

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

## VOTES AND PROCEEDINGS

**No. 173****FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

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**TUESDAY, 20 NOVEMBER 2007****1. Meeting of Assembly**

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

**2. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Minister for Police and Emergency Services on combating arson and bushfires in Western Australia.

The Premier on the Report of the Review of the Department of Indigenous Affairs and written briefings provided by Lieutenant General John Sanderson.

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*Papers*

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

By the Premier –

Indigenous Affairs, Department of - Report of the Review of the Department of Indigenous Affairs, Dr Dawn Casey PSM, FAHA, April 2007 (3459).

Indigenous Affairs, Department of - Office of the Special Adviser on Indigenous Affairs, Report No. 1, 6 December 2006 (3460).

Indigenous Affairs, Department of - Office of the Special Adviser on Indigenous Affairs, Report No. 2, 20 February 2007 (3461).

Indigenous Affairs, Department of - Office of the Special Adviser on Indigenous Affairs, Report No. 3, May 2007 (3462).

Indigenous Affairs, Department of - Office of the Special Adviser on Indigenous Affairs, Briefing on the Emergence of a Kimberley Indigenous Regional Body, 5 July 2007 (3463).

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The Minister for State Development on the Northern Development Taskforce and the selection of a site for a gas processing plant in the Kimberley.

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*Papers*

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

By the Deputy Premier –

Industry and Resources, Department of - Brochure: Frequently asked questions about the Northern Development Taskforce in the West Kimberley (3464).

Industry and Resources, Department of - Northern Development Taskforce: Terms of Reference (3465).

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The Minister for the Environment on the Shoalwater Islands Marine Park Management Plan.

The Minister for Tourism on the inaugural Wadjemup Cup, the first all Aboriginal Football Carnival held on Rottnest Island on 10 November 2007.

The Treasurer on the Innovation in Procurement Treasurer's Awards ceremony held on 14 November 2007.

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*Paper*

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

By the Treasurer –

Treasury and Finance, Department of - Innovation in Procurement: Treasurer's Awards, 2007 Winners and Nominees (3466).

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**3. Speaker's Statement - Awards for Chamber Lighting and Furniture**

The Speaker advised members that the Western Australian companies involved in the recent Legislative Assembly Chamber renovations had won two industry awards of excellence in relation to the Chamber lighting and furniture.

**4. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2910 to 2926 were asked.

Questions on Notice Nos 2777, 2795, 2811, 2815, 2854, 2856, 2860, 2865, 2874 and 2880 were answered.

**5. Personal Explanation**

Mr J.B. D'Orazio made a personal explanation on the extension of the submission period granted to him by the Corruption and Crime Commission until 5.00 p.m. yesterday in relation to its draft report.

## **6. Papers**

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

By the Clerk -

Criminal Procedure Act 2004 - Regulations (Criminal Procedure Amendment Regulations (No. 2) 2007 G.G. 13/11/2007) (3442).

Firearms Act 1973 - Regulations (Firearms Amendment Regulations (No. 2) 2007 G.G. 16/11/2007) (3443).

Fish Resources Management Act 1994 - Management Plans (West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007 [742] G.G. 13/11/2007) (3444).

Fish Resources Management Act 1994 - Orders (Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 G.G. 13/11/2007) (3445).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 4) 2007 G.G. 13/11/2007) (3446).

Health Act 1911 - Regulations (Health (Meat Hygiene) Amendment Regulations (No. 4) 2007 G.G. 13/11/2007) (3447).

Local Government Act 1995 - Local Laws (Shire of Tammin - Parking And Parking Facilities Amendment Local Law 2007 G.G. 16/11/2007) (3448).

Police Act 1892 - Regulations (Police Force Amendment Regulations (No. 3) 2007 G.G. 16/11/2007) (3449).

Cockburn Sound Management Council - State of Cockburn Sound Report, October 2007 (3450).

Conservation and Land Management Act 1984 - Proposal for the Partial Revocation of State Forest Nos 2, 12, 16, 38, 55 and 57, dated 9 October 2007 (3451).

Conservation and Land Management Act 1984 - Proposal for the Partial Revocation of State Forest Nos 22 and 38 (3452).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Energy, Resources, Industry and Enterprise, regarding Question on Notice 2817, dated 16 October 2007 (3453).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Education and Training, regarding Question on Notice 2816, dated 16 October 2007 (3454).

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 2815, dated 16 October 2007 (3455).

Financial Management Act 2006 - Notice given under section 82 of the Financial Management Act 2006 to the Legislative Assembly by the Minister for Police and Emergency Services, regarding Question on Notice 2811, dated 16 October 2007 (3456).

Office of the Public Sector Standards Commissioner - Annual Compliance Report 2006-2007, dated 19 October 2007 (3457).

Office of the Public Sector Standards Commissioner - Compliance Report, Public Interest Disclosures 2006-2007, dated 19 October 2007 (3458).

## **7. Notices of Motion**

## **8. Matter of Public Interest - Indigenous Affairs**

The Speaker informed the Assembly that he was in receipt of a notice from Dr K.D. Hames that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Dr K.D. Hames moved,

That this House condemns the Government's management of indigenous affairs in Western Australia.

Debate ensued.

Question put.

The Assembly divided.

**Ayes (22)**

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

**Noes (28)**

Mr P.W. Andrews	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 T.G. Stephens
Mrs D.J. Guise	Mr A.D. McRae	Mr D.A. Templeman
Mrs J. Hughes	Mrs C.A. Martin	Mr P.B. Watson
Mr J.N. Hyde	Mr M.P. Murray	Mr M.P. Whitely
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	

Question thus negated.

**9. Trans-Tasman Mutual Recognition (Western Australia) Bill 2005**

Message No. 177 dated 15 November 2007 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for "An Act to adopt the Trans-Tasman Mutual Recognition Act 1997 of the Parliament of the Commonwealth (including the amendments made to it before 25 October 2007) which provides for the recognition within each State and Territory of the Commonwealth of regulatory standards adopted in New Zealand regarding goods and occupations, and for related purposes.".

The Minister for Corrective Services moved, That the bill be read a first time.

Question put and passed.

The Minister for Corrective Services 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 the next sitting of the Assembly.

**10. Cross-border Justice 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 157 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General 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.

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

Ordered, That Government Business Order of the Day No. 8 be next considered.

**12. Legal Profession 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 714 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General 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.

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

Ordered, That Government Business Order of the Day No. 7 be next considered.

**14. Inheritance (Family and Dependents Provision) Amendment 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 Attorney General 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.

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

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

**16. Acts Amendment (Justice) 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 107 agreed to.

Clauses 108 and 109 put.

The Assembly divided.

**Ayes (26)**

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

**Noes (19)**

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

Clauses thus passed.

Clauses 110 to 132 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Attorney General moved, That the bill be now read a third time.

Question put.

The Assembly divided.

**Ayes (27)**

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

**Noes (19)**

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

Question thus passed.

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

### **17. Adjournment**

The Attorney General moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 9.54 pm until Wednesday, 21 November 2007 at 12 noon.

*Members present during any part of the day's proceedings* - All the members except Mr D.T. Redman and Dr J.M. Woollard.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly