

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 125

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 27 FEBRUARY 2007

1. Meeting of Assembly

The Assembly met at 2.00 p.m. in the Legislative Council Chamber pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement - Print Media Photographs

The Speaker advised members that he had approved the taking of photographs by the print media of the Chamber between 2.00 p.m. and 3.00 p.m.

3. Electoral District of Peel - Return of Writ and Member Sworn

The Clerk produced the certified copy of the returned writ for the Electoral District of Peel and reported that it certified that Paul Papalia had been duly elected to serve in the Legislative Assembly for that district.

Mr Papalia took and subscribed the Oath of Office according to law.

4. Suspension of Standing Orders

Mr P.D. Omodei, without notice, moved,

That so much of the Standing Orders be suspended as to allow the House to consider the following motion -

That this House calls on the Premier to immediately dismiss the Minister for Local Government; Employment Protection; Racing and Gaming; Goldfields-Esperance and Great Southern for his failure to uphold the integrity required of a Minister of the Crown.

Debate ensued.

The Deputy Premier moved,

That debate on the motion to suspend Standing Orders be adjourned until the Member for Murchison-Eyre has completed his evidence today at the Corruption and Crime Commission.

Question put.

The Assembly divided.

Ayes (30)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs D.J. Guise
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
Mr J.R. Quigley

Ms M.M. Quirk
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*)

Noes (24)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Mr M.J. Cowper
Mr J.H.D. Day
Mr B.J. Grylls

Dr K.D. Hames
Ms K. Hodson-Thomas
Dr G.G. Jacobs
Mr R.F. Johnson
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*)

Question thus passed.

5. Suspension of Standing Orders

Mr P.D. Omodei, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith -

That this House censures the Premier for his poor judgement with respect to the appointment of Ministers; the allocation of ministerial portfolios and his lifting of the ban his predecessor Dr Gallop had on Labor members dealing with Brian Burke and Julian Grill.

Question put.

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

6. Censure of the Premier

Mr P.D. Omodei, pursuant to the foregoing motion, moved,

That this House censures the Premier for his poor judgement with respect to the appointment of Ministers; the allocation of ministerial portfolios and his lifting of the ban his predecessor Dr Gallop had on Labor members dealing with Brian Burke and Julian Grill.

Debate ensued.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

7. Ministerial Statement

The Premier was granted leave to make a Ministerial Statement on the resignation of Mr J.J.M. Bowler from the Ministry.

Mr P.D. Omodei responded.

8. Variation to the Order of Business

Ordered, That debate be resumed on the motion moved by Mr P.D. Omodei relating to the Censure of the Premier.

9. Censure of the Premier

The Order of the Day having been read for the resumption of debate on the motion moved by Mr P.D. Omodei, (see paragraph 6).

Debate resumed.

Question put.

The Assembly divided.

Ayes (24)

Mr C.J. Barnett	Dr K.D. Hames	Mr G. Snook
Mr D.F. Barron-Sullivan	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr M.J. Birney	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr J.E. McGrath	Ms S.E. Walker
Mr M.J. Cowper	Mr P.D. Omodei	Mr G.A. Woodhams
Mr J.H.D. Day	Mr D.T. Redman	Dr J.M. Woollard
Mr B.J. Grylls	Mr A.J. Simpson	Mr T.R. Sprigg (<i>Teller</i>)

Noes (30)

Mr P.W. Andrews	Ms A.J.G. MacTiernan	Ms M.M. Quirk
Mr A.J. Carpenter	Mr J.A. McGinty	Ms J.A. Radisich
Mr J.B. D'Orazio	Mr M. McGowan	Mr E.S. Ripper
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Mrs D.J. Guise	Mr A.D. McRae	Mr T.G. Stephens
Mrs J. Hughes	Mrs C.A. Martin	Mr D.A. Templeman
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O'Gorman	Mr M.P. Whitely
Mr R.C. Kucera	Mr P. Papalia	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Mr S.R. Hill (<i>Teller</i>)

Question thus negatived.

10. 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 the Member for Peel to address the House at 7.00 p.m. for a maximum of 30 minutes.

Question put.

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

11. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Premier on changes to the Ministry effective from 26 February 2007.

The Premier on the Government's consideration of the Procedure and Privileges Committee review of the *Members of Parliament (Financial Interests) Act 1992*.

The Minister for Water Resources on the release of the State Government's Blueprint for Water Reform in Western Australia.

Papers

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

By the Minister for Water Resources -

Water Reform - Government Response to *A Blueprint For Water Reform in Western Australia*, February 2007 (2322).

Water Reform - A blueprint for water reform in Western Australia, Final advice to the Western Australian Government from the Water Reform Implementation Committee, December 2006 (2323).

Water Reform - Western Australia's Implementation Plan for the National Water Initiative, Final Draft, February 2007 (2324).

The Minister for Indigenous Affairs on the conditional consent granted to Woodside for its proposed use of Industrial Site B on the Burrup Peninsula for its Pluto project.

The Minister for Communities on the Dwellingup fire response.

The Minister for Education and Training on the completion by the State Supply Commission of its investigation of contracts awarded to Huntly Consulting and Miles Morgan by the Department of Education and Training.

Paper

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

By the Minister for Education and Training -

State Supply Commission - Investigation into the Department of Education and Training Contracts awarded to Huntly Consulting Group and Miles Morgan (2325).

The Minister for Indigenous Affairs on the \$21.6 million to boost child protection in Halls Creek.

The Minister for Communities on the UnitingCare's 'Pancake Day' held on Tuesday, 20 February 2007.

12. Questions

Questions without Notice were taken.

13. Maiden Speech – Mr P. Papalia

Mr P. Papalia, pursuant to notice [see paragraph 10], gave his maiden speech.

14. Further Questions

Questions without Notice were concluded.

Questions on Notice Nos 1755 to 1828 were asked.

Questions on Notice Nos 1639, 1652 to 1654, 1659 to 1665, 1668 to 1670, 1672 to 1677, 1679 to 1684, 1686 to 1688, 1689, 1690 to 1693, 1695 to 1696, 1713 to 1718, 1720 to 1721, 1723 to 1734, 1736 to 1739, 1741 to 1744, 1746 to 1749, 1750 to 1753 were answered.

Paper tabled by the Minister for Water Resources –

Question on Notice No. 1660 - Environment Impact Studies conducted since February 2001 on desalination and the Yarragadee Aquifer (2297).

Paper tabled by the Attorney General –

Question on Notice No. 1696 - Names of all criminals approved for release into the community since 1 March 2001 despite being jailed for life or given indefinite sentences (2298).

Paper tabled by the Minister for Police and Emergency Services –

Question on Notice No. 1713 - The percentage of all police stations and districts in Western Australia operating below their authorised strength, front-line police officers in each district at 1 December 2006, expected strength of front-line police officers in the northern and southern suburbs in 2006-2007, and allowances made for attrition occurring in the same period (2299).

Paper tabled by the Minister for Water Resources –

Question on Notice No. 1718 - Woodman Point Wastewater treatment plant, the concerns of Mr and Mrs M. O'Brien and what action is being taken to address the concerns (2300).

Paper tabled by the Minister for Education and Training –

Question on Notice No. 1730 - List of all Government schools located within the Air Cooling Zone, if they are all air-conditioned, and how frequently the list is reviewed (2301).

Paper tabled by the Minister for Health –

Question on Notice No. 1743 - The number of doctors employed in Western Australian public hospitals, the ratio of doctors to population, the number of doctors and nurses at each of the public hospitals, and the number of positions not filled (2302).

Paper tabled by the Minister for Energy –

Question on Notice No. 1722 - Expenditure by Western Power in the South West Integrated System (2321).

15. Messages from the Governor

Messages from His Excellency the Governor was reported assenting to the following bills -

Message No. 64 -

Consumer Protection Legislation Amendment and Repeal Bill 2005, Act No. 69 of 2006.

Betting and Racing Legislation Amendment Bill 2006, Act No. 70 of 2006.

Shipping and Pilotage Amendment Bill 2006, Act No. 71 of 2006.

Railway Discontinuance Bill (No. 2) 2006, Act No. 72 of 2006.

Liquor and Gaming Legislation Amendment Bill 2006, Act No. 73 of 2006.

Message No. 65 -

Water Efficiency Labelling and Standards Bill 2006, Act No. 74 of 2006.

Message No. 66 -

Auditor General Bill 2006, Act No. 75 of 2006.

Financial Management Bill 2006, Act No. 76 of 2006.

Financial Legislation Amendment and Repeal Bill 2006, Act No. 77 of 2006.

16. Messages from the Governor

Messages from His Excellency the Governor were reported recommending the purpose of the appropriations for the following bills -

National Environment Protection Council (Western Australia) Amendment Bill 2007 (Message No. 78).

Racing, Wagering and Betting Legislation Amendment and Repeal Bill 2007 (Message No. 79).

17. Petitions

Daylight Saving - Petitions requesting that the Legislative Assembly initiate a referendum to be held before 31 October 2007 so that a democratic decision on daylight saving can be reached were presented by -

Mr B.J. Grylls from 16,903 persons (P. 177); and

Mr T.K. Waldron from 708 persons (P. 178).

18. Papers

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

By the Clerk -

Corruption and Crime Commission of Western Australia - Misconduct Handling Procedures in the Western Australia Public Sector: Department for Community Development (Received by the Clerk of the Legislative Assembly and deemed tabled 5 February 2007) (2294).

Corruption and Crime Commission of Western Australia - Eligibility for Government Housing, A report on a corruption prevention review of the Government Employees' Housing Authority (Received by the Clerk of the Legislative Assembly and deemed tabled 23 February 2007) (2296).

Treasury Corporation, Western Australia - Quarterly Report for the quarter ended 31 December 2006 (Received by the Clerk of the Legislative Assembly and deemed tabled 5 February 2007) (2295).

Armadale Redevelopment Act 2001 - Ministerial approval in accordance with section 17(3) of the Act, to enter into a contract with Industrial Road Pavers Pty Ltd for the removal of 500,000 m³ of surplus stockpiled material from Champion Lakes at a tendered price of \$4,954,380 (GST incl), 25 January 2007 (2303).

Australian Crime Commission - Annual Report 2005-2006 (2304).

Conservation and Land Management Executive Body - Lease No. 1316/97 Coolilup Rifle Range Part of State Forest No. 12, between the Conservation and Land Management Executive Body and the Department of Defence, dated 20 November 2006 (2305).

Conservation and Land Management Executive Body - Lease No. 2240/97 Gngangara Road Booster Pump Station State Forest 65, between the Conservation and Land Management Executive Body and the Water Corporation, dated 15 January 2007 (2306).

Court Security and Custodial Services - Contract for the provisions of Court Security and Custodial Services and the Deed of Variation, November 2006 (2307).

Dental Board of Western Australia - Annual Report 2005-2006 (2308).

East Perth Redevelopment Act 1991 - Ministerial approval for the sale of land in excess of \$1 million pursuant to section 19(2)(a) of the Act, in relation to Lots 406 and 407 Newcastle Street, Northbridge, dated 29 December 2006. (2309).

Electricity Industry Act 2004 - Amending Rules to the Wholesale Electricity Market Rules (2310).

Consumer and Employment Protection, Department of, Energy Safety Division - Business Plan 2007-2008, dated 5 January 2007 (2311).

Inspector of Custodial Services, Office of the - Report of an Announced Inspection of Albany Regional Prison, Report No. 38, November 2006 (Received by the Speaker of the Legislative Assembly on 6 November 2006 and held for a period of thirty days as directed by section 34(1)(a) of the Inspector of Custodial Services Act 2003) (2312).

Legal Practice Board of Western Australia - Annual Report 2005-2006 (2313).

Legal Practitioners Complaints Committee Western Australia - Annual Report 2005-2006 (2314).

Midland Development Commission - Ministerial approval to enter into a contract with section 20(3) of the Act for works being Block 1, Block 3 and Pattern Shop, heritage conservation works contract DC0100-50.03, under the AS2124 contract terms with special conditions, dated 20 December 2006 (2315).

National Transport Commission - Annual Report 2005-2006 (2316).

Nurses Board of Western Australia - Annual Report 2005-2006 (2317).

Planning and Development Act 2005 - Ministerial written direction pursuant to section 17 of the Act, on the matter of Smiths Beach Location 413, dated 16 January 2007 (2318).

Poseidon Nickel Agreement 1971 - Variation Agreement between Hon. A.J. Carpenter Premier and Niagara Mining Limited, January 2007 (2319).

State Supply Commission - Investigation Department of Corrective Services Supplementary Information, Estimates Committee No. B40 (2320).

19. Correction to Tabled Paper

The Speaker announced that he had authorised corrections under Standing Order No. 156 to the following Tabled Paper tabled on 14 September 2006 -

WorkCover Western Australia - Annual Report 2005-2006 (Authorised correction to Tabled Paper 27 February 2007) (1838).

20. Notices of Motion

21. Premier's Statement

The Premier made a statement.

On the question, That the Premier's Statement be noted.

Debate ensued.

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

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.58 p.m. until Wednesday, 28 February 2007 at 12 noon.

Members present during any part of the day's proceedings - All the members except Mr J.J.M. Bowler and Dr E. Constable.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly