

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 142****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

THURSDAY, 17 MAY 2007**1. Meeting of Assembly**

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

2. Petition

Tax Incentives for Emergency Service Volunteers - Mr B.S. Wyatt presented a petition from 236 persons requesting that appropriate recognition and support for Australia's emergency service volunteers is given by providing tax incentives to those who volunteer their time to help during emergencies and natural disasters (P. 224).

3. Papers

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

By the Clerk -

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Council by the Minister for Education and Training regarding Question without Notice No. 259 asked in the Legislative Council on 8 May 2007 (2712).

Land Administration Act 1997 - Proposal No. 8/2007 under section 42(4) of the Act, Declassification of Class 'A' Reserves 44309 and 44311 being part of the refurbishment of Forrest Place, dated 15 May 2007 (2713).

4. Notice of Motion**5. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Minister for Health on his travel, with a study group, to the USA between 15 and 27 April 2007 to visit hospitals and meet top-level health experts.

Paper

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

By the Minister for Health -

Official Travel - Minister for Health: Ministerial Visit to the United States of America,
15 to 27 April 2007 (2714).

The Minister representing the Minister for Seniors and Volunteering on National Volunteer Week, with the theme "See the Change - Volunteering", being held this week.

6. Grievances

The Deputy Speaker called for grievances which were then made.

7. Notices of Motion Lapsed - Removal from Notice Paper

The Deputy Speaker advised that in accordance with Standing Order No. 74, Private Members' Notice of Motion No. 1, notice of which was given on 31 May 2006 and renewed for a further 30 sitting days on 19 October 2006, would be removed and would not appear on the next Notice Paper.

8. Joint Standing Committee on the Corruption and Crime Commission - Terms of Reference

The Deputy Speaker advised members that the Speaker had received a letter dated 16 May 2007 from Mr J.N. Hyde, MLA, Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising that under Standing Order 255 (1), the Committee had determined for itself terms of reference in relation to an inquiry into the Efficacy of Public Hearings by the Corruption and Crime Commission.

The letter read as follows -

" The Committee resolved the following terms of reference -

" That the Committee inquire into and make recommendations on the statutory discretion of the Corruption and Crime Commission to take oral evidence from persons in open or closed session, with particular regard to -

- (a) the adequacy of criteria for opening or closing examinations under section 139 and 140 of the *Corruption and Crime Commission Act 2003*;
- (b) the opportunities for persons aggrieved by allegations made before the Commission, particularly during a public examination, to respond to those allegations; and
- (c) any other relevant issue.

The Committee will report to the Legislative Assembly at the commencement of sitting in March 2008. "

In accordance with the same Standing Order, the Speaker arranged for the Committee's terms of reference to be placed on the notice boards of the Legislative Assembly.

9. Estimates Management Committee Report

The Leader of the House presented the Report of the Management Committee for the Estimates Committees 2007.

Paper

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

By the Leader of the House -

Estimates Committees 2007 - Report of the Management Committee for the Estimates Committee 2007 (2717).

The Leader of the House moved, That the report be adopted.

Question put and passed.

10. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on the Corruption and Crime Commission - Interim Report on Amendments to the *Corruption and Crime Commission Act 2003* - A Public Interest Monitor, Report No. 24 (2715).

Mr J.N. Hyde spoke on the report.

11. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on the Corruption and Crime Commission - Report on Past Misconduct Inquiry - Western Australia Police, Report No. 25 (2716).

Mr J.N. Hyde spoke on the report.

12. Appropriation (Consolidated Account) Bill (No. 1) 2007

Appropriation (Consolidated Account) Bill (No. 2) 2007

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

Debate resumed.

Debate interrupted by the Chair (Ms S.E. Walker speaking) and adjourned until a later stage of the sitting.

13. Members' Statements

The Acting Speaker called for members' statements which were then made.

14. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Health -

Repcol Limited - Correspondence dated 18 April 2007 to the Company Announcements Office, Australian Stock Exchange Limited: 'Refinancing and Potential Recapitalisation/Sale of Assets' (2719).

Questions on notice Nos 1843, 1876, 1950 to 1956, 1958 to 1964, 2003 to 2008, 2010 to 2017, 2055 and 2172 were answered.

Paper tabled by the Minister for Public Sector Management-

Question on Notice No. 1843 - Permanent and fixed-term employees with a base salary in the salary range \$100,000 to \$149,999 per annum as at 31 December 2006 (2718).

15. Personal Explanation

The Minister for Planning and Infrastructure made a personal explanation on comments made by Mr C.J. Barnett during an earlier debate today.

16. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Police and Emergency Services provided additional information relating to Question on Notice No. 1940 from Mr M.J. Birney.

Paper

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

By the Minister for Police and Emergency Services -

Question on Notice No. 1940 - Further information on sections 30, 31 and 32 (2720).

In accordance with Standing Order No. 82A, the Minister for Public Sector Management provided additional information relating to Question on Notice No. 1882 from Mr T.R. Buswell.

Paper

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

By the Minister for Public Sector Management -

Question on Notice No. 1882 - Details of Management Initiated Retirements (2721).

17. Speaker's Statement - Petition Out of Order

The Speaker advised members that Mr B.S. Wyatt presented a petition today pertaining to emergency services volunteers. The Speaker advised that the petition was addressed to the Honourable the Speaker and Members of the House of Representatives, not the Speaker and Members of this House, and therefore ruled the petition out of order and directed that it be returned to Mr B.S. Wyatt.

18. Speaker's Statement - Status of Mickelberg Case

The Speaker advised members that, with reference to a point of order made earlier by Mr R.C. Kucera in relation to comments about the Mickelberg case, the case is a civil defamation case which has not yet been set down for trial and is therefore not subject to the *sub judice* rule.

19. 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 - The Anti-Corruption Commission's Involvement by Western Australia Police Officers in the Death of Andrew Petrelis, dated 17 May 2007 (2722).

Financial Management Act 2006 - Notice is given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by various Ministers regarding Questions without Notice Nos 2003 to 2007 and 2011 to 2017 (2723).

Financial Management Act 2006 - Notice is given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by various Ministers regarding Questions without Notice Nos 1950 to 1954, and 1958 to 1964 (2724).

Public Sector Standards Commissioner, Office of the [PSSC] - Ten Year Review - Report No. 4, The Principal of Integrity in Official Conduct, Addendum to report tabled 8 May 2007 (2725).

20. Matter of Public Interest - Criticism of the Government and Freedom of the Press in Western Australia

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

At least five members having risen in support,

Dr K.D. Hames moved,

That this House condemns the Labor Government for its inability to accept justified criticism and its unprecedented attack on the freedom of the press in Western Australia.

Debate ensued.

Paper

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

By the Minister for Health -

Gayle Sargent - Letter to the editor: Response to front-page photo and article, "Frail Patient Slept on Chairs", published on Wednesday, 24 January 2007 (2726).

Question put.

The Assembly divided.

Ayes (22)

Mr C.J. Barnett
Mr M.J. Birney
Mr T.R. Buswell
Dr E. Constable
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
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (28)

Mr P.W. Andrews
Mr J.J.M. Bowler
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
Mr A.D. McRae
Mrs C.A. Martin
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms J.A. Radisich

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

Question thus negatived.

21. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

22. Appropriation (Consolidated Account) Bill (No. 1) 2007

Appropriation (Consolidated Account) Bill (No. 2) 2007

The Order of the Day for the resumption of the debate upon the second reading of the Bill was read.
Debate resumed.

Question put and passed.

Appropriation (Consolidated Account) Bill (No. 1) 2007 read a second time and pursuant to Standing Order No. 222 the Bill and Estimates were referred to Estimates Committees A and B.

23. Appropriation (Consolidated Account) Bill (No. 2) 2007

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

Question put and passed.

Bill read a second time and pursuant to Standing Order No. 222 the Bill and Estimates were referred to Estimates Committees A and B.

24. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 12 June 2007 at 2.00 p.m.

Question put and passed.

25. Notice of Motion after the Time Prescribed

Mr M.W. Trenorden was granted leave to give a late notice of motion.

26. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 6.05 p.m. until Tuesday, 12 June 2007 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr D.F. Barron-Sullivan and Mr G.M. Castrilli.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly