

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 107

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 27 SEPTEMBER 2006

1. Meeting of Assembly

The Assembly met at 12.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Liquor Stores - Mr J.N. Hyde presented a petition from 476 persons requesting that the Government allow liquor stores to trade seven days a week.

3. Papers

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

By the Speaker –

Corruption and Crime Commission of Western Australia - Annual Report 2005-2006 (1930).

By the Clerk –

Agricultural Practices Board of Western Australia - Annual Report 2005-2006 (1931).

Agricultural Produce Commission - Annual Report 2005-2006 (1932).

Agriculture Protection Board of Western Australia - Annual Report 2005-2006 (1933).

Armadale Redevelopment Authority - Annual Report 2005-2006 (1934).

Attorney General, Department of - Annual Report 2005-2006 (1935).

Corruption and Crime Commission, Parliamentary Inspector of the - Annual Report 2005-2006 (1946).

Electoral Commission, Western Australia - Annual Report 2005-2006 (1936).

Fire and Emergency Services Authority of Western Australia [FESA] - Annual Report 2005-2006 (1937).

Grain Licensing Authority, The - Annual Report 2005-2006 (1938).

LandCorp - Annual Report 2005-2006 (1939).

Education and Health Standing Committee - Government Response to the Report on Swimming Pool Program in Remote Communities (1940).

Midland Redevelopment Authority - Annual Report 2005-2006 (1941).

Mid West Development Commission - Annual Report 2005-2006 (1942).

Occupational Therapists' Registration Board of Western Australia - Annual Report 2004 (1943).

State Supply Commission - Annual Report 2005-2006 (1944).

Treasury and Finance, Department of - Annual Report 2005-2006 (1945).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Treasurer on the 2005-06 Annual Report on State Finances.

Paper

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

By the Treasurer -

Government of Western Australia, The - 2005-06 Annual Report on State Finances (1947).

The Minister for Water Resources on recent improvements to the farm water grants scheme and the farm water supply planning program.

The Minister for Seniors and Volunteering on the Government's partnership through the office for Seniors Interests with the City of Melville to conduct research as part of the World Health Organisation's Age-Friendly Cities Index Project.

The Minister for Tourism on the completion of the Winter 2006 accommodation upgrade and refurbishment program at Rottnest Island.

The Minister for the Environment on the review of the operations and effectiveness of the *Botanic Gardens and Parks Authority Act 1998*.

Paper

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

By the Minister for the Environment -

Botanic Gardens and Parks Authority Act 1998 - Botanic Gardens and Parks Authority: Section 54 Review of Effectiveness and the Need for Continuation of the Functions of the Authority (1948).

The Minister for Disability Services on the People With Disabilities (WA) Media Awards and celebration of the 25th anniversary of the International Year of Disabled Persons.

Paper

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

By the Minister for Disability Services -

Autism in Children - *Why Can't Charlie Talk* by Debbi Spencer (1949).

The Minister for Small Business on Stimulus, a Perth-based small business, which won an award at the National Telstra Business Awards.

The Minister for Seniors and Volunteering on Western Australian volunteers and support organisations which have won awards at this year's National Australia Bank Volunteer Awards.

5. Speaker's Statement - Petition Out of Order

The Speaker advised members that the petition presented earlier today by Mr J.N. Hyde contained signatures which were not part of the original petition, but rather were pasted or adhered to the wording of the petition. As such, the petition did not conform with Standing Order 64(8), and the Speaker ruled the petition out of order and directed that it be returned to Mr J.N. Hyde.

6. Local Government Amendment Bill 2006

The Parliamentary Secretary to the Minister for Local Government and Regional Development, pursuant to notice, moved,

That a bill for “An Act to amend the *Local Government Act 1995*.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary to the Minister for Local Government and Regional Development presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary to the Minister for Local Government and Regional Development moved, That the bill be now read a second time.

Mr A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

7. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 13 and 14 be next considered.

8. Swan and Canning Rivers Management Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 107 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Swan and Canning Rivers Management 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 Swan and Canning Rivers Management Bill 2005

No. 1

Clause 3, page 3, lines 26 and 27 — To delete “*Town Planning and Development Act 1928*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 2

Clause 3, page 3, line 33 — To delete “*Metropolitan Scheme Act*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 3

Clause 3, page 4, lines 1 and 2 — To delete the lines.

No. 4

Clause 3, page 4, line 4 — To delete “Metropolitan Scheme Act” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 5

Clause 3, page 6, lines 10 and 11 — To delete “*Western Australian Planning Commission Act 1985* section 4” and insert instead —

“ *Planning and Development Act 2005* section 7 ”.

No. 6

Clause 19, page 19, lines 22 and 23— To delete “*Western Australian Planning Commission Act 1985*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 7

Clause 23, page 24, line 4 — To delete “statements of planning policy” and insert instead —

“ State planning policies ”.

No. 8

Clause 65, page 52, line 7 — To delete “72” and insert instead —

“ 70 ”.

No. 9

Clause 89, page 70, lines 29 and 30 — To delete “Metropolitan Scheme Act section 36(3)(b)” and insert instead —

“ *Planning and Development Act 2005* section 177(1)(b) ”.

No. 10

Clause 89, page 71, line 6 — To delete “Metropolitan Scheme Act section 36(3)(a)” and insert instead —

“ *Planning and Development Act 2005* section 177(1)(a) ”.

No. 11

Clause 89, page 71, lines 21 and 22 — To delete “Metropolitan Scheme Act section 36(2)(b), (2a), (2b), (7) and (8)” and insert instead —

“ *Planning and Development Act 2005* sections 180, 187 and 188 ”.

No. 12

Clause 90, page 72, line 5 — To delete “values” and insert instead —

“ benefits ”.

No. 13

Clause 94, page 76, lines 5 and 6 — To delete “*Town Planning and Development Act 1928* section 20” and insert instead —

“ *Planning and Development Act 2005* section 135 ”.

No. 14

Schedule 5, page 113, after line 25 — To insert —

“
 (ra) the *Planning and Development Act 2005*;
 ”.

No. 15

Schedule 5, page 114, line 3 — To delete the line.

No. 16

Schedule 5, page 115, line 6 — To delete “*Western Australian Planning Commission Act 1985*” and insert instead —

“ *Planning and Development Act 2005* ”.

CONSIDERATION IN DETAIL

The Minister for the Environment moved, That amendments Nos 1 to 16 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

9. Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 108 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Swan and Canning Rivers (Consequential and Transitional Provisions) 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 Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2005

No. 1

Clause 3, page 2, lines 15 and 16 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 2

Clause 7, page 3, lines 19 to 24 — To delete the clause.

No. 3

Clause 17, page 9, lines 8 and 9 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 4

Clause 17, page 9, lines 10 and 11 — To delete “*Metropolitan Region Town Planning Scheme Act 1959*” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 5

Clause 22, page 10, line 28 — To delete “Scheme Act” and insert instead —

“ *Planning and Development Act 2005* ”.

No. 6

Clause 22, page 12, lines 23 and 24 — To delete “*Western Australian Planning Commission Act 1985* section 18(4)” and insert instead —

“ *Planning and Development Act 2005* section 17 ”.

No. 7

Schedule 1, page 16, line 17 to page 17, line 15 — To delete the clause.

No. 8

Schedule 1, page 17, line 27 — To insert after “the” —

“ Metropolitan Region ”.

No. 9

Schedule 1, page 17, line 30 — To insert after “the” —

“ Metropolitan Region ”.

No. 10

Schedule 1, page 19, line 11 to page 20, line 7 — To delete the clause.

No. 11

Schedule 2, page 22, line 1 to page 24, line 25 — To delete the schedule.

CONSIDERATION IN DETAIL

The Minister for the Environment moved, That amendments Nos 1 to 11 be agreed to.

Amendments put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

10. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 1 be next considered.

11. Auditor General Bill 2006

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

CONSIDERATION IN DETAIL

Schedule 1.

The Treasurer had moved,

Page 28, after line 6 – To insert –

“

- (2) Before applications are sought for appointment to the office of Auditor General, the Minister must consult with the Public Accounts Committee as to the appropriate criteria for selection for appointment.

”

Amendment put and passed.

Schedule 1, as amended, agreed to.

Schedule 2 agreed to.

Postponed Clause 9.

Clause agreed to.

Title agreed to.

Consideration in detail concluded.

The Treasurer moved,

That the *Auditor General Bill 2006* be reconsidered in detail for the purpose of inserting a new Clause 26.

Question put and passed.

RECONSIDERATION IN DETAIL

New Clause.

The Treasurer moved,

Page 15, after clause 25, line 15 – To insert –

“

26. Reports transmitted to Clerks

- (1) A copy of a report transmitted to the Clerk of a House of Parliament under section 24(4) or 25(4) is taken to have been laid before the House.
- (2) The laying of a copy of a report before a House that is taken to have occurred under subsection (1) is to be reported to the House by the Clerk, and recorded in the Votes and Proceedings or Minutes of Proceedings, on the first sitting day of the House after the receipt of the copy.

”

Amendment agreed to.

Reconsideration 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. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 6 be next considered.

13. Premier's Statement

The Order of the Day for the resumption of debate upon the Premier's Statement was read.

Debate resumed.

Debate interrupted by the Chair (Mr J.R. Quigley speaking) and adjourned until a later stage of the sitting.

14. Questions

Questions without notice were taken.

Questions on notice Nos 1512 to 1540 were asked.

Questions on notice Nos 1274, 1414, 1436, 1438, 1440, 1447, 1449, 1450, 1464, 1466 and 1468 were answered.

15. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 3, 4 and 5 be next considered.

16. Biosecurity and Agriculture Management Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 1 to 27 agreed to.

Clause 28.

Mr G. Snook moved,

Page 29, after line 26 – To insert –

“

- (2) If a public authority does not comply with a pest exclusion 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 (21)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Dr E. Constable
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 G.A. Woodhams
Mr T.R. Sprigg (*Teller*)

Noes (26)

Mr P.W. Andrews
 Mr J.J.M. Bowler
 Mr A.J. Carpenter
 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 M. McGowan
 Ms S.M. McHale
 Mr N.R. Marlborough
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr J.R. Quigley
 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*)

Amendment thus negatived.

Mr G. Snook moved,

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

“ shall ”.

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

17. Variation to the Order of Business

Ordered, That Private Members’ Business Notice of Motion No. 13 and Private Members’ Business Orders of the Day Nos 16 and 5 be next considered.

18. Select Committee on the Prosecution of Assaults and Sexual Offences

Mr R.F. Johnson, pursuant to notice, moved,

- (1) That a Select Committee be established to inquire into and report on decisions made in the past 5 years by the Director of Public Prosecutions (DPP) not to proceed with prosecutions in cases which involve charges in relation to assaults or sexual offences, and in particular to –
 - (a) investigate the reasons for prosecutions not proceeding;
 - (b) review the extent to which the information and evidence provided to the DPP was perceived by the DPP to be prejudicial to the prosecution or otherwise inadequate;
 - (c) review guidelines for determining which cases presented to the DPP should not go to trial;
 - (d) identify the extent to which the public interest is a factor in decisions by the DPP not to proceed with a prosecution, and how that public interest is determined;
 - (e) review how the age of the alleged victim affects such decisions;
 - (f) assess the adequacy of these and other criteria for making a decision not to prosecute; and
 - (g) determine how the relevant authorities have been informed of, and taken account of, feedback from the DPP about the adequacy of the information placed before him.
- (2) Neither the report from the committee nor the evidence released by the committee will specifically identify any individual who has not faced trial, directly as a result of the DPP’s decisions not to prosecute, whether or not any such individual has been charged and is currently before the court on any criminal matter, but the committee may detail case background and circumstances of decisions made by the DPP.

- (3) The committee will ensure that if evidence is to be taken in public, witnesses undertake not to disclose the names of those individuals referred to in the preceding paragraph and will be advised that to breach such an undertaking will be regarded as a contempt of the House and dealt with accordingly.
- (4) The committee will report to the Legislative Assembly by 29 March 2007.
- (5) The committee will consist of the member for Churchlands, the member for Cottesloe, the mover, and two members nominated to the Speaker by the Leader of the House.

Debate ensued.

The Attorney General was granted leave to continue his remarks at a later stage of the sitting.

19. Stamp Amendment (First Home Owner) 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 (18)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr A.J. Simpson
Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Dr S.C. Thomas
Mr M.J. Birney	Mr R.F. Johnson	Mr T.K. Waldron
Mr T.R. Buswell	Mr J.E. McGrath	Ms S.E. Walker
Mr J.H.D. Day	Mr P.D. Omodei	Mr G.A. Woodhams
Dr K.D. Hames	Mr D.T. Redman	Mr T.R. Sprigg (<i>Teller</i>)

Noes (25)

Mr P.W. Andrews	Mr J.A. McGinty	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr M. McGowan	Mr T.G. Stephens
Dr J.M. Edwards	Ms S.M. McHale	Mr D.A. Templeman
Mrs D.J. Guise	Mr A.D. McRae	Mr P.B. Watson
Mr J.N. Hyde	Mrs C.A. Martin	Mr M.P. Whitely
Mr J.C. Kobelke	Mr M.P. Murray	Mr B.S. Wyatt
Mr R.C. Kucera	Mr J.R. Quigley	Mr S.R. Hill (<i>Teller</i>)
Mr F.M. Logan	Ms J.A. Radisich	
Ms A.J.G. MacTiernan	Mr E.S. Ripper	

Question thus negated.

20. Select Committee into Western Australia's Water Resources

The Order of the Day having been read for the resumption of debate on the motion moved by Mr P.D. Omodei,

- (1) That a select committee of the Legislative Assembly be appointed to inquire into and report on —
 - (a) the extent of surface and groundwater available for consumption and use in Western Australia;
 - (b) the Government's role in planning for the future given climate change predictions;
 - (c) the Government's role in planning for increased water demand;
 - (d) the failure of the Government to implement alternative water recycling and re-use programs;

- (e) the failure of the Government to provide appropriate water supplies in high rainfall areas of Western Australia, such as Manjimup, Bridgetown and Boyup Brook;
- (f) the ability to source additional water from Wellington Dam, particularly 45 gigalitres of saline water purged from the dam;
- (g) the success of the Farm Water Grants Scheme and potential to expand the scheme further;
- (h) catchment thinning as an option to increase stream flow into water reservoirs;
- (i) research into innovative water conservation measures;
- (j) the social, economic and environmental impacts on the South West as a result of using the Southern Yarragadee aquifer;
- (k) the level of research undertaken in regard to the future regional water requirements of the South West, as it applies to the Southern Yarragadee; and
- (l) any other matter which will provide appropriate water supplies for the State of Western Australia.

(2) That the committee report to the Legislative Assembly by 30 June 2006.

Debate resumed.

Dr K.D. Hames moved,

To delete the words “30 June 2006” and substitute –

“ 30 April 2007 ”.

Question put and passed.

Debate resumed.

On the question, That the motion, as amended, be agreed to,

Question put.

The Assembly divided.

Ayes (16)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Mr J.H.D. Day
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 T.K. Waldron
Ms S.E. Walker
Mr T.R. Sprigg (*Teller*)

Noes (24)

Mr P.W. Andrews
Mr J.J.M. Bowler
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 M. McGowan
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
Mr M.P. Murray
Mr J.R. Quigley

Ms J.A. Radisich
Mr E.S. Ripper
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.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.01 p.m. until Thursday, 28 September 2006 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr G.M. Castrilli, Mr A.P. O’Gorman, Ms M.M. Quirk and Mr M.W. Trenorden.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly