

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 102

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 14 SEPTEMBER 2006

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

Death of Mr Karl John Woods - Mr B.S. Wyatt presented a petition from 188 persons requesting a full independent public inquiry into the death of Mr Karl John Woods while in Police custody (P. 148).

3. Papers

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

By the Clerk -

Public Advocate, The - Annual Report 2005-2006 (1836).

Water Corporation - Annual Report 2005-2006 (1837).

WorkCover Western Australia - Annual Report 2005-2006 (1838).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Premier on the Alcoa World Alumina Australia Ltd proposal to expand the Wagerup Refinery.

The Minister for the Environment on the Environmental Protection Authority's advice regarding environmental approval for the proposed Alcoa Wagerup refinery expansion.

The Minister for Seniors and Volunteering on the prevalence of depression amongst seniors.

The Minister for Citizenship and Multicultural Interests on the Federal Government's approach to Multiculturalism and Adult Migrant Education Program.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. Papers

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

By the Clerk -

Legislative Assembly, Department of the - Independent Audit Opinion by the Office of the Auditor General, Administration of the Legislative Assembly, Financial Statements for the Year Ended 30 June 2006 (1839).

Legislative Council, Department of the - Letter dated 8 September 2006 from John Doyle, Acting Auditor General to the Clerk of the Legislative Council regarding Financial Statements and Performance Indicators Year Ended 30 June 2006 (1840).

Parliamentary Services Department - Independent Audit Opinion by the Office of the Auditor General, Parliamentary Services Department, Financial Statements for the Year Ended 30 June 2006 (1841).

7. Procedure and Privileges Committee

Mrs D.J. Guise, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House -

Procedure and Privileges Committee - Minor Change to the Standing Orders, Report No. 4 (1842).

Mrs D.J. Guise, Mr M.W. Trenorden and Mr R.F. Johnson spoke on the report.

8. Community Development and Justice Standing Committee

Mr A.P. O’Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Community Development and Justice Standing Committee - Annual Report 2005-2006, Report No. 2 (1843).

Mr A.P. O’Gorman spoke on the report.

9. Education and Health Standing Committee

Mr T.G. Stephens, as Chairman, presented the following papers which were ordered to lie upon the Table of the House -

Education and Health Standing Committee - Inquiry into Changes to Post Compulsory Curriculum in Western Australia - Submissions (1844).

Education and Health Standing Committee - Inquiry into Changes to Post Compulsory Curriculum in Western Australia - Transcripts of Evidence (1845).

Education and Health Standing Committee - Inquiry into Swimming Pool Program in Remote Communities - Submissions (1846).

Education and Health Standing Committee - Inquiry into Swimming Pool Program in Remote Communities - Transcripts of Evidence (1847).

10. Electoral Legislation Amendment Bill 2006

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (43)

Mr P.W. Andrews	Mr F.M. Logan	Mr D.T. Redman
Mr C.J. Barnett	Ms A.J.G. MacTiernan	Mr E.S. Ripper
Mr T.R. Buswell	Mr J.A. McGinty	Mr A.J. Simpson
Mr A.J. Carpenter	Mr M. McGowan	Mr G. Snook
Mr G.M. Castrilli	Mr J.E. McGrath	Mr T.R. Sprigg
Mr J.H.D. Day	Ms S.M. McHale	Mr T.G. Stephens
Mr J.B. D'Orazio	Mr A.D. McRae	Mr D.A. Templeman
Dr J.M. Edwards	Mr N.R. Marlborough	Dr S.C. Thomas
Mr B.J. Grylls	Mrs C.A. Martin	Mr T.K. Waldron
Mrs D.J. Guise	Mr M.P. Murray	Mr P.B. Watson
Ms K. Hodson-Thomas	Mr A.P. O'Gorman	Mr M.P. Whitely
Mrs J. Hughes	Mr P.D. Omodei	Mr B.S. Wyatt
Mr J.N. Hyde	Mr J.R. Quigley	Mr S.R. Hill (<i>Teller</i>)
Mr J.C. Kobelke	Ms M.M. Quirk	
Mr R.C. Kucera	Ms J.A. Radisich	

Noes (7)

Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Mr R.F. Johnson (<i>Teller</i>)
Dr E. Constable	Ms S.E. Walker	
Mr M.J. Cowper	Dr J.M. Woollard	

Question thus passed.

Bill read a second time.

The Minister for Electoral Affairs moved, pursuant to notice, That the *Electoral Legislation Amendment Bill 2006* be divided into three separate Bills, being —

“ (1) The *Electoral Legislation Amendment Bill 2006* consisting of —

(a) a title —

“**A Bill for An Act to amend the —**

- ***Constitution Acts Amendment Act 1899; and***
 - ***Electoral Act 1907; and***
 - ***Electoral Amendment (Political Finance) Act 1992,***
- and for related purposes.”;**

(b) Part 1;

(c) the heading to Part 3 Division 1, with “Division 1” replaced by “Part 2”;

(d) clause 14, with “Division” replaced by “Part”;

(e) clauses 15 to 21;

(f) the heading to Part 3 Division 2, with “Division 2” replaced by “Part 3”;

(g) clause 23, with “Division” replaced by “Part”;

(h) clauses 24 to 66;

(i) the heading to Part 3 Division 3, with “Division 3” replaced by “Part 4”;

(j) clause 67, with “Division” replaced by “Part”;

(k) clause 68.

(2) The *Electoral Reform (Electoral Funding) Bill 2006* consisting of —

(a) a title —

“**A Bill for An Act to amend the *Electoral Act 1907*”;**

- (b) the following clauses —

“

1. Short title

This is the *Electoral Reform (Electoral Funding) Act 2006*.

2. Commencement

- (1) Section 1 and this section come into operation on the day after the day on which this Act receives the Royal Assent.
 - (2) This Act, other than section 1 and this section, comes into operation on a day fixed by proclamation.
- ”;
- (c) clause 3, with “Part” replaced by “Act”;
 - (d) clauses 4 and 5;
 - (e) clause 6, with “*Legislation Amendment*” replaced by “*Reform (Electoral Funding)*” in the definition of “election” in proposed section 175LA(1);
 - (f) clauses 7 to 13.
- (3) The Parliamentary Legislation Amendment Bill 2006 consisting of —
- (a) a title —

“A Bill for An Act to amend the —

 - *Constitution Acts Amendment Act 1899*; and
 - *Salaries and Allowances Act 1975*,

and for related purposes.”;
 - (b) the following Part —

“

Part 1 — Preliminary

1. Short title

This is the *Parliamentary Legislation Amendment Act 2006*.

2. Commencement

This Act comes into operation on the day after the day on which it receives the Royal Assent.

”;

- (c) the following heading and clause —

“

Part 2 — *Constitution Acts Amendment Act 1899* amended

3. The Act amended in this Part

The amendments in this Part are to the *Constitution Acts Amendment Act 1899**.

[* *Reprint 14 as at 21 April 2006.*
For subsequent amendments see Act Nos. 5 and 28 of 2006.]

”;

- (d) clause 22;
- (e) the heading to Part 3 Division 4, with “Division 4” replaced by “Part 3”;
- (f) clause 69, with “Division” replaced by “Part”;
- (g) clauses 70 and 71.

2. That so much of Standing Orders be suspended as is necessary to enable the *Electoral Legislation Amendment Bill 2006*, *Electoral Reform (Electoral Funding) Bill 2006* and the *Parliamentary Legislation Amendment Bill 2006* to proceed through all remaining stages in one day.

”.

Speakers Statement - Proposed Division of Bill

The Speaker advised members that it was open to the House when commencing consideration in detail to decide that a Bill should be divided into two or more Bills, or indeed to consolidate two or more bills into one. Members should be aware that this was an administrative and procedural motion and could not be used to effect substantive amendments. The only permissible changes were those necessary to enable the division of the Bill into such parts as were considered appropriate by the House and this included any technical or clerical adjustments required to be made by the Clerk.

Once divided, the divided Bills would be listed as separate Orders of the Day.

The procedures relating to substantive amendments to the bills remained unchanged and must be made during the consideration in detail stage.

Debate ensued.

Question put and passed.

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

11. Variation to the Order of Business

The Minister for Electoral Affairs moved, That Government Business Order of the Day for the consideration in detail of the *Electoral Reform (Electoral Funding) Bill 2006* be next considered.

Question put.

The Assembly divided.

Ayes (32)

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

Noes (18)

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

Mr J.H.D. Day
Ms K. Hodson-Thomas
Dr G.G. Jacobs
Mr R.F. Johnson
Mr J.E. McGrath
Mr P.D. Omodei

Mr A.J. Simpson
Mr G. Snook
Dr S.C. Thomas
Ms S.E. Walker
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Question thus passed.

12. Electoral Reform (Electoral Funding) Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

Mr D.F. Barron-Sullivan moved,

“

That the Bill be referred to the Community Development and Justice Standing Committee so that amendments can be drafted providing for public funding of individual campaigns rather than for political parties.

”.

Question put.

The Assembly divided.

Ayes (8)

Mr D.F. Barron-Sullivan
Dr E. Constable
Mr M.J. Cowper

Dr G.G. Jacobs
Mr M.W. Trenorden
Ms S.E. Walker

Dr J.M. Woollard
Mr R.F. Johnson (*Teller*)

Noes (34)

Mr P.W. Andrews
Mr T.R. Buswell
Mr A.J. Carpenter
Mr G.M. Castrilli
Dr J.M. Edwards
Mr B.J. Grylls
Mrs D.J. Guise
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke
Mr R.C. Kucera
Mr J.A. McGinty

Mr M. McGowan
Mr J.E. McGrath
Ms S.M. McHale
Mr A.D. McRae
Mr N.R. Marlborough
Mrs C.A. Martin
Mr A.P. O’Gorman
Mr P.D. Omodei
Mr J.R. Quigley
Ms M.M. Quirk
Ms J.A. Radisich
Mr D.T. Redman

Mr E.S. Ripper
Mr A.J. Simpson
Mr G. Snook
Mr T.R. Sprigg
Mr T.G. Stephens
Mr T.K. Waldron
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Question thus negatived.

Debate interrupted by the Chair 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.

Questions on notice Nos 1489 to 1493 were asked.

Questions on notice Nos 1271, 1275, 1289, 1290, 1299, 1301, 1303, 1304, 1306, 1307, 1317, 1318, 1322 to 1325, 1338, 1341, 1351, 1352, 1357, 1359, 1361, 1364, 1366, 1370, 1378 to 1383, 1385, 1386, 1409, 1411 and 1413 were answered.

15. Messages from the Governor

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

Electoral Legislation Amendment Bill 2006 (Message No. 38).

Electoral Reform (Electoral Funding) Bill 2006 (Message No. 39).

Parliamentary Legislation Amendment Bill 2006 (Message No. 40).

16. Speaker's Statement - Procedure and Privileges Committee Report Dates

The Speaker advised members that the Procedure and Privileges Committee had agreed to the following report dates for its investigations -

Members of Parliament (Financial Interests) Act 1992 Review - 30 November 2006

Review of the Legislative Assembly's Committee System - 29 March 2007

E-Petitions and E-Parliament and Related Matters Feasibility Study - 28 June 2007

17. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day for the further consideration in detail of the *Electoral Reform (Electoral Funding) Bill 2006* be resumed.

18. Electoral Reform (Electoral Funding) Bill 2006

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

CONSIDERATION IN DETAIL

On the question, That Clause 6 be agreed to,

The Minister for Electoral Affairs moved,

Page 4, line 7 – To insert before “\$1.39413” –

“ taken, as at 30 June 2006, to have been ”.

Page 4, line 10 – To insert after “amount” –

“ is taken to have been adjusted on 1 July 2006 ”.

Page 4, line 11 – To insert after “each” –

“ subsequent ”.

The Minister for Electoral Affairs moved, To add after “1 July 2006” in the second amendment the word –

“ and ”.

Question put and passed.

Amendments, as amended, put and passed.

Mr T.R. Buswell moved,

Page 5, after line 10 – To insert the following –

“

- (2) A payment under this Division cannot be made for the purposes of a by-election prior to the first general election following the commencement of the Act.

”

Amendment put.

The Assembly divided.

Ayes (17)

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

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 A.J. Simpson
Mr G. Snook
Dr S.C. Thomas
Ms S.E. Walker
Mr T.R. Sprigg (*Teller*)

Noes (30)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D’Orazio
Dr J.M. Edwards
Mr B.J. Grylls
Mrs D.J. Guise
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
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
Mr M.P. Murray
Mr J.R. Quigley
Ms M.M. Quirk
Ms J.A. Radisich

Mr D.T. Redman
Mr E.S. Ripper
Mr T.G. Stephens
Mr D.A. Templeman
Mr M.W. Trenorden
Mr T.K. Waldron
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Clause 6, as amended, agreed to.

Clauses 7 to 13 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Electoral Affairs 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.

19. Variation to the Order of Business

Ordered, That Government Business Order of the Day for the consideration in detail of the *Parliamentary Legislation Amendment Bill 2006* be next considered.

20. Parliamentary Legislation Amendment Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Mr T.R. Buswell moved,

Page 3, line 24 to page 4, line 16 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

The Minister for Electoral Affairs moved,

Page 5, line 12 – To delete “Legislative Assembly” and substitute –
“ Parliament ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7.

Mr T.R. Buswell moved,

Page 5, line 21 – To insert after “the Chairman” the following –
“ , Deputy Chairman or a member ”.

Amendment put and passed.

Mr T.R. Buswell moved,

Page 5, line 25 to page 6, line 11 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Electoral Affairs 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.

21. Parole and Sentencing Legislation Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 104 was read.

The message was as follows -

Message No. 104.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Parole and Sentencing Legislation Amendment Bill 2006* 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 Parole and Sentencing Legislation Amendment Bill 2006

No. 1

Clause 12, page 13, lines 21 to 26 — To delete the lines and insert instead —

“

(4) If the Board —

(a) has received a report under subsection (3) advising that the CEO can facilitate the prisoner’s participation in a re-socialisation programme; and

- (b) considers that the prisoner may be suitable for inclusion in a re-socialisation programme,

”.

No. 2

Clause 12, page 15, lines 20 to 25 — To delete the lines and insert instead —

“

- (4) If the Board —
 - (a) has received a report under subsection (3) advising that the CEO can facilitate the prisoner’s participation in a re-socialisation programme; and
 - (b) considers that the prisoner may be suitable for inclusion in a re-socialisation programme,

”.

No. 3

Clause 40, page 25, after line 19 — To insert —

“

- (b) in paragraph (c) by deleting “14(1)” and inserting instead —
“ 27B(1) ”.

”.

No. 4

Clause 48, page 27, after line 19 — To insert —

“

- (3) Section 69(4) is amended by deleting “14(1)” and inserting instead —
“ 27B(1) ”.

”.

No. 5

Clause 56, page 31, after line 31 — To insert —

“

- (ii) the person has a knowledge and understanding of Aboriginal culture local to this State;

”.

No. 6

Clause 56, page 32, lines 1 and 2 — To delete “particularly Aboriginal Australians”.

No. 7

Clause 56, page 32, line 15 — To insert after “(4)(b)(i) -

“

and at least one community member is an Aboriginal person who has the attribute mentioned in subsection (4)(b)(ii)

”.

No. 8

New Clause 40, page 25, after line 13 — To insert the following new clause —

“

40. Section 49 amended

Section 49(3)(b) is amended by deleting “, the supervision period applicable in any case”.

”.

No. 9

Title, page 1, — To delete —

“

- **the *Children’s Court of Western Australia Act 1988*;**

”.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendments Nos 1 to 9 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

22. Misuse of Drugs Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 105 was read.

The message was as follows -

Message No. 105.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Misuse of Drugs Amendment Bill 2006* 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 Misuse of Drugs Amendment Bill 2006

No. 1

Clause 4, page 2, line 11 — To delete “by deleting paragraph (b) and inserting instead —” and insert instead —

“

as follows:

- (a) in paragraph (a) after “law of” by inserting —
“ the Commonwealth, of ”;
- (b) by deleting paragraph (b) and inserting instead —

”.

No. 2

Clause 4, page 2, lines 13 and 14 — To delete “a prescribed provision of a law of the Commonwealth,” and insert instead —

“

- (i) the repealed section 233B of the *Customs Act 1901* of the Commonwealth; or
- (ii) a law of the Commonwealth, which offence is prescribed to correspond to an offence against that repealed section;

”.

CONSIDERATION IN DETAIL

The Minister for Police and Emergency Services moved, That amendments Nos 1 and 2 be agreed to.
Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

23. Terrorism (Preventative Detention) Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 103 was read.
The message was as follows -

Message No. 103.

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Terrorism (Preventative Detention) Bill 2005* 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 Terrorism (Preventative Detention) Bill 2005

No. 1

Clause 37, page 37, line 7 — To insert before “to be” —

“ or copies of both the order and the summary, ”.

No. 2

Clause 42, page 40, lines 30 and 31 — To delete “if the detainee is detained in an institution,”.

No. 3

Clause 50, page 55, line 5 — To insert after “35(1)” —

“ or (4) ”.

CONSIDERATION IN DETAIL

The Minister for Police and Emergency Services, on behalf of the Premier, moved, That amendments Nos. 1 and 3 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

24. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.26 p.m. until Tuesday, 19 September 2006 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr M.J. Birney, Mr J.J.M. Bowler, Mrs M.H. Roberts and Mr G.A. Woodhams.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly