

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

**No. 163**

**FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT**

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**THURSDAY, 27 SEPTEMBER 2007**

### **1. Meeting of Assembly**

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

The Deputy 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 -

Agriculture and Food, Department of - Annual Report 2006-2007 (3155).

Agricultural Practices Board - Annual Report 2006-2007 (3156).

Botanic Gardens and Parks Authority - Annual Report 2006-2007 (3157).

Bunbury Water Board [AQWEST] - Annual Report 2006-2007 (3158).

Burswood Park Board - Annual Report 2006-2007 (3159).

Child Protection, Department of - Annual Report 2006-2007 (3160).

Communities, Department of - Annual Report 2006-2007 (3201).

Consumer and Employment Protection, Department of - Annual Report 2006-2007 (3161).

Disability Services Commission - Annual Report 2006-2007 (3162).

Economic Regulation Authority - Annual Report 2006-2007 (3163).

Fire and Emergency Services Superannuation Board - Annual Report 2006-2007 (3164).

Fisheries, Department of - Annual Report 2006-2007 (3165).

Gaming and Wagering Commission - Annual Report 2006-2007 (3166).

Gascoyne Development Commission - Annual Report 2006-2007 (3167).

Governor's Establishment - Annual Report 2006-2007 (3168).

Great Southern Development Authority - Annual Report 2006-2007 (3169).

Institute of Sport - Annual Report 2006-2007 (3170).  
 Kimberley Development Commission - Annual Report 2006-2007 (3171).  
 Land Valuers Licensing Board - Annual Report 2006-2007 (3172).  
 Liquor Commission - Annual Report 2006-2007 (3173).  
 Local Government and Regional Development, Department of - Annual Report 2006-2007 (3174).  
 Marine Parks and Reserves Authority - Annual Report 2006-2007 (3175).  
 Mentally Impaired Accused Review Board - Annual Report 2006-2007 (3176).  
 Native Title Office - Annual Report 2006-2007 (3177).  
 Peel Development Commission - Annual Report 2006-2007 (3178).  
 Pilbara Development Commission - Annual Report 2006-2007 (3179).  
 Potato Marketing Corporation - Annual Report 2006-2007 (3180).  
 Premier and Cabinet, Department of - Annual Report 2006-2007 (3181).  
 Prisoners Review Board - Annual Report 2006-2007 (3182).  
 Public Advocate's Office - Annual Report 2006-2007 (3183).  
 Racing, Gaming and Liquor Department - Annual Report 2006-2007 (3184).  
 Real Estate and Business Agents Supervisory Board - Annual Report 2006-2007 (3185).  
 Rottnest Island Authority - Annual Report 2006-2007 (3186).  
 Settlement Agents Supervisory Board - Annual Report 2006-2007 (3187).  
 Sport and Recreation, Department of - Annual Report 2006-2007 (3188).  
 State Government Insurance Corporation - Annual Report 2006-2007 (3189).  
 State Supply Commission - Annual Report 2006-2007 (3190).  
 Supervised Relief Review Board - Annual Report 2006-2007 (3191).  
 Swan River Trust - Annual Report 2006-2007 (3192).  
 Tourism Western Australia - Annual Report 2007-2007 (3193).  
 Treasury Corporation, Western Australia - Annual Report 2006-2007 (3194).  
 Treasury and Finance, Department of - Annual Report 2006-2007 (3195).  
 Veterinary Surgeons' Board - Annual Report 2006-2007 (3196).  
 Wheatbelt Development Authority - Annual Report 2006-2007 (3197).  
 Zoological Parks Authority - Annual Report 2006-2007 (3198).

### **3. Notices of Motion**

#### **4. Notice of Motion Lapsed - Removal from Notice Paper**

The Deputy Speaker advised that in accordance with Standing Order No. 74, Private Members' Notice of Motion No. 1, notice of which was given on 19 September 2006 and renewed for a further 30 sitting days on 29 March 2007, would be removed and would not appear on the next Notice Paper.

#### **5. Petition**

Multi Purpose Taxi Service - Mr R.C. Kucera was granted leave to present a late petition from 5 persons requesting that the Legislative Assembly ensure that the Government urgently address the inadequacy of the existing Multi Purpose Taxi Service by requiring all taxis in Western Australia to have the capacity to transport people of all abilities, including people who need to travel in their wheelchair (P. 254).

## 6. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Education and Training on the inability of the Department of Education Services and the Department of Education and Training to table their annual reports by 28 September 2007.

The Deputy Premier on the review of the Regional Buying Centres established in 2005 in the Mid West, South West and Goldfields-Esperance regions.

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### *Paper*

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

By the Deputy Premier-

Treasury and Finance, Department of - Regional Buying Centres: Buying Smarter in Regional WA, June 2007 (3199).

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## 7. Grievances

The Deputy Speaker called for grievances which were then made.

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Paper tabled by the Minister for Health –

Anaphylaxis Expert Working Committee - Meeting the Challenge for Western Australian Children: Report of the Review by the Western Australian Anaphylaxis Expert Working Committee (3202).

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## 8. Education and Health Standing Committee

Mr T.G. Stephens, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Education and Health Standing Committee - Annual Report 2006-2007, Report No. 9 (3200).

## 9. Acts Amendment (Justice) Bill 2007

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend various Acts concerned with the administration of justice and for related matters.” 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.

## 10. Inheritance (Family and Dependents Provision) Amendment Bill 2007

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Inheritance (Family and Dependents Provision) Act 1972* and other Acts, and for 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 A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

#### **11. Industrial and Related Legislation Amendment Bill 2007**

The Minister for Employment Protection, pursuant to notice, moved,

That a bill for “An Act to amend –

- the *Industrial Relations Act 1979*; and
- the *Magistrates Court (Civil Proceedings) Act 2004*; and
- the *Children and Community Services Act 2004*; and
- the *Occupational Safety and Health Act 1984*; and
- the *Workers’ Compensation and Injury Management Act 1981*; and
- the *Minimum Conditions of Employment Act 1993*; and
- the *Public Sector Management Act 1994*.” be introduced and read a first time.

Question put and passed.

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

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

Mr A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

#### **12. Employment Dispute Resolution Bill 2007**

The Minister for Employment Protection, pursuant to notice, moved,

That a bill for “An Act to establish a dispute resolution framework for employment disputes.” be introduced and read a first time.

Question put and passed.

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

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

Mr A.J. Simpson moved, That the debate be adjourned.

Question put and passed.

#### **13. Contractual Benefits Bill 2007**

The Minister for Employment Protection, pursuant to notice, moved,

That a bill for “An Act to –

- confer jurisdiction on The Western Australian Industrial Relations Commission to determine claims by employees of constitutional corporations; and
- amend the *Industrial Relations Act 1979*; and
- amend the *Occupational Safety and Health Act 1984*.” be introduced and read a first time.

Question put and passed.

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

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

Dr S.C. Thomas moved, That the debate be adjourned.

Question put and passed.

#### **14. Local Government (Miscellaneous Provisions) Amendment (Smoke Alarms) 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.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 3 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Housing and Works 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.

#### **15. Mines Safety and Inspection 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.

#### *CONSIDERATION IN DETAIL*

Clauses 1 to 5 agreed to.

Clause 6.

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

#### **16. Members' Statements**

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

#### **17. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2733 to 2745 were asked.

Questions on Notice Nos 2500, 2501, 2617, 2618, 2621, 2624, 2626, 2627, 2629, 2633, 2640, 2641, 2643, 2647, 2649, 2651, 2652, 2656 to 2659, 2665, 2667 and 2669 were answered.

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Paper tabled by the Minister for Industry and Enterprise –

Question on Notice No. 2640 - 2006 Report: Collie Region and Coal Industry Futures Groups (3203).

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### **18. Additional Information under Standing Order No. 82A**

In accordance with Standing Order No. 82A, the Minister for Corrective Services provided additional information relating to a question without notice from Ms S.E. Walker.

In accordance with Standing Order No. 82A, the Minister for Sport and Recreation provided additional information relating to a question without notice from Mr T.R. Buswell asked on 14 August 2007.

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Paper tabled by the Minister for Sport and Recreation –

Question without Notice No. 2522 - Additional Information (3204).

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### **19. Statement by Minister on Tabling of Annual Report**

In accordance with section 65(1) of the *Financial Management Act 2006*, the Minister for Water Resources informed the House that the annual report of the Busselton Water Board would not be tabled by 28 September 2007.

### **20. State Superannuation Amendment Bill 2007**

Message No. 171 dated 26 September 2007 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *State Superannuation Amendment Bill 2007* 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 State Superannuation Amendment Bill 2007*

#### **No. 1**

Clause 16, page 17, line 9 — To insert after “to” —

“ as soon as practicable ”

#### **No. 2**

Clause 16, page 28, after line 25 — To insert —

“

(4) The Treasurer is to cause a copy of —

- (a) the transfer order; and
- (b) the actuarial certificate referred to in subsection (2); and
- (c) any other actuarial advice received by the Treasurer in relation to the assets and liabilities to be assigned by operation of section 58; and
- (d) the order made under subsection (1),

to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

### No. 3

Clause 63, page 68, after line 3 — To insert —

“

- (7) The Treasurer is to cause a copy of —
- (a) the WSS transfer order; and
  - (b) the actuarial certificate referred to in subsection (3); and
  - (c) any other actuarial advice received by the Treasurer in relation to the assets and liabilities to be assigned by operation of section 60D; and
  - (d) the order made under subsection (1),

to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

### No. 4

Clause 71, page 84, after line 10 — To insert —

“

- (6) The Treasurer is to cause a copy of —
- (a) the separation order; and
  - (b) the actuarial certificate referred to in subsection (3); and
  - (c) any other actuarial advice received by the Treasurer in relation to —
    - (i) the assets to be allocated by operation of section 75M(a); or
    - (ii) the assets and liabilities to be assigned by operation of section 75N,
  - (d) the order made under subsection (1),

to be laid before each House of Parliament or dealt with under section 78 within 3 working days after the order made under subsection (1) is published in the *Gazette*.

”.

### No. 5

Clause 85, page 99, lines 18 to 24 — To delete the lines and insert instead —

“

- (2) Schedule 2 item 16 is deleted.

”.

Ordered by leave, That Legislative Council message No. 171 be considered in detail forthwith.

### CONSIDERATION IN DETAIL

The Treasurer moved, That amendments Nos 1 to 5 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

## 21. Variation to the Order of Business

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

## 22. Taxi Amendment Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 168 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Taxi Amendment Bill 2007* 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 Taxi Amendment Bill 2007*

### No. 1

Clause 5, page 3, line 12 — To delete “40%” and insert instead —

“ 35% ”.

### No. 2

Clause 7, page 3, line 21 to page 4, line 11 — To delete the clause.

### No. 3

Clause 8, page 4, lines 12 to 19 — To delete the clause.

### No. 4

Clause 10, page 5, line 12 — To delete “in relation to” and insert instead —

“ restricting ”.

### No. 5

Clause 10, page 5, line 13 — To insert after “plates” —

“  
 , except a condition restricting the transfer of those plates within 3 years  
 after they were acquired  
 ”.

### No. 6

New Clause 7, page 3, after line 20 — To insert the following new clause —

“

### 7. Section 21 amended

After section 21(2) the following subsections are inserted —

“

- (3) Where the Director General decides that a plate holder has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act, the Director General may serve notice on that person —

- (a) stating the reason the Director General made that decision; and

- (b) requiring the plate holder —
  - (i) in the case of an owner of taxi plates — to divest himself or herself of any interest in the ownership of the taxi plates within 45 days after the day of service of the notice (the “**divestment period**”); or
  - (ii) in the case of a lessee of taxi plates — advising him or her of the effect of the relevant provisions of subsections (4) and (5).
- (4) Where a person fails to divest himself or herself of his or her interest in the ownership of taxi plates within the divestment period or a person is served with a notice under subsection (3)(b)(ii) in relation to the leasing of taxi plates —
  - (a) his or her right to the plates is forfeited to the Director General —
    - (i) if he or she has applied under subsection (5) for a review — on the making of a decision that confirms the Director General’s decision or that otherwise results in the forfeiture of that right; or
    - (ii) otherwise on the expiry of —
      - (I) in the case of an owner of taxi plates — the divestment period; or
      - (II) in the case of a lessee of taxi plates — the period specified in subsection (5);
  - and
  - (b) the plates may then be offered for sale or lease, as the case requires, in accordance with section 16.
- (5) Where the Director General serves notice on a person under subsection (3), the person may within 14 days after the day of service of that notice apply to the State Administrative Tribunal for a review of the Director General’s decision that he or she has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act.
- (6) In this section —
 

“**plate holder**”, in relation to a plate holder that is a partnership, means each member of the partnership.

”  
.  
”  
.

## No. 7

New Clause 8, page 4, after line 11 — To insert the following new clause —

“

### 8. Section 24 amended

- (1) Section 24(2) is amended by inserting after “divest under section” —
 

“ 21(3) or ”.
- (2) After section 24(5) the following subsection is inserted —
 

“

  - (6) Taxi plates issued under section 30I(2)(b) are not transferable for a period of one year after the day on which they are issued.

”.

”.

**No. 8**

New Clause 9, page 4, before line 20 — To insert the following new clause —

“

**9. Section 25 amended**

Section 25(1)(c) is amended by inserting after “forfeiture under” —

“ subsection (4) of section 21 or ”.

”.

*CONSIDERATION IN DETAIL*

The Minister for Planning and Infrastructure moved, That amendments Nos 1 to 8 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

**23. Variation to the Order of Business**

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

**24. Mines Safety and Inspection Amendment Bill 2007**

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

*CONSIDERATION IN DETAIL*

Clauses 6 to 34 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Minister for Employment Protection moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

**25. Papers**

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

By the Clerk -

Animal Resources Authority - Annual Report 2006-2007 (3205).

Armadale Redevelopment Authority - Annual Report 2006-2007 (3206).

Art Gallery of Western Australia - Annual Report 2006-2007 (3207).

Construction Industry Long Service Leave Payments Board - Annual Report 2006-2007 (3208).

Country High Schools Hostels Authority - Annual Report 2006-2007 (3209).

Coastal Shipping Commission, Western Australia [Stateships] - Annual Report 2006-2007 (3210).

Curriculum Council - Annual Report 2006-2007 (3211).

East Perth Redevelopment Authority - Annual Report 2006-2007 (3212).

Energy, Office of - Annual Report 2006-2007 (3213).

Environment and Conservation, Department of - Annual Report 2006-2007 (3214).

Environmental Protection Authority - Annual Report 2006-2007 (3215).

Equal Opportunity Commission - Annual Report 2006-2007 (3216).

Equal Opportunity Director - Annual Report 2006-2007 (3217).

Fire and Emergency Services Authority of Western Australia - Annual Report 2006-2007 (3218).

Forest Products Commission - Annual Report 2006-2007 (3219).

Gas Disputes Arbitrator, Western Australian - Annual Report 2006-2007 (3220).

Health Promotion Foundation of Western Australia [Healthway] - Annual Report 2006-2007 (3221).

Health Review, Office of - Annual Report 2006-2007 (3222).

Housing Authority - Annual Report 2006-2007 (3223).

Housing and Works, Department of - Annual Report 2006-2007 (3224).

Independent Market Operator - Annual Report 2006-2007 (3225).

Industrial Relations Commission - Report of the Chief Commissioner - Annual Report 2006-2007 (3226).

Keep Australia Beautiful Council - Annual Report 2006-2007 (3227).

Law Reform Commission of Western Australia - Annual Report 2006-2007 (3228).

Legal Costs Committee - Annual Report 2006-2007 (3229).

Main Roads Western Australia - Annual Report 2006-2007 (3230).

Midland Redevelopment Authority - Annual Report 2006-2007 (3231).

Museum of Western Australia - Annual Report 2006-2007 (3232).

Perth Theatre Trust - Annual Report 2006-2007 (3233).

Police Service, Western Australia - Annual Report 2006-2007 (3234).

Professional Combat Sports Commission - Annual Report 2006-2007 (3235).

Public Education Endowment Trust - Annual Report 2006-2007 (3236).

Public Transport Authority - Annual Report 2006-2007 (3237).

Public Trustee of Western Australia - Annual Report 2006-2007 (3238).

Quadriplegic Centre Board of Management - Annual Report 2006-2007 (3239).

Queen Elizabeth II Medical Centre Trust - Annual Report 2006-2007 (3240).

ScreenWest - Annual Report 2006-2007 (3241).

Small Business Development Corporation - Annual Report 2006-2007 (3242).

South West Development Commission - Annual Report 2006-2007 (3243).

Sport Centre Trust of Western Australia - Annual Report 2006-2007 (3244).

Subiaco Redevelopment Authority - Annual Report 2006-2007 (3245).

State Library of Western Australia - Annual Report 2006-2007 (3246).

Swan Bells Foundation Inc. - Annual Report 2006-2007 (3247).

Water and Rivers Commission - Annual Report 2006-2007 (3248).

Water Corporation - Annual Report 2006-2007 (3249).

Land Authority [LandCorp] of Western Australia - Annual Report 2006-2007 (3250).

Western Power - Annual Report 2006-2007 (3251).

Police Service, Western Australia - State Witness Protection Program - Annual Report 2006-2007 (3252).

## **26. Occupational Safety and Health 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.

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

The Minister for Employment Protection 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.

## **27. State Supply Commission 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.

### *CONSIDERATION IN DETAIL*

Clauses 1 to 9 agreed to.

Title agreed to.

Consideration in detail concluded.

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

The Treasurer 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.

## **28. Variation to the Order of Business**

Ordered, That Government Business Order of the Day No. 14 be next considered.

***Economic Regulation Authority Act 2003 Review*** The Order of the Day having been read for the resumption of debate on the motion moved by the Treasurer,

- (1) That in accordance with section 64 of the *Economic Regulation Authority Act 2003*, the Joint Standing Committee on Audit be appointed to undertake the required legislative review.
- (2) That the Legislative Council be invited to pass a similar resolution.

Debate resumed.

Question put and passed.

Ordered, That the Legislative Council be acquainted and requested to agree to a similar resolution.

**30. Special Adjournment**

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 16 October 2007 at 2.00 p.m.

Question put and passed.

**31. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 4.52 p.m. until Tuesday, 16 October 2007 at 2.00 p.m..

*Members present during any part of the day's proceedings* - All the members except Mr J.J.M. Bowler, Mr J.B. D'Orazio, Mr B.J. Grylls, Mr S.R. Hill, Mr R.F. Johnson, Mr F. Riebeling, Mr D.A. Templeman, Mr T.K. Waldron, Mr G.A. Woodhams and Mr B.S. Wyatt.

**PETER J. McHUGH**

Clerk of the Legislative Assembly

**MS D.J. GUISE**

Deputy Speaker of the Legislative Assembly