

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY**VOTES AND PROCEEDINGS****No. 172****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT****THURSDAY, 15 NOVEMBER 2007****1. Meeting of Assembly**

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

The Deputy Speaker took the Chair.

Prayers were read.

2. Petitions

Opposition to Prostitution - Mr D.F. Barron-Sullivan presented a petition from 1,299 persons requesting that any legislation which legalises or encourages prostitution or the establishment of brothels be opposed and a greater emphasis be placed on rehabilitation and programmes of support for those wanting to leave sex work (P. 268).

Allenswood Primary School - Mrs J. Hughes presented a petition from 752 persons requesting that the proposed new school be built on the original Allenswood Primary School site footprint, that the existing school oval be retained, that no new road be constructed through the school site and that the existing site's bushland be retained (P. 269).

Rivervale, 83 and 85 Norwood Rd - Mr T.R. Buswell presented a petition from 1,264 persons requesting that the properties at 83 and 85 Norwood Rd, Rivervale not be developed for public housing (P. 270).

3. Papers

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

By the Clerk -

Energy Coordination Act 1994 - Instruments (Notice of repeal of the Gas Marketing Code of Conduct G.G. 02/11/2007) (3424).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Child Protection regarding Question on Notice 2821, dated 13 November 2007 (3425).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for the Environment regarding Question on Notice 2820, dated 14 November 2007 (3426).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Local Government regarding Question on Notice 2810, dated 12 November 2007 (3427).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Agriculture and Food regarding Question on Notice 2809, dated 8 November 2007 (3428).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Deputy Premier regarding Question on Notice 2808, dated 13 November 2007 (3429).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Premier regarding Question on Notice 2807, dated 14 November 2007 (3430).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Corrective Services regarding Question on Notice 2819, dated 14 November 2007 (3431).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Employment Protection regarding Question on Notice 2813, dated 16 October 2007 (3432).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Planning and Infrastructure regarding Question on Notice 2814, dated 16 October 2007 (3433).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Energy on his official travel to Britain and the Middle East from 31 August to 12 September 2007.

Paper

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

By the Minister for Energy –

Official Travel - Visit to Europe and the Middle East, 31 August to 12 September 2007, Report (3434).

The Minister for Corrective Services on her official travel to India from 3 to 9 November 2007.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. Personal Explanation

Mr J.B. D'Orazio made a personal explanation on the findings relating to him in a draft report by the Corruption and Crime Commission.

7. Education and Health Standing Committee

Dr K.D. Hames, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House -

Education and Health Standing Committee - An Examination of Indigenous Employment by the State, Report No. 10 (3435).

Dr K.D. Hames, Mr T.K. Waldron, Mr P. Papalia and Mr M.P. Whitely spoke on the report.

8. Joint Standing Committee on the Corruption and Crime Commission

Mr J.H.D. Day, as Deputy Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on the Corruption and Crime Commission - Inquiry into Legislative Amendments to the Corruption and Crime Commission Act 2003 – The Role of the Corruption and Crime Commission in Investigating Serious and Organised Crime in Western Australia, Report No. 31 (3439).

Joint Standing Committee on the Corruption and Crime Commission - Inquiry into Legislative Amendments to the Corruption and Crime Commission Act 2003 – The Role of the Corruption and Crime Commission in Investigating Serious and Organised Crime in Western Australia, Report No. 31 Submissions Nos 1-17 (3440).

Mr J.H.D. Day and Mrs J. Hughes spoke on the report.

9. Variation to the Order of Business

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

10. 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.

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

Question put and passed.

11. Road Traffic Amendment Bill (No. 2) 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 176 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Road Traffic Amendment Bill (No. 2) 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 Road Traffic Amendment Bill (No. 2) 2007

No. 1

Clause 2, page 3, lines 1 to 12 — To delete the lines and insert instead —

“

- (g) Part 2 Division 4 other than section 26 — on a day fixed by proclamation, being a day that is after the day on which the *Road Traffic Amendment Act 2006* section 31 comes into operation;
- (h) section 26 — on the day after assent day;

- (i) Part 2 Division 5 other than section 38 — on a day fixed by proclamation, being a day that is after section 9 and the *Road Traffic Amendment Act 2006* sections 17 and 31 have all come into operation; ”.

CONSIDERATION IN DETAIL

The Minister for Police and Emergency Services moved, That amendment No. 1 be agreed to, subject to the following further amendments,

Clause 2, page 3, in proposed paragraph (g) – To delete “other than section 26”.

Clause 2, page 3, in proposed paragraph (g) – To insert after “comes into operation” – “ , and different days may be fixed for different provisions ”.

Clause 2, page 3, To delete proposed paragraph (h).

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

12. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be postponed to a later stage of the sitting.

13. Nuclear Facilities Prohibition Bill 2007

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

Debate resumed.

Question put.

The Assembly divided.

Ayes (28)		
Mr P.W. Andrews	Mr J.A. McGinty	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr M. McGowan	Mrs M.H. Roberts
Dr J.M. Edwards	Ms S.M. McHale	Mr D.A. Templeman
Mrs D.J. Guise	Mr A.D. McRae	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 G.A. Woodhams
Mr J.C. Kobelke	Mr P. Papalia	Mr B.S. Wyatt
Mr R.C. Kucera	Mr J.R. Quigley	Mr S.R. Hill (<i>Teller</i>)
Mr F.M. Logan	Ms M.M. Quirk	
Ms A.J.G. MacTiernan	Ms J.A. Radisich	
Noes (10)		
Mr M.J. Birney	Mr J.H.D. Day	Mr A.J. Simpson
Mr T.R. Buswell	Dr K.D. Hames	Mr T.R. Sprigg (<i>Teller</i>)
Mr G.M. Castrilli	Ms K. Hodson-Thomas	
Dr E. Constable	Mr J.E. McGrath	

Question thus passed.

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

14. Members' Statements

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

15. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Employment Protection –

Western Australian Fair Employment Advocate - Driving Away with Someone Else's Pay: An investigation and its findings by the Western Australian Fair Employment Advocate into the practice of employers deducting money from a service station console operator's wages in circumstances where a customer has driven off without paying for fuel, October 2007 (3441).

Questions on Notice Nos 2908 and 2909 were asked.

Questions on Notice Nos 2747, 2750, 2779, 2782 to 2785, 2805, 2807 to 2810, 2812 to 2814, 2816, 2817, 2819 to 2821, 2823, 2827, 2829, 2843 to 2845, 2847, 2848, 2853, 2855 and 2868 were answered.

Paper tabled by the Minister for Health –

Question on Notice No. 2827 - Staff Employed at Western Australian Public Hospitals as at 30 September 2007 (3436).

Question on Notice No. 2829 - Availability of day beds to patients in the Western Australian Public Health System as at 30 September 2007 (3437).

Paper tabled by the Minister for Planning and Infrastructure –

Question on Notice No. 2853 - State Government Property along Canning Highway between Canning Bridge and Berwick Street (3438).

16. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Corrective Services provided additional information relating to a previous question without notice from Mr T.R. Buswell regarding a meeting held with Alcoa in relation to Karnet Prison Farm Land.

17. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 5 be next considered.

18. Indigenous Conservation Title 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.

The Assembly divided.

Ayes (25)

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

Noes (19)

Mr C.J. Barnett	Ms K. Hodson-Thomas	Dr S.C. Thomas
Mr D.F. Barron-Sullivan	Dr G.G. Jacobs	Ms S.E. Walker
Mr M.J. Birney	Mr R.F. Johnson	Mr G.A. Woodhams
Mr T.R. Buswell	Mr J.E. McGrath	Dr J.M. Woppard
Mr G.M. Castrilli	Mr P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Mr J.H.D. Day	Mr A.J. Simpson	
Dr K.D. Hames	Mr G. Snook	

Question thus passed.

Bill read a second time.

19. Variation to the Order of Business

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

20. Waste Avoidance and Resource Recovery Bill 2007

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

Debate resumed.

Question put and passed.

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

21. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 5 be resumed.

22. Indigenous Conservation Title Bill 2007

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

CONSIDERATION IN DETAIL

Clauses 1 to 6 agreed to.

Clause 7.

Mr G. Snook moved,

Page 4, lines 17 to 22 - To delete the lines.

Amendment put.

The Assembly divided.

Ayes (20)

Mr C.J. Barnett	Dr K.D. Hames	Mr G. Snook
Mr D.F. Barron-Sullivan	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 P.D. Omodei	Mr T.R. Sprigg (<i>Teller</i>)
Mr J.H.D. Day	Mr A.J. Simpson	

Noes (25)

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

Amendment thus negatived.

Clause agreed to.

The Deputy Premier moved, That the debate be adjourned.

Question put and passed.

23. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

24. Medical Practitioners Bill 2006

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

Debate resumed.

Question put and passed.

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

25. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.17 p.m. until Tuesday, 19 November 2007 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr M.J. Cowper, Mr B.J. Grylls, Mr D.T. Redman, Mrs C.A. Martin and Mr T.G. Stephens.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly