

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 171

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 14 NOVEMBER 2007

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Distinguished Visitors

The Speaker noted the presence in the Speaker's Gallery of Members of the Reunion Islands Parliament.

3. Papers

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

By the Clerk -

Builders' Registration Board of Western Australia - Annual Report 2006-2007 (3420).

Occupational Safety and Health, Commission for - Annual Report 2006-2007 (3421).

State Training Board - Annual Report 2006-2007 (3422).

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Tourism on the Red Bull Air Race hosted in Perth on 3 and 4 November 2007.

The Minister for Police and Emergency Services on the launching of a new phone number for the State Emergency Service and a new website for Western Australia's emergency service volunteers.

5. Joint Standing Committee on Delegated Legislation - Membership

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

- (1) That, in accordance with Standing Order 249(3), the appointment by the Speaker on 26 October 2007 of the Member for Riverton to the Standing Committee on Delegated Legislation to fill the vacancy caused by the Member for Swan Hills' resignation is confirmed.
- (2) That the Legislative Council be acquainted accordingly.

Question put and passed.

6. Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007

Mr T.R. Sprigg, pursuant to notice, moved,

That a bill for "An Act to amend *The Criminal Code 1913*." be introduced and read a first time.

Question put and passed.

Mr T.R. Sprigg 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.

7. Real Estate and Business Agents Amendment Bill 2007

The Minister for Consumer Protection, pursuant to notice, moved,

That a bill for "An Act to amend the *Real Estate and Business Agents Act 1978*." be introduced and read a first time.

Question put and passed.

The Minister for Consumer Protection presented an explanatory memorandum and bill read a first time.

The Minister for Consumer Protection moved, That the bill be now read a second time.

Dr S.C. Thomas moved, That the debate be adjourned.

Question put and passed.

8. Prostitution Amendment 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 (29)

Mr P.W. Andrews
Mr J.J.M. Bowler
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
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
Mrs M.H. Roberts
Mr D.A. Templeman
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Noes (22)

Mr C.J. Barnett
 Mr M.J. Birney
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Dr E. Constable
 Mr M.J. Cowper
 Mr J.H.D. Day
 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 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
 Mr T.R. Sprigg (*Teller*)

Question thus passed.

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

9. Nuclear Facilities Prohibition Bill 2007

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

CONSIDERATION IN DETAIL

Clauses 1 to 7 agreed to.

Clause 8.

The Minister for Energy moved,

Page 5, line 12 – To delete “referred to in paragraph (a)” and substitute –

“ within the meaning of section 3 of that Act ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 9 to 11 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.

10. Variation to the Order of Business

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

11. Waste Avoidance and Resource Recovery Bill 2007

Waste Avoidance and Resource Recovery Levy Bill 2007

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

Cognate Debate

Leave was granted to debate the Waste Avoidance and Resource Recovery Levy Bill 2007 in conjunction with the Waste Avoidance and Resource Recovery Bill 2007.

Debate resumed.

Debate interrupted by the Chair (Dr S.C. Thomas speaking) and adjourned until a later stage of the sitting.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 2890 to 2907 were asked.

Questions on Notice Nos 2776, 2791, 2838, 2840, 2858 and 2866 were answered.

Paper tabled by the Minister for Health -

Question on Notice No. 2838 - The number of patient presentations at Western Australian public hospitals, from January 1 to date. (3423).

13. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

14. Medical Practitioners Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 58 to 61 agreed to.

Clause 62.

The Minister for Health moved,

Page 44, lines 24 and 25 – To delete the lines and substitute –

“

- (e) if the terms or conditions of the professional indemnity insurance are changed such that the terms or conditions do not comply with the minimum terms and conditions approved by the Board for the purpose of the definition of “professional indemnity insurance” in section 40(1). ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 63 to 65 agreed to.

Clause 66.

Dr G.G. Jacobs moved,

Page 47, line 1 – To insert after “visiting” –

“ force ”.

Page 47, line 23 – To insert after “visiting” –

“ force ”.

Page 47, line 27 – To insert after “visiting” –

“ force ”.

Page 48, line 1 – To insert after “visiting” –

“ force ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 67 to 162 agreed to.

Schedules 1 to 3 agreed to.

Title agreed to.

Consideration in detail concluded.

The Minister for Health moved,

That the Medical Practitioners Bill 2006 be reconsidered in detail for the purpose of considering the amendment to clause 30 listed in the Minister's name on the Notice Paper.

Question put and passed.

RECONSIDERATION IN DETAIL

Clause 30.

The Minister for Health moved,

Page 21, line 12 – To delete the full stop and substitute –

“

; or

(d) has been certified by the Council as having skills, knowledge and training of a standard suitable for registration.”

Amendment put and passed.

Clause, as amended, agreed to.

Reconsideration 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.

Sitting suspended from 3.57 pm to 4.00pm.

15. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007, Private Members' Business Notice of Motion No. 18 and Private Members' Business Order of the Day No. 2 be next considered.

16. Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007

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

Mr T.R. Sprigg moved, That the bill be now read a second time.

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

Question put and passed.

17. Law and Order

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

That the Opposition condemns the Government on its lack of commitment to the justice system and a failure to provide a level of law and order that is acceptable to the people of Western Australia.

Debate ensued.

Debate interrupted by the Chair (Mr R.C. Kucera speaking) and adjourned until a later stage of the sitting.

18. Variation to the Order of Business

Ordered, That consideration of Government Business Orders of the Day Nos 4 and 5 be resumed.

19. Waste Avoidance and Resource Recovery Bill 2007

Waste Avoidance and Resource Recovery Levy 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.

Mr G. Snook moved,

Page 3, after line 21 – To insert –

“

“**occupier**” means as defined by the *Environmental Protection Act 1986*;

“**owner**” means as defined by the *Local Government Act 1995*”;

”.

Amendment put and negatived.

Mr G. Snook moved,

Page 4, after line 7 – To insert –

“

“**resource recovery**” means any waste management operation that diverts a waste material from a waste stream and which results in a certain product with a potential economic or ecological benefit;

”.

Amendment put and negatived.

Clause agreed to.

Clauses 4 to 26 agreed to.

Clause 27.

The Minister for the Environment moved,

Page 15, line 1 – To delete “plan” and insert instead –

“ waste strategy ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 28 to 33 agreed to.

Clause 34.

The Minister for the Environment moved,

Page 18, line 18 – To insert after “provide” –

“ a report on ”.

Page 18, line 19 – To delete “a report on”.

Page 18, line 23 – To delete “reasons” and insert instead –

“ report ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 35 to 45 agreed to.

Clause 46.

The Minister for the Environment moved,

Page 26, after line 30 — To insert —

“

- (2) Where a regulation made in respect of a matter referred to in Schedule 3 Division 3 specifically provides that this subsection applies in respect of a provision of the regulation, a person who commits an offence under the provision is liable to a fine of \$50 000 and a daily penalty of \$5 000. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 47 to 60 agreed to.

Clause 61.

The Minister for the Environment moved,

Page 35, after line 12 — To insert —

“

- (3) The CEO must consult the local government before giving a direction, or refusing to consent to the making of a local law, under this section.
- (4) The CEO must not give a direction to make a local law unless the local law is relevant to the protection of human health or the environment.
- (5) A local government aggrieved by —
 - (a) a direction of the CEO given under this section; or
 - (b) a decision of the CEO to refuse to consent to the making of local laws,
 may apply to the State Administrative Tribunal for a review of the direction or decision. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64.

The Minister for the Environment moved,

Page 36, after line 16 — To insert —

“

- (1) In this section —

“**owner**”, in relation to premises comprised of or on land, has the meaning given in the *Local Government Act 1995* section 1.4. ”.

Page 36, line 26 — To delete “occupier” and insert instead —

“ owner or occupier of the premises ”.

Page 36, line 31 — To delete “upon the occupier” and insert instead —

“ on the owner or occupier ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 65 and 66 agreed to.

Clause 67.

The Minister for the Environment moved,

Page 39, line 8 — To insert after “owner” —

“ (as defined in section 64(1)) ”.

Page 39, lines 9 and 10 — To delete “in which a waste receptacle is in use” and insert instead —

“ provided with a waste service by the local government ”.

Amendments put and passed.

Clause, as amended, agreed to.

Clauses 68 to 101 agreed to.

Schedules 1 to 5 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.

20. Waste Avoidance and Resource Recovery Levy Bill 2007

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

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Mr G. Snook moved,

Page 3, after line 1 – To insert –

“

- (a) apply to waste receivable sites other than those sites approved as Waste Resource Recovery Facilities; and

”.

Amendment put and negatived.

Clause agreed to.

Clauses 5 and 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 for the Environment 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.

21. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.17 pm until Thursday, 15 November 2007 at 9.00 am.

Members present during any part of the day's proceedings - All the members except Mr B.J. Grylls, 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