

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

---

## VOTES AND PROCEEDINGS

No. 183

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

---

WEDNESDAY, 12 MARCH 2008

**1. Meeting of Assembly**

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Petition**

Logue Brook Dam - Mr M.P. Murray presented a petition from 642 persons requesting that the Legislative Assembly reconsider the decision to close Logue Brook Dam for community use (P. 290).

**3. Papers**

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

By the Clerk -

Forest Products Commission of Western Australia – Half Year Report, 31 December 2007 (3684).

Land Administration Act 1997 – Lease No. 2236/100 between the Department of Conservation and Land Management and Optus Mobile Pty Ltd, for a Mobile Telephone Base Station, dated 15 January 2008 (3685).

**4. Brief Ministerial Statement**

The following Brief Ministerial Statement was made by -

The Minister for Sport and Recreation on the Community Sporting and Recreation Facilities Fund (CSRFF) program for 2008-2009.

## **5. Joint Standing Committees - Change of Membership**

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

- (1) That the Member for Serpentine-Jarrahdale be appointed to the Parliamentary Services Committee in place of the former Member for Murdoch; and
- (2) That the Member for Murdoch be appointed to the Joint Standing Committee on Delegated Legislation; and
- (3) That the Legislative Council be acquainted accordingly.

Question put and passed.

## **6. Notice of Motion - Lapsed**

Notice of Motion No. 1 lapsed when called due to the absence of the member.

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

Ordered, That Government Business Order of the Day No. 9 be next considered.

## **8. Premier's Statement**

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

---

### *Maiden Speech*

Mr C.C. Porter gave his maiden speech.

---

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

Question put and passed.

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

Ordered, That Government Business Orders of the Day Nos 2, 3, 4, 5 and 6 be next considered.

## **10. Road Traffic (Authorisation to Drive) Bill 2007**

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

Debate resumed.

Leave not granted to consider Government Business Orders of the Day Nos 2 to 6 cognately.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

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

Ordered, That Government Business Order of the Day No. 1 be next considered.

## **12. Duties Bill 2007**

The Order of the Day for the third reading of the bill having been read, the Treasurer moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

### **13. Cross-border Justice Bill 2007**

Message No. 196 dated 11 March 2008 from the Legislative Council was reported 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.

”.

Ordered, That consideration in detail of Legislative Council message No. 196 be made an Order of the Day for the next sitting of the Assembly.

### **14. Questions**

Questions without notice were taken.

Questions on notice Nos 3154 to 3158 were asked.

Questions on notice Nos 2973, 2977, 2988 and 2989 were answered.

---

Paper tabled by the Minister for Health -

Question on Notice No. 2988 – The number of patient presentations in Western Australian public hospitals from 2001-2002 to date (3686).

Question on Notice No. 2989 – The total number of mental health patient presentations in the Western Australian public hospital system by year (3687).

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

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

**16. Road Traffic (Authorisation to Drive) Bill 2007**

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

*Suspension of Standing Orders*

Mr M.J. Cowper, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the member to ask a further question.

Debate ensued.

Question put.

The Assembly divided.

**Ayes (24)**

Mr D.F. Barron-Sullivan  
Mr M.J. Birney  
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 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 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  
Mrs M.H. Roberts  
Mr T.G. Stephens  
Mr D.A. Templeman  
Mr M.P. Whitely  
Mr B.S. Wyatt  
Mr S.R. Hill (*Teller*)

Question thus negatived.

Debate resumed on the *Road Traffic (Authorisation to Drive) Bill 2007*.

*Suspension of Standing Orders*

Mr R.F. Johnson, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith -

- (1) That the Minister for Planning and Infrastructure be asked to confirm to the House whether a review into allegations of improper and abusive behaviour by the Member for Joondalup against a revenue protection officer has been conducted and whether the fine has been withdrawn.
- (2) That the Member for Joondalup be asked to provide a personal explanation to the House in relation to the allegations he has raised and those allegations against him.

Debate ensued.

The Leader of the House moved, That the question now be put.

Question put.

The Assembly divided.

## Ayes (28)

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  
 Mrs M.H. Roberts  
 Mr T.G. Stephens  
 Mr D.A. Templeman  
 Mr M.P. Whitely  
 Mr B.S. Wyatt  
 Mr S.R. Hill (*Teller*)

## Noes (23)

Mr D.F. Barron-Sullivan  
 Mr M.J. Birney  
 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 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 G.G. Jacobs (*Teller*)

Question thus passed.

On the question, That the motion be agreed to,

Question put.

The Assembly divided.

## Ayes (23)

Mr D.F. Barron-Sullivan  
 Mr M.J. Birney  
 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 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 G.G. Jacobs (*Teller*)

## Noes (28)

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  
 Mrs M.H. Roberts  
 Mr T.G. Stephens  
 Mr D.A. Templeman  
 Mr M.P. Whitely  
 Mr B.S. Wyatt  
 Mr S.R. Hill (*Teller*)

Question thus negated.

Debate resumed on the *Road Traffic (Authorisation to Drive) Bill 2007*.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.  
Question put and passed.

#### **17. 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. 46 asked on 11 March 2008 from Mr M.J. Cowper.

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

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

#### **19. Road Traffic (Authorisation to Drive) 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 and 2 agreed to.

Clause 3.

The Minister for Planning and Infrastructure moved,

Page 3, after line 2 – To insert –

“

“**grant**” includes the grant by way of renewal under the regulations;

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 4.

The Minister for Planning and Infrastructure moved,

Page 5, line 10 – To delete “, renewal,”.

Page 5, line 12 – To delete “, renewal,”.

Page 5, line 16 – To delete “or renewal”.

Page 5, line 17 – To delete “or renew”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

The Minister for Planning and Infrastructure moved,

Page 7, line 7 – To delete “, renewal,”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 8.

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

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

Ordered, That Private Members' Business Notices of Motion Nos 27 and 20 be next considered.

## **21. Karrinyup Lakes Lifestyle Village**

Ms K. Hodson-Thomas, pursuant to notice, moved,

That this House calls on the Government to investigate the entire manner in which the Directors of Moss Glades Pty. Ltd. have acted in regards to the development of the Karrinyup Lakes Lifestyle Village, who have repeatedly ignored many local and state government regulations established to protect residents in retirement villages.

Debate ensued.

The Minister for Consumer Protection moved,

To delete all words after "House" and substitute –

“

refers to the Economics and Industry Standing Committee the following matter for consideration and report by 19 June 2008:

The actions of Moss Glades Pty Ltd, and its individual directors in relation to the development of the Karrinyup Lakes Lifestyle Village, and in particular to the extent to which Local Government and State legislative and other requirements for the protection of residents in retirement villages have been complied with.

”.

Amendment put and passed.

Motion, as amended, agreed to.

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

Mr P.D. Omodei, pursuant to notice, moved,

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

Debate ensued.

Debate interrupted by the Chair (Minister for Water Resources speaking) and adjourned until a later stage of the sitting.

## **23. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 pm until Thursday, 13 March 2008 at 9.00 a.m.

*Members present during any part of the day's proceedings* - All the members except Mr P.B. Watson.

**PETER J. McHUGH**  
Clerk of the Legislative Assembly

**HON. FRED RIEBELING**  
Speaker of the Legislative Assembly