Annual Report 2007–2008 (142).
 Housing and Works, Department of – Annual Report 2007–2008 (143).
 Independent Market Operator – Annual Report 2007–2008 (144).
 Industry and Resources, Department of – Annual Report 2007–2008 (145).
 Insurance Commission of Western Australia – Annual Report 2007–2008 (146).
 Keep Australia Beautiful Council – Annual Report 2007–2008 (147).
 Land Administration Act 1997 – Proposal under Section 42(4), 44(1) or 45(4) of the Act for the rationalisation of Class ‘A’ Reserve 1944, dated 6 November 2008 (148).
 Land Surveyors Licensing Board of Western Australia – Annual Report 2007–2008 (149).
 Land Valuers Licensing Board – Annual Report 2007–2008 (150).
 Legal Aid Western Australia – Annual Report 2007–2008 (151).
 Legal Contribution Trust – Financial Statements for the Six Months ended 30 June 2008 (152).
 Legal Costs Committee – Annual Report 2007–2008 (153).
 Local Government Advisory Board – Annual Report 2007–2008 (154).
 Local Government and Regional Development, Department of – Annual Report 2007–2008 (155).
 LotteryWest – Annual Report 2007–2008 (156).
 Main Roads Western Australia – Annual Report 2007–2008 (157).
 Marine Parks and Reserves Authority – Annual Report 2007–2008 (158).
 Mentally Impaired Accused Review Board – Annual Report 2007–2008 (159).
 Metropolitan Cemeteries Board – Annual Report 2007–2008 (160).

Midland Redevelopment Act 1999 – Ministerial Approval for subdivision SU0005 Clayton Precinct – Lot 515 Clayton Street, Midland, in accordance with Section 20 of the Act, dated 30 June 2008 (161).

Midland Redevelopment Act 1999 – Ministerial Approval to enter into a contract in excess of \$1 million, in accordance with Section 20(3) of the Act, with Georgiou Group contract number DC100.44 under AS4000 contract terms with special conditions, dated 1 July 2008 (162).

Midland Redevelopment Act 1999 – Ministerial Approval to enter into a contract in excess of \$1 million, in accordance with Section 20(3) of the Act, with Georgiou Group contract number DC100.52 under AS4000 contract terms with special conditions, dated 17 October 2008 (163).

Minerals and Energy Research Institute of Western Australia – Annual Report 2007–2008 (164).

Motor Vehicle Industry Board – Annual Report 2007–2008 (165).

National Trust of Australia (WA) – Annual Report 2007–2008 (166).

Native Title, Office of – Annual Report 2007–2008 (167).

Planning and Development Act 2005 – Ministerial Direction to the State Administrative Tribunal pursuant to Section 246 (2)(b) of the Act in the matters DR 318 and DR 321 of 2008 between Straits Developments Private Ltd and the Western Australian Planning Commission and the City of Stirling, dated 11 September 2008 (168).

Premier and Cabinet, Department of the – Annual Report 2007–2008 (169).

Prisoners Review Board – Annual Report 2007–2008 (170).

Public Advocate, Office of the – Annual Report 2007–2008 (171).

Public Education Endowment Trust – Annual Report 2007–2008 (172).

Public Interest Disclosure Act 2003 – Report of the Review of the Act (174).

Public Interest Disclosure Act 2003 – Government Response to the Review of the Act (175).

Public Sector Standards Commissioner, Office of the – Annual Report 2007–2008 (176).

Public Transport Authority – Annual Report 2007–2008 (177).

Public Trustee – Annual Report 2007–2008 (178).

Racing and Wagering Western Australia – Annual Report 2007–2008 (179).

Real Estate and Business Agents Supervisory Board – Annual Report 2007–2008 (180).

Rottnest Island Authority – Annual Report 2007–2008 (181).

Scitech – Annual Report 2007–2008 (182).

Settlement Agents Supervisory Board – Annual Report 2007–2008 (183).

Small Business Development Corporation – Annual Report 2007–2008 (184).

State Administrative Tribunal – Annual Report 2007–2008 (185).

State Coroner, Office of the – Annual Report 2006–2007 (186).

State Government Insurance Commission – Annual Report 2007–2008 (187).

State Records Commission – Annual Report 2007–2008 (188).

State Supply Commission – Annual Report 2007–2008 (189).

Swan River Trust – Annual Report 2007–2008 (190).

Terrorism (Extraordinary Powers) Act 2005 – Review of the Act, July 2008 (191).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report for the Period ending 30 June 2008 (192).

The Coal Miners' Welfare Board of Western Australia – Annual Report 2007–2008 (193).

- Law Reform Commission of Western Australia – Annual Report 2007–2008 (194).
- Law Reform Commission of Western Australia – Compensation for Injurious Affection, Final Report, July 2008 (195).
- Tourism Western Australia – Annual Report 2007–2008 (196).
- Training Accreditation Council – Annual Report 2007–2008 (197).
- Veterinary Surgeons Board – Annual Report 2007–2008 (198).
- Water Corporation – Annual Report 2007–2008 (199).
- Water, Department of – Annual Report 2007–2008 (200).
- Western Australia Construction Industry Long Service Leave Payments Board – Annual Report 2007–2008 (201).
- Police Services, Western Australian – Surveillance Devices Act 1998 – Annual Report 2007–2008 (202).
- Western Australian College of Teaching – Annual Report 2007–2008 (203).
- Western Australian Electoral Commission – Annual Report 2007–2008 (204).
- Western Australian Electoral Commission – Political Finance Annual Report 2007–2008 (205).
- Western Australian Gas Disputes Arbitrator – Annual Report 2007–2008 (206).
- Western Australian Greyhound Racing Association – Annual Report 2007–2008 (207).
- Western Australian Industrial Relations Commission – Annual Report 2007–2008 (208).
- Western Australian Local Government Grants Commission – Annual Report 2007–2008 (209).
- Western Australian Technology and Industry Advisory Council – Annual Report 2007–2008 (210).
- Western Australian Treasury Corporation – Quarterly Report for the Quarter ended 30 September 2008 (211).
- WorkCover Western Australia – Annual Report 2007–2008 (212).
- Zoological Parks Authority – Annual Report 2007–2008 (213).

7. Corrections to Tabled Papers

The Speaker announced that he had authorised corrections under Standing Order No. 156 to the following Tabled Papers deemed tabled on 26 September 2008 –

- Armadale Redevelopment Authority – Annual Report 2007–2008 (Authorised correction dated 11 November 2008) (21).
- Corruption and Crime Commission of Western Australia – Annual Report 2007–2008 (Authorised correction dated 11 November 2008) (20).

8. Notices of Motion

9. Speaker's Statement – Acting Speakers

The Speaker announced the appointment of the following members as Acting Speakers for the present session –

- Mr P.B. Watson;
- Mr J.M. Francis;
- Ms L.L. Baker;
- Mr V.A. Catania; and

Mrs L.M. Harvey.

10. Speaker's Statement – Portfolio Responsibilities of Standing Committees

The Speaker advised members that –

Under Standing Order No. 287 the Speaker is required to determine and table a schedule showing the portfolio responsibilities of the standing committees.

While the portfolio designation and allocation between ministries had changed, in most cases the determination made allocates similar responsibilities for each committee as was determined for the standing committees in the 37th Parliament.

The determination is as follows:

- Public Accounts Committee: the Premier and Treasury.
- Standing Committee on Community Development and Justice: Indigenous Affairs; Electoral Affairs; Women's Interests; Disability Services; Police, Emergency Services, Road Safety; Sport and Recreation; Culture and the Arts; Attorney General, Corrective Services; Child Protection, Community Services, Seniors and Volunteering; Local Government, Citizenship and Multicultural Interests; Environment, and Youth.
- Standing Committee on Economics and Industry: State Development; Mines and Petroleum, Fisheries; Regional Development, Lands; Tourism; Transport; Commerce, Science and Innovation, Housing and Works; Racing and Gaming; Planning; Energy; Water; Heritage; Agriculture and Food, and Forestry.
- Standing Committee on Education and Health: Education; Training; Health; and Mental Health.

Paper

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

By the Speaker –

Legislative Assembly, Department of – Portfolio Responsibilities of Legislative Assembly Standing Committees in the 38th Parliament, Determination by the Speaker dated 11 November 2008 (214).

11. Surrogacy Bill 2008

The Minister for Health withdrew Bills Notice of Motion No. 1.

12. Police (Medical and Other Expenses for Former Officers) Bill 2008

The Minister for Police, pursuant to notice, moved,

That a bill for “An Act —

- to provide for payment of medical and other expenses incurred by former police officers and former Aboriginal police liaison officers in respect of employment-related injuries; and
 - to provide for the resolution of disputes in connection with claims for payment of amounts, or liability to pay amounts, under this Act; and
 - to provide for the management of claims for payment of amounts under this Act,
- and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Ms M.M. Quirk moved, That the debate be adjourned.

Question put and passed.

13. Royal Perth Hospital Protection Bill 2008

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to provide for the continued operation of Royal Perth Hospital.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

14. Address in Reply

The Order of the Day for the resumption of debate upon the Address in Reply to His Excellency the Governor’s speech was read.

Debate resumed.

Mr E.S. Ripper moved, To add to the Address in Reply the following –

“But regrets to inform His Excellency that the Government has broken many promises within its first 100 day plan, including failing to protect the people of Western Australia by not giving legislative priority or time to sentencing act amendments to ensure serious offenders are adequately punished”.

Debate ensued.

On the question, That the amendment be agreed to,

Question put.

The Assembly divided.

Ayes (28)

Ms L.L. Baker
Mr A.J. Carpenter
Mr V.A. Catania
Mr R.H. Cook
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan
Ms A.J.G. MacTiernan

Mr J.A. McGinty
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts

Ms R. Saffioti
Mr T.G. Stephens
Mr C.J. Tallentire
Mr A.J. Waddell
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (30)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr J.J.M. Bowler
 Mr I.M. Britza
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper

Mr J.H.D. Day
 Mr J.M. Francis
 Mr B.J. Grylls
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr A. Krsticevic
 Mr W.R. Marmion

Mr P.T. Miles
 Ms A.R. Mitchell
 Dr M.D. Nahan
 Mr C.C. Porter
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.W. Sutherland
 Mr T.K. Waldron
 Dr J.M. Woollard
 Mr J.E. McGrath (*Teller*)

Amendment thus negatived.

On the question, That the Address in Reply be agreed to,

Debate resumed.

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

Question put and passed.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.09 p.m. until Wednesday, 12 November 2008 at 12 noon.

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