

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 135****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

WEDNESDAY, 4 APRIL 2007**1. Meeting of Assembly**

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Australian Raven (Crow) - Mr C.J. Barnett presented a petition from 123 persons requesting that the Australian Raven (Crow) be given the status of Declared Pest in Perth and a management program be implemented (P. 205).

3. Papers

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

By the Speaker -

Auditor General, Office of the [OAG] - Second Public Sector Performance Report 2007, Report No. 3, April 2007 (2571).

Auditor General, Office of the [OAG] - Audit Results, Report on Universities and TAFE Colleges, Other audits completed since 16 October 2006, Legislative Changes and Audit Practice Statement 2007, Report No. 4, April 2007 (2572).

By the Clerk -

Land Information, Department of - Final Report for the period 1 July 2006 to 31 December 2006 (2573).

4. Brief Ministerial Statement

The following Brief Ministerial Statement was made by -

The Minister for Planning and Infrastructure on the Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs.

Papers

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

By the Minister for Planning and Infrastructure -

Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs, Volume 1 - Report on Submissions, February 2007 (2574).

Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs, Volume 2 - Submissions, February 2007 (2575).

Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs, Volume 3 - Transcripts of Public Hearings, February 2007 (2576).

Metropolitan Region Scheme Amendment No. 1027/33 - Whiteman Park and Environs, Map (2577).

5. Community Development and Justice Standing Committee - Extension of Reporting Date

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

That the date for presentation of the report of the Community Development and Justice Standing Committee's inquiry into the Prosecution of Assaults and Sexual Offences be extended to 27 September 2007.

Question put and passed.

6. Community Development and Justice Standing Committee - Change of Membership

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

That the Member for Roe be appointed to the Community Development and Justice Standing Committee in place of the Member for Murray.

Question put and passed.

7. Western Australian Resources Heritage Fund Bill 2007

Mr J.H.D. Day, pursuant to notice, moved,

That a bill for "An Act to provide for the establishment of the Western Australian Resources Heritage Fund to ensure that a proportion of the value of Western Australia's non-renewable resources is retained for future generations of Western Australians." be introduced and read a first time.

Question put and passed.

Mr J.H.D. Day presented an explanatory memorandum and bill read a first time.

Ordered, That the second reading of the bill be made an Order of the Day for a later stage of the sitting.

8. Appropriation (Consolidated Fund) Bill (No. 5) 2006

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

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

Question put and passed.

9. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

10. Public Trustee and Trustee Companies Legislation Amendment Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 9 to 10 agreed to.

Clause 11.

The Attorney General moved,

Page 6, line 20 – To delete “Fund” and substitute –

“ Account ”.

Page 6, line 26 – To delete “*Financial Administration and Audit Act 1985*” and substitute –

“ *Financial Management Act 2006* ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 12 to 24 agreed to.

Clause 25

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

11. Questions

Questions without Notice were taken.

Papers

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

By the Minister for the Environment -

Esperance Port Authority - Correspondence to Chief Executive Officer, Esperance Port Authority: Inspection of Premises Licence Number 5099/9 - Esperance Port Authority from Department of Environment (2578).

Esperance Port Authority - Correspondence to Chief Executive Officer, Esperance Port Authority: Re: Inspection of Esperance Port - 01/02/2007 from Department of Environment and Conservation (2579).

Questions on Notice Nos. 2144 to 2150 were asked.

Questions on Notice Nos 1936, 1945, 2095 and 2096 were answered.

12. Speaker's Statement - Pages of Petition Ruled Out of Order

The Speaker advised members that the petition on daylight saving presented on 28 February 2007 by Mr G.A. Woodhams contained pages with letters and affidavits attached as photocopies on the back, contained pages that were either photocopies or faxes, had been signed by the member himself, and contained more signatures than originally indicated. As such, the Speaker directed that those pages be returned to the member, and that the records of the House be adjusted to show the revised number of signatories.

13. 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 from Mr B.J. Grylls.

14. Personal Explanation

Dr K.D. Hames made a personal explanation on the necessity for a page of a petition he presented on 3 April 2007 to be withdrawn as he had signed it.

15. Road Traffic Amendment Bill 2006

Message No. 144 dated 3 April 2007 from the Legislative Council was reported agreeing to the bill without amendment.

16. Variation to the Order of Business

Ordered, That further consideration in detail of Government Business Order of the Day No. 4 be next considered.

17. Public Trustee and Trustee Companies Legislation Amendment Bill 2006

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

CONSIDERATION IN DETAIL

Clause 25.

The Attorney General moved,

Page 17, line 5 – To delete “Fund” and substitute –

“ Account ”.

Page 17, line 6 – To delete “Fund” and substitute –

“ Account ”.

Page 17, line 7 – To delete “Fund” and substitute –

“ Account ”.

Page 17, lines 15 to 17 – To delete the lines and substitute –

“

- (2) The Common Account is an agency special purpose account under the *Financial Management Act 2006* section 16. ”.

Page 17, line 19 – To delete “Fund” and substitute –

“ Account ”.

Page 17, line 22 – To delete “Fund” and substitute –

“ Account ”.

Page 18, line 2 – To delete “Fund” and substitute –

“ Account ”.

Page 18, line 5 – To delete “Fund” and substitute –

“ Account ”.

Page 18, line 10 – To delete “Fund” and substitute –

“ Account ”.

Page 18, line 14 – To delete “Fund” and substitute –
“ Account ”.

Page 18, line 21 – To delete “Fund” and substitute –
“ Account ”.

Page 18, line 26 – To delete “Fund” and substitute –
“ Account ”.

Page 18, line 31 – To delete “Fund” and substitute –
“ Account ”.

Page 18, line 32 – To delete “Fund” and substitute –
“ Account ”.

Page 19, line 6 – To delete “funds” and substitute –
“ accounts ”.

Page 19, line 9 – To delete “fund” and substitute –
“ account ”.

Page 19, line 10 – To delete “fund” and substitute –
“ account ”.

Amendments put and passed.

The Attorney General moved,

Page 19, lines 12 to 14 – To delete the lines and substitute –
“

- (3) Each strategic common account is an agency special purpose account under the
Financial Management Act 2006 section 16. ”.

Amendment put and passed.

Ms S.E. Walker moved,

Page 19, after line 14 To insert

- “(4) Section 42 will apply to each strategic common fund as if the funds form part of the
Common Account. ”.

Amendment put.

The Assembly divided.

Ayes (18)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
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 A.J. Simpson

Mr G. Snook
Dr S.C. Thomas
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (26)

Mr J.J.M. Bowler
 Mr A.J. Carpenter
 Dr J.M. Edwards
 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
 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 B.S. Wyatt
 Mr S.R. Hill (*Teller*)

Amendment thus negatived.

The Attorney General moved,

Page 20, line 20 – To delete “fund” and substitute –
 “ account ”.

Page 20, line 28 – To delete “fund” and substitute –
 “ account ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 26 and 27 agreed to.

Clause 28.

The Attorney General moved,

Page 24, line 5 – To delete “Fund” and substitute –
 “ Account ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 29.

The Attorney General moved,

Page 25, lines 15 and 16 – To delete “section 66 of the *Financial Administration and Audit Act 1985*.”
 and substitute –

“ the *Financial Management Act 2006* section 61. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 30 to 35 agreed to.

Clause 36.

The Attorney General moved,

Page 28, line 13 – To delete “Fund” and substitute –
 “ Account ”.

Amendment put and passed.

Clause, as amended, 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.

18. Variation to the Order of Business

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

19. 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.

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

20. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Western Australian Resources Heritage Fund Bill 2007, Private Members' Business Notices of Motion Nos 16 and 15, and Private Members' Business Order of the Day No. 20 be next considered.

21. Western Australian Resources Heritage Fund Bill 2007

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

Mr J.H.D. Day moved, That the bill be read a second time.

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

Question put and passed.

22. Select Committee into the Cause and Extent of Lead Pollution in the Esperance Area

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

- (1) That a Select Committee be established to inquire into and report on the cause and extent of lead pollution in the Esperance area, with specific reference to the following matters –
 - (a) how the environmental approval process for the transport and export of pelletised lead enabled the transport and export of granulated lead;
 - (b) the effectiveness of dust monitoring and reporting in relation to lead levels in the area and the adequacy of the response to those reported levels;
 - (c) the extent to which handling and other practices at Esperance Port gave rise to extremely high benthic lead levels in the harbour;
 - (d) whether the Esperance Port Authority properly exercised its responsibilities in relation to the potential lead pollution; and
 - (e) whether the Department of Environment and Conservation's responsibilities in relation to the Esperance Port Authority processes, practices and procedures, including the legal and regulatory framework, were adequate and properly exercised.
- (2) The Committee will report to the Legislative Assembly by 16 August 2007.
- (3) The Committee will consist of the member for Churchlands, the member for Cottesloe, the member for Roe, and two members nominated to the Speaker by the Leader of the House.

Debate ensued.

The Minister for Planning and Infrastructure moved,

To delete all the words after "That" and substitute -

“ the Education and Health Standing Committee be requested to inquire into and report by 16 August 2007, on the cause and extent of lead pollution in the Esperance area, with specific reference to the following matters -

- (a) how the environmental approval process for the transport and export of pelletised lead enabled the transport and export of granulated lead;
 - (b) the effectiveness of dust monitoring and reporting in relation to lead levels in the area and the adequacy of the response to those reported levels;
 - (c) the extent to which handling and other practices at Esperance Port gave rise to the benthic lead levels in the harbour;
 - (d) whether the Esperance Port Authority properly exercised its responsibilities in relation to the potential lead pollution; and
 - (e) whether the Department of Environment and Conservation’s responsibilities in relation to the Esperance Port Authority processes , practices and procedures, including the legal and regulatory framework, were adequate and properly exercised.
- (2) The Members for Roe and Peel be co-opted as Members of the Education and Health Standing Committee for the purpose only of the inquiry into the Cause and Extent of Lead Pollution in the Esperance Area.

Debate ensued.

Dr J.M. Woollard, moved

To delete all words after “That” and substitute -

a select committee be established to inquire into and report on the cause and extent of lead pollution in the Esperance area, with specific reference to the following matters -

- (a) how the environmental approval process for the transport and export of pelletised lead enabled the transport and export of granulated lead;
 - (b) the effectiveness of dust monitoring and reporting in relation to lead levels in the area and the adequacy of the response to those reported levels;
 - (c) the extent to which handling and other practices at Esperance port gave rise to extremely high benthic lead levels in the harbour;
 - (d) whether the Esperance Port Authority properly exercised its responsibilities in relation to potential lead pollution;
 - (e) whether the Department of Environment and Conservation’s responsibilities in relation to the Esperance Port Authority processes, practices and procedures, including the legal and regulatory framework, were adequate and properly exercised; and;
 - (f) the committee is given power to investigate any other issues pertinent to the cause and extent of lead pollution in the Esperance area.
- (2) The committee will report to the Legislative Assembly by 16 August 2007.
- (3) The committee is to be agreed between the Leader of the House and the Leader of Opposition Business by the end of business on Thursday, 5 April 2007.

Debate ensued.

Speaker's Ruling -

The Amendment moved by Dr J.M. Woollard was ruled out of order because it sought to delete words already the subject of a motion before the House.

On the question, That the words be deleted,

Question put.

The Assembly divided.

Ayes (26)

Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs 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
Mrs C.A. Martin
Mr A.P. O'Gorman
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

Mr E.S. Ripper
Mrs M.H. Roberts
Mr T.G. Stephens
Mr D.A. Templeman
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Mr B.J. Grylls
Dr K.D. Hames

Ms K. Hodson-Thomas
Dr G.G. Jacobs
Mr R.F. Johnson
Mr J.E. McGrath
Mr P.D. Omodei
Mr D.T. Redman
Mr A.J. Simpson

Mr G. Snook
Mr T.K. Waldron
Ms S.E. Walker
Mr G.A. Woodhams
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Question thus passed.

On the question, That the words be inserted,

Debate ensued.

Dr J.M. Woollard moved, to insert after paragraph 1 (e) in the amendment moved by the Minister for Planning and Infrastructure –

“ (f) That the Committee is given power to investigate any other issues pertinent to the cause and extent of lead pollution in the Esperance area. ”.

Debate ensued.

Amendment put and passed.

Mr T.G. Stephens moved to amend the amendment moved by the Minister for Planning and Infrastructure, as amended, by deleting the word “co-opted” in paragraph (2) and substitute “appointed”.

Amendment put and passed.

On the question, That the amendment, as amended, be inserted,

Debate ensued.

Question put and passed.

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

Question put and passed.

23. Eligibility of the Co-production of Grain Within the Federal Managed Investment Scheme

Mr G. Snook, pursuant to notice, as amended by leave, moved,

That this House calls on the Federal Treasurer to reinstate the eligibility of the co-production of grain within the Managed Investment Scheme under Federal legislation, beyond 1 July 2008.

Debate ensued.

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 7.00 p.m. until Thursday, 5 April 2007 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr P.W. Andrews, Mr M.J. Birney, Mr A.D. McRae, Mr M.P. Murray and Mr M.W. Trenorden.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly