

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 179

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 26 FEBRUARY 2008

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 – Media Arrangements

The Speaker advised members that he had approved media organisations taking television file footage and still photographs of the Chamber between 2.00 p.m. and 2.30 p.m.

3. Changes to the Ministry

The Premier announced that a number of changes had been made to the Ministry which came into effect from 25 February 2008.

Paper

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

By the Premier –

Reconstitution of the Carpenter Ministry – State Government Ministerial Offices, 25 February 2008 (3639).

4. Opposition Office Holders

Mr T.R. Buswell announced that he was appointed Leader of the Opposition with effect from 17 January 2008; Dr K.D. Hames was appointed Deputy Leader of the Opposition with effect from 17 January 2008; Dr G.G. Jacobs was Opposition Whip effective from 25 January 2008; and Mr C.J. Barnett remains as Manager, Opposition Business.

5. Speaker's Statement – Changes to Chamber Seating Plan

The Speaker advised members that as a result of the changes to Opposition Office holders he had approved the necessary changes to members' seating.

6. Vacancy in the Electoral District of Murdoch

The Speaker advised members that the member for Murdoch, Mr Trevor Raymond Sprigg MLA, died on 17 January 2008 and that on Thursday, 24 January 2008, acting under section 67(4a) of the *Electoral Act 1907*, he directed the Electoral Commissioner to proceed with an election in the Murdoch electoral district.

The writ listed the following dates for the purpose of the election –

Last day for the nomination of candidates: Friday, 1 February 2008

Polling day: Saturday, 23 February 2008

Last day for the return of the writ: Wednesday, 23 April 2008.

7. Death of Mr Trevor Sprigg – a Sitting Member of the Legislative Assembly

The Premier, without notice, moved,

That the House records its sincere regret of the death of Mr Trevor Raymond Sprigg and tenders its deep sympathy to his family.

The motion was supported by Mr T.R. Buswell, Mr T.K. Waldron, Dr K.D. Hames, Mr J.E. McGrath, Mr A.D. McRae, Mr M.J. Birney, Mrs D.J. Guise, Mr A.J. Simpson, Dr G.G. Jacobs, Mr P.D. Omodei and Ms J.A. Radisich.

Question put and passed unanimously with members and officers of the Assembly standing in their places as a mark of respect.

Sitting suspended from 2.45 p.m. to 3.17 p.m.

8. Brief Ministerial Statements

The following Brief Ministerial Statements were made by –

The Minister for Corrective Services on the death in custody of Mr Ward on 27 January 2008.

The Minister for Indigenous Affairs on the Coroner's findings in response to the inquest into the deaths of 22 Indigenous Western Australians from the Kimberley.

The Minister for Energy on the interruption to the gas supply of domestic gas to Western Australia during the first week of 2008.

The Minister for Corrective Services on the review of prisoner transport services by the Department of Corrective Services.

Paper

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

By the Minister for Corrective Services –

Corrective Services, Department of – Review of Prisoner Transport Services, February 2008 (3641).

9. Questions

Questions without notice were taken.

Questions on notice Nos 2966 to 3107 were asked.

Questions on notice Nos 2875, 2904, 2919, 2926, 2928, 2930, 2936, 2938, 2940, 2945, 2946, 2957 to 2960 and 2962 were answered.

Paper tabled by the Minister for Education and Training –

Question on Notice No. 2962 – Department of Education and Training air cooling zones (3640).

Questions on notice Nos 2746, 2753, 2755 to 2760, 2762 to 2775, 2781, 2794, 2799, 2801, 2802, 2804, 2849, 2852, 2873, 2876 to 2879, 2882, 2885, 2891, 2892, 2894, 2897, 2900, 2902, 2905 to 2907, 2909 to 2912, 2914 to 2918, 2920 to 2923, 2925, 2927, 2932, 2933, 2935, 2937, 2939, 2941 to 2944, 2947 to 2951, 2953 to 2955, 2961 and 2963 to 2965 were answered on 1 February 2008.

Papers tabled by the Minister for Health –

Question on Notice No. 2873 – Transfers from Collie and Donnybrook Hospitals to Bunbury by diagnostic related groups, 1 July 2006 – 30 June 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 February 2008) (3507).

Question on Notice No. 2948 – Number of Multi-day beds available on 1 October 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 February 2008) (3508).

Question on Notice No. 2961 – Kalgoorlie Regional Hospital Orthopaedic Cases (Received by the Clerk of the Legislative Assembly and deemed tabled 1 February 2008) (3509).

10. Speaker's Statement – Joint Standing Committee on Delegated Legislation

The Speaker advised members that on 13 February 2008, he had received the resignation of the Member for Roe from the Joint Standing Committee on Delegated Legislation.

11. Petitions

Royal Perth Hospital Closure – Dr K.D. Hames presented a petition from 1,662 persons requesting that the Legislative Assembly strongly oppose the closure of Royal Perth Hospital and to ensure the name Royal Perth Hospital is maintained (P. 274).

Desalination Plant at Binningup – Mr M.J. Cowper presented a petition from 972 persons requesting the Legislative Assembly to recommend that the Binningup desalination plant be moved to a properly zoned industrial area (P. 275).

Eastern Terminal Substation – Mr J.H.D. Day presented a petition from 110 persons requesting the Legislative Assembly to demand of Western Power that they reconsider alternative options to site the sub-station outside the Priority 1 and Priority 2 water catchments areas (P. 276).

Old Vasse Road, Pemberton – Mr P.D. Omodei presented a petition from 150 persons requesting that the Legislative Assembly direct the Treasurer, Minister for Planning and Infrastructure and Minister for Tourism to ensure that Old Vasse Road is bitumen sealed immediately (P. 277).

Manjimup Police Station – Mr P.D. Omodei presented a petition from 70 persons requesting that the Legislative Assembly direct the Treasurer and Minister for Police and Emergency Services to act

immediately to ensure that a new Police Station complex is delivered in Manjimup through a public-private partnership (P. 278).

Sports and Health Facilities in Subiaco – Ms S.E. Walker presented a petition from 576 persons requesting that the Legislative Assembly ensure the Subiaco Council maintain and operate the sports and health facilities at Lords in Hay Street, Subiaco for the health and recreational benefit of the many communities affected on a similar basis as other State or local government-run facilities in other communities (P. 279).

12. Papers

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

By the Clerk –

Corruption and Crime Commission – Report on Investigation into Inappropriate Associations between Western Australia Police Officers and Pasquale Minniti, 14 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 21 December 2007) (3504).

Corruption and Crime Commission – Report on the Investigation of Alleged Misconduct Concerning Dr Neale Fong, Director General of the Department of Health, 25 January 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled 25 January 2008) (3506).

Consumer Credit (Western Australia) Act 1996 – Copy of the Queensland Consumer Credit Amendment Regulation (No.1) 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 17 January 2008) (3515).

Economic Regulation Authority – Inquiry on Water Corporation's Tariffs, Final Report, 24 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 16 January 2008) (3505).

Economic Regulation Authority – Inquiry on Water Corporation's Tariffs, Revised Final Report, 23 January 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled 6 February 2008) (3513).

Education and Health Standing Committee – Initiatives in the Remote Indigenous Communities of the Torres Strait Region, Report No. 12, 4 February 2008 (Received by the Clerk of the Legislative Assembly and deemed tabled 4 February 2008) (3512).

Energy Safety Division – Business Plan 2008-2009 (Received by the Clerk of the Legislative Assembly and deemed tabled 1 February 2008) (3511).

Parliamentary Inspector of the Corruption and Crime Commission – Report on the Corruption and Crime Commission's Findings of "Misconduct" by Mr Paul Frewer (Received by the Clerk of the Legislative Assembly and deemed tabled 8 February 2008) (3514).

Planning and Development Act 2005 – Ministerial Direction under Section 246(2)(a) of the Act to Refer Application in the State Administrative Tribunal between Westfield Management Ltd and the City of Stirling to Minister for Planning and Infrastructure, dated 27 November 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 12 December 2007) (3503).

Planning and Development Act 2005 – Ministerial Direction under Section 246(2)(a) of the Act to Refer Application in State Administrative Tribunal between Midwest Corporation Ltd and the Shire of Morawa to the Minister for Planning and Infrastructure, dated 20 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 2 January 2008) (3516).

Western Australian Treasury Corporation – Quarterly Report for the Quarter ended 31 December 2007 (Received by the Clerk of the Legislative Assembly and deemed tabled 31 January 2008) (3510).

Adoption Act 1994 – Regulations (Adoption Amendment Regulations 2007 G.G. 28/12/2007) (3517).

Agriculture and Related Resources Protection Act 1976 – Regulations (Agriculture and Related Resources Protection (European House Borer) Amendment Regulations 2007 G.G. 28/12/2007) (3518).

Architects Act 2004 – Regulations (Architects Amendment Regulations 2007 G.G. 28/12/2007) (3519).

Armadale Redevelopment Act 2001 – Regulations (Armadale Redevelopment (Addition of Land to Redevelopment Area) Regulations 2007 G.G. 14/12/2007) (3520).

Australian Crime Commission – Annual Report 2006-2007 (3521).

Cemeteries Act 1986 – By-Laws (Kalgoorlie-Boulder Cemeteries By-law 2007 G.G. 26/11/2007) (3522).

Child Care Services Act 2007 – Regulations (Child Care Services Amendment Regulations 2007 G.G. 30/11/2007) (3523).

Chiropractors Act 2005 – Regulations (Chiropractors Amendment Regulations (No. 2) 2007 G.G. 08/01/2008) (3524).

Chiropractors Registration Board of Western Australia – Annual Report 2006-2007 (3525).

Civil Judgments Enforcement Act 2004 – Regulations (Civil Judgments Enforcement Amendment Regulations 2007 G.G. 14/12/2007) (3526).

Conservation and Land Management Act 1984 – Orders (Conservation and Land Management (Reservation of State Forest) Order (No. 1) 2008 – Nos. 2, 4, 17, 31, 33, 34, 39, 49 and 65 G.G. 01/02/2008) (3527).

Conservation and Land Management Act 1984 – Regulations (Conservation and Land Management Amendment Regulations (No. 2) 2007 G.G. 29/01/2008) (3528).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Explosives) Regulations 2007 G.G. 31/12/2007) (3529).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (General) Regulations 2007 G.G. 31/12/2007) (3530).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Goods in Ports) Regulations 2007 G.G. 31/12/2007) (3531).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 G.G. 31/12/2007) (3532).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 G.G. 31/12/2007) (3533).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Security Risk Substances) Regulations 2007 G.G. 31/12/2007) (3534).

Dangerous Goods Safety Act 2004 – Regulations (Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 G.G. 31/12/2007) (3535).

Dental Board of Western Australia – Annual Report 2006-2007 (3536).

Dog Act 1976 – Local Laws (Shire of Gnowangerup – Dogs Local Law 2007 G.G. 04/12/2007) (3537).

Dog Act 1976 – Local Laws (Shire of Murray Local Law relating to Dogs 2007 G.G. 18/02/2008) (3538).

Electricity Act 1945 – Regulations (Electricity (Licensing) Amendment Regulations 2007 G.G. 31/12/2007) (3539).

Electricity Industry Act 2004 – Codes (Electricity Networks Access Code Amendments (No. 1) 2008 G.G. 25/01/2008) (3540).

Electricity Industry Act 2004 – Regulations (Electricity Industry (Wholesale Electricity Market) Amendment Regulations 2008 G.G. 12/02/2008) (3541).

Energy Coordination Act 1994 – Regulations (Energy Coordination (Inspectors and Infringement Notices) Amendment Regulations 2007 G.G. 30/11/2007) (3542).

Fair Trading Act 1987 – Regulations (Fair Trading (Fitness Industry Code of Practice) Regulations 2007 G.G. 28/12/2007) (3543).

Ferry and Charter Boat Industry – Code of Practice (3544).

Finance Brokers Control Act 1975 – Regulations (Finance Brokers Control (General) Amendment Regulations (No. 6) 2007 G.G. 30/11/2007) (3545).

Financial Management Act 2006 – Regulations (Financial Management (Statutory Authorities) Regulations (No. 2) 2007 G.G. 04/01/2008) (3546).

Financial Management Act 2006 – Regulations (Financial Management Amendment Regulations (No. 2) 2007 G.G. 21/12/2007) (3547).

Financial Management Act 2006 – Regulations (Financial Management (Statutory Authorities) Regulations 2008 G.G. 08/02/2008) (3548).

Fire and Emergency Services Superannuation Board – Annual Report 2006 – 2007 (3549).

Fish Resources Management Act 1994 – Management Plans (Mackerel Fishery (Interim) Management Plan Amendment 2007 G.G. 14/12/2007) (3550).

Fish Resources Management Act 1994 – Management Plans (West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2007 [656] G.G. 28/12/2007) (3551).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Abrolhos Islands) Order 2008 [855] G.G. 29/01/2008) (3552).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Cockburn Sound and Warnbro Sound) Amendment Order 2007 G.G. 14/12/2007) (3553).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Cockburn Sound) Revocation Order 2007 G.G. 14/12/2007) (3554).

Fish Resources Management Act 1994 – Orders (Prohibition on Fishing (Fish Trap Restrictions) Amendment Order 2007 [657] G.G. 28/12/2007) (3555).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations (No. 8) 2007 G.G. 21/12/2007) (3556).

Fish Resources Management Act 1994 – Regulations (Fish Resources Management Amendment Regulations 2008 G.G. 05/02/2008) (3557).

Freedom of Information Act 1992 – Regulations (Freedom of Information Amendment Regulations 2007 G.G. 28/12/2007) (3558).

Gas Standards Act 1972 – Regulations (Gas Standards (Gas Supply and System Safety) Amendment Regulations 2007 G.G. 04/01/2008) (3559).

Gas Standards Act 1972 – Regulations (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations (No. 2) 2007 G.G. 30/11/2007) (3560).

Government Mid-Year Financial Projections Statement – December 2007 (3561).

Grain Licensing Authority – Annual Report 2006-2007 (3562).

Health Act 1911 – Local Laws (City of Cockburn – Fees and Charges G.G. 15/01/2008) (3563).

Health Act 1911 – Local Laws (Shire of Murray Health (Eating Houses) Local Law 2007 G.G. 14/12/2007) (3564).

Home Building Contracts Act 1991 – Regulations (Home Building Contracts (Home Indemnity Insurance Exemptions) Amendment Regulations 2007 G.G. 21/12/2007) (3565).

Hospitals and Health Services Act 1927 – By-Laws (Armadale Kelmscott District Memorial Hospital Amendment By-laws 2008 G.G. 12/02/2008) (3566).

Hospitals and Health Services Act 1927 – By-Laws (Bentley Hospital Amendment By-laws 2008 G.G. 12/02/2008) (3567).

Hospitals and Health Services Act 1927 – By-Laws (Fremantle Hospital Amendment By-laws 2008 G.G. 12/02/2008) (3568).

Hospitals and Health Services Act 1927 – By-Laws (Metropolitan Health Service By-laws 2008 G.G. 12/02/2008) (3569).

Hospitals and Health Services Act 1927 – By-Laws (Peel Health Services By-laws 2008 G.G. 12/02/2008) (3570).

Hospitals and Health Services Act 1927 – By-Laws (Swan District Hospital (Eveline Road Site) Amendment By-laws 2008 G.G. 12/02/2008) (3571).

Hospitals and Health Services Act 1927 – Regulations (Hospitals (Services Charges) Amendment Regulations 2008 G.G. 25/01/2008) (3572).

Industrial Relations Act 1979 – Regulations (Industrial Relations Commission Amendment Regulations 2008 G.G. 22/01/2008) (3573).

Industrial Training Act 1975 – Regulations (Industrial Training (Apprenticeship Training) Amendment Regulations (No. 5) 2007 G.G. 21/12/2007) (3574).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations (No. 2) 2007 G.G. 07/12/2007) (3575).

Jetties Act 1926 – Regulations (Jetties Amendment Regulations 2008 G.G. 08/02/2008) (3576).

Land Information Authority Act 2006 – Regulations (Land Information Authority Regulations 2007 G.G. 21/12/2007) (3577).

Landgate – Annual Report 2006 – 2007 (3578).

Legal Practice Act 2003 – Rules (Legal Practice Board Amendment Rules (No. 3) 2007 G.G. 07/12/2007) (3579).

Legal Practice Board of Western Australia – Annual Report 1 July 2006 to 30 June 2007 (3580).

Legal Practitioners Complaints Committee of Western Australia – Annual Report 2006-2007 (3581).

Local Government Act 1995 – Local Laws (City of Cockburn (Local Government Act) Local Laws 2000 – Amendment No. 1 of 2008 G.G. 11/01/2008) (3582).

Local Government Act 1995 – Local Laws (City of Cockburn Parking and Parking Facilities Local Law 2007 G.G. 11/01/2008) (3583).

Local Government Act 1995 – Local Laws (City of Fremantle – Local Laws relating to Outdoor Eating Areas Amendment Local Law 2007 G.G. 01/02/2008) (3584).

Local Government Act 1995 – Local Laws (City of Geraldton-Greenough Standing Orders Local Law 2007 G.G. 13/02/2008) (3585).

Local Government Act 1995 – Local Laws (City of Joondalup Local Government and Public Property Amendment Local Law (No. 2) 2007 G.G. 11/01/2008) (3586).

Local Government Act 1995 – Local Laws (City of Joondalup Local Government and Public Property Amendment Local Law 2007 G.G. 25/01/2008) (3587).

Local Government Act 1995 – Local Laws (City of Joondalup Local Government and Public Property Amendment Local Law 2007 G.G. 30/11/2007) (3588).

Local Government Act 1995 – Local Laws (City of Melville Parking Facilities Amendment Local Law 2007 G.G. 28/12/2007) (3589).

Local Government Act 1995 – Local Laws (City of Nedlands Fencing Local Law 2007 G.G. 13/02/2008) (3590).

Local Government Act 1995 – Local Laws (City of Nedlands Signs Local Law 2007 G.G. 13/02/2008) (3591).

Local Government Act 1995 – Local Laws (City of Perth – Special Events Local Law 2007 G.G. 27/11/2007) (3592).

Local Government Act 1995 – Local Laws (Shire of Dardanup Activities in Thoroughfares and Public Places and Trading Local Law 2007 G.G. 07/12/2007) (3593).

Local Government Act 1995 – Local Laws (Shire of Dardanup Local Government Property Local Law 2007 G.G. 07/12/2007) (3594).

Local Government Act 1995 – Local Laws (Shire of Dardanup Repeal Local Law 2007 G.G. 07/12/2007) (3595).

Local Government Act 1995 – Local Laws (Shire of Kalamunda Repeal Local Law 2007 G.G. 18/01/2008) (3596).

Local Government Act 1995 – Local Laws (Shire of Mundaring Repeal Local Law 2007 G.G. 07/12/2007) (3597).

Local Government Act 1995 – Local Laws (Shire of Murray Standing Orders Local Law 2007 G.G. 18/02/2008) (3598).

Local Government Act 1995 – Local Laws (Shire of Roebourne Tidepole Island Local Law 2007 G.G. 04/12/2007) (3599).

Medical Board of Western Australia – Annual Report 2006-2007 (3600).

Midland Redevelopment Act 1999 – Ministerial approval under Section 20(3) of the Act to enter into a contract with Connolly Building Company of a value in excess of \$1 million, contract number DC0100-50.04, under the AS2124 contract terms with special conditions, dated 13 February 2008 (3601).

Midland Redevelopment Act 1999 – Ministerial approval under Section 20(3) of the Act to enter into an arrangement of value in excess of \$1 million, contract number DC100.44.02, dated 13 February 2008 (3602).

Misuse of Drugs Act 1981 – Orders (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2007 G.G. 07/12/2007) (3603).

Nurses Board of Western Australia – Annual Report 2006-2007 (3604).

Oaths, Affidavits and Statutory Declarations Act 2005 – Regulations (Oaths, Affidavits and Statutory Declarations (Act Amendment) Regulations 2007 G.G. 21/12/2007) (3605).

Occupational Safety and Health Act 1984 – Regulations (Occupational Safety and Health Amendment Regulations (No. 9) 2007 G.G. 04/01/2008) (3606).

Perry Lakes Redevelopment – Annual Report 2006-2007 (3607).

Planning and Development Act 2005 – Determination by the Minister for Planning and Infrastructure between Midwest Corporation Limited and the Shire of Morawa, 15 February 2008 (3608).

Podiatrists Act 2005 – Regulations (Podiatrists Amendment Regulations 2008 G.G. 01/02/2008) (3609).

Podiatrists Registration Board – Annual Report 2006 – 2007 (3610).

Port Authorities Act 1999 – Regulations (Port Authorities Amendment Regulations (No. 6) 2007 G.G. 30/11/2007) (3611).

Port Hedland Port Authority – Statement of Corporate Intent 2007 – 2008 (3612).

Professional Standards Act 1997 – Notices (The CPA Australia Ltd (Western Australia) Scheme G.G. 01/02/2008) (3613).

Public Sector Management Act 1994 – Codes (Western Australian Public Sector Code of Ethics (Repeal) 2007 G.G. 18/01/2008) (3614).

Public Sector Management Act 1994 – Codes (Western Australian Public Sector Code of Ethics 2008 G.G. 18/01/2008) (3615).

Racing and Wagering Western Australia Act 2003 – Regulations (Racing and Wagering Western Australia Amendment Regulations (No. 2) 2007 G.G. 07/12/2007) (3616).

Real Estate and Business Agents Act 1978 – Regulations (Real Estate and Business Agents (General) Amendment Regulations (No. 5) 2007 G.G. 28/12/2007) (3617).

Rights in Water and Irrigation Act 1914 – Regulations (Rights in Water and Irrigation Amendment Regulations (No. 3) 2007 G.G. 28/12/2007) (3618).

Road Traffic Act 1974 – Regulations (Road Traffic (Drug Driving) Amendment Regulations 2008 G.G. 25/01/2008) (3619).

Road Traffic Act 1974 – Regulations (Road Traffic Amendment (Holiday Periods) Regulations 2008 G.G. 08/02/2008) (3620).

Road Traffic Act 1974 – Regulations (Road Traffic Code Amendment Regulations 2008 G.G. 08/02/2008) (3621).

Salaries and Allowances Tribunal – Report of the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission, dated 30 November 2007 (3622).

Settlement Agents Act 1981 – Regulations (Settlement Agents Amendment Regulations (No. 4) 2007 G.G. 28/12/2007) (3623).

State Superannuation Act 2000 – Regulations (State Superannuation Amendment Regulations 2008 G.G. 18/01/2008) (3624).

Supreme Court Act 1935 – Regulations (Supreme Court (Fees) Amendment Regulations 2008 G.G. 08/02/2008) (3625).

Supreme Court Act 1935 – Rules (Supreme Court Amendment Rules 2008 G.G. 22/02/2008) (3626).

Optometrists Registration Board of Western Australia, The – Annual Report 20 April to 30 June 2007 (3627).

Optometrists Registration Board of Western Australia, The – Annual Report 1 July 2006 to 19 April 2007 (3628).

Psychologists Board of Western Australia, The – Annual Report 1 July 2006 to 3 May 2007 (3629).

Psychologists Registration Board of Western Australia, The – Annual Report 4 May to 30 June 2007 (3630).

Transport Co-ordination Act 1966 – Regulations (Country Taxi-cars (Fares and Charges) Amendment Regulations 2007 G.G. 21/12/2007) (3631).

University of Western Australia Act 1911 – Statutes (University of Western Australia – Amending Statute No. 2 of 2007 G.G. 15/02/2008) (3632).

Water Agencies (Powers) Act 1984 – By-laws (Water Agencies (Charges) Amendment By-laws (No. 4) 2007 G.G. 21/12/2007) (3633).

Western Australian Marine Act 1982 – Regulations (Navigable Waters Amendment Regulations (No. 2) 2007 G.G. 30/11/2007) (3634).

Western Australian Treasury Corporation – Statement of Corporate Intent 2008 – 2009 (3635).

Western Australian Treasury Corporation – Strategic Development Plan 2008 – 2009 to 2010 – 2011 (3636).

Workers' Compensation and Injury Management Act 1981 – Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations 2007 G.G. 07/12/2007) (3637).

Working with Children (Criminal Record Checking) Act 2004 – Regulations (Working with Children (Criminal Record Checking) Amendment Regulations 2007 G.G. 07/12/2007) (3638).

13. Speaker's Statement – Education and Health Standing Committee

The Acting Speaker advised members that at an appropriate time after the dinner break the Speaker would call on the Chairman and members of the Education and Health Standing Committee to speak to its report No. 12, which was deemed tabled by forwarding it to the Clerk on 4 February 2008.

14. Correction to Tabled Paper

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

Disability Services Commission – Annual Report 2006-2007 (Authorised correction 26 February 2008) (3162).

15. Notices of Motion

16. Speaker's Statement – Changes to Notice Paper

The Acting Speaker advised members that –

Questions on Notice from the former Member for Murdoch that were unanswered as at the last sitting day were answered prior to the publication of today's Notice Paper and those answers would appear in Hansard.

A Notice of Motion which stood in his name has been removed from the Notice Paper.

In relation to the former Member's Private Members' Business Orders of the Day Nos 10 and 15, the *Professional Combat Sports Amendment Bill 2007* and the *Criminal Code Amendment (Sale of Spray Paint Cans) Bill 2007*, debate had been adjourned following the second reading. As Orders of the Day, they were in the possession of the House and the name of the former member will remain on the Notice Paper as the member who moved them.

Should those Orders of the Day come on for debate, the Speaker would be prepared to accept advice from the Opposition at that time as to who had carriage of the Order of the Day and allow that member to reply.

17. Notice of Motion Lapsed

The Acting Speaker advised that Private Members' Notice of Motion No. 6 had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

18. Orders of the Day Lapsed under Standing Order No. 144A

The Acting Speaker advised members that in accordance with Standing Order 144A, Private Members' Business Order of the Day, the *Director of Public Prosecutions (Standing Committee) Amendment Bill 2006*, which appeared on the last Notice Paper as Private Members' Business Order of the Day No. 3, had not been debated for more than twelve calendar months and had been removed from the Notice Paper.

The Speaker advised members that a Bill removed under this Standing Order may be restored by motion to the point it reached prior to its removal.

19. Speaker's Statement – Precedence of Premier's Statement

The Acting Speaker advised members that Standing Order 8A provided that no other business that was not of a formal or procedural nature would have priority until 3 sitting days (including the remainder of the first sitting day) had been dedicated exclusively to the debate noting the Premier's Statement.

On previous occasions the House had dealt with the first reading of a Bill as a formal matter during the period when the Premier's statement had precedence.

Even though technically debate could occur on the motion for the first reading, that did not happen in practice. Consequently the Speaker was prepared to allow the first reading only of Bills to occur during this time.

20. Criminal Code Amendment Bill 2007

Ms S.E. Walker moved, That Bills Notice of Motion No. 1 be postponed until 12 March 2008.
Question put and passed.

21. Messages from the Governor

Messages from His Excellency the Governor were reported assenting to the following bills –
No. 43 – 21 December 2007

Criminal Code Amendment (Drink and Food Spiking) Bill 2007, Act No. 31 of 2007.

Electricity Industry Amendment Bill 2007, Act No. 32 of 2007.

Judges' Salaries and Pensions Amendment Bill 2007, Act No. 33 of 2007.

Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007, Act No. 34 of 2007.

Petroleum Amendment Bill 2007, Act No. 35 of 2007.

Waste Avoidance and Resource Recovery Bill 2007, Act No. 36 of 2007.

Waste Avoidance and Resource Recovery Levy Bill 2007, Act No. 37 of 2007.

Water Resources Legislation Amendment Bill 2006, Act No. 38 of 2007.

Road Traffic Amendment Bill (No. 2) 2007, Act No. 39 of 2007.

No. 42 – 6 December 2007

Trans-Tasman Mutual Recognition (Western Australia) Bill 2007, Act No. 30 of 2007.

22. Water Resources Legislation Amendment Bill 2006

Message No. 178 dated 5 December 2007 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 262 regarding the *Water Resources Legislation Amendment Bill 2006* that it does not insist upon its amendment No. 31, and has agreed to Legislative Assembly substitute amendment No. 31.

23. Fines Legislation Amendment Bill 2006

Message No. 179 dated 5 December 2007 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Fines Legislation Amendment Bill 2006* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Fines Legislation Amendment Bill 2006

No. 1

Clause 2, page 2, line 5 — To insert after “operation” —

“

as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) section 12(3) — on the tenth working day (being a day other than a Saturday, Sunday or public holiday throughout the State) after that day;
- (c) the rest of the Act —

”.

No. 2

Clause 12, page 9, line 17 — To insert after “repealed” —

“

and the following subsection is inserted instead —

“

- (4) If, when the *Fines Legislation Amendment Bill 2006* section 12(1) (the “**amending provision**”) comes into operation, a warrant of commitment is in force but the offender has not commenced to serve the period of imprisonment specified in it, the warrant has effect as if —

- (a) the amending provision; and
- (b) the regulations made for the purposes of subsection (3)(a) as enacted by the amending provision,

had come into operation before the warrant was issued.

”

”.

No. 3

Clause 12, page 9, lines 23 to 26 — To delete the lines.

No. 4

Clause 12, page 9, after line 29 — To insert —

“

- (8a) If, immediately before the *Fines Legislation Amendment Bill 2006* section 12(3) (the “**amending provision**”) comes into operation, an offender who has served, is serving or has to serve a period of imprisonment under a warrant of commitment is in prison, the offender is entitled to be released from imprisonment on —

- (a) the day on which the offender would have been entitled to be released if the amending provision had come into operation before the warrant of commitment was issued; or
- (b) the day on which the amending provision comes into operation,

whichever is later.

- (8b) In the case of an offender who is serving or has to serve a parole term as defined in the *Sentencing Act 1995* section 85(1), a reference in subsection (8a) to the offender being entitled to be released is a reference to the offender being eligible to be released on parole.

”.

No. 5

Clause 12, page 10, line 1 — To delete “After section 53(8)” and insert instead —

“ Before section 53(9) ”.

No. 6

New Clause 20, page 12, after line 28 — To insert the following new clause —

“

20. Section 87 amended

Section 87(a) is amended by inserting after “reason” —

“

(other than a warrant of commitment issued under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*)

”

”

Ordered, That consideration in detail of Legislative Council message No. 179 be made an Order of the Day for the next sitting of the Assembly.

24. Messages from the Legislative Council

Messages from the Legislative Council were reported returning the following bills without amendment —

5 December 2007

Petroleum Amendment Bill 2007 (Message No. 180).

6 December 2007

Waste Avoidance and Resource Recovery Bill 2007 (Message No. 183).

Waste Avoidance and Resource Recovery Levy Bill 2007 (Message No. 184).

Electricity Industry Amendment Bill 2007 (Message No. 187).

Judges' Salaries and Pensions Amendment Bill 2007 (Message No. 188).

Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) Bill 2007 (Message No. 189).

Criminal Code Amendment (Drink and Food Spiking) Bill 2007 (Message No. 190).

19 February 2008

Terrorism (Preventative Detention) Amendment Bill 2007 (Message No. 191).

25. Police Amendment Bill 2006

Message No. 181 dated 5 December 2007 from the Legislative Council was reported as follows —

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Police Amendment Bill 2006* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Police Amendment Bill 2006

No. 1

Clause 10, page 6, lines 27 to 31 — To delete the lines and insert instead —

“

(2) An APLO's appointment is —

(a) for such period as the Commissioner decides; and

- (b) on such terms and conditions of service, including remuneration, as the Commissioner decides from time to time; but they must not be less favourable than is provided for in —
 - (i) any applicable award, order or agreement under the *Industrial Relations Act 1979*; or
 - (ii) the *Minimum Conditions of Employment Act 1993*.
- (3) The Commissioner may at any time amend those terms of an APLO's appointment referred to in section 38C(3).

”.

No. 2

Clause 10, page 7, lines 6 and 7 — To delete the lines.

No. 3

Clause 10, page 8, line 1 — To delete “section 38B(2)” and insert —

“ section 38B(3) ”.

Ordered, That consideration in detail of Legislative Council message No. 181 be made an Order of the Day for the next sitting of the Assembly.

26. Public Trustee and Trustee Companies Legislation Amendment Bill 2006

Message No. 182 dated 6 December 2007 from the Legislative Council was reported as follows —

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Public Trustee and Trustee Companies Legislation Amendment Bill 2006* 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 Public Trustee and Trustee Companies Legislation Amendment Bill 2006

No. 1

Clause 24, page 14, after line 24 — To insert —

“

- (5) The *Interpretation Act 1984* section 42 applies to and in relation to a scale of fees as if the scale of fees were regulations made under this Act.

”.

Ordered, That consideration in detail of Legislative Council message No. 182 be made an Order of the Day for the next sitting of the Assembly.

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

Message No. 185 dated 6 December 2007 that in response to Legislative Assembly Message No. 268 Legislative Council had agreed to the amendments made by the Legislative Assembly.

28. Casino (Burswood Island) Agreement Amendment Bill 2007

Message No. 186 dated 6 December 2007 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *Casino (Burswood Island) Agreement Act 1985*.”

The Leader of the House moved, That the bill be read a first time.

Question put and passed.

The Leader of the House 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.

29. Criminal Law and Evidence Amendment Bill 2006

Message No. 192 dated 21 February 2008 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Law and Evidence Amendment Bill 2006* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Criminal Law and Evidence Amendment Bill 2006

No. 1

Clause 2, page 2, lines 9 to 12 — To delete the lines.

No. 2

Clause 5, page 4, lines 12 and 13 — To delete the lines and insert instead —

“

- (d) the victim of the offence is —
 - (i) an ambulance officer; or
 - (ii) a member of a FESA Unit, SES Unit or VMRS Group (within the meaning given to those terms by the *Fire and Emergency Services Authority of Western Australia Act 1998*); or
 - (iii) a member or officer of a private fire brigade or volunteer fire brigade (within the meaning given to those terms by the *Fire Brigades Act 1942*),
 who is performing his or her duties as such; or
- (e) the victim of the offence is a person who —
 - (i) is working in a hospital; or
 - (ii) is in the course of providing a health service to the public;
 or
- (f) the victim of the offence is a contract worker (within the meaning given to that term by the *Court Security and Custodial Services Act 1999*) who is providing court security services or custodial services under that Act; or
- (g) the victim of the offence is a contract worker (within the meaning given to that term by section 15A of the *Prisons Act 1981*) who is performing functions under Part IIIA of that Act,

”.

No. 3

Clause 9, page 5, lines 25 to 27 — To delete the lines and insert instead —

“

or

(h) assaults —

- (i) an ambulance officer; or
- (ii) a member of a FESA Unit, SES Unit or VMRS Group (within the meaning given to those terms by the *Fire and Emergency Services Authority of Western Australia Act 1998*); or
- (iii) a member or officer of a private fire brigade or volunteer fire brigade (within the meaning given to those terms by the *Fire Brigades Act 1942*),

who is performing his or her duties as such; or

(i) assaults a person who —

- (i) is working in a hospital; or
- (ii) is in the course of providing a health service to the public;

or

- (j) assaults a contract worker (within the meaning given to that term by the *Court Security and Custodial Services Act 1999*) who is providing court security services or custodial services under that Act; or
- (k) assaults a contract worker (within the meaning given to that term by section 15A of the *Prisons Act 1981*) who is performing functions under Part IIIA of that Act,

”.

No. 4

Clause 13, page 10, lines 1 to 10 — To delete the clause.

No. 5

Clause 17, page 11, lines 13 to 24 — To delete the clause.

No. 6

Clause 18, page 12, after line 1 — To insert —

“

- (1) Section 55(2) is amended by deleting “either a summons, a court hearing notice, or an approved notice, notifying the accused of the court date,” and inserting instead —

“

a court hearing notice, or an approved notice, notifying the accused of that date and that the court may deal with the charge in the accused’s absence if the accused does not appear on that date,

”.

- (2) Section 55(3) is repealed.

”.

No. 7

Clause 28, page 16, lines 19 to 22 — To delete the clause.

No. 8

Clause 41, page 21, line 20 — To insert after “matter” —

“

, including any material change to the person’s circumstances,

”.

No. 9

Clause 43, page 22, after line 27 — To insert —

“

- (3) If evidence described in subsection (2) is admitted in a trial by jury, this section does not affect any duty of the trial judge to warn the jury about any matter relating to the complainant’s evidence; but any such warning must be consistent with that evidence.

”.

No. 10

Clause 74, page 37, lines 17 to 24 — To delete the clause.

No. 11

New Clause 21, page 12, after line 26 — To insert the following new clause —

“

21. Section 75 amended

- (1) Section 75(4) is amended as follows:

- (a) in paragraph (b) by deleting “issue any document necessary;” and inserting instead —

“

may issue a summons, court hearing notice or approved notice, as the case requires;

”,

- (b) in paragraph (c) by inserting after “document needed” —

“

(including a document referred to in section 139 or 155)

”.

- (2) After section 75(9) the following subsection is inserted —

“

- (10) An approved notice issued to a person under this section must be served on the person in accordance with Schedule 2 clause 2, 3 or 4.

”.

”.

”.

No. 12

New Clause 42, page 21, after line 28 — To insert —

“

42. Section 51 inserted

After section 50 the following section is inserted —

“

51. Certain amendments to be reviewed

- (1) The Minister must carry out a review of the operation of the amendments made to this Act by the *Criminal Law and Evidence Amendment Act 2006* Part 4 as soon as practicable after the expiration of 5 years from the commencement of the amendments.
- (2) The Minister must prepare a report based on the review and, as soon as practicable after the report is prepared, cause it to be laid before each House of Parliament.

”.

”.

Ordered, That consideration in detail of Legislative Council message No. 192 be made an Order of the Day for the next sitting of the Assembly.

30. Premier's Statement

The Premier made a statement.

On the question, That the Premier's Statement be noted,

Debate ensued.

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

Question put and passed.

31. Education and Health Standing Committee

Pursuant to Standing Order 279, Mr T.G. Stephens, as Chairman, spoke to the Committee's Report No. 12, *Initiatives in the Remote Indigenous Communities of the Torres Strait Region*, which was received by the Clerk and deemed tabled on 4 February 2008 (see paragraph No. 13).

Dr K.D. Hames also spoke on the report.

32. Suspension of Standing Orders

The Leader of the House, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable consideration forthwith of Legislative Council Messages for the *Fines Legislation Amendment Bill 2006* and the *Criminal Law and Evidence Amendment Bill 2006*.

Debate ensued.

Question put.

The Acting Speaker having counted the House, and an absolute majority present and there being no dissentient voice, the motion was declared by the Acting Speaker to be carried with the concurrence of an absolute majority of the whole number of members of the House.

33. Fines Legislation Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 179 was read.
[See paragraph No. 23].

CONSIDERATION IN DETAIL

The Attorney General moved, That amendments Nos 1 to 6 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

34. Criminal Law and Evidence Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 192 was read.
[See paragraph No. 29.]

CONSIDERATION IN DETAIL

The Attorney General moved, That amendments Nos 1 to 12 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

35. Variation to the Order of Business

Ordered, That Government Business Order of the Day for the consideration of the Premier's Statement be resumed.

36. 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.

37. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 10.14 pm until Wednesday, 27 February 2008 at 12 noon.

Members present during any part of the day's proceedings – All the members except Mr D.F. Barron-Sullivan and Mr M.W. Trenorden.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly