

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 123

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 30 NOVEMBER 2006

1. Meeting of Assembly

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

The Speaker took the Chair.

Prayers were read.

2. Petitions

School Bus Service - Mr M.J. Cowper presented a petition from 862 persons requesting that the Barragup and Furnissdale School Bus Service be maintained (P. 173).

School Bus Service - Mr M.J. Cowper presented a petition from 164 persons requesting that the Murray River Estate School Bus Service be maintained (P. 174).

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Disability Services on the 25th Anniversary of the United Nations' International Day of People with a Disability, on 3 December 2006.

The Minister for Employment Protection on the first employer prosecuted under the *Children and Community Services Act 2004* for working children outside permitted hours.

The Minister for the Environment on reforms to the native vegetation clearing approval processes.

The Minister for Consumer Protection on the Associations Incorporation Green Bill 2006.

Papers

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

By the Minister for Consumer Protection -

Associations Incorporation Bill 2006 - Draft Bill for Public Comment (2253).

Associations Incorporation Bill 2006 - Explanatory Memorandum: A Green Bill for Public Comment, November 2006 (2254).

4. Grievances

The Speaker called for grievances which were then made.

5. Public Accounts Committee

Mr J.R. Quigley, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Public Accounts Committee - Review of the Reports of the Auditor General 2005-2006, Report No. 6 (2255) .

Mr J.R. Quigley, Dr S.C. Thomas, Mr B.S. Wyatt and Mr P.B. Watson spoke on the report.

6. Joint Standing Committee on the Corruption and Crime Commission

Mr J.N. Hyde, as 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 the Future Operation of Witness Protection Programmes in Western Australia: Interim Report on Anti-Corruption Commission (ACC) Reports into the Death of a Protected Witness, Report No. 17 (2256) .

Mr J.N. Hyde spoke on the report.

7. Changes to Standing Orders and a Temporary Order

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

That the recommendations contained in the Procedure and Privileges Committee's Reports No. 4 of 2006 on a Minor Change to the Standing Orders (Members acknowledge the Chair) and No. 6 of 2006 on the Standing and Select Committees' Terms of Reference and Report Dates - Standing Order 255 and recommendations Nos 1, 2, 3 and 5 of the Procedure and Privileges Committee's Report No. 7 of 2006 on the Review of the Premier's Statement Temporary Order and Other Matters Relating to Extended Session Parliaments be considered in detail forthwith.

Question put and passed.

Schedule of amendments to the Standing Orders and the temporary order, as contained in the Procedure and Privileges Committee's Reports No. 4 of 2006 on a Minor Change to the Standing Orders (Members acknowledge the Chair) and No. 6 of 2006 on the Standing and Select Committees' Terms of Reference and Report Dates - Standing Order 255 and recommendations Nos 1, 2, 3 and 5 of the Procedure and Privileges Committee's Report No. 7 of 2006 on the Review of the Premier's Statement Temporary Order and Other Matters Relating to Extended Session Parliaments, is as follows -

Minor Change to the Standing Orders, Report No. 4 (2006)**Recommendation**

That Standing Order 38 be deleted and the following Standing Order substituted -

“

Members acknowledge the Chair

38. (1) Members will acknowledge the Chair when entering and leaving the Chamber and will not pass between the Chair and any member who is speaking unless it is unavoidable, the Chair is acknowledged and the Chair has indicated its approval for the member to proceed.

(2) Members will not pass between the Chair and the Table.

”.

Standing and Select Committees' Terms of Reference and Report Dates - Standing Order 255, Report No. 6 (2006)**Recommendation No. 1****Standing Order 255**

That Standing Order 255 be deleted and the following Standing Order substituted in its place -

“

Terms of reference and report date

255. (1) Whenever a standing committee receives or determines for itself a fresh or amended terms of reference, the committee will forward them to the Speaker of the Assembly, each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

(2) If no reporting date is specified in -

- (a) a motion for the establishment of a select committee; or
- (b) terms of reference for a standing committee,

the committee will report to the Assembly within 12 calendar months from the appointment or the date when the terms of reference is reported to the Assembly.

- (3) (a) The Assembly may vary that date; and
- (b) in relation to terms of reference set by a standing committee and where the Assembly has not set the report date, the standing committee may vary the report date as an amended terms of reference.

”.

Recommendation No. 2**Standing Order 287**

That suborder (4) of Standing Order 287 be deleted.

Review of the Premier's Statement Temporary Order and Other Matters Relating to Extended Session Parliaments, Report No. 7 (2006)

Recommendation No. 1

That the following new Standing Order 8A be inserted -

“

Premier's Statement

8A. (1) On the first sitting day of each calendar year, the Premier will make a statement to the Assembly outlining the Government's legislative and other policy intentions for the next 12 months.

(2) No Premier's Statement is to be made when the first sitting day of a year is the first sitting day of a session of Parliament.

(3) Following the Premier's Statement a question will be proposed, That the Premier's Statement be noted.

No other business that is not of a formal or procedural nature will have priority until after 3 sitting days (including the remainder of the first sitting day) have been dedicated exclusively to the debate on noting the Premier's Statement.

”.

Recommendation No. 2

That SO 101 be amended in the entry for “**Address in Reply**” by -

(1) inserting in the **Address in Reply** heading after “**Reply**” the following –

“ and Premier's Statement ”; and

(2) deleting the time for “ Any other member ” and substituting -

“ “ *20 minutes ”.

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.) ”.

Recommendation No. 3

That SO 101 be amended in the entry “ **Principal appropriation bill** ” by deleting “ Any other member 45 minutes ” and substituting -

“ “ Any other member *20 minutes ”.

(Note: * If the member so requests during or immediately upon expiry of a speech, the time for the speech will be extended by a further 10 minutes.) ”.

Recommendation No. 5

That the following Temporary Order be adopted until 31 December 2007 -

“

Temporary Order

That until 31 December 2007 Standing Order 74 will not apply to any notice of disallowance motion given in accordance with section 42 of the *Interpretation Act 1984*.

”.

*CONSIDERATION IN DETAIL****Minor Change to the Standing Orders, Report No. 4 (2006)***

Recommendation.

The Leader of the House moved, That the recommendation be agreed to.

Question put and passed.

Standing and Select Committees' Terms of Reference and Report Dates - Standing Order 255, Report No. 6 (2006)

Recommendations Nos 1 and 2.

The Leader of the House moved, That Recommendations Nos 1 and 2 be agreed to.

Question put and passed.

Review of the Premier's Statement Temporary Order and Other Matters Relating to Extended Session Parliaments, Report No. 7 (2006)

Recommendations Nos 1, 2, 3 and 5.

The Leader of the House moved, That Recommendations Nos 1, 2, 3 and 5 be agreed to.

Question put and passed.

Consideration on detail concluded.

8. Medical Practitioners Bill 2006

The Minister for Health, pursuant to notice, moved,

That a bill for “An Act to —

- provide for the regulation of the practice of medicine and registration of persons as medical practitioners; and
- repeal the *Medical Act 1894*; and
- make consequential amendments to various Acts,

and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

Mr T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

9. Road Traffic Amendment Bill 2006

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

CONSIDERATION IN DETAIL

Clauses 1 to 15 agreed to.

Clause 16.

Mr R.F. Johnson moved –

Page 9, after line 4 - To insert -

“

- (2) A court that convicts a person who has previously been convicted of a road rage offence shall by order confiscate the vehicle that the offender was using.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 17 to 25 agreed to.

New Clause.

Mr M.J. Cowper moved –

Page 12, after line 17 - To insert the following -

“

26. Section 80M inserted

After section 80L the following section is inserted -

“

80M. Slippery substances on roads and confiscation of vehicles, etc.

A person must not, without reasonable excuse, pour onto or place on, or allow to spill onto any road petrol, oil or diesel fuel, or any other substance likely to cause a vehicle to undergo loss of traction. Pouring, or spilling a slippery substance on the road is an infringement offence:

12 penalty units,

and when a person committing this offence also uses his/her vehicle to lose traction on the slippery road surface, a court may, by order, confiscate the vehicle used in the offence.

”.

Amendment put and negatived.

Clauses 26 to 29 agreed to.

Clause 30.

Mr R.F. Johnson moved –

Page 15, line 16 - To delete “by” and substitute-

“

as follows:

- (a) deleting “48 hours” from paragraph (a) in the definition of “impounding period” and inserting instead -

“ 7 days ”;

”.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

10. Members' Statements

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

11. 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 Health -

Royal Perth Hospital - Christmas and New Year Arrangements 2006-2007 (2261).

Questions on notice Nos 1652 to 1662 were asked.

Questions on notice Nos 1612, 1614 and 1622 were answered.

12. Speaker's Statement - Parliament House Staff Retirements

The Speaker advised members of the retirement of two long-serving Parliament House staff – Joan Meaghan, Reporting Services Manager and Vince Pacecca, Building Services Manager.

13. Additional Information under Standing Order No. 82A

In accordance with Standing Order No. 82A, the Minister for Corrective Services provided additional information relating to Question without Notice No. 936 from Mr R.F. Johnson.

14. Suspension of Standing Orders

Mr C.J. Barnett, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the Minister for Resources to answer the following question –

“At any stage did Brian Burke or Julian Grill lobby you or any member of your Ministerial staff regarding the Bluewaters 2 coal-fired power station?”.

Debate ensued.

Question put.

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

15. Answer by the Minister on the Bluewaters 2 Coal-Fired Power Station

The Minister for Resources and Assisting the Minister for State Development, pursuant to the foregoing motion, provided an answer.

16. Papers

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

By the Clerk –

Albany Port Authority - Statement of Corporate Intent July 2006-June 2007 (2257).

Bunbury Port Authority - Statement of Corporate Intent 2006-2007 (2258).

Port Hedland Port Authority - Statement of Corporate Intent 2006-2007 (2259).

Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission under the provisions of the Salaries and Allowances Tribunal Act 1975 - Report on Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission, 30 November 2006 (2260).

17. Matter of Public Interest - Standard of Ministerial Conduct

The Speaker informed the Assembly that he was in receipt of a notice from Mr R.F. Johnson that he intended to move a motion on a matter of public interest.

At least five members having risen in support,

Mr R.F. Johnson moved,

That this House notes the failings of Ministers to abide by high standards of conduct and calls on the Carpenter Government to immediately raise its standards.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

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

Noes (25)

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

Question thus negatived.

18. Variation to the Order of Business

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

19. Road Traffic Amendment Bill 2006

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

CONSIDERATION IN DETAIL

Clause 30.

Mr R.F. Johnson had moved –

Page 15, line 16 - To delete “by” and insert instead -

“

as follows:

- (a) deleting “48 hours” from paragraph (a) in the definition of “impounding period” and inserting instead -

“ 7 days ”;

”.

Amendment put.

The Assembly divided.

Ayes (15)

Mr C.J. Barnett
Mr D.F. Barron-Sullivan
Mr M.J. Birney
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 A.J. Simpson
Dr S.C. Thomas
Ms S.E. Walker
Mr T.R. Sprigg (*Teller*)

Noes (26)

Mr J.J.M. Bowler
Mr A.J. Carpenter
Dr E. Constable
Mr J.B. D’Orazio
Dr J.M. Edwards
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 J.R. Quigley
Ms M.M. Quirk

Ms J.A. Radisich
Mr E.S. Ripper
Mrs M.H. Roberts
Mr T.G. Stephens
Mr P.B. Watson
Mr M.P. Whitely
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 31 to 33 agreed to.

Title agreed to.

Consideration in detail concluded.

The Leader of the House 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.

20. Local Government Amendment Bill 2006

The Order of the Day for the consideration in detail of Legislative Council message No. 129 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government 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 Local Government Amendment Bill 2006

No. 1

Clause 2, page 2, line 6 — To delete “Sections 12, 15, 16 and 17 come” and insert instead —

“ Section 14 comes ”.

No. 2

Clause 12, page 4, line 18 to page 5 line 4 — To delete the clause.

No. 3

Clause 16, page 5, line 20 to page 15, line 5 — To delete the clause.

No. 4

Clause 17, page 15, lines 6 to 23 — To delete the clause.

CONSIDERATION IN DETAIL

The Leader of the House, on behalf of the Parliamentary Secretary to the Minister for Local Government and Regional Development moved, That amendments Nos 1 to 4 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

21. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 12 December 2006 at 2.00 p.m. in the Legislative Council Chamber.

Question put and passed.

22. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 5.15 p.m. until Tuesday, 12 December 2006 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr P.W. Andrews, Mrs D.J. Guise, Mr D.A. Templeman and Dr J.M. Woollard.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly