

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 193

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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THURSDAY, 10 APRIL 2008

### 1. Meeting of Assembly

The Assembly met at 9.00 am pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Suspension of Standing Orders

Mr P.D. Omodei, 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 Member for Rockingham to apologise to the ethnic community of Western Australia for his comments in relation to ethnicity and that this apology be delivered in the Parliament today.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (16)

Mr C.J. Barnett  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Dr E. Constable  
Mr M.J. Cowper  
Mr J.H.D. Day

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

Mr D.T. Redman  
Dr S.C. Thomas  
Dr J.M. Woollard  
Dr G.G. Jacobs (*Teller*)

## Noes (24)

Mr P.W. Andrews	Ms A.J.G. MacTiernan	Mr J.R. Quigley
Mr A.J. Carpenter	Mr J.A. McGinty	Ms M.M. Quirk
Dr J.M. Edwards	Mr M. McGowan	Ms J.A. Radisich
Ms D.J. Guise	Ms S.M. McHale	Mr E.S. Ripper
Mrs J. Hughes	Mr A.D. McRae	Mr D.A. Templeman
Mr J.N. Hyde	Mr M.P. Murray	Mr P.B. Watson
Mr J.C. Kobelke	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr F.M. Logan	Mr P. Papalia	Mr S.R. Hill ( <i>Teller</i> )

Question thus negatived.

### 3. Petitions

Real Estate Agents in Western Australia – Mr A.P. O’Gorman presented a petition from 64 persons requesting that the Legislative Assembly review current legislation dealing with Real Estate Agents in Western Australia to include provision for home sales by private vendors, incentives to be offered to private vendors and full advertising rights for private vendors on Real Estate websites (P. 298).

Booragoon Primary School Sewerage Connection – Dr J.M. Woollard presented a petition from 122 persons requesting that the Government undertake to connect Booragoon Primary School to deep sewerage and to disconnect its septic tanks (P. 299).

Real Estate Agents in Western Australia – Mr A.P. O’Gorman presented a petition from 71 persons requesting that the Legislative Assembly review current legislation dealing with Real Estate Agents to include provision for home sales by private vendors, without harassment from registered Real Estate Agents (P. 300).

### 4. Papers

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

By the Clerk

Broome Port Authority – Statement of Corporate Intent 2007 – 2008 (3774).

Cremation Act 1929 – Regulations (Cremation Amendment Regulations 2008 G.G. 04/04/2008) (3775).

Fire and Emergency Services Superannuation Act 1985 – Regulations (Fire and Emergency Services (Superannuation Fund) Amendment Regulations 2008 G.G. 01/04/2008) (3776).

Gender Reassignment Board of Western Australia, The – Annual Report 2006 – 2007 (3777).

Health Act 1911 – Regulations (Health (Food Hygiene) Amendment Regulations 2008 G.G. 04/04/2008) (3778).

Health Act 1911 – Regulations (Health (Food Standards) (Administration) Amendment Regulations 2008 G.G. 04/04/2008) (3779).

Health Act 1911 – Regulations (Health (Offensive Trades Fees) Amendment Regulations 2008 G.G. 04/04/2008) (3780).

Health Act 1911 – Regulations (Health (Pet Meat) Amendment Regulations 2008 G.G. 04/04/2008) (3781).

Health Act 1911 – Regulations (Health (Public Buildings) Amendment Regulations 2008 G.G. 04/04/2008) (3782).

Health Act 1911 – Regulations (Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2008 G.G. 04/04/2008) (3783).

Local Government Act 1995 – Local Laws (City of Armadale Environment, Animals and Nuisance Amendment Local Laws 2008 G.G. 04/04/2008) (3784).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 6) 2008 G.G. 04/04/2008) (3785).

Painters' Registration Board – Annual Report 2007 (3786).

Radiological Council of Western Australia, The – Annual Report 2007 (3787).

Rights in Water and Irrigation Act 1914 – Regulations (Rights in Water and Irrigation Amendment Regulations 2008 G.G. 04/04/2008) (3788).

Spent Convictions Act 1988 – Regulations (Spent Convictions Amendment Regulations 2007 G.G. 01/04/2008) (3789).

State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations (No. 2) 2008 G.G. 01/04/2008) (3790).

Water Boards Act 1904 – By-laws (Untitled by-laws G.G. 01/04/2008) (3791).

Waterways Conservation Act 1976 – Regulations (Waterways Conservation Amendment Regulations 2008 G.G. 04/04/2008) (3792).

## **5. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by –

The Premier on the Review of the Contact with Lobbyists Code and the Register of Lobbyists.

The Minister for Health on the current and projected hospital bed numbers that are expected to result from the reconfiguration of the metropolitan hospital system and associated capital works program.

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### *Paper*

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

By the Minister for Health –

Hospital Bed Numbers – Table showing current and estimated future bed capacity (3793).

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The Minister for the Environment and Climate Change on the newly established position of Cane Toad Coordinator.

## **6. Grievances**

The Speaker called for grievances which were then made.

## **7. Community Development and Justice Standing Committee – Extension of Time to Speak to Report**

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

That so much of the Standing Orders be suspended as is necessary to allow the Member for Hillarys, who was Chairman of the Community Development and Justice Standing Committee's subcommittee undertaking an Inquiry into the Prosecution of Sexual Offences, to speak for an additional 10 minutes to the Committee's report which will be tabled on Thursday, 10 April 2008.

Question put and passed.

## **8. Community Development and Justice Standing Committee**

Mr A.P. O’Gorman, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee – Inquiry into the Prosecution of Assaults and Sexual Offences, Report No. 6 (3794) .

Mr A.P. O’Gorman, Mr R.F. Johnson, Ms K. Hodson-Thomas, Dr J.M. Edwards and Dr E. Constable spoke on the report.

## **9. Road Traffic Amendment Bill 2008**

Minister for Police and Emergency Services, pursuant to notice, moved,

That a Bill for “An Act to amend the *Road Traffic Act 1974*.” be introduced and read a first time.

Question put and passed.

Minister for Police and Emergency Services presented an explanatory memorandum and bill read a first time.

Minister for Police and Emergency Services moved, That the bill be now read a second time.

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

Question put and passed.

## **10. Employment Dispute Resolution Bill 2007**

Message No. 204 dated 9 April 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Employment Dispute Resolution 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 Employment Dispute Resolution Bill 2007*

### **No. 1**

Clause 3, page 2, line 18 — To insert after “Act” —

“

or any other agreement or arrangement prescribed under the IR Act section 113 for the purposes of this definition

”.

Ordered, That consideration in detail of Legislative Council message No. 204 be made an Order of the Day for the next sitting of the Assembly.

## **11. Casino (Burswood Island) Agreement 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.

Question put and passed.

Bill read a second time.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 3 agreed to.

Clause 4

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

## **12. Members' Statements**

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

## **13. Speaker's Statement – Emergency Evacuation Alarm System Test**

The Speaker reminded members that he had approved the interruption of proceedings at 3 pm for approximately 5 minutes, during which time a demonstration of the Parliament House Emergency Evacuation Alarm System would be conducted.

## **14. Questions**

Questions without notice were taken.

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### *Paper*

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

By the Treasurer –

Treasury and Finance, Department of – 2007 Procurement Reform Progress Report (3795).

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Questions on notice Nos 3321 to 3325 were asked.

Questions on notice Nos 3064, 3126, 3130, 3161, 3188, 3242 and 3285 were answered.

## **15. Suspension of Standing Orders**

Mr D.T. Redman, without notice, moved-

That so much of Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith and debated under the time limits applying to Matters of Public Interest under Standing Order 101 –

That this House calls on the State Government to honour the 2005 referendum on trading hours and undertake to maintain the current regulated trading hour regime.

Debate ensued.

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*Sitting suspended from 3.00 p.m. to 3.02 p.m.*

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Question put.

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

## **16. Retail Trading Hours**

Mr D.T. Redman, pursuant to the foregoing motion, moved,

That this House calls on the State Government to honour the 2005 referendum on trading hours and undertake to maintain the current regulated trading hour regime.

Debate ensued.

The Minister for Consumer Protection moved, To delete all words after “House” and substitute –

“

recognises that the State Government has honoured the outcome of the 2005 referendum on trading hours.

”.

On the question, That the words be deleted,

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  
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  
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  
Mr D.A. Templeman  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr S.R. Hill (*Teller*)

#### Noes (20)

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

Mr B.J. Grylls  
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  
Dr S.C. Thomas  
Mr M.W. Trenorden  
Dr J.M. Woollard  
Dr G.G. Jacobs (*Teller*)

Question thus passed.

On the question, That the words be inserted,

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  
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  
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  
Mr D.A. Templeman  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr S.R. Hill (*Teller*)

## Noes (19)

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  
Mr B.J. Grylls

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  
Dr S.C. Thomas  
Mr M.W. Trenorden  
Dr J.M. Woollard  
Dr G.G. Jacobs (*Teller*)

Question thus passed.

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

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  
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  
Mr M.P. Murray  
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Mr E.S. Ripper  
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## Noes (19)

Mr C.J. Barnett  
Mr M.J. Birney  
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Mr P.D. Omodei  
Mr C.C. Porter  
Mr D.T. Redman

Mr A.J. Simpson  
Dr S.C. Thomas  
Mr M.W. Trenorden  
Dr J.M. Woollard  
Dr G.G. Jacobs (*Teller*)

Question thus passed.

# **17. Speaker's Statement – Joint Standing Committee on the Corruption and Crime Commission – reporting date**

The Acting Speaker advised members that the Speaker had received a letter from the Joint Standing Committee on the Corruption and Crime Commission extending the reporting date on its Inquiry into the Efficacy of Public Hearings until 9 April 2009.

# **18. Variation to the Order of Business**

Ordered, That consideration of Government Business Order of the Day No 1 be resumed.

# **19. Casino (Burswood Island) Agreement Amendment Bill 2007**

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

## *CONSIDERATION IN DETAIL*

Clause 4 agreed to.

Clause 5.

Ms S.E. Walker moved,

Page 3, line 14 – To insert after “authorised” the following –

“ , following both Houses of Parliament approving an agreement between the Minister, Burswood Nominees Ltd and Burswood Resort (Management) Limited, for the establishment of a fund to ensure that 50% of any levy received by the Board must be applied as designated under clause 23 (1A) (c) ”.

Dr J.M. Woollard moved, To insert in the amendment before “50%” the words –

“ at least ”.

Question put and passed.

On the amendment moved by Ms S.E. Walker, as amended,

Question put and negatived.

Dr G.G. Jacobs moved,

Page 3, line 14 – To insert after “authorised”, the following –

“ , following both Houses of Parliament approving an agreement between the Minister, Burswood Nominees Ltd and Burswood Resort (Management) Limited, varying the State Agreement to provide that the Board referred to in clause 6 of the State Agreement consist of –

- (i) 2 natural persons nominated to the Minister by the Local Authority;
- (ii) 2 natural persons nominated to the Minister by the Manager;
- (iii) 1 natural person nominated to the Minister by the Minister for the Environment; and
- (iv) 1 natural person nominated to the Minister by the Minister for Lands. ”.

Question put and negatived.

Clause 5 agreed to.

Clause 6 agreed to.

Title agreed to.

Consideration in detail concluded.

Leave was granted to proceed forthwith to the third reading of the bill.

The Minister representing the Minister for Racing and Gaming moved, That the bill be now read a third time.

Question put and passed.

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

## **20. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 6 May 2008 at 2.00 p.m.

Question put and passed.



**21. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 5.15 p.m. until Tuesday, 6 May 2008 at 2.00 p.m.

*Members present during any part of the day's proceedings* – All the members except Mrs M.H. Roberts, Mr G. Snook, Mr T.G. Stephens, Mr T.K. Waldron and Mr G.A. Woodhams.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly