

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 168

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 24 OCTOBER 2007

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Papers

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

By the Clerk -

Architects Board of Western Australia - Annual Report 2006-2007 (3375).

Greyhound Racing Association of Western Australia - Annual Report 2006-2007 (3376).

Land Authority [LandCorp] of Western Australia - Statement of Corporate Intent 2007-2008 (3377).

Racing and Wagering Western Australia - Annual Report 2006-2007 (3378).

3. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Energy on the World Solar Car Challenge and one of the Western Australian entrants, Leeming Senior High School.

The Minister for the Environment on a team of Western Australian fire and emergency specialists going to Greece to advise the Greek Government on bushfire preparedness and response.

4. Child Support (Adoption of Laws) Amendment Bill 2007

Message No. 175 dated 23 October 2007 from the Legislative Council was reported agreeing to the bill without amendment.

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

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for recurrent payments made during the year ended 30 June 2007 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Paper

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

By the Treasurer –

Appropriation (Consolidated Account) Bill (No. 5) 2007 - Details of Recurrent Expenditure Excesses and New Items for the 2006-2007 Financial Year (3379).

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

Question put and passed.

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

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to appropriate out of the Consolidated Account a sum for capital payments made during the year ended 30 June 2007 under the authority of the *Financial Management Act 2006*.” be introduced and read a first time.

Question put and passed.

The Treasurer presented an explanatory memorandum and bill read a first time.

The Treasurer moved, That the bill be now read a second time.

Paper

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

By the Treasurer –

Appropriation (Consolidated Account) Bill (No. 6) 2007 - Details of Capital Expenditure Excesses and New Items for the 2006-2007 Financial Year (3380).

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

Question put and passed.

7. Legal Profession Bill 2007

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to –

- to provide for the regulation of legal practice in Western Australia; and
- to facilitate the regulation of legal practice on a national basis; and
- for other related purposes.” be introduced and read a first time.

Question put and passed.

The Attorney General presented an explanatory memorandum and bill read a first time.

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

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

Question put and passed.

8. Industrial and Related Legislation 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for a later stage of the sitting.

9. Employment Dispute Resolution 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for a later stage of the sitting.

10. Contractual Benefits 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.

Ordered, That the consideration in detail of the bill be made an Order of the Day for a later stage of the sitting.

11. Variation to the Order of Business

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

12. Industrial and Related Legislation Amendment Bill 2007

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

CONSIDERATION IN DETAIL

Clauses 1 to 5 agreed to.

Clause 6.

Mr M.J. Cowper moved –

Page 5, line 1 – To delete “Act” and substitute –

“ written law ”.

Amendment put and negatived.

Clause agreed to.

Clause 7.

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

13. Questions

Questions without Notice were taken.

Questions on Notice Nos 2861 to 2865 were asked.

Questions on Notice Nos 2483, 2736, 2739, 2742 and 2745 were answered.

14. Variation to the Order of Business

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

15. Industrial and Related Legislation Amendment Bill 2007

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

CONSIDERATION IN DETAIL

Clauses 7 to 20 agreed to.

Clause 21.

Mr M.J. Cowper moved –

Page 14, after line 31 – To insert –

“ (2) Section 81CA(7) is repealed. ”.

Amendment put.

The Assembly divided.

Ayes (15)

Mr C.J. Barnett
Mr M.J. Birney
Mr G.M. Castrilli
Mr M.J. Cowper
Dr K.D. Hames

Dr G.G. Jacobs
Mr R.F. Johnson
Mr P.D. Omodei
Mr A.J. Simpson
Mr G. Snook

Dr S.C. Thomas
Mr M.W. Trenorden
Ms S.E. Walker
Dr J.M. Woollard
Mr T.R. Sprigg (*Teller*)

Noes (28)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D’Orazio
Dr J.M. Edwards
Mrs D.J. Guise
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
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk

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*)

Amendment thus negatived.

Clause agreed to.

Clauses 22 to 37 agreed to.

Clause 38.

The Minister for Employment Protection moved –

Page 37, after line 2 – To insert –

“

- (1) In this section —
“comparable State award” includes a document —
 - (a) containing a summary of that State award approved by the Registrar for the purposes of the IR Act section 97UG; and
 - (b) having a statement at the head of the document to the effect that it is a summary of that State award so approved;

“Registrar” has the meaning given to that term in the IR Act section 7(1). ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 39 to 55 agreed to.

Clause 56.

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

16. Variation to the Order of Business

Ordered, That Private Members’ Business Order of the Day No. 21 and Private Members’ Business Notices of Motion Nos 17 and 15 be next considered.

17. Parliamentary Select Committee into Water Supply and Management

The Order of the Day having been read for the resumption of debate on the amendment moved by Mr D.T. Redman, To insert in line 1 after the word “to” where it first appears -

- “(1) Immediately revoke water licence fees charged to water licence holders from 1 July this year, until statutory water management plans are in place following the passing of appropriate legislation and comprehensive negotiations with all stakeholders having taken place.
- (2) Immediately licence the 165,000 metropolitan domestic bores to be consistent with the principles of the National Water Initiative, the State Government’s water reform agenda and current domestic bore licences in Albany and Exmouth.
- (3) To ”.

in the motion moved by Mr P.D. Omodei -

- (1) That this House calls on the State Labor Government to refer all matters pertaining to its policy on water supply and management to a Parliamentary Select Committee to inquire into and report on -
 - (a) proposed legislative changes;
 - (b) the timetable of legislation and implementation;
 - (c) proposals for licensing of water supplies;
 - (d) the rationale for any change of riparian rights;
 - (e) proposals for water resource management charges;

- (f) proclamation of areas of the State and any anomalies within the proposed proclamations;
 - (g) proposed governance of licensing and management;
 - (h) whether the National Water Initiative compels Western Australia to implement new water and resource management charges;
 - (i) whether a “one size fits all” will work to the benefit of Western Australian farmers and landholders;
 - (j) why the State Government has excluded backyard bores in the metropolitan area from any charges on the basis that they are not affecting groundwater levels;
 - (k) the uniformity of government proposals across Western Australia;
 - (l) how the government proposals will affect springs on private property and the definition of springs;
 - (m) what is the actual cost of license and management in this State;
 - (n) whether self-management of proclaimed areas is a more appropriate model;
 - (o) what services are provided to landholders by government in relation to water licensing and management;
 - (p) off stream dams and dams used for aesthetic values;
 - (q) cooperative and independent Boards and their role in water management;
 - (r) the effect of the Labor Government’s proposed water charging regime on farm viability, householders, pensioners (senior citizens) and not for profit organisations;
 - (s) whether it would be more equitable for any water charging regime be met by the Consolidated Account;
 - (t) a phased implementation of fees be introduced over the next ten years if approved by Parliament;
 - (u) transfer of water within and between catchments; and
 - (v) any other matter relating to the State Labor Government’s proposal to introduce water licensing and management fees.
- (2) That the Select Committee report to this House by 30 June 2008.

Debate resumed.

Mr P.D. Omodei moved,

To delete all of subsection (2) in the amendment moved Mr D.T. Redman.

Debate ensued.

Amendment put.

The Assembly divided.

Ayes (40)

Mr P.W. Andrews
 Mr C.J. Barnett
 Mr M.J. Birney
 Mr T.R. Buswell
 Mr A.J. Carpenter
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Dr J.M. Edwards
 Mrs D.J. Guise
 Dr K.D. Hames
 Mr S.R. Hill
 Mr J.N. Hyde
 Dr G.G. Jacobs
 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
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr P.D. Omodei
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk
 Ms J.A. Radisich

Mr E.S. Ripper
 Mr A.J. Simpson
 Mr G. Snook
 Mr T.G. Stephens
 Mr D.A. Templeman
 Dr S.C. Thomas
 Ms S.E. Walker
 Mr P.B. Watson
 Mr M.P. Whitely
 Dr J.M. Woollard
 Mr B.S. Wyatt
 Mr T.R. Sprigg (*Teller*)

Noes (5)

Mr B.J. Grylls
 Mr D.T. Redman

Mr M.W. Trenorden
 Mr G.A. Woodhams

Mr T.K. Waldron (*Teller*)

Amendment thus passed.

On the question, That the amendment, as amended, be agreed to,

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett
 Mr M.J. Birney
 Mr T.R. Buswell
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Mr B.J. Grylls
 Dr K.D. Hames

Dr G.G. Jacobs
 Mr P.D. Omodei
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr G. Snook
 Dr S.C. Thomas
 Mr M.W. Trenorden

Mr T.K. Waldron
 Ms S.E. Walker
 Mr G.A. Woodhams
 Dr J.M. Woollard
 Mr T.R. Sprigg (*Teller*)

Noes (26)

Mr P.W. Andrews
 Mr A.J. Carpenter
 Dr J.M. Edwards
 Mrs D.J. Guise
 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
 Mrs C.A. Martin
 Mr M.P. Murray
 Mr P. Papalia
 Mr J.R. Quigley
 Ms M.M. Quirk

Ms J.A. Radisich
 Mr E.S. Ripper
 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*)

Amendment negatived.

On the question, That the motion moved by Mr P.D. Omodei be agreed to,

Debate ensued.

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 the following motion to be moved forthwith -

To delete all words after "House" with a view to inserting the following words -"refers the following terms of reference to the Economics and Industry Standing Committee to report to the Legislative Assembly by 28 February 2008 -

“

The Economics and Industry Standing Committee inquire into and report on -

- (1) the benefits to, cost to and imposts on irrigators, industry, community and environment of a licensing system for the taking of water from groundwater or stream flow;
- (2) the full cost incurred by the Department of Water for administration of the current water licence system;
- (3) the extent to which the water licence administration fees meet cost recovery requirements the National Water Initiative (NWI) places on the State with respect to services delivered to water users;
- (4) the penalty or cost that might be applied to Western Australia by the Commonwealth under the NWI, if there was minimal or no cost recovery for services provided to water users by the Department of Water;
- (5) whether water licences and/or licence administration fees should be required for taking water under arrangements that are currently exempt; for example, residential bores drawing from an unconfined aquifer;
- (6) what recognition needs to be given to the cost incurred by landholders in harvesting water including dam construction costs; and
- (7) the extent to which the NWI provides for a range of different licensing systems. ”.”.

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.

The Minister for Water Resources, pursuant to the foregoing motion, moved,

To delete all words after "House" with a view to inserting the following words -

“refers the following terms of reference to the Economics and Industry Standing Committee to report to the Legislative Assembly by 28 February 2008 -

“

The Economics and Industry Standing Committee inquire into and report on -

- (1) The benefits to, cost to and imposts on irrigators, industry, community and environment of a licensing system for the taking of water from ground water or stream flow;
- (2) The full cost incurred by the Department of Water for administration of the current water licence system;
- (3) The extent to which the Water Licence Administration Fees meet cost recovery requirements the National water Initiative (NWI) places on the State with respect to services delivered to water users;

- (4) The penalty or cost that might be applied to Western Australia by the Commonwealth under the NWI, if there was minimal or no cost recovery for services provided to water users by the Department of Water;
- (5) Whether water licences and/or Licence Administration Fees should be required for taking water under arrangements that are currently exempt e.g. residential bores drawing from an unconfined aquifer;
- (6) What recognition needs to be given to the cost incurred by land holders in harvesting water including dam construction costs; and
- (7) The extent to which the NWI provides for a range of different licensing systems. ”.”.

Debate ensued.

Amendment put and passed.

Motion, as amended, agreed to.

18. Health Service to Regional and Rural Western Australia

Mr T.K. Waldron, pursuant to notice, moved,

That this House calls on the Minister for Health to -

- (a) disband the hub and spoke model which is failing to deliver an adequate health service to regional and rural Western Australia; and
- (b) return to a model that adequately funds and resources country hospitals and nursing posts.

Debate ensued.

Debate interrupted by the Chair (Mr M.W. Trenorden speaking) and adjourned until a later stage of the sitting.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 7.00 p.m. until Thursday, 25 October 2007 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr D.F. Barron-Sullivan, Mr J.J.M. Bowler, Dr E. Constable, Mr J.H.D. Day, Ms K. Hodson-Thomas and Mrs J. Hughes.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly