

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 143

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 12 JUNE 2007

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 - Change in Chamber Seating

The Speaker advised members that, as Dr S.C. Thomas would be the acting Manager of Opposition Business during the absence of Mr C.J. Barnett on Commonwealth Parliamentary Association business, Dr S.C. Thomas would be recognised from Mr C.J. Barnett's seat.

3. Speaker's Statement - Appointment of Sergeant-at-Arms

The Speaker advised members that Ms Liz Kerr had been appointed as Sergeant-at-Arms.

4. Personal Explanation

Mr P.D. Omodei made a personal explanation on the release of information from an embargoed Corruption and Crime Commission report by Opposition staff.

5. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Tourism on the promotion of Western Australian tourism.

The Minister for Culture and the Arts on representing the Premier at the 25th Anniversary of the Western Australian Premier's Book Awards 2006.

The Minister for Education and Training on the appointment of Ms Sharyn O'Neill as the new Director General for the Department of Education and Training.

6. Questions

Questions without Notice were taken.

Questions on Notice Nos 2325 to 2415 were asked.

Questions on Notice Nos 1821, 1868, 1870, 1872 to 1874, 1877, 1880, 1881, 1883, 1939, 1957, 1966, 1991, 2009, 2020, 2027, 2042, 2051, 2053, 2056, 2058, 2062 to 2064, 2093, 2100, 2115, 2123, 2128, 2160, 2179 to 2181, 2183, 2185 to 2187, 2190, 2191, 2193 to 2199, 2201, 2203 to 2205, 2208 to 2225, 2227 to 2237, 2239 to 2241, 2246, 2247, 2250 to 2257, 2259, 2260, 2263, 2266 to 2273, 2276, 2277, 2279 to 2283, 2287, 2288, 2291, 2292, 2294 to 2299, 2302 to 2309, 2311 to 2324 were answered.

Paper tabled by the Minister for Disability Services; Tourism; Culture and the Arts; Consumer Protection -

Question on Notice No. 1874 - Department of Culture and the Arts - Water and Electricity Usage (2761).

Paper tabled by Minister for Public Sector Management -

Question on Notice No. 1881 - Department of Public Sector Management - Ministerial Office Staffing (2762).

Paper tabled by the Attorney General -

Question on Notice No. 2187 - Department of the Attorney General - Parole Breaches: Details of Original Offence, Breach Reasons and Outcomes (2763).

Paper tabled by the Minister for Health -

Question on Notice No. 2198 - Department of Health - Average Occupancy Rates in Western Australian Hospitals (2764).

Paper tabled by the Minister for Resources -

Question on Notice No. 2211 - Department of Resources - Approvals for Mining Operations (2765).

Paper tabled by the Treasurer -

Question on Notice No. 2215 - Department of Treasury - Unbudgeted New Funding - 2006-2007 (2766).

Paper tabled by the Minister for Education and Training -

Question on Notice No. 2222 - Department for Education and Training - 2007 Average Class Sizes by District (2767).

Paper tabled by the Minister Representing the Minister for Agriculture and Food

Question on Notice No. 2237 - Department of Agriculture and Food - Establishments with Agricultural Activity, By State - At June 2005 (2768).

Paper tabled by the Minister for Health -

Question on Notice No. 2263 - Department of Health - Market Research and Presentations Conducted for the Department of Health - 2004 to 2007 (2769).

Paper tabled by the Attorney General -

Question on Notice No. 2273 - Department of the Attorney General - Parole Breaches: Details of Original Offence, Breach Reasons and Outcomes (2770).

Paper tabled by the Minister for Health -

Question on Notice No. 2282 - Department of Health - Average Occupancy Rates in Western Australian Hospitals (2771).

Paper tabled by the Treasurer -

Question on Notice No. 2296 - Department of Treasury - Unbudgeted New Funding - 2006-2007 (2772).

7. Message from the Governor

The following message from His Excellency the Governor was read by the Speaker -

The Governor transmits to the Legislative Assembly a copy of a despatch which he has received today from the Honourable the President of the Senate of the Commonwealth of Australia, notifying that a vacancy has happened in the representation of the State of Western Australia in the said Senate.

His Excellency Dr Kenneth Michael, AC
Governor of Western Australia
Government House
St Georges Terrace
Perth WA 6000

31 May 2007

Your Excellency

Pursuant to the provisions of section 21 of the Commonwealth of Australia Constitution, I notify Your Excellency that a vacancy has happened in the representation of the State of Western Australia through the resignation on 31 May 2007 of Senator the Honourable Ian Gordon Campbell.

Yours sincerely

President of the Senate

8. Joint Sitting of the Legislative Assembly and Legislative Council

The Leader of the House, pursuant to the message from His Excellency the Governor advising that a vacancy had occurred in the representation of Western Australia in the Senate, moved -

That Mr Speaker be requested to confer with the President of the Legislative Council, in order to fix a day and place whereon and whereat the Legislative Assembly and the Legislative Council, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

Question put and passed.

9. Personal Explanation

Mr J.B. D'Orazio made a personal explanation on the Corruption and Crime Commission's report on Mr Pasquale Minnitti.

10. Messages from the Governor

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

No. 12 - 23 May 2007

Road Traffic Amendment (Drugs) Bill 2006, Act No. 6 of 2007.

No. 13 - 6 June 2007

Owner-Drivers (Contracts and Disputes) Bill 2006, Act No. 7 of 2007.

11. Messages from the Governor

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

Revenue Laws Amendment (Taxation) Bill 2007 (Message No. 14).

Revenue Laws Amendment (Assessment) Bill 2007 (Message No. 15).

12. Petitions

TAFE Lecturers in Western Australia - Ms K. Hodson-Thomas presented a petition from 1,419 persons requesting that the Legislative Assembly support the development of a comprehensive attraction and retention strategy and package for TAFE lecturers in order that TAFEWA can continue to support the economic development of Western Australia by training the next generation of skilled citizens (P. 224).

Royal Perth Hospital - Dr K.D. Hames presented a petition from 2,862 persons requesting that the Legislative Assembly strongly oppose the closure of Royal Perth Hospital and ensure the retention of the name 'Royal Perth Hospital' (P. 225).

Prostitution Law Reform Working Group - Mr J.E. McGrath presented a petition from 17 persons requesting that the Legislative Assembly votes against any Bill implementing the recommendations of the Prostitution Law Reform Working Group as set out in their report of January 2007 (P. 226).

13. Papers

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

By the Clerk -

Adoption Act Legislative Review Committee - Review of the *Adoption Act 1994*, May 2007 (2727).

Cemeteries Act 1986 - Local Laws (Shire of Wiluna - Cemetery Local Law 2007 G.G. 05/06/2007) (2728).

Chiropractors Act 2005 - Regulations (Chiropractors Regulations 2007 G.G. 15/05/2007) (2729).

Community Protection (Offender Reporting) Act 2004 - Regulations (Community Protection (Offender Reporting) Amendment Regulations 2007 G.G. 01/06/2007) (2730).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Planning and Infrastructure regarding Question without Notice No. 1957, dated 20 March 2007 (2731).

Fines, Penalties and Infringement Notices Enforcement Act 1994 - Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations 2007 G.G. 18/05/2007) (2732).

Fish Resources Management Act 1994 - Management Plans (Pilbara Fish Trawl Fishery (Interim) Management Plan Amendment 2007 G.G. 29/05/2007) (2733).

Government of Western Australia, The - Quarterly Financial Results Report, March 2007 (2734).

Health Act 1911 - Local Laws (Shire of Cuballing Health Local Laws 2007 G.G. 05/06/2007) (2735).

Health Act 1911 - Local Laws (Shire of Dandaragan Health (Amendment) Local Law 2007 G.G. 22/05/2007) (2736).

Health Act 1911 - Local Laws (The Municipality of the City of Melville - Local Laws relating to Eating Houses - Health (Eating Houses) Local Laws 2001 G.G. 01/06/2007) (2737).

Health Act 1911 - Regulations (Health (Food Hygiene) Amendment Regulations 2007 G.G. 18/05/2007) (2738).

Health Act 1911 - Regulations (Health (Food Standards) (Administration) Amendment Regulations 2007 G.G. 18/05/2007) (2739).

Health Act 1911 - Regulations (Health (Notification of Intussusceptions) Regulations 2007 G.G. 18/05/2007) (2740).

Health Act 1911 - Regulations (Health (Offensive Trades Fees) Amendment Regulations 2007 G.G. 18/05/2007) (2741).

Health Act 1911 - Regulations (Health (Pet Meat) Amendment Regulations 2007 G.G. 18/05/2007) (2742).

Health Act 1911 - Regulations (Health (Public Buildings) Amendment Regulations 2007 G.G. 18/05/2007) (2743).

Health Act 1911 - Regulations (Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2007 G.G. 18/05/2007) (2744).

Hospitals and Health Services Act 1927 - By-laws (Osborne Park Hospital By-laws 2007 G.G. 05/06/2007) (2745).

Hospitals and Health Services Act 1927 - By-laws (WA Country Health Service By-laws 2007 G.G. 05/06/2007) (2746).

Local Government (Miscellaneous Provisions) Act 1960 - Regulations (Building Amendment Regulations (No. 2) 2007 G.G. 18/05/2007) (2747).

Local Government Act 1995 - Local Laws (City of Belmont - Dust and Liquid Waste Local Law 2007 G.G. 29/05/2007) (2748).

Local Government Act 1995 - Local Laws (City of South Perth Standing Orders Local Law 2007 G.G. 17/05/2007) (2749).

Local Government Act 1995 - Local Laws (Shire of Broome - Parking and Use of Vehicles Amendment Local Law 2007 G.G. 08/06/2007) (2750).

Local Government Act 1995 - Local Laws (Shire of Wiluna - Local Government Property and Dogs Local Law 2007 G.G. 05/06/2007) (2751).

Medical Board of Western Australia - Annual Report 2005-2006 (2752).

Pay-roll Tax Assessment Act 2002 - Regulations (Pay-roll Tax Assessment Amendment Regulations 2007 G.G. 15/05/2007) (2753).

Pharmacy Act 1964 - Regulations (Pharmacy Amendment Regulations 2007 G.G. 15/05/2007) (2754).

Planning and Development Act 2005 - Regulations (Town Planning (Local Government Planning Fees) Amendment Regulations 2007 G.G. 08/06/2007) (2755).

Public Sector Management Act 1994 - Codes (Western Australian Public Sector Code of Ethics (Repeal) 2007 G.G. 25/05/2007) (2756).

Road Traffic Act 1974 - Regulations (Road Traffic (Charges and Fees) Amendment Regulations (No. 2) 2007 G.G. 29/05/2007) (2757).

State Superannuation Act 2000 - Regulations (State Superannuation Amendment Regulations (No. 3) 2007 G.G. 06/06/2007) (2758).

Trade Measurement Act 2006 - Regulations (Trade Measurement Regulations 2007 G.G. 29/05/2007) (2759).

Water Services Licensing Act 1995 - Regulations (Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations (No. 2) 2007 G.G. 29/05/2007) (2760).

14. Notices of Motion

15. Order of the Day Lapsed under Standing Order No. 144A

The Acting Speaker advised members that in accordance with Standing Order 144A, Private Members' Business Order of the Day for the Scrutiny of Government Publicity Bill 2005, which was on the previous Notice Paper as 'Awaiting Governor's Message' and had not been debated for more than twelve calendar months, had been removed from the Notice Paper.

The Acting Speaker advised members that a Bill removed under this Standing Order may be restored by motion to the point it reached prior to its removal.

16. Racing, Wagering and Betting Legislation Amendment and Repeal Bill 2007

Message No. 153 dated 7 June 2007 from the Legislative Council was reported agreeing to the bill without amendment.

17. Electricity Corporations Amendment Bill 2006

Mr M.W. Trenorden, pursuant to notice, moved,

That the Electricity Corporations Amendment Bill 2006 be restored to the point it reached prior to its removal from the Notice Paper on Wednesday, 16 May 2007.

Question put and passed.

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

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

The Order of the Day for the presentation of the reports and minutes of Estimates Committees A and B was read.

Papers

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

By the Deputy Speaker -

Estimates Committee A - Report and Minutes (2773).

Estimates Committee B - Report and Minutes (2774).

Question proposed, That the report of Estimates Committee A be adopted.

The report of Estimates Committee A was as follows -

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the Appropriation (Consolidated Account) Bill (No. 1) 2007 and the Appropriation (Consolidated Account) Bill (No. 2) 2007 -

Division Nos 1 to 11;
 12 (services 3 and 5);
 13 to 17;
 19 to 26;
 34;

56 to 62; and

68 and 69 (services 1 to 3),

and agreed to the clauses, schedules and titles of the Bills without amendment.

Debate ensued.

Question put and passed.

Question proposed, That the report of Estimates Committee B be adopted.

The report of Estimates Committee B was as follows -

The Estimates Committee has considered and recommended the Appropriations for the following Divisions of the Estimates of Expenditure under the Appropriation (Consolidated Account) Bill (No. 1) 2007 and the Appropriation (Consolidated Account) Bill (No. 2) 2007 -

Division Nos 12 (services 1, 2, 4 and 6);
 18;
 27 to 33;
 35 to 55;
 63 to 67; and
 69 (service 4).

Debate ensued.

Question put and passed.

Leave was granted to proceed forthwith to the third reading of the *Appropriation (Consolidated Account) Bill (No. 1) 2007*.

The Treasurer moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

Speaker's Statement - Joint Sitting to fill Senate Vacancy

The Speaker advised members that he had consulted with the President of the Legislative Council in relation to holding a Joint Sitting to fill the vacancy in the Senate created by the resignation of Senator Ian Gordon Campbell, and that the Joint Sitting would be held on Tuesday, 19 June 2007 at 12.00 noon in the Legislative Council Chamber.

The Leader of the House, on behalf of the Treasurer, moved, That the Appropriation (Consolidated Account) Bill (No. 2) 2007 now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

19. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

20. Child Care Services Bill 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.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for a later stage of the day's sitting.

21. Personal Explanation

Mr M.P. Whitely made a personal explanation about a Question without Notice from Mr T.R. Buswell to the Premier during question time today which related to a former electorate office staff member.

22. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 4 be resumed.

23. Child Care Services Bill 2007

The Order of the Day for the consideration in detail of the bill was read.

CONSIDERATION IN DETAIL

Clause 1.

Ms S.E. Walker moved,

Page 2, line 3 - To insert after "Child Care" the following -

" Protection "

Debate ensued.

On the question, That the word be inserted,

Question put.

The Assembly divided.

Ayes (15)

Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable

Dr K.D. Hames
Ms K. Hodson-Thomas
Mr J.E. McGrath
Mr P.D. Omodei
Mr D.T. Redman

Mr G. Snook
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Noes (25)

Mr J.J.M. Bowler
Dr J.M. Edwards
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 D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 2 to 73 agreed to.

Schedule 1 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister representing the Minister for Child Protection moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

24. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 2 and 3 be next considered.

25. Revenue Laws Amendment (Taxation) Bill 2007

Revenue Laws Amendment (Assessment) Bill 2007

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

Cognate Debate

Leave was granted to debate the Revenue Laws Amendment (Assessment) Bill 2007 in conjunction with the Revenue Laws Amendment (Taxation) Bill 2007.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clause 1 agreed to.

Clause 2.

Mr T.R. Buswell moved,

Page 2, line 21 - To delete "1 January 2009" and substitute -

" 1 July 2008 ".

On the question, That the words be deleted,

Question put.

The Assembly divided.

Ayes (13)

Mr T.R. Buswell
Mr G.M. Castrilli
Mr J.H.D. Day
Dr K.D. Hames
Dr G.G. Jacobs

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

Mr G.A. Woodhams
Dr J.M. Woollard
Mr A.J. Simpson (*Teller*)

Noes (22)

Mr J.J.M. Bowler
 Dr J.M. Edwards
 Mrs J. Hughes
 Mr J.N. Hyde
 Mr J.C. Kobelke
 Mr R.C. Kucera
 Mr F.M. Logan
 Mr J.A. McGinty

Mr M. McGowan
 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
 Mr D.A. Templeman
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 3 to 15 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Treasurer moved, That the bill be now read a third time.

Question put and passed.

Bill read a third time and forwarded to the Legislative Council for concurrence.

26. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.31 p.m. until Wednesday, 13 June 2007 at 12.00 noon.

Members present during any part of the day's proceedings - All the members except

Mr P.W. Andrews, Mr C.J. Barnett, Mr R.F. Johnson, Mr T.G. Stephens and Mr T.K. Waldron.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly