

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 190

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 3 APRIL 2008

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. Paper

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

By the Clerk –

Education and Health Standing Committee – Minutes Nos 53 to 87, 28 February - 28 November 2007 (3762).

3. Notice of Motion

4. Notice 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 for which was given on 22 March 2007 and renewed for a further 30 sitting days on 20 September 2007, would be removed and would not appear on the next Notice Paper.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. Procedure and Privileges Committee

Ms 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 – Report on Person Adversely Referred to in the Legislative Assembly: Mr Paul Frewer, Report No. 2, 2008 (3763).

Ms D.J. Guise spoke on the report.

Ms D.J. Guise moved, That the report be adopted.

Question put and passed.

7. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 7 be next considered.

8. Parental Support and Responsibility Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 197 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 243, that it does not insist on its amendments Nos 6 to 8, 10 to 12, 18, 19, 24 to 36, 40 to 45, 49 and 50; agrees to the amendments proposed by the Legislative Assembly in substitution for the Legislative Council Amendments Nos 15, 17, 20 and 22; agrees to the further amendment to Amendment No. 48; does not insist on Amendment Nos 4, 14, 16, 23 and 39 but substitutes alternative amendments as set forth in the schedule annexed; and agrees to the Legislative Assembly substituted Amendment No. 21 subject to a further amendment as set forth in the schedule annexed.

Schedule indicating the substitute amendments and further amendment made by the Legislative Council in the Parental Support and Responsibility Bill 2005

Amendment No. 4

New amendment as an alternative to Amendment No. 4:

Clause 3, page 3, after line 3 — To insert —

“

“**income support**” means financial assistance provided under a law of the State or the Commonwealth;

”.

Amendment No. 14

New amendment as an alternative to Amendment No. 14:

Clause 9, page 6, line 6 — To delete the full stop and insert instead —

“

; or

(c) a prescribed agency of the Commonwealth.

”.

Amendment No. 16

New amendment as an alternative to Amendment No. 16:

Clause 13, page 11, after line 12 — To insert —

“

- (5) The Court cannot make an order after the fifth anniversary of the day on which this section came into operation and an order in force on or after that anniversary ceases to have effect at the end of the 6 months immediately following that anniversary, if it does not otherwise cease before that time.

”.

Amendment No. 21

Agrees to the Legislative Assembly’s substituted Amendment No. 21 subject to a further amendment:

Clause 18, page 14, after line 28 — To insert —

“

- (b) if relevant — the income of the child’s family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth;

”.

Amendment No. 23

New amendments as alternatives to Amendment No. 23:

Clause 20, page 16, line 8 — To delete “\$2 000” and insert instead —

“ \$200 ”.

Clause 20, page 16, lines 12 to 14 — To delete the lines and insert instead —

“

- (3) The CEO cannot give approval under subsection (2) unless the CEO —
 - (a) is satisfied that all reasonable efforts to assist and encourage the parent to comply with the order have failed; and
 - (b) has taken into account the income of the child’s family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth.

”.

Amendment No. 39

New amendment as an alternative to Amendment No. 39:

Clause 35, page 23, lines 21 to 30 — To delete the lines and insert instead —

“

- (4) A warrant of execution under section 45 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* cannot be issued in respect of the person.
- (5) Section 47A of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* applies as if all of subsection (1) from and including “if the Registrar is satisfied” were deleted.

”.

CONSIDERATION IN DETAIL

The Minister representing the Minister for Child Protection moved, That amendments Nos 4, 14, 16, 21, 23 and 39 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

9. Suspension of Standing Orders

Dr K.D. Hames, 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 calls on the Minister for Health to apologise for misleading the House in relation to the termination of a contract for Jenny Pickworth.

Debate ensued.

Question put.

The Deputy Speaker having counted the House, and an absolute majority present and there being no dissentient voice, the motion was declared by the Deputy Speaker to be carried with the concurrence of an absolute majority of the whole number of members of the House.

10. Termination of Health Department Staff Contract

Dr K.D. Hames, pursuant to the foregoing motion, moved,

That this House calls on the Minister for Health to apologise for misleading the House in relation to the termination of a contract for Jenny Pickworth.

Debate ensued.

Paper

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

By the Minister for Health -

Health Department Consultants - Email dated 10 December 2007 from Vas Liakos on behalf of Danny Cloghan to Neale Fong concerning consultants or external advisers employed in the Department of Health (3764).

Question put.

The Assembly divided.

Ayes (21)

Mr C.J. Barnett
Mr M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Mr M.J. Cowper
Mr J.H.D. Day
Dr K.D. Hames

Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath
Mr P.D. Omodei
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
Mr G.A. Woodhams
Dr J.M. Woollard
Dr G.G. Jacobs (*Teller*)

Noes (30)

Mr P.W. Andrews
 Mr J.J.M. Bowler
 Mr A.J. Carpenter
 Mr J.B. D'Orazio
 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 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*)

Question thus negatived.

11. Co-operatives 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 224 agreed to.

Clause 225.

The Minister for Consumer Protection moved,

Page 132, lines 4 and 5 – To delete “292(2), 293, 294, 296(1) (second sentence), 298(3),”.

Page 132, line 6 –To delete “301(2), 315(2) to” and substitute –

“ 315(3) and ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 226 to 493 agreed to.

Schedules 1 to 8 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.

12. Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

The Order of the Day for the third reading of the bill was read.

The Attorney General moved, That the bill be read a third time.

Debate ensued.

Question put and passed.

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

13. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 11 be next considered.

14. Prostitution Amendment Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 198 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Prostitution Amendment Bill 2007* 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 Prostitution Amendment Bill 2007

No. 1

Clause 13, page 9, after line 25 — To insert —

“

- (2) An advertisement for a sexual service business that is not a small owner-operated business must carry the certificate number of an operator or manager of the business providing the advertised service.

”.

No. 2

Clause 22, page 35, line 23 to page 26, line 13 — To delete the clause.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendment No. 1 be agreed to.

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

15. Members' Statements

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

16. Speaker's Statement - Sergeant-at-Arms

The Speaker advised members that today was the last sitting day for Liz Kerr as Sergeant-at-Arms and he thanked her for her contribution in that position and every success in her new position of Clerk Assistant.

17. Questions

Questions without notice were taken.

Questions on notice Nos 3300 to 3304 were asked.

18. Speaker's Statement - Joint Standing Committee on the Corruption and Crime Commission Non-Reporting to House by Due Date

The Speaker advised members that in relation to the Joint Standing Committee on the Corruption and Crime Commission's Report on its *Inquiry into the Efficacy of Public Hearings*, which was due to be tabled by the end of March 2008, a report had not been tabled by the time indicated by the Committee. The Committee had been requested to determine an amended reporting date at its next meeting and advise it to the Speaker who would inform the House.

19. State Supply Commission Amendment Bill 2007

Message No. 199 dated 2 April 2008 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *State Supply Commission Amendment Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the State Supply Commission Amendment Bill 2007

No. 1

Clause 7, page 4, after line 8 — To insert —

“

- (5) Any State fleet agreement shall include a condition requiring the Minister, or department of the Public Service principally assisting the Minister, to —
 - (a) minimise, so far as practicable, the net greenhouse gas emissions associated with vehicles used by public authorities by —
 - (i) maximising, so far as practicable, the fuel efficiency of the vehicle fleet; and
 - (ii) offsetting greenhouse gas emissions of the vehicle fleet; and
 - (b) report annually on the greenhouse gas emissions associated with vehicles used by public authorities.

”.

Ordered, That consideration in detail of Legislative Council message No. 199 be made an Order of the Day for the next sitting of the Assembly.

20. Daylight Saving Amendment Bill (No. 3) 2007

Message No. 200 dated 3 April 2008 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Daylight Saving Act 2006*.”.

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

21. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Health provided additional information relating to Question without Notice from Mr G.A. Woodhams.

22. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 11 be resumed.

23. Prostitution Amendment Bill 2007

The Order of the Day for the further consideration in detail of Legislative Council message No. 198 was read.

CONSIDERATION IN DETAIL

On the question, That Amendment No. 1 be agreed to,

The Attorney General moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (27)

Mr P.W. Andrews
Mr J.J.M. Bowler
Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke
Mr F.M. Logan

Ms A.J.G. MacTiernan
Mr J.A. McGinty
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
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 (20)

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 R.F. Johnson
Mr J.E. McGrath
Mr C.C. Porter
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 amendment No. 1 be agreed to.

Question put and passed.

Amendment No. 2.

The Attorney General moved, That amendment No. 2 be agreed to.

The Attorney General moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (26)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Ms D.J. Guise
Mr J.N. Hyde
Mr J.C. Kobelke
Mr F.M. Logan
Ms A.J.G. MacTiernan

Mr J.A. McGinty
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
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
Mrs J. Hughes (*Teller*)

Noes (18)

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

Dr K.D. Hames
Mr R.F. Johnson
Mr J.E. McGrath
Mr C.C. Porter
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
Dr G.G. Jacobs (*Teller*)

Question thus passed.

On the question, That the amendment No. 2 be agreed to,

Amendment put.

The Assembly divided.

Ayes (26)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Ms D.J. Guise
Mr J.N. Hyde
Mr J.C. Kobelke
Mr F.M. Logan
Ms A.J.G. MacTiernan

Mr J.A. McGinty
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
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
Mrs J. Hughes (*Teller*)

Noes (19)

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

Dr K.D. Hames
Mr R.F. Johnson
Mr J.E. McGrath
Mr C.C. Porter
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
Dr G.G. Jacobs (*Teller*)

Amendment thus passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

24. Adjournment

The Attorney General moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 4.20 p.m. until Tuesday, 8 April 2008 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr B.J. Grylls and Mr M.P. Murray.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly