

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 184****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

THURSDAY, 13 MARCH 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. Education and Health Standing Committee – Terms of Reference

The Deputy Speaker advised members that the Speaker had received a letter dated 12 March 2008 from Mr T.G. Stephens, MLA, Chairman of the Education and Health Standing Committee, advising that under Standing Order 255(1), the Committee had determined for itself terms of reference in relation to an inquiry into General Health Screening of Children at Pre-Primary and Primary School Level.

The letter read as follows -

“

Dear Mr Speaker,

Pursuant to Standing Order 255 (1), I advise that the Education and Health Standing Committee resolved on Wednesday, 12 March 2008, to conduct an inquiry into the General Health Screening of Children at Pre-Primary and Primary School Level. The Committee also resolved that the inquiry be conducted within the following terms of reference:

1. Appraisal of the adequacy and availability of screening processes for hearing, vision, speech, motor-skill difficulties and general health.
2. An assessment of access to appropriate services that address issues identified by an appropriate screening process.

The Committee will report to the House by 9 September 2008.

”.

In accordance with the same Standing Order, the Speaker had arranged for the Committee's terms of reference to be placed on the notice boards of the Assembly.

3. Petitions

Sports and Health Facilities in Subiaco - Ms S.E. Walker presented a petition from 1,800 persons requesting that the Legislative Assembly ensure the Subiaco Council maintain and operate the sports and health facilities at Lords in Hay Street, Subiaco for the health and recreational benefit of the many communities affected on a similar basis as other State or local government-run facilities in other communities (P. 291).

Sports and Health Facilities in Subiaco - Ms S.E. Walker presented a petition from 4,636 persons requesting that the State Government through its sport and recreation or other portfolios, liaise with the Subiaco City Council to ensure that the Council prioritizes the health, psychological benefits and wellbeing to the Subiaco ratepayers and surrounding communities over any financial benefit to the Council and offers all possible financial and other support to the City to maintain such a facility in the Subiaco environs (P. 292).

4. Paper

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

By the Clerk –

Co-operative Bulk Handling Group Limited - Annual Report 2007 (3688).

5. Notice of Motion

6. Brief Ministerial Statement

The following Brief Ministerial Statement was made by -

The Minister for Corrective Services on the development of the new Derby Prison.

7. Grievances

The Deputy Speaker called for grievances which were then made.

8. Road Traffic (Authorisation to Drive) Bill 2007

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

CONSIDERATION IN DETAIL

Clause 8.

The Minister for Planning and Infrastructure moved,

Page 8, lines 8 to 16 – To delete the lines.

Page 8, lines 18 and 19 – To delete “or renewing a person’s extraordinary licence”.

Page 8, line 26 – To delete “or renew”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 9.

The Minister for Planning and Infrastructure moved,

Page 9, line 1 – To delete “or renew”.

Page 9, lines 5 and 6 – To delete “or renew”.

Page 9, line 17 – To delete “or renewed”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 10 to 32 agreed to.

Clause 33.

The Minister for Planning and Infrastructure moved,

Page 26, line 11 – To delete “renew” and substitute –
“ grant ”.

Page 26, line 11 – To insert after “licence” –

“ by way of renewal ”.

Page 26, line 12 – To delete “and endorse the renewal on the licence”.

Page 26, line 13 – To insert after “licence” –

“ expiring ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 34.

The Minister for Planning and Infrastructure moved,

Page 26, line 20 – To delete “or renewed”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 35 to 60 agreed to.

Clause 61.

The Minister for Planning and Infrastructure moved,

Page 50, line 26 – To delete “, renewing”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 62 to 70 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.

9. Road Traffic (Vehicles) 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

Clause 1.

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

10. Members' Statements

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

11. Questions

Questions without notice were taken.

Questions on notice Nos 3160 and 3161 were asked.

Questions on notice Nos 2952, 2974, 2985, 2986, 2990, 2994, 3008, 3027, 3028, 3045 to 3048, 3063, 3071, 3073, 3074, 3076, 3106, 3109 and 3111 were answered.

Paper tabled by the Attorney General -

Question on Notice No. 3008 – Motor vehicles confiscated under the *Criminal Property Confiscation Act 2000* (3689).

12. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Planning and Infrastructure provided additional information relating to a question without notice No. 48 from Dr G.G. Jacobs concerning lead and nickel levels in drinking water.

In accordance with Standing Order No. 82A, the Minister for Education and Training provided additional information relating to a question without notice No. 47 from Mr P.W. Andrews concerning the mentoring program to keep science and maths teachers in the classroom .

13. Message from the Governor

Message No. 6 from His Excellency the Governor was reported assenting to the following bills -

Criminal Law and Evidence Amendment Bill 2006, Act No. 2 of 2008.

Fines Legislation Amendment Bill 2006, Act No. 3 of 2008.

14. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 14 be next considered.

15. Police Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 181 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Police 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 Police Amendment Bill 2006

No. 1

Clause 10, page 6, lines 27 to 31 — To delete the lines and insert instead —

“

(2) An APLO's appointment is —

(a) for such period as the Commissioner decides; and

- (b) on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —
 - (i) any applicable award, order or agreement under the *Industrial Relations Act 1979*; or
 - (ii) the *Minimum Conditions of Employment Act 1993*.
- (3) The Commissioner may at any time amend those terms of an APLO's appointment referred to in section 38C(3).

”.

No. 2

Clause 10, page 7, lines 6 and 7 — To delete the lines.

No. 3

Clause 10, page 8, line 1 — To delete “section 38B(2)” and insert —

“ section 38B(3) ”.

CONSIDERATION IN DETAIL

The Minister for Police and Emergency Services moved, That amendments Nos 1 to 3 be agreed to.
Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

16. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 15, 16, 17 and 20 be next considered.

17. Public Trustee and Trustee Companies Legislation Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 182 was read.
The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Public Trustee and Trustee Companies Legislation Amendment Bill 2006* 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 Public Trustee and Trustee Companies Legislation Amendment Bill 2006

No. 1

Clause 24, page 14, after line 24 — To insert —

“

- (5) The *Interpretation Act 1984* section 42 applies to and in relation to a scale of fees as if the scale of fees were regulations made under this Act.

”.

CONSIDERATION IN DETAIL

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

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

18. Acts Amendment (Justice) Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 193 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Acts Amendment (Justice) 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 Acts Amendment (Justice) Bill 2007

No. 1

Clause 71, page 39, line 10 — To delete “If”.

No. 2

Clause 71, page 39, lines 10 and 11 — To delete “is satisfied there is a good reason to do so, it may” and insert instead —

“ , unless it has good reason not to do so, shall ”.

CONSIDERATION IN DETAIL

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

Question put and passed.

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

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

19. Bail Amendment Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 194 was read.

The message was as follows -

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

No. 1

Clause 5, page 5, line 31 — To insert after “addressee” —

“ for the purpose of being served with the notice ”.

CONSIDERATION IN DETAIL

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

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

20. Cross-border Justice Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 196 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Cross-border Justice 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 Cross-border Justice Bill 2007

No. 1

New Clause 147, page 84, after line 18 — To insert the following new clause —

“

147. Review of this Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the expiry of 3 years from the commencement of this Act.
- (2) The Minister must —
 - (a) prepare a report on the outcome of the review; and
 - (b) cause a copy of the report to be laid before each House of Parliament within 4 years after the commencement of this Act.

”.

CONSIDERATION IN DETAIL

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

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be further considered.

22. Road Traffic (Vehicles) Bill 2007

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

CONSIDERATION IN DETAIL

Clauses 1 to 48 agreed to.

Clause 49.

Mr D.F. Barron-Sullivan moved,

Page 48, line 16 – To delete “5%” and substitute –

“ 10% ”.

Page 48, line 21 – To delete “5%” and substitute –

“ 10% ”.

Amendments put.

The Assembly divided.

Ayes (18)

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

Mr B.J. Grylls
Dr K.D. Hames
Ms K. Hodson-Thomas
Mr P.D. Omodei
Mr C.C. Porter
Mr A.J. Simpson

Mr G. Snook
Mr T.K. Waldron
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Dr G.G. Jacobs (*Teller*)

Noes (25)

Mr P.W. Andrews
 Mr A.J. Carpenter
 Dr J.M. Edwards
 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

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*)

Amendments thus negatived.

Clause agreed to.

Clauses 50 to 65 agreed to.

Clause 66.

Mr D.F. Barron-Sullivan moved,

Page 59, after line 21 – To insert –

“

- (6) A police officer taking action in accordance with this section shall be responsible for ensuring the welfare of live animals in or on the vehicle.

”.

Amendment put.

The Assembly divided.

Ayes (16)

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

Dr K.D. Hames
 Ms K. Hodson-Thomas
 Mr P.D. Omodei
 Mr C.C. Porter
 Mr G. Snook
 Dr S.C. Thomas

Ms S.E. Walker
 Mr G.A. Woodhams
 Dr J.M. Woollard
 Mr A.J. Simpson (*Teller*)

Noes (24)

Mr P.W. Andrews
 Dr J.M. Edwards
 Ms D.J. Guise
 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
 Mrs M.H. Roberts
 Mr T.G. Stephens
 Mr D.A. Templeman
 Mr M.P. Whitely
 Mr B.S. Wyatt
 Mrs J. Hughes (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 67 to 79 agreed to.

Clause 80.

Mr D.F. Barron-Sullivan moved,

Page 67, line 3 – To delete “may but need not” and substitute –

“ shall ”.

Amendment put.

The Assembly divided.

Ayes (1)

Mr D.F. Barron-Sullivan

Noes (37)

Mr C.J. Barnett
Mr M.J. Birney
Mr M.J. Cowper
Dr J.M. Edwards
Mr B.J. Grylls
Ms D.J. Guise
Dr K.D. Hames
Ms K. Hodson-Thomas
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.D. Omodei
Mr P. Papalia
Mr C.C. Porter
Mr J.R. Quigley
Ms M.M. Quirk
Ms J.A. Radisich
Mrs M.H. Roberts

Mr A.J. Simpson
Mr G. Snook
Mr T.G. Stephens
Mr D.A. Templeman
Dr S.C. Thomas
Mr M.W. Trenorden
Ms S.E. Walker
Mr M.P. Whitely
Mr G.A. Woodhams
Mr B.S. Wyatt
Mrs J. Hughes (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 81 to 109 agreed to.

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

Question put and passed.

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 6.05 p.m. until Tuesday, 18, March 2008 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr G.M. Castrilli, Mr J.E. McGrath, Mr M.P. Murray, Mr D.T. Redman and Mr E.S. Ripper.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly