

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 170

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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TUESDAY, 13 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. Speaker's Statement - Assembly Staff**

The Speaker advised members of the appointment of two new Legislative Assembly Office staff members: Denis Hippolyte and Daniel Govus.

**3. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Attorney General on the Law Reform Commission's Final Report on the law of homicide in Western Australia.

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Paper tabled by the Attorney General –

Law Reform Commission - Review of the Law of Homicide, Final Report (3417).

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The Deputy Premier on the ratification by the Federal Court of the Ngurrara native title determination on 9 November 2007.

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Paper tabled by the Deputy Premier –

Native Title - Native Title Determination: Ngurrara, Federal Court of Australia, 9 November 2007 (3419).

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The Minister for Police and Emergency Services on National State Emergency Service Week and the 2007 SES Recognition Awards for State SES volunteers.

The Minister for Tourism on a number of upcoming Western Australian tourism events, including the 2011 International Sailing Federation World Sailing Championships.

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Paper tabled by the Minister for Tourism –

Official Travel - Japan, Korea and UK Visit: Report on Tourism Activities, 29 September to 10 October 2007 (3418).

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The Minister for the Environment on the findings of Project Vista - Australia's largest research project into the behaviour and spread of high-intensity eucalypt forest fires.

The Deputy Premier on the signing of a Statement of Intent between the State Government and the Gnaala Karla Booja native title claimant group.

The Minister for Small Business on the State Government's Inquiry into the Operation of Franchise Businesses in Western Australia, announced by the Premier on 25 October 2007.

The Treasurer on the Premier's awards presented to the Department of Treasury and Finance in relation to the Government's Procurement Reform program.

The Minister for the Environment on White Ribbon Day, to be held on 25 November 2007, which marks the United Nations International Day for the Elimination of Violence Against Women.

#### **4. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2869 to 2889 were asked.

Questions on Notice Nos 2703, 2719 to 2732, 2748, 2749, 2751, 2786, 2787, 2789, 2790, 2822, 2825, 2826, 2828, 2830 to 2835, 2837, 2841, 2850, 2851, 2857 and 2859 were answered.

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Paper tabled by the Minister for Health –

Question on Notice No. 2748 - Nursing month to date average headcount. (3413).

Question on Notice No. 2826 - Expenditure for hospitals in the Western Australian public health system in 2007 to date. (3414).

Question on Notice No. 2837 - Average occupancy rate at each Western Australian public hospital at 30 September 2007 (3415).

Question on Notice No. 2859 - Location of Chronic Disease Management Teams and number of clients (3416).

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#### **5. Speaker's Statement - Joint Standing Committee on Delegated Legislation**

The Speaker advised members that on 26 October 2007, he had received the resignation of the Member for Swan Hills from the Joint Standing Committee on Delegated Legislation. On that day, in accordance with Standing Order 249(3), the Speaker appointed the Member for Riverton to fill the vacancy until it could be confirmed by the House.

## **6. Messages from the Governor**

Messages from His Excellency the Governor were reported assenting to the following bills -

No. 34 - 26 October 2007

Wills Amendment Bill 2006, Act No. 27 of 2007.

Fish Resources Management Amendment Bill 2007, Act No. 28 of 2007.

No. 35 - 31 October 2007

Child Support (Adoption of Laws) Amendment Bill 2007, Act No. 29 of 2007.

## **7. Messages from the Governor**

Messages from His Excellency the Governor were reported recommending the purpose of the appropriations for the following bills -

Security and Related Activities (Control) Amendment Bill 2007 (Message No. 36).

Legal Profession Bill 2007 (Message No. 37).

Appropriation (Consolidated Account) Bill (No. 5) 2007 (Message No. 38).

Appropriation (Consolidated Account) Bill (No. 6) 2007 (Message No. 39).

## **8. Petitions**

Mueller Park, Subiaco - Ms S.E. Walker presented a petition from 29 persons requesting that the Legislative Assembly allow the Mueller Park Precinct to remain an important part of Subiaco's public open space (P. 262).

Daylight Saving - Ms S.E. Walker presented a petition from 184 persons requesting that the Legislative Assembly initiate a referendum to be held before 31 October 2007 so that a democratic decision on daylight saving can be reached (P. 263).

Sunset Hospital Site - Ms S.E. Walker presented a petition from 8 persons requesting that the Sunset Hospital Site be dedicated to heritage and recreation (P. 264).

Australian Raven (Crow) - Ms S.E. Walker presented a petition from 12 persons requesting that the Australian Raven (Crow) be given the status of Declared Pest and a management program be implemented (P. 265).

Eastern Terminal Sub-station - Mr J.H.D. Day presented a petition from 1,160 persons requesting that Western Power reconsider alternative options to site the Eastern Terminal Sub-station outside the Priority 1 and Priority 2 water catchment areas (P. 266).

Donnybrook District High School - Dr S.C. Thomas presented a petition from 1,601 persons requesting that the Donnybrook District High School facilities be upgraded in the immediate future (P. 267).

## **9. Papers**

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

By the Deputy Speaker –

Inspector of Custodial Services, Office of the - Annual Report 2006-2007 (Received by the Speaker of the Legislative Assembly on 25 September 2007 and held for a period of 30 days as directed by section 34(1)(a) of the Inspector of Custodial Services Act 2003) (3385).

Inspector of Custodial Services, Office of the - Report of an announced Inspection of Hakea Prison, Report No. 45, 2007 (Received by the Speaker of the Legislative Assembly on 5 October 2007 and held for a period of 30 days as directed by section 34(1)(a) of the Inspector of Custodial Services Act 2003) (3386).

Inspector of Custodial Services, Office of the - Report into the Announced Inspection of Broome Regional Prison, Report No. 46, 2007 (Received by the Speaker of the Legislative Assembly on 12 October 2007 and held for a period of 30 days as directed by section 34(1)(a) of the Inspector of Custodial Services Act 2003) (3387).

Inspector of Custodial Services, Office of the - Report into the Announced Inspection of Karnet Prison Farm Report No. 47, 2007 (Received by the Speaker of the Legislative Assembly on 12 October 2007 and held for a period of 30 days as directed by section 34(1)(a) of the Inspector of Custodial Services Act 2003) (3388).

State Records Commission - Annual Report 2006-2007 (3389).

By the Clerk –

Conservation Commission of Western Australia - Annual Report 2006-2007 (3390).

Control of Vehicles (Off-road Areas) Act 1978 - Regulations (Control of Vehicles (Off-road Areas) Amendment Regulations 2007 G.G. 26/10/2007) (3391).

Criminal Procedure Act 2004 - Regulations (Criminal Procedure Amendment Regulations 2007 G.G. 09/11/2007) (3392).

Dog Act 1976 - Local Laws (City of Subiaco Dogs Amendment Local Law 2007 G.G. 26/10/2007) (3393).

East Perth Redevelopment Authority Act 1991 - Ministerial approval for the sale of land in excess of \$1 million pursuant to section 19 (2)(a) of the Act, in relation to the sale of Lot 212 Lake Street, Northbridge dated 23 October 2007 (3394).

Environmental Protection Act 1986 - Regulations (Environmental Protection Amendment Regulations (No. 2) 2007 G.G. 30/10/2007) (3395).

Fish Resources Management Act 1994 - Management Plans (West Coast Demersal Scalefish (Interim) Management Plan 2007 [827] G.G. 09/11/2007) (3396).

Health Act 1911 - Regulations (Health (Meat Hygiene) Amendment Regulations (No. 3) 2007 G.G. 30/10/2007) (3397).

Health Act 1911 - Regulations (Health (Notification of Acute Rheumatic Fever) Regulations 2007 G.G. 30/10/2007) (3398).

Hospitals and Health Services Act 1927 - Regulations (Hospitals (Services Charges) Amendment Regulations (No. 3) 2007 G.G. 30/10/2007) (3399).

Local Government Act 1995 - Local Laws (Shire of Augusta-Margaret River Standing Orders Local Law 2007 G.G. 30/10/2007) (3400).

Local Government Act 1995 - Local Laws (Shire of Harvey - Extractive Industries Local Law 2007 G.G. 09/11/2007) (3401).

Local Government Act 1995 - Local Laws (Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 G.G. 09/11/2007) (3402).

Physiotherapists Act 2005 - Regulations (Physiotherapists Amendment Regulations 2007 G.G. 30/10/2007) (3403).

Road Safety Council of Western Australia - 2005 Annual Review of Arriving Safely: The Road Strategy for Western Australia 2003-2007 (3404).

Road Traffic Act 1974 - Regulations (Road Traffic (Drivers' Licences) Amendment Regulations (No. 2) 2007 G.G. 09/11/2007) (3405).

Road Traffic Act 1974 - Regulations (Road Traffic (Towed Agricultural Implements) Amendment Regulations 2007 G.G. 24/10/2007) (3406).

Settlement Agents Act 1981 - Regulations (Settlement Agents Amendment Regulations (No. 3) 2007 G.G. 26/10/2007) (3407).

Terrorist (Prevention Detention) Act 2006 - Quarterly Report for the period ended 30 September 2007 as directed by section 54(2) of the Act (3408).

Treasury Corporation, Western Australian - Quarterly Report for the period ended 30 September 2007 (3409).

Vocational Education and Training Act 1996 - Regulations (Vocational Education and Training Amendment Regulations 2007 G.G. 09/11/2007) (3410).

Water Corporation Act 1995 - Ministerial Direction: Water Forever Advertising Campaign 24 October 2007 (3411).

Workers' Compensation and Injury Management Act 1981 - Regulations (Workers' Compensation and Injury Management Amendment Regulations 2007 G.G. 02/11/2007) (3412).

#### **10. Correction to Tabled Paper**

The Deputy Speaker announced that the Speaker had authorised corrections under Standing Order No. 156 to the following Tabled Paper tabled on 27 September 2007 -

Mentally Impaired Accused Review Board - Annual Report 2006-2007 (Authorised correction 13 November 2007) (3176).

#### **11. Notices of Motion**

#### **12. Notices of Motion Lapsed**

The Deputy Speaker advised that Private Members' Notices of Motion Nos 5 and 6, notice of which were given on 15 May 2007, had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

#### **13. Orders of the Day Lapsed**

The Deputy Speaker advised members that in accordance with Standing Order 144A, Private Members' Business Orders of the Day, Daylight Saving Bill 2006 and Childcare Services in Regional Western Australia, which had not been debated for more than twelve calendar months, had been removed from the Notice Paper.

#### **14. Matter of Public Interest - Censure of the Member for Mindarie**

The Deputy Speaker informed the Assembly that the Speaker was in receipt of a notice from Mr P.D. Omodei that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr P.D. Omodei moved,

That this House censures the Member for Mindarie for threatening to use parliamentary privilege to reveal the identity of an undercover police officer.

Debate ensued.

Question put.

The Assembly divided.

#### **Ayes (18)**

Mr C.J. Barnett  
Mr M.J. Birney  
Mr T.R. Buswell  
Mr G.M. Castrilli  
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 A.J. Simpson  
Dr S.C. Thomas  
Mr M.W. Trenorden  
Mr T.K. Waldron  
Ms S.E. Walker  
Mr T.R. Sprigg (*Teller*)

## Noes (26)

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 P. Papalia  
 Mr J.R. Quigley

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*)

Question thus negatived.

### 15. Private Members' Business and Grievances

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

That for the remainder of 2007, Private Members' Business take precedence from 4.00 pm to 6.00 pm on Wednesdays and Grievances be suspended on Thursday, 22 November 2007 and Thursday, 29 November 2007.

Debate ensued.

Question put and passed.

### 16. Nuclear Facilities Prohibition Bill 2007

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

Debate resumed.

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

Question put and passed.

### 17. Notice of Motion after the Time Prescribed

Mr J.H.D. Day, on behalf of Mr P.D. Omodei, was granted leave to present a late notice of motion.

### 18. Variation to the Order of Business

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

### 19. Prostitution Amendment Bill 2007

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

Debate ensued.

Mr G. Snook moved, That the debate be adjourned.

Question put and passed.

### 20. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 1 be resumed.

### 21. Nuclear Facilities Prohibition 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 (29)

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 D.T. Redman  
Mr E.S. Ripper

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

Noes (15)

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 J.E. McGrath  
Mr A.J. Simpson  
Mr G. Snook  
Ms S.E. Walker  
Mr T.R. Sprigg (*Teller*)

Question thus passed.

Bill read a second time.

Ordered, That the consideration in detail of the bill be made an Order of the Day for the next sitting of the Assembly.

## 22. Variation to the Order of Business

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

## 23. Electricity Industry 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 Minister for Energy 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.

## 24. Industrial and Related Legislation Amendment Bill 2007

The Order of the Day for the third reading of the bill having been read, the Minister for Employment Protection 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.

**25. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 10.11 pm until Wednesday, 14 November 2007 at 12 noon.

*Members present during any part of the day's proceedings* - All the members except Mr B.J. Grylls and Mrs C.A. Martin.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly