

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 177

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

WEDNESDAY, 28 NOVEMBER 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 Speaker –

Auditor General, Office of the [OAG] - Report by Ministerial Portfolios as at 19 November 2007, Opinion on Ministerial Notifications and Performance Examination of Administration of Natural Resource Management Grants, Report No. 11, November 2007 (3483).

Auditor General, Office of the [OAG] - Performance Examination, Renewable Energy: Knowing What We Are Getting, Report No. 12, November 2007 (3484).

By the Clerk –

Esperance Port Authority - Annual Report 2006-2007 (3482).

3. Notice of Motion

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

The Speaker advised members that in accordance with Standing Order 144A, Private Members' Business Orders of the Day, CEO Recruitment and Selection - Report by the Public Sector Standards Commissioner and Heritage of Western Australia (Crown Acquisitions of Registered Places) Amendment Bill 2006, which appeared in the last Notice Paper as Private Members' Business Orders of the Day Nos 3 and 4, have not been debated for more than twelve calendar months and have 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.

5. Notice of Motion Lapsed

The Speaker advised that Private Members' Notice of Motion No. 6, notice of which was given on 20 June 2007, had lapsed and, unless the member indicated otherwise, would be removed from the Notice Paper.

6. Notice of Motion after the Time Prescribed

Ms S.E. Walker was granted leave to present a late notice of motion.

7. Brief Ministerial Statement

The following Brief Ministerial Statement was made by -

The Minister for the Environment on the annual Western Australian Environment Awards 2007 ceremony held on Friday, 16 November 2007.

Paper

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

By the Minister for the Environment -

Environment and Conservation, Department of - Western Australian Environment Awards 2007: Winners' Book (3485).

8. Duties Bill 2007

The Treasurer, pursuant to notice, moved,

That a bill for "An Act dealing with the imposition of a number of kinds of duty." 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.

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

Question put and passed.

9. Duties Legislation Amendment Bill 2007

The Treasurer, pursuant to notice, moved,

That a bill for "An Act to amend -

- the *Stamp Act 1921*; and
- the *Duties Act 2007*; and
- the *Taxation Administration Act 2003*; and
- various other Acts,

as a consequence of, and in connection with, the enactment of the *Duties Act 2007*." 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.

Mr G.M. Castrilli moved, That the debate be adjourned.

Question put and passed.

10. Community Protection (Offender Reporting) Amendment Bill 2007

The Minister for Police and Emergency Services, pursuant to notice, moved,

That a bill for “An Act to amend the *Community Protection (Offender Reporting) Act 2004* and to make consequential amendments to the *Working with Children (Criminal Record Checking) Act 2004*.” be introduced and read a first time.

Question put and passed.

The Minister for Police and Emergency Services presented an explanatory memorandum and bill read a first time.

The Minister for Police and Emergency Services moved, That the bill be now read a second time.

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

Question put and passed.

11. Variation to the Order of Business

Ordered, That Bill Notice of Motion No. 4 be postponed to a later stage of the sitting.

12. Road Traffic (Authorisation to Drive) Bill 2007

The Minister for Planning and Infrastructure, pursuant to notice, moved,

That a bill for “An Act to make provision for the authorisation of persons to drive motor vehicles and related matters.” be introduced and read a first time.

Question put and passed.

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

The Minister for Planning and Infrastructure moved, That the bill be now read a second time.

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

Question put and passed.

13. Road Traffic (Vehicles) Bill 2007

The Minister for Planning and Infrastructure, pursuant to notice, moved,

That a bill for “An Act to provide for the licensing and standards of vehicles and for mass, dimension and loading requirements for vehicles used for transporting goods and passengers by road and for related matters.” be introduced and read a first time.

Question put and passed.

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

The Minister for Planning and Infrastructure moved, That the bill be now read a second time.

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

Question put and passed.

14. Road Traffic (Administration) Bill 2007

The Minister for Planning and Infrastructure, pursuant to notice, moved,

That a bill for “An Act to provide for the administration and enforcement of the *Road Traffic (Authorisation to Drive) Act 2007* and the *Road Traffic (Vehicles) Act 2007* and for other matters related to road traffic.” be introduced and read a first time.

Question put and passed.

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

The Minister for Planning and Infrastructure moved, That the bill be now read a second time.

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

Question put and passed.

15. Road Traffic (Consequential Provisions) Bill 2007

The Minister for Planning and Infrastructure, pursuant to notice, moved,

That a bill for “An Act to amend the *Road Traffic Act 1974* and amend various other Acts as a consequence of the enactment of the *Road Traffic (Administration) Act 2007*, the *Road Traffic (Authorisation to Drive) Act 2007* and the *Road Traffic (Vehicles) Act 2007*, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

The Minister for Planning and Infrastructure moved, That the bill be now read a second time.

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

Question put and passed.

16. Road Traffic (Vehicles) (Taxing) Bill 2007

The Minister for Planning and Infrastructure, pursuant to notice, moved,

That a bill for “An Act to impose certain charges prescribed under the *Road Traffic (Vehicles) Act 2007* section 7(3) to the extent that any such charge may be a tax.” be introduced and read a first time.

Question put and passed.

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

The Minister for Planning and Infrastructure moved, That the bill be now read a second time.

Mr J.E. McGrath moved, That the debate be adjourned.

Question put and passed.

17. Corruption and Crime Commission Amendment (Investigative Function) Bill 2007

Mr P.D. Omodei, pursuant to notice, moved,

That a bill for “An Act to amend the *Corruption and Crime Commission Act 2003*.” be introduced and read a first time.

Question put and passed.

Mr P.D. Omodei 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 a later stage of the sitting.

18. Variation to the Order of Business

Ordered, That Bill Notice of Motion No. 4 be next considered.

19. Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Children and Community Services Act 2004* and as a consequence to amend the *Evidence Act 1906* and the *Freedom of Information Act 1992*.” 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.

20. Partial Revocation of State Forests Nos 22 and 38

The Minister for the Environment, pursuant to notice, moved,

That the proposal for the partial revocation of State Forests Nos 22 and 38, laid on the Table of the Legislative Assembly on Tuesday, 20 November 2007 by command of His Excellency the Governor, be carried out.

Debate ensued.

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

Question put and passed.

21. Partial Revocation of State Forests Nos 2, 12, 16, 38, 55, and 57

The Minister for the Environment, pursuant to notice, moved,

That the proposal for the partial revocation of State Forests Nos 2, 12, 16, 38, 55 and 57, laid on the Table of the Legislative Assembly on Tuesday, 20 November 2007 by command of His Excellency the Governor, be carried out.

Debate ensued.

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

Question put and passed.

22. Suspension of Standing Orders

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

That so much of Standing Orders be suspended as is necessary to enable the Member for Roe to speak for a further 10 minutes on the second reading of the Appropriation (Consolidated Account) Bill (No. 5) 2007.

Question put and passed.

23. Appropriation (Consolidated Account) Bill (No. 5) 2007**Appropriation (Consolidated Account) Bill (No. 6) 2007**

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

Debate resumed.

Debate interrupted by the Chair (Ms K. Hodson-Thomas speaking) and adjourned until a later stage of the sitting.

24. Distinguished Visitor

The Speaker noted the presence in the Speaker's Gallery of Holly Metropolit from the Yukon, Canada.

25. Questions

Questions without Notice were taken.

Questions on Notice Nos 2945 to 2953 were asked.

Questions on Notice Nos 2788, 2871 and 2890 were answered.

26. Unanswered Questions on Notice

Under Standing Order 80, Mr G.M. Castrilli asked why no answers had been received in respect of his Questions on Notice Nos 2746, 2778, 2780 and 2781.

27. Notice of Motion after the Time Prescribed

Ms S.E. Walker was granted leave to present a late notice of motion.

28. Variation to the Order of Business

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

29. Appropriation (Consolidated Account) Bill (No. 5) 2007**Appropriation (Consolidated Account) Bill (No. 6) 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.

30. Freedom of Information 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.

Debate interrupted by the Chair (Mr R.F. Johnson speaking) and adjourned until a later stage of the sitting.

31. Variation to the Order of Business

Ordered, That Private Members' Business Order of the Day for the second reading of the Corruption and Crime Commission Amendment (Investigative Function) Bill 2007 and Private Members' Business Orders of the Day Nos 6 and 15 be next considered.

32. Corruption and Crime Commission Amendment (Investigative Function) Bill 2007

The Order of the Day for the second reading of the Bill was read.

Mr P.D. Omodei moved, That the Bill be now read a second time.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

33. Western Australian Resources Heritage Fund Bill 2007

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

Debate resumed.

Mr M.W. Trenorden moved, That the debate be adjourned.

Question put.

The Assembly divided.

Ayes (17)

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 R.F. Johnson
Mr J.E. McGrath

Mr P.D. Omodei
Mr A.J. Simpson
Mr M.W. Trenorden
Ms S.E. Walker
Mr T.R. Sprigg (*Teller*)

Noes (26)

Mr A.J. Carpenter
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
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley

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

Question thus negatived.

Debate resumed.

Debate interrupted by the Chair (Mr B.S. Wyatt speaking) and adjourned until a later stage of the sitting.

34. Messages from the Governor

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

Sentence Administration (Interstate Transfer of Community Based Sentences) Bill 2007 (Message No. 40).

Children and Community Services Amendment (Reporting Sexual Abuse of Children) Bill 2007 (Message No. 41).

35. Variation to the Order of Business

Ordered, That consideration of Government Business Order of the Day No. 2 be resumed.

36. Freedom of Information 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.

The Assembly divided.

Ayes (23)

Mr J.J.M. Bowler
Dr J.M. Edwards
Mrs D.J. Guise
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke
Mr F.M. Logan
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 J.A. Radisich

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*)

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
Dr K.D. Hames
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

Mr D.T. Redman
Mr A.J. Simpson
Ms S.E. Walker
Mr G.A. Woodhams
Mr T.R. Sprigg (*Teller*)

Question thus passed.

Bill read a second time.

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

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

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Mr J.J.M. Bowler
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

Mr J.A. McGinty
Ms S.M. McHale
Mr A.D. McRae
Mrs C.A. Martin
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms J.A. Radisich

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*)

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
Dr K.D. Hames
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

Mr D.T. Redman
Mr A.J. Simpson
Ms S.E. Walker
Mr G.A. Woodhams
Mr T.R. Sprigg (*Teller*)

Question thus passed.

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

37. Variation to the Order of Business

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

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

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

Question put and passed.

39. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 9.11 p.m. until Thursday, 29 November 2007 at 9.00 a.m.

Members present during any part of the day's proceedings - All the members except Mr P.W. Andrews, Mr D.F. Barron-Sullivan, Mr J.B. D'Orazio, Dr S.C. Thomas and Mr T.K. Waldron.

PETER J. McHUGH

Clerk of the Legislative Assembly

HON. FRED RIEBELING

Speaker of the Legislative Assembly