

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 108

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 28 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. Papers

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

By the Deputy Speaker -

Legislative Assembly, Department of the - Annual Report 2005-2006 (2008).

Parliamentary Services Department - Annual Report 2005-2006 (2009).

By the Clerk -

Agriculture and Food, Department of - Annual Report 2005-2006 (1951).

Botanic Gardens and Parks Authority - Annual Report 2005-2006 (1952).

Bunbury Water Board - Annual Report 2005-2006 (1953).

Burswood Park Board - Annual Report 2005-2006 (1954).

Coastal Shipping Commission, Western Australia [STATESHIPS] - Annual Report 2005-2006 (1955).

Community Development, Department for - Annual Report 2005-2006 (1956).

Conservation and Land Management, Department of [CALM] - Final Annual Report 2005-2006 (1957).

Consumer and Employment Protection, Department of - Annual Report 2005-2006 (1958).

Criminal Injuries Compensation, Office of - Annual Report 2005-2006 (1959).

Dampier Port Authority - Annual Report 2005-2006 (1960).

East Perth Redevelopment Authority - Annual Report 2005-2006 (1961).

Economics and Industry Standing Committee - Government Response to "The Inquiry into the Production and Marketing of Foodstuffs" Report No. 4 in the 37th Parliament (1962).

Economic Regulation Authority - Annual Report 2005-2006 (1963).

Fisheries, Department of - Annual Report 2005-2006 (1964).

Fremantle Port Authority - Annual Report 2005-2006 (1965).

Gaming and Wagering Commission of Western Australia - Annual Report 2005-2006 (1966).

Gascoyne Development Commission - Annual Report 2005-2006 (1967).

Goldfields-Esperance Development Commission - Annual Report 2005-2006 (1968).

Government Employees' Housing Authority - Final Report 2005-2006 (1969).

Government Employees Superannuation Board - Annual Report 2005-2006 (1970).

Health Review, Office of - Annual Report 2005-2006 (1971).

Health, Department of - Annual Report 2005-2006 (1972).

Heritage Council of Western Australia - Annual Report 2005 -2006 (1973).

Housing and Works, Department of - Annual Report 2005-2006 (1974).

Industry and Resources, Department of - Annual Report 2005-2006 (1975).

Institute of Sport, The Western Australian - Annual Report 2005-2006 (1976).

Kimberley Development Commission - Annual Report 2005-2006 (1977).

Land Information, Department of - Annual Report 2005-2006 (1978).

Legal Aid Western Australia - Annual Report 2005-2006 (1979).

Local Government and Regional Development, Department of - Annual Report 2005-2006 (1980).

Local Government Advisory Board - Annual Report 2005-2006 (1981).

Local Government Grants Act 1978 - Report of the Review, August 2006 (1982).

Main Roads Western Australia - Annual Report 2005-2006 (1983).

Metropolitan Cemeteries Board - Annual Report 2005 -2006 (1984).

National Trust of Australia (WA), The - Annual Report 2005-2006 (1985).

Peel Development Commission - Annual Report 2005-2006 (1986).

Pilbara Development Commission - Annual Report 2005-2006 (1987).

Police Service, Western Australia - Annual Report 2005-2006 (1988).

Premier and Cabinet, Department of - Annual Report 2005-2006 (1989).

Premier and Cabinet, Department of - Community Attitude Monitor May 2006 (1990).

Premier and Cabinet, Department of - Community Attitude Monitor August 2006 (1991).

Professional Combat Sports Commission - Annual Report 2005-2006 (1992).

Public Prosecutions for Western Australia, Director of - Annual Report 2005-2006 (1993).

Public Sector Standard Commissioner, Office of the - Annual Report 2005-2006 (1994).

Public Trustee Western Australia - Annual Report 2005-2006 (1995).

Racing Gaming and Liquor, Department of - Annual Report 2005-2006 (1996).

Shared Services, Office of - Annual Report 2005-2006 (1997).

Small Business Development Corporation - Annual Report 2005-2006 (1998).

South West Development Commission - Annual Report 2005-2006 (1999).

Sport and Recreation, Department of - Annual Report 2005-2006 (2000).

Sports Centre Trust, Western Australia - Annual Report 2005-2006 (2001).

State Housing Commission - Annual Report 2005-2006 (2002).

Subiaco Redevelopment Authority - Annual Report 2005-2006 (2003).

Swan River Trust - Annual Report 2005-2006 (2004).

Training Accreditation Council of Western Australia - Annual Report 2005-2006 (2005).

Water and Rivers Commission - Annual Report 2005-2006 (2006).

Wheatbelt Development Commission - Annual Report 2005-2006 (2007).

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Police and Emergency Services on the bushfire preparedness of Western Australia for 2006-2007.

The Attorney General on the first Justice Round Table Meeting of legal chiefs with victims of crime held on 27 September 2006.

The Minister for Employment Protection on the recent amendments made by the Federal Government to the Work Choices Regulations.

The Minister for Energy on the Ord Hydro Power Station failure.

The Minister for Citizenship and Multicultural Interests on English Language Training and the Australian Citizenship Test.

The Minister for the Environment on the environmental approval for the proposed South Cardup landfill extension.

4. Grievances

The Deputy Speaker called for grievances which were then made.

5. Public Accounts Committee

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

Public Accounts Committee - Local Government Accountability in Western Australia, Report No. 4 (2010).

Public Accounts Committee - Local Government Accountability in Western Australia, Submissions 1 to 68 (2011).

Mr J.R. Quigley, Dr S.C. Thomas, Mr B.S. Wyatt, Mr D.T. Redman and Mr P.B. Watson spoke on the report.

6. Economics and Industry Standing Committee

Ms J.A. Radisich, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Economics and Industry Standing Committee - Annual Report 2005-2006, Report No. 5 (2012).

Ms J.A. Radisich and Mr A.J. Simpson spoke on the report.

7. Pawnbrokers and Second-hand Dealers Amendment Bill 2005

Message No. 112 dated 26 September 2006 from the Legislative Council was reported agreeing to the bill without amendment.

8. Biosecurity and Agriculture Management Bill 2006

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

CONSIDERATION IN DETAIL

Clause 28.

Mr G. Snook had moved,

Page 29, line 28 – To delete “may” and substitute –

“ shall ”.

Amendment put.

The Assembly divided.

Ayes (20)

Mr D.F. Barron-Sullivan
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 T.K. Waldron
Ms S.E. Walker
Mr T.R. Sprigg (*Teller*)

Noes (25)

Mr P.W. Andrews
Mr J.J.M. Bowler
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
Mr M.P. Murray
Mr J.R. Quigley
Ms M.M. Quirk

Ms J.A. Radisich
Mr E.S. Ripper
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 29 and 30 agreed to.

Clause 31.

Mr G. Snook moved,

Page 33, after line 26 – To insert –

- (2) If a public authority does not comply with a pest control notice the Director General shall, within one month of the failure to comply, forward to the Minister for tabling in both Houses of Parliament a report which identifies the public authority and details the non-compliance that has occurred.

”.

Amendment put.

The Assembly divided.

Ayes (17)

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
 Ms S.E. Walker
 Mr T.R. Sprigg (*Teller*)

Noes (23)

Mr P.W. Andrews
 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
 Mr M.P. Murray
 Mr J.R. Quigley

Ms M.M. Quirk
 Ms J.A. Radisich
 Mr T.G. Stephens
 Mr D.A. Templeman
 Mr P.B. Watson
 Mr M.P. Whitely
 Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

9. Members' Statements

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

10. 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 Police and Emergency Services -

Question without Notice No. 703 - Resignations from the West Australian Police Service (2013).

Questions on notice Nos 1541 to 1550 were asked.

Questions on notice Nos 1273, 1439, 1441, 1442, 1452, 1457, 1461, 1475, 1482, 1499, 1506 and 1508 were answered.

Paper tabled by the Premier; Minister for Public Sector Management; State Development; Federal Affairs -

Question on Notice No. 1273 - Permanent and fixed-term employees with a base salary in the salary range of \$100,000 to \$149,999 per annum as at 30 June 2006; in the salary range of \$150,000 to \$199,999 per annum as at 30 June 2006; and in the salary range \$200,000 and above per annum as at 30 June 2006 (1950).

11. Variation to the Order of Business

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

12. Criminal Law and Evidence 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.

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

Question put and passed.

13. Messages from the Legislative Council

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

28 September 2006

Medical Amendment Bill 2005 (message No. 114).

Nurses and Midwives Bill 2005 (Message No. 115).

14. Road Traffic Amendment Bill 2005

Message No. 113 dated 28 September 2006 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Amendment 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 Road Traffic Amendment Bill 2005

No. 1

Clause 6, page 8, line 7 — To insert after “holding” —

“ or obtaining ”.

No. 2

Clause 6, page 11, line 32 — To delete “5” and insert instead —

“ 10 ”.

No. 3

Clause 6, page 12, line 1 — To delete “5” and insert instead —

“ 10 ”.

No. 4

Clause 6, page 12, line 9 — To delete “in the preceding 5” and insert instead —

“ for a driver’s licence granted or renewed in the preceding 10 ”.

No. 5

Clause 6, page 13, line 15 — To delete “12 months” and insert instead —

“ 3 years ”.

No. 6

Clause 7, page 20, line 16 — To delete “by the accused”.

No. 7

Clause 7, page 20, lines lines 23 and 24 — To delete the lines and insert instead —

“

- (b) who has never held an Australian driver licence of a kind required and is disqualified from holding or obtaining an Australian driver licence of a kind required other than for the reason described in paragraph (d) or who has held an Australian driver licence of a kind required but ceased to hold the licence of that kind most recently held

”.

No. 8

Clause 17, page 28, lines 27 to 29 — To delete “or, if the person were eligible to hold a driver’s licence under this Act, would be limited to holding” and insert instead —

“

- (b) if an Australian driver licence could be granted to the person, could only obtain

”.

No. 9

Clause 17, page 28, line 31 — To delete the line.

Ordered, That consideration in detail of Legislative Council message No. 113 be made an Order of the Day for the next sitting of the Assembly.

15. Papers

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

Art Gallery of Western Australia - Annual Report 2005-2006 (2014).

Busselton Water Board - Annual Report 2005-2006 (2015).

Construction Industry Long Service Leave Payments Board, Western Australia - Annual Report 2005-2006 (2016).

Corrective Services, Department of - Annual Report 2005-2006 (2017).

Country High School Hostels Authority - Annual Report 2005-2006 (2018).

Country Housing Authority, The - Annual Report 2005-2006 (2019).

Culture and the Arts, Department of - Annual Report 2005-2006 (2020).

Drug and Alcohol Office - Annual Report 2005-2006 (2021).

Eastern Goldfields Transport Board - Annual Report 2005-2006 (2022).

Education and Health Standing Committee - Government Response to the Report on the Changes in the Post Compulsory Curriculum in Western Australia, Report No. 3 in the 37th Parliament, 2006 (2023).

Education and Training, Department of - Ministerial approval for extension of time to present Department's Annual Reports no later than 8 November 2006 (2024).

Building and Construction Industry Training Fund - Ministerial approval for extension of time to present Department's Annual Reports no later than 17 October 2006 (2025).

Curriculum Council - Ministerial approval for extension of time to present Department's Annual Reports no later than 17 October 2006 (2026).

Education Services, Department of - Ministerial approval for extension of time to present Department's Annual Reports no later than 17 October 2006 (2027).

Public Endowment Trust - Ministerial approval for extension of time to present Department's Annual Reports no later than 17 October 2006 (2028).

Energy, Office of - Annual Report 2005-2006 (2029).

Environment, Department of the - Final Annual Report 2005-2006 (2030).

Forest Products Commission - Annual Report 2005-2006 (2031).

Gas Disputes Arbitrator, Western Australia - Annual Report 2005-2006 (2032).

Governor's Establishment - Annual Report 2005-2006 (2033).

Horizon Power - Annual Report 2005-2006 (2034).

Independent Market Operator - Annual Report 2005-2006 (2035).

Indigenous Affairs, Department of - Annual Report 2005-2006 (2036).

Industrial Relations Commission, Report of the Chief Commissioner of Western Australia - Annual Report 2005-2006 (2037).

LandCorp - Statement of Corporate Intent, 2006-2007 (2038).

Legal Contribution Trust, The - Financial Report for the six months ended 30 June 2006 (2039).

Keep Australia Beautiful Council WA - Annual Report 2005-2006 (2040).

Meat Industry Authority, Western Australian - Annual Report 2005-2006 (2041).

Metropolitan Health Service - Annual Report 2005-2006 (2042).

Minerals and Energy Research Institute of Western Australia [MERIWA] - Annual Report 2005-2006 (2043).

Museum, Western Australian - Annual Report 2005-2006 (2044).

Peel Health Service - Annual Report 2005-2006 (2045).

Perth International Centre for Application of Solar Energy [CASE] - Annual Report 2005-2006 (2046).

Perth Market Authority - Annual Report 2005-2006 (2047).

Perth Theatre Trust - Annual Report 2005-2006 (2048).

Planning and Infrastructure, Department of - Annual Report 2005-2006 (2049).

Planning Commission, Western Australia - Annual Report 2005-2006 (2050).

Potato Marketing Corporation - Annual Report 2005-2006 (2051).

Public Transport Authority - Annual Report 2005-2006 (2052).

Rottnest Island Authority - Annual Report 2005-2006 (2053).

ScreenWest - Annual Report 2005-2006 (2054).

State Library of Western Australia, The - Annual Report 2005-2006 (2055).

Supervised Release Review Board - Annual Report 2005-2006 (2056).

Swan Bells Foundations Inc., The - Annual Report 2005-2006 (2057).

Synergy - Annual Report 2005-2006 (2058).

Tourism Commission, Western Australian - Annual Report 2005-2006 (2059).

Verve Energy - Annual Report 2005-2006 (2060).

Western Power Corporation - Annual Report for the period 1 April to 30 June 2006 (2061).

16. Variation to the Order of Business

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

17. Auditor General Bill 2006

The Order of the Day for the third reading of the bill having been read, the Leader of the House, on behalf of 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.

18. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 17 October 2006 at 2.00 p.m.

Question put and passed.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.05 p.m. until Tuesday, 17 October 2006 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr A.J. Carpenter, Mr G.M. Castrilli, Mr N.R. Marlborough, Mr A.P. O'Gorman, Mrs M.H. Roberts, Mr M.W. Trenorden and Mr G.A. Woodhams.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly