

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 191

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 8 APRIL 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 - Sergeant-at-Arms

The Speaker advised members that Dr Julia Lawrinson commenced as Sergeant-at-Arms on 7 April 2008.

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Indigenous Affairs on the Government's response to the findings of the Coroner, Mr Alistair Hope, into the alcohol and drug-related deaths of 22 indigenous people in the Kimberley.

Paper

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

By the Minister for Indigenous Affairs -

Hope Report – The Western Australian Government's Response to the Hope Report, April 2008 (3769).

The Minister for Police and Emergency Services on the success of the Emergency Services Levy (ESL) contribution toward the State's emergency services capability since its introduction by the State Government in 2003-2004.

Paper

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

By the Minister for Police and Emergency Services –

Fire and Emergency Services Authority of Western Australia – State of the Service, February 2008 (3770).

The Minister for Indigenous Affairs on the archaeological finds of 35,000 year old indigenous artefacts near Newman.

4. Questions

Questions without notice were taken.

Questions on notice Nos 3305 and 3306 were asked.

Questions on notice Nos 3080, 3116, 3119, 3131, 3134, 3139, 3145, 3158, 3160, 3169 and 3172 were answered.

Papers tabled by the Minister for Health –

Question on Notice No. 3131 – Table showing closed wards in Perth hospitals, and their numbers of inactive beds, on 1 September, 1 October and 1 November 2007 (3767).

Question on Notice No. 3139 – Table showing the number of patients removed from the elective surgery waiting list at metropolitan public tertiary and non-tertiary hospitals from 2005 to 2007 (3768).

5. Suspension of Standing Orders

Mr C.J. Barnett, 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 has no confidence in the Minister for Energy and calls upon the Premier to remove him from the Energy Portfolio.

Debate ensued.

The Leader of the House moved, That the following words be inserted after “Portfolio” -

“

and that this motion be considered to be the Matter of Public Interest under Standing Order 145 for this sitting week

”.

On the question, That the words be inserted,

Question put.

The Assembly divided.

Ayes (29)

Mr P.W. Andrews
Mr A.J. Carpenter
Dr J.M. Edwards
Ms 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
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day

Mr B.J. Grylls
Dr K.D. Hames
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath
Mr C.C. Porter
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
Dr G.G. Jacobs (*Teller*)

Question thus passed.

On the question, That the motion to suspend Standing Orders, as amended, be agreed to,

Question put.

The Assembly divided.

Ayes (48)

Mr P.W. Andrews
Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr A.J. Carpenter
Mr G.M. Castrilli
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Dr J.M. Edwards
Ms D.J. Guise
Dr K.D. Hames
Ms K. Hodson-Thomas
Mrs J. Hughes
Mr J.N. Hyde

Dr G.G. Jacobs
Mr R.F. Johnson
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 J.E. McGrath
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 C.C. Porter

Mr J.R. Quigley
Ms M.M. Quirk
Ms J.A. Radisich
Mr E.S. Ripper
Mrs M.H. Roberts
Mr A.J. Simpson
Mr G. Snook
Mr T.G. Stephens
Mr D.A. Templeman
Dr S.C. Thomas
Ms S.E. Walker
Mr P.B. Watson
Mr M.P. Whitely
Dr J.M. Woollard
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Noes (5)

Mr B.J. Grylls
Mr D.T. Redman

Mr M.W. Trenorden
Mr G.A. Woodhams

Mr T.K. Waldron (*Teller*)

Question thus passed.

The Speaker having counted the House, and an absolute majority being present, the motion, as amended, 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. Matter of Public Interest - No Confidence in Minister for Energy

Mr C.J. Barnett, pursuant to the foregoing motion, moved,

That this House has no confidence in the Minister for Energy and calls upon the Premier to remove him from the Energy Portfolio.

Debate ensued.

Question put.

The Assembly divided.

Ayes (22)

Mr C.J. Barnett	Dr K.D. Hames	Dr S.C. Thomas
Mr M.J. Birney	Ms K. Hodson-Thomas	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
Dr E. Constable	Mr P.D. Omodei	Dr J.M. Woollard
Mr M.J. Cowper	Mr C.C. Porter	Dr G.G. Jacobs (<i>Teller</i>)
Mr J.H.D. Day	Mr A.J. Simpson	
Mr B.J. Grylls	Mr G. Snook	

Noes (29)

Mr P.W. Andrews	Mr J.A. McGinty	Ms J.A. Radisich
Mr A.J. Carpenter	Mr M. McGowan	Mr E.S. Ripper
Dr J.M. Edwards	Ms S.M. McHale	Mrs M.H. Roberts
Ms 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>)
Ms A.J.G. MacTiernan	Ms M.M. Quirk	

Question thus negatived.

7. Petition

Friends Shop and Trolley Service – Dr K.D. Hames presented a petition from 2,775 persons requesting that the proposal by the Minister for Health to change the stock items sold by the Friends Shop and Trolley Service volunteers to patients and visitors at Royal Perth Hospital be opposed (P. 297).

8. Paper

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

By the Clerk –

Midland Redevelopment Act 1999 – Ministerial approval under section 20(3) of the Act to enter into a contract with Clinton Long Project Management of a value in excess of \$1 million, contract number DC0100-50.04, under the AS2124 contract terms with special conditions, dated 31 March 2008 (3766).

9. Speaker's Statement - Procedure and Privileges Committee

The Acting Speaker advised members that the Procedure and Privileges Committee would report to the Legislative Assembly on its *Review of the Legislative Assembly Committee System* by 19 June 2008.

10. Notices of Motion**11. Notices of Motion Lapsed**

The Acting Speaker advised that Private Members' Notices of Motion Nos 7 and 8 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

12. Message from the Governor

Message No. 9 from His Excellency the Governor was reported assenting to the Security and Related Activities (Control) Amendment Bill 2007, Act No. 4 of 2008.

13. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment -

3 April 2008

Treasurer's Advance Authorisation Bill 2008 (Message No. 203).

Duties Bill 2007 (Message No. 201).

Duties Legislation Amendment Bill 2007 (Message No. 202).

14. Temporary Order

The Leader of the House, pursuant to notice, moved,

That until 31 December 2008 Standing Order 74 will not apply to any notice of disallowance motion given in accordance with section 42 of the *Interpretation Act 1984*.

Question put and passed.

15. Prisoners (Interstate Transfer) Amendment 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.

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

The Minister for Corrective Services 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.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

17. Sentence Administration (Interstate Transfer of Community Based Sentences) 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.

CONSIDERATION IN DETAIL

Clauses 1 to 6 agreed to.

Clause 7.

The Minister for Corrective Services moved –

Page 4, lines 5 and 6 – To delete the lines.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 8 to 31 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the bill be made an Order of the Day for the next sitting of the Assembly.

18. Variation to the Order of Business

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

19. Co-operatives Bill 2007

The Order of the Day for the third reading of the bill having been read, the Minister for Consumer 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.

20. Community Protection (Offender Reporting) Amendment 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.

CONSIDERATION IN DETAIL

Mr R.F. Johnson moved –

That the scope of the *Community Protection (Offender Reporting) Amendment Bill 2007* be extended to allow the member for Hillarys to move his proposed new clause 4, as listed on the Notice Paper.

Debate ensued.

Question put and passed.

Clauses 1 to 3 agreed to.

New Clause

Mr R.F. Johnson moved –

Page 2, after line 11 – To insert –

“

4. Section 13A inserted

After section 13 the following section is inserted —

“

13A. Provision for declaration of child not a young reportable offender

- (1) If a court finds a child guilty of a Class 2 offence and the child receives no penalty pursuant to section 66 of the Young Offenders Act 1994 and, but for the operation of this section, that child would become a young reportable offender, then the court may on application by that child declare that child not to be a young reportable offender.
- (2) The court may make the declaration, referred to in subsection (1), only if it is satisfied that the child who would otherwise become a young reportable offender does not pose a risk to the lives or the sexual safety of one or more persons, or persons generally.

”

”

Amendment put.

The Assembly divided.

Ayes (18)

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

Mr B.J. Grylls
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath
Mr C.C. Porter
Mr D.T. Redman

Mr A.J. Simpson
Mr G. Snook
Dr S.C. Thomas
Mr M.W. Trenorden
Mr T.K. Waldron
Dr G.G. Jacobs (*Teller*)

Noes (27)

Mr J.J.M. Bowler
Mr A.J. Carpenter
Dr J.M. Edwards
Ms 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
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*)

Amendment thus negatived.

Clause 4.

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

Question put and passed.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.00 p.m. until Wednesday, 9 April 2008 at 12 noon.

Members present during any part of the day's proceedings - All the members except Mr J.B. D'Orazio.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly