

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 189****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

WEDNESDAY, 2 APRIL 2008**1. Meeting of Assembly**

The Assembly met at 12 noon pursuant to adjournment.

The 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 Clerk –

Community Protection (Offender Reporting) Act 2004 – Regulations (Community Protection (Offender Reporting) Amendment Regulations 2008 G.G. 28/03/2008) (3742).

Court Security and Custodial Services Act 1999 – Regulations (Court Security and Custodial Services Amendment Regulations 2008 G.G. 18/03/2008) (3743).

Dog Act 1976 – Local Laws (City of Joondalup Animals Amendment Local Law 2008 G.G. 28/03/2008) (3744).

Emergency Management Act 2005 – Regulations (Emergency Management Amendment Regulations 2008 G.G. 18/03/2008) (3745).

Fines, Penalties and Infringement Notices Enforcement Act 1994 – Regulations (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 3) 2008 G.G. 27/03/2008) (3746).

Fish Resources Management Act 1994 – Management Plans (Abalone Management Plan Amendment 2008 [850] G.G. 18/03/2008) (3747).

Fish Resources Management Act 1994 – Management Plans (West Coast Demersal Gillnet and Demersal Longline Interim Managed Fishery Management Plan Amendment 2008 [865] G.G. 28/03/2008) (3748).

Fish Resources Management Act 1994 – Orders (Prohibition on Commercial Fishing (Metropolitan Waters) Revocation Order 2008 [866] G.G. 28/03/2008) (3749).

Local Government Act 1995 – Local Laws (City of Fremantle Parking Amendment Local Law 2008 G.G. 18/03/2008) (3750).

Local Government Act 1995 – Local Laws (City of Joondalup Parking Amendment Local Law 2008 G.G. 28/03/2008) (3751).

Local Government Act 1995 – Local Laws (Shire of Murray Repeal Local Law 2008 G.G. 18/03/2008) (3752).

Marketing of Potatoes Act 1946 – Regulations (Marketing of Potatoes Amendment Regulations 2008 G.G. 18/03/2008) (3753).

Prisons Act 1981 – Regulations (Prisons Amendment Regulations 2008 G.G. 28/03/2008) (3754).

Road Traffic Act 1974 – Regulations (Road Traffic (Drivers' Licences) Amendment (Revealing Impairments) Regulations 2008 G.G. 17/03/2008) (3755).

Sentencing Act 1995 – Regulations (Sentencing Amendment Regulations 2008 G.G. 27/03/2008) (3756).

State Administrative Tribunal Act 2004 – Rules (State Administrative Tribunal Amendment Rules 2008 G.G. 28/03/2008) (3757).

Water Agencies (Powers) Act 1984 – By-laws (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws (No. 2) 2008 G.G. 28/03/2008) (3758).

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by –

The Minister for Corrective Services on the implementation of recommendations arising from the Department of Corrective Services' review of prisoner transport services.

The Minister for Industry and Enterprise on the Draft Structure Plan for Australia's biggest technology precinct dedicated to information and communication technology (ICT) at Bentley Technology Park.

The Minister for the Environment on Conservation Week, an annual event promoted by the Conservation Council and affiliated organisations to celebrate community efforts to conserve Western Australian nature.

4. Joint Standing Committee on the Corruption and Crime Commission

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

- (1) That in accordance with Standing Order 249(3), the appointment by the Speaker on 20 March 2008 of the Member for Kalgoorlie to the Joint Standing Committee on the Corruption and Crime Commission to fill the vacancy caused by the Member for Darling Range's resignation is confirmed.
- (2) That the Legislative Council be acquainted accordingly.

Debate ensued.

Question put and passed.

5. Prostitution Amendment Bill 2007

Message No. 198 dated 1 April 2008 from the Legislative Council was reported 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.

Ordered, That consideration in detail of Legislative Council message No. 198 be made an Order of the Day for the next sitting of the Assembly.

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

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

CONSIDERATION IN DETAIL

Clause 6 and 7 agreed to.

New clause.

Dr Woollard moved,

Page 15, after line 1, To insert –

“

8. Section 236A inserted

After section 236 the following section is inserted —

“

236A. Reports on financial assistance provided in relation to reporting sexual abuse of children

- (1) Within 3 months of the proclamation of sections 3 to 14 of the Children and Community Services Amendment (Reporting Sexual Abuse of Children) Act 2007, the Minister is to present a report to both Houses of Parliament detailing the funding to be provided by the State in that financial year for the following purposes, and the extent to which that funding is in addition to existing State or Federal funding –
- (a) counselling for victims and victims families;
 - (b) educational programs to be provided by government and non-government agencies to assist nurses, midwives, doctors, police officers and teachers to identify cases where sexual abuse of children may be occurring;
 - (c) staff relief while staff attend education programs referred to in each of the categories in paragraph (b).

- (2) By each succeeding 30 April, the Minister is to present to both Houses a report detailing the expected funding for that current financial year and the anticipated funding over the next financial year.

”
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”
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Amendment put.

The Assembly divided.

Ayes (1)

Dr J.M. Woollard (*Teller*)

Noes (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
Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Dr J.M. Edwards
Ms D.J. Guise
Mr S.R. Hill
Ms K. Hodson-Thomas
Mrs J. Hughes
Mr J.N. Hyde
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.D. Omodei
Mr P. Papalia
Mr C.C. Porter
Ms M.M. Quirk

Ms J.A. Radisich
Mr D.T. Redman
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
Mr M.W. Trenorden
Mr T.K. Waldron
Ms S.E. Walker
Mr P.B. Watson
Mr M.P. Whitely
Mr G.A. Woodhams
Dr G.G. Jacobs (*Teller*)

Amendment thus negatived.

Clauses 8 to 13 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.

7. 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.

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

8. Questions

Questions without notice were taken.

Questions on notice Nos 3273 to 3299 were asked.

Questions on notice Nos 2984, 3024, 3043, 3052, 3054, 3065, 3068, 3075, 3082 to 3094, 3112, 3113, 3115, 3122, 3123, 3132, 3136 and 3137 were answered.

Paper tabled by the Minister for Planning and Infrastructure –

Question on Notice No. 3065 – Table showing locations and costs of road repairs and upgrades in the City of Armadale (3759).

By the Minister for Health –

Question on Notice No. 3136 – Table showing administrative staff employed in hospitals and clinics from 2001 to 2007 (3760).

9. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Attorney General provided additional information relating to Question without Notice No. 131 from Mr C.C. Porter.

Paper

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

By the Attorney General -

Sentencing Transcript – Transcript from 6PR Morning Program with Presenter Simon Beaumont's interview with the Attorney General on the subject of sentencing, 2 April 2008 (3761).

10. Notice of Motion after the Time Prescribed

Mr R.F. Johnson was granted leave to give a late notice of motion.

11. Matter of Public Interest – Attorney General's Portfolio Areas

The Speaker informed the Assembly that he was in receipt of a notice from Mr T.R. Buswell that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr T.R. Buswell moved,

That this House condemns the Attorney General for his misguided priorities in focusing on personal vendettas and political spin rather than addressing the serious failures in the portfolio areas of health and law and order for which he is responsible.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

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

Noes (28)

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 S.R. Hill (*Teller*)

Question thus negatived.

12. Variation to the Order of Business

Ordered, That Private Members’ Business Orders of the Day Nos 20 and 19, Private Members’ Business Notice of Motion No. 27 and Private Members’ Business Order of the Day No. 5 be next considered.

13. Road Traffic Amendment (Confiscation and Disposal of Vehicles) Bill 2008

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

Mr R.F. Johnson moved, That the bill be now read a second time.

Mr C.J. Barnett moved, That the debate be adjourned.

Question put and passed.

14. Variation to the Order of Business

The Leader of the House moved, That Private Members’ Business Notice of Motion No. 27 and Private Members’ Business Orders of the Day Nos 19 and 5 be next considered.

Debate ensued.

Question put and passed.

Sitting suspended from 4.36 pm to 4.43 pm.

15. Government Air-conditioning Policy for School Buses

Dr G.G. Jacobs, pursuant to notice, moved,

That this Government scrap the irrational and discriminatory school bus air-conditioning policy, which sees many students travelling in conditions of severe climatic stress in Western Australia.

Debate ensued.

The Minister for Planning and Infrastructure moved, To delete all words after “Government” and substitute -

“

reviews the school bus air-conditioning policy – taking into account matters including varying climatic conditions, length of times travelled, bus design and issues of sustainability – and reports back to the House within six months.

”.

Amendment put and passed.

Motion, as amended, agreed to.

16. Disallowance of the Rights in Water and Irrigation Amendment Regulation (No. 3) 2007

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

That the *Rights in Water and Irrigation Amendment Regulation (No. 3) 2007* gazetted on 28 December 2007 be disallowed.

Debate resumed.

Question put.

The Assembly divided.

Ayes (20)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
Mr T.R. Buswell
Dr E. Constable
Mr M.J. Cowper
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 T.K. Waldron
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Dr G.G. Jacobs (*Teller*)

Noes (26)

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

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 S.R. Hill (*Teller*)

Question thus negated.

17. Children and Community Services Amendment (Body Piercing) Bill 2007

The Order of the Day for the resumption of the debate upon the second reading of the bill was read.

Debate resumed.

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

18. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 p.m. until Thursday, 3 April 2008 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr G.M. Castrilli and Mr B.S. Wyatt.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly