

WESTERN AUSTRALIA

**LEGISLATIVE ASSEMBLY**

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**VOTES AND PROCEEDINGS****No. 187****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

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**THURSDAY, 20 MARCH 2008****1. Meeting of Assembly**

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Petition**

French Street, Coral Bay - Mr F. Riebeling presented a petition from 36 persons requesting that the Legislative Assembly draft laws to enable all unsealed roads in built up areas to be speed limited or in particular, allow French Street, Coral Bay to be speed limited (P. 295).

**3. Papers**

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

Premier and Cabinet, Department of - Community Attitude Monitor, March 2007 (3712).

Premier and Cabinet, Department of - Community Attitude Monitor, July 2007 (3713).

Financial Management Act 2006 - Notice under Section 82 of the Act of inability to provide an answer to Question on Notice No. 3026 (3714).

**4. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Minister for Land Information on the opening of Landgate's Spatial Sciences Studio at Curtin University.

The Minister for Resources on the release of figures from the Australian Bureau of Statistics confirming Western Australia's position as an international mining hotspot.

The Minister for Land Information on the Western Australian Land Information System (WALIS) Forum held at Perth Convention Centre on 13 March 2008.

The Minister for Industry and Enterprise on Western Australia's success at the 2008 Australian Telecommunications User Group (ATUG) Awards.

## **5. Grievances**

The Speaker called for grievances which were then made.

## **6. Procedure and Privileges Committee**

Mr P.W. Andrews, as the member appointed to present the report, presented the following report which was ordered to lie upon the Table of the House –

Procedure and Privileges Committee - Review of E-Petitions, Report No. 1, 2008 (3715).

Mr P.W. Andrews spoke on the report.

## **7. Joint Standing Committee on Delegated Legislation**

Mr P.W. Andrews, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on Delegated Legislation - University Statutes: Curtin University of Technology - Statute No. 7 – The Council; and Murdoch University – Amending Statutes – No. 5 and No. 17, Report No. 25, March 2008 (3716).

Mr P.W. Andrews spoke on the report.

## **8. Joint Standing Committee on Delegated Legislation**

Mr P.W. Andrews, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on Delegated Legislation - Issues Arising under Health Local Laws, Report No. 26, March 2008 (3717) .

Mr P.W. Andrews spoke on the report.

## **9. Road Traffic (Administration) Bill 2007**

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

### *CONSIDERATION IN DETAIL*

Clauses 90 to 166 agreed to.

Postponed Clause 26.

The Minister for Planning and Infrastructure moved,

Page 24, lines 8 to 10 – To delete the lines.

Amendment put and passed.

The Minister for Planning and Infrastructure moved,

Page 24, line 14 – To insert after “power” –

“ for MDLR compliance purposes ”.

Amendment put and passed.

The Minister for Planning and Infrastructure moved,

Page 24, line 15 – To delete “comply with a request to”.

Page 24, line 16 – To delete “comply with a reasonable request to”.

Page 24, line 19 – To delete “comply with a request to”.

Page 24, lines 26 to 29 – To delete all words after “(4)” and substitute –  
 “ as soon as is reasonably practicable ”.

Amendments put and passed.

Clause, as amended, agreed to.

Title agreed to.

Consideration in detail concluded.

### *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 this Bill to be read third time forthwith.

Debate ensued.

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.

The Minister for Planning and Infrastructure moved, That the bill be read a third time.

Question put and passed.

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

### **10. Road Traffic (Consequential Provisions) 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 101 agreed to.

New clause.

The Minister for Planning and Infrastructure: To move –

Page 26, after line 14 – To insert –

“

#### **102. Section 297 amended**

Section 297(4)(c)(iii) is deleted and the following subparagraph is inserted instead —

“

- (iii) a taxi as defined in the *Taxi Act 1994* section 3(1) or an omnibus as defined in the *Transport Co-ordination Act 1966* section 4(1);

”  
 ”  
 ”

Amendment put and passed.

Clauses 102 to 227 agreed to.

Title agreed to.

Consideration in detail concluded.

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*Suspension of Standing Orders*

The Minister for Planning and Infrastructure, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable this Bill to be read third time forthwith.

Debate ensued.

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.

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The Minister for Planning and Infrastructure moved, That the bill be read a third time.

Question put and passed.

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

**11. Road Traffic (Vehicles) (Taxing) 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.

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

The Minister for Planning and Infrastructure 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.

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

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 Corrective Services moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

**13. Variation to the Order of Business**

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

**14. Mining Legislation Amendment and Validation 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 (Minister for Resources, in reply, speaking) and adjourned until a later stage of the sitting.

### 15. Members' Statements

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

### 16. Questions

Questions without notice were taken.

Questions on notice Nos 3173 to 3232 were asked.

Questions on notice Nos 2967, 2969, 2971, 2975, 2976, 2980, 2983, 2991, 2992, 2995, 2996, 2998, 2999, 3009, 3010, 3015 to 3018, 3020 to 3023, 3025, 3026, 3032 to 3035, 3056, 3058 to 3061, 3067, 3069, 3072, 3079, 3095 to 3105, 3107, 3108, 3120, 3121 and 3124 were answered.

### 17. Speaker's Statement – Resignation of Mr John Pollard

The Speaker advised members of the resignation Mr John Pollard from the Legislative Assembly and thanked him for his contribution to the Legislative Assembly.

### 18. Matter of Public Interest – State Housing Strategy

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 successive Labor Housing Ministers for their failure to complete and adopt a State Housing Strategy and the subsequent failure to protect Western Australians from the dramatic increases in rents and the reduction in rental stock.

Debate ensued.

Question put.

The Assembly divided.

#### Ayes (19)

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

#### Noes (27)

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

Question thus negatived.

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

Ordered, That consideration of Government Business Order of the Day No. 6 be resumed.

#### **20. Mining Legislation Amendment and Validation 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.

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

The Minister for Resources 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.

#### **21. Parental Support and Responsibility Bill 2005**

Message No. 197 dated 19 March 2008 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 243, that it does not insist on its amendments Nos 6 to 8, 10 to 12, 18, 19, 24 to 36, 40 to 45, 49 and 50; agrees to the amendments proposed by the Legislative Assembly in substitution for the Legislative Council Amendments Nos 15, 17, 20 and 22; agrees to the further amendment to Amendment No. 48; does not insist on Amendment Nos 4, 14, 16, 23 and 39 but substitutes alternative amendments as set forth in the schedule annexed; and agrees to the Legislative Assembly substituted Amendment No. 21 subject to a further amendment as set forth in the schedule annexed.

*Schedule indicating the substitute amendments and further amendment made by the Legislative Council in the Parental Support and Responsibility Bill 2005*

##### **Amendment No. 4**

New amendment as an alternative to Amendment No. 4:

Clause 3, page 3, after line 3 — To insert —

“

“**income support**” means financial assistance provided under a law of the State or the Commonwealth;

”.

##### **Amendment No. 14**

New amendment as an alternative to Amendment No. 14:

Clause 9, page 6, line 6 — To delete the full stop and insert instead —

“

; or

(c) a prescribed agency of the Commonwealth.

”.

##### **Amendment No. 16**

New amendment as an alternative to Amendment No. 16:

Clause 13, page 11, after line 12 — To insert —

“

- (5) The Court cannot make an order after the fifth anniversary of the day on which this section came into operation and an order in force on or after that anniversary ceases to have effect at the end of the 6 months immediately following that anniversary, if it does not otherwise cease before that time.

”.

### **Amendment No. 21**

Agrees to the Legislative Assembly’s substituted Amendment No. 21 subject to a further amendment:

Clause 18, page 14, after line 28 — To insert —

“

- (b) if relevant — the income of the child’s family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth;

”.

### **Amendment No. 23**

New amendments as alternatives to Amendment No. 23:

Clause 20, page 16, line 8 — To delete “\$2 000” and insert instead —

“ \$200 ”.

Clause 20, page 16, lines 12 to 14 — To delete the lines and insert instead —

“

- (3) The CEO cannot give approval under subsection (2) unless the CEO —
- (a) is satisfied that all reasonable efforts to assist and encourage the parent to comply with the order have failed; and
  - (b) has taken into account the income of the child’s family, the extent to which that income is derived from income support and any restrictions on the use, or reduction or suspension, of that income under a law of the State or the Commonwealth.

”.

### **Amendment No. 39**

New amendment as an alternative to Amendment No. 39:

Clause 35, page 23, lines 21 to 30 — To delete the lines and insert instead —

“

- (4) A warrant of execution under section 45 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* cannot be issued in respect of the person.
- (5) Section 47A of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* applies as if all of subsection (1) from and including “if the Registrar is satisfied” were deleted.

”.

Ordered, That consideration in detail of Legislative Council message No. 197 be made an Order of the Day for the next sitting of the Assembly.

## **22. Personal Explanation**

Mr A.D. McRae made a personal explanation on the suppression order place on him by the Corruption and Crime Commission, relating to allegations of misconduct.

**23. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 1 April 2008 at 2.00 p.m.

Question put and passed.

**24. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 4.15 p.m. until Tuesday, 1 April 2008 at 2.00 p.m.

*Members present during any part of the day's proceedings* - All the members except Mr D.F. Barron-Sullivan, Dr E. Constable, and Mr J.B. D'Orazio.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly