

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 194

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 6 MAY 2008

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Speaker's Statement - Joint Standing Committee on Delegated Legislation - Change of Membership

The Speaker advised members that he had received the resignation of the member for Serpentine-Jarrahdale from the Joint Standing Committee on Delegated Legislation on 10 April 2008. On that day, in accordance with Standing Order 249(3) and after consultation with the Leader of the Opposition, the Speaker appointed the member for Murray to fill the vacancy until it could be confirmed by the Legislative Assembly.

3. Speaker's Statement - Joint Standing Committee on the Corruption and Crime Commission - Resignation of Member

The Speaker advised members that he had received a letter from the member for Kingsley on 5 May 2008 resigning from the Joint Standing Committee on the Corruption and Crime Commission.

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by –

The Premier on his visit to France and Belgium commemorating the 90th anniversary of the liberation of Villers-Bretonneux by Australian Troops in April 1918; and his visit to Russia to lead a Trade and Investment delegation.

The Minister for Disability Services on the Disability Access and Inclusion Plans Progress Report.

Paper

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

By the Minister for Disability Services –

Disability Services Commission – Disability Access and Inclusion Plans Progress Report for the Minister for Disability Services, 2006/2007 (3827).

The Deputy Premier on Cabinet confidentiality and the police investigation into the *Sunday Times*.

The Minister for Corrective Services on the implementation of the Community Corrections and Juvenile Workload Strategy.

The Minister for Health on the Juvenile Diabetes Research Development ‘Kids in the House’ event held today at Parliament House.

The Minister for Police and Emergency Services on the review of the State’s DNA laws.

The Minister for the Environment on the initiatives taken to ensure preservation of the Shark Bay area including the World Heritage Property Strategic Plan released on behalf of the State and Federal Governments.

The Minister for Small Business on the release of the report of the Inquiry into the Operation of Franchise Businesses in Western Australia.

Paper

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

By the Minister for Small Business –

Franchise Businesses – Inquiry into the Operation of Franchise Businesses in Western Australia: Report to the Western Australian Minister for Small Business, April 2008 (3828).

5. Questions

Questions without notice were taken.

Questions on notice Nos 3326 to 3341 were asked.

Questions on notice Nos 3168, 3175, 3179, 3181, 3183, 3187, 3189 to 3231, 3233, 3241, 3246, 3254 to 3257, 3259, 3269, 3271, 3274, 3276, 3278, 3281 to 3284, 3289, 3295, 3297, 3300, 3301, 3318, 3320, 3325 were answered.

Paper tabled by the Minister for Health –

Question on Notice No. 3246 – Filled positions in emergency departments for each of the nominated hospitals for each month of 2007 and January and February 2008 (3824).

Question on Notice No. 3256 – Nursing staffing details for requested hospitals (3825).

Question on Notice No. 3259 – Total number of surgical procedures performed, and the number of full time and sessional consultants employed in the listed hospitals for 2006 and 2007 (3826).

Questions on notice Nos 3029, 3129, 3147, 3150, 3151, 3162 to 3167, 3170, 3171, 3173, 3174, 3176, 3177, 3180, 3182, 3184 to 3186, 3232, 3234, 3236, 3237, 3239, 3240, 3243 to 3245, 3247 to 3253, 3258, 3260 to 3268, 3270, 3272, 3273, 3275, 3277, 3279, 3280, 3286, 3291, 3292, 3294, 3296, 3298, 3299, 3302 to 3307, 3309 to 3312, 3315 to 3317, 3319, 3321 and 3323 were answered on 1 May 2008.

Paper tabled by the Minister for Education and Training –

Question on Notice No. 3029 – TEE Courses and subjects not offered at Northam, Toodyay and York High School (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3797).

Question on Notice No. 3182 – Overview of schools offering gifted and talented programs (GATE) including funding for the program and student participation levels in the program (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3799).

Question on Notice No. 3323 – Table showing number of Aboriginal teachers employed by Department of Education and Training (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3812).

Paper tabled by the Minister for Police and Emergency Services –

Question on Notice No. 3173 – Total images taken by red light and speed cameras from July 2006 to December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3798).

Paper tabled by the Minister for Health –

Question on Notice No. 3245 – Table showing the number of people removed from the elective surgery waiting lists at metropolitan tertiary and non tertiary hospitals from July to December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3800).

Question on Notice No. 3247 - Table showing the amount of administrative staff located at Alvan Street and Centro Avenue, Subiaco for 1 July 2004, 2005 and 2006, and for each month of 2007 and 2008 to date (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3801).

Question on Notice No. 3248 – Table showing employment agencies used to obtain agency personnel from 1 January 2007 to date (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3802).

Question on Notice No. 3250 – Table showing vacancies for doctors and nurses at each rural and regional hospital in WA at 31 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3803).

Question on Notice No. 3252 – Table showing total staff employed at each level for each department and agency in the Health portfolio at June and December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3804).

Question on Notice No. 3253 – Table showing the breakdown of the number of staff employed in Western Australian hospitals at 31 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3805).

Question on Notice No. 3262 – Table showing full time equivalent staffing vacancies at dental clinics from August 2007 to February 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3813).

Question on Notice No. 3263 – Tables showing patients treat and waiting lists at each dental hospital and dental clinic for each month of 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3806).

Question on Notice No. 3264 – Table showing the current average wait time for access to dialysis machines, and wait times in 2007 and 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3807).

Question on Notice No. 3268 – Table showing an overview of the physiotherapy services offered by the WA Health Service (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3808).

Question on Notice No. 3272 – Tables showing information relating non-urgent procedure waiting lists from December 2006 to February 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3809).

Question on Notice No. 3305 – Table showing information relating to Department of Health 'leased in' accommodation (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3810).

Question on Notice No. 3306 – Table showing Department of Health owned land and property (Received by the Clerk of the Legislative Assembly and deemed tabled 1 May 2008) (3811).

6. Suspension of Standing Orders

The Leader of the House, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable a motion to appoint a member to the Joint Standing Committee on the Corruption and Crime Commission to be moved forthwith.

Debate ensued.

Question put.

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

7. Membership of the Joint Standing Committee on the Corruption and Crime Commission

The Leader of the House, pursuant to the foregoing motion, moved,

(1) That the member for Maylands be appointed to the Joint Standing Committee on the Corruption and Crime Commission to fill the vacancy caused by the member for Kingsley's resignation.

(2) That the Legislative Council be acquainted accordingly.

Question put and passed.

8. Matter of Public Interest - Electricity Price Rises

The Speaker informed the Assembly that he was in receipt of a notice from Dr S.C. Thomas that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Dr S.C. Thomas moved,

That this House demands that the Carpenter Government tell the whole truth about its proposed electricity price rises and its billion dollar bail out of Verve Energy.

Debate ensued.

The Minister for Energy moved, To delete all words after “House” and substitute the following –

“

recognises the importance of the Carpenter Government’s reform of WA’s electricity industry and the protection it has afforded customers as it moves to a sustainable pricing structure for both residential consumers and industry.

”

Debate ensued.

On the question, That the words be deleted,

Question put.

The Assembly divided.

Ayes (28)

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

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
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 M.J. Birney
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
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 C.C. Porter
Mr D.T. Redman
Mr G. Snook

Dr S.C. Thomas
Mr M.W. Trenorden
Mr T.K. Waldron
Ms S.E. Walker
Mr G.A. Woodhams
Mr A.J. Simpson (*Teller*)

Question thus passed.

On the question, That the words be inserted,

Question put.

The Assembly divided.

Ayes (28)

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

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
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	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr M.J. Birney	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr J.E. McGrath	Ms S.E. Walker
Dr E. Constable	Mr C.C. Porter	Mr G.A. Woodhams
Mr J.H.D. Day	Mr D.T. Redman	Mr A.J. Simpson (<i>Teller</i>)
Dr K.D. Hames	Mr G. Snook	

Question thus passed.

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

Question put.

The Assembly divided.

Ayes (28)

Mr J.J.M. Bowler	Mr J.A. McGinty	Mr E.S. Ripper
Mr A.J. Carpenter	Mr M. McGowan	Mrs M.H. Roberts
Mr J.B. D'Orazio	Ms S.M. McHale	Mr T.G. Stephens
Dr J.M. Edwards	Mr A.D. McRae	Mr D.A. Templeman
Ms D.J. Guise	Mrs C.A. Martin	Mr P.B. Watson
Mrs J. Hughes	Mr M.P. Murray	Mr M.P. Whitely
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr B.S. Wyatt
Mr J.C. Kobelke	Mr P. Papalia	Mr S.R. Hill (<i>Teller</i>)
Mr R.C. Kucera	Ms M.M. Quirk	
Mr F.M. Logan	Ms J.A. Radisich	

Noes (20)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr M.J. Birney	Dr G.G. Jacobs	Mr M.W. Trenorden
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr J.E. McGrath	Ms S.E. Walker
Dr E. Constable	Mr C.C. Porter	Mr G.A. Woodhams
Mr J.H.D. Day	Mr D.T. Redman	Mr A.J. Simpson (<i>Teller</i>)
Dr K.D. Hames	Mr G. Snook	

Question thus passed.

9. Petition

Rockingham and Kwinana General Practitioners - Mr P. Papalia presented a petition from 66 persons requesting that the Legislative Assembly call on the Commonwealth to provide additional general practitioners in outer suburban areas such as Rockingham and Kwinana (P. 301).

10. Papers

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

By the Acting Speaker –

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Roebourne Regional Prison, Report No. 48, March 2008 (Received by the Clerk of the Legislative Assembly on 12 March 2008 and held for a period of thirty days as directed by section 35(1) of the Act) (3822).

Inspector of Custodial Services, Office of the – Report of an Announced Inspection of Casuarina Prison, Report No. 49, March 2008 (Received by the Clerk of the Legislative Assembly on 12 March 2008 and held for a period of thirty days as directed by section 35(1) of the Act) (3823).

By the Clerk –

Classification (Publications, Films and Computer Games) Act 1995 – Amended Guidelines for the Classification of Publications 2005, compiled 19 March 2008 (3814).

Classification (Publications, Films and Computer Games) Act 1995 – Amended Guidelines for the Classification of Films and Computer Games 2005, compiled 19 March 2008 (3815).

Consumer Credit (Western Australia) Act 1996 – Consumer Credit (Western Australia) Code Regulations Amendment Order 2008 (3816).

Corruption and Crime Commission of Western Australia – Report into the Discontinuance of a Prosecution against Joe McDonald on 24 May 2006 (Received by the Clerk of the Legislative Assembly and deemed tabled 11 April 2007) (3796).

East Perth Redevelopment Act 1991 – Ministerial approval for the lease of land with value in excess of \$1 million in accordance with Section 19(7) of the Act in relation to a portion of Lot 1061 Lime Street, East Perth, dated 1 May 2008 (3817).

Official Travel – Report by the Minister for Corrective Services; Small Business on the Ministerial Visit to Canada and the United States of America from 29 September 2007 to 11 October 2007 (3818).

Legal Contribution Trust – Financial Report for the Six Months Ended 31 December 2007 (3819).

Terrorism (Preventative Detention) Act 2006 – Quarterly Report, for the Quarter Ended 31 March 2008 (3820).

Trans-Tasman Mutual Recognition Act 1997 – Trans-Tasman Mutual Recognition Amendment Regulations 2008 (No. 1), dated 10 April 2008 (3821).

11. Correction to Tabled Paper

The Acting Speaker announced that the Speaker had authorised corrections under Standing Order No 156 to the following Tabled Paper tabled on 11 April 2008 -

Corruption and Crime Commission of Western Australia – Report into the Discontinuance of a Prosecution against Joe McDonald on 24 May 2006 (Authorised correction to Tabled Paper 6 May 2008) (3796).

12. Notices of Motion

13. Fatal Accidents Amendment Bill 2008

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 4 agreed to.

New clause.

The Attorney General moved,

Page 3, after line 10 – To insert –

“

5. Section 10 repealed.

Section 10 is repealed.

”

Amendment put and passed.

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.

14. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –

No. 10 – 14 April 2008

Treasurer's Advance Authorisation Bill 2008, Act No. 10 of 2008.

Duties Bill 2007, Act No. 11 of 2008.

Duties Legislation Amendment Bill 2007, Act No. 12 of 2008.

Prostitution Amendment Bill 2007, Act No. 13 of 2008.

No. 11 – 14 April 2008

State Supply Commission Amendment Bill 2007, Act No. 15 of 2008.

No. 12 – 15 April 2008

Parental Support and Responsibility Bill 2005, Act No. 14 of 2008.

No. 13 – 16 April 2008

Mines Safety and Inspection Amendment Bill 2007, Act No. 16 of 2008.

Casino (Burswood Island) Agreement Amendment Bill 2007, Act No. 17 of 2008.

15. Message from the Governor

Message No. 14 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Fatal Accidents Amendment Bill 2008.

16. Mines Safety and Inspection Amendment Bill 2007

Message No. 205 dated 10 April 2008 from the Legislative Council was reported agreeing to the bill without amendment.

17. Variation to the Order of Business

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

18. Criminal Law Amendment (Homicide) Bill 2008

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.

Ordered, That consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

19. Road Traffic Amendment Bill 2008

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

Debate resumed.

The Minister for Police and Emergency Services moved, That the debate be adjourned.

Question put and passed.

20. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.58 pm until Wednesday, 7 May 2008 at 12 noon.

Members present during any part of the day's proceedings – All the members except Mr B.J. Grylls.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly