

WESTERN AUSTRALIA

# LEGISLATIVE ASSEMBLY

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## VOTES AND PROCEEDINGS

No. 147

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

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WEDNESDAY, 20 JUNE 2007

### 1. Meeting of Assembly

The Assembly met at 12 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

### 2. Speaker's Statement - Procedure and Privileges Committee

The Speaker advised members that the Procedure and Privileges Committee will now report to the Legislative Assembly on its E-Petitions and E-Parliament Feasibility Study on 28 March 2008.

### 3. Petitions

Lake Clifton Townsite - Mr M.P. Murray presented a petition from 341 persons requesting that the Legislative Assembly ensure that the Lake Clifton Townsite is added to the conservation estate and that mining is not permitted in the area (P. 231).

Falun Gong Practitioners in China - Mr J.A. McGinty presented a petition from 443 persons requesting that the Legislative Assembly recommend to the Federal and Western Australian Governments that they assist the Coalition to investigate the persecution of Falun Gong (CIPFG) with the research and investigation of the alleged harvesting of organs from, and the illegal detention of, Falun Gong practitioners (P. 232).

### 4. 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] - A Helping Hand: Home-based Services in Western Australia, Report No.6 - June 2007 (2843).

By the Acting Clerk –

Consultants Engaged by Government - Report for six months ended 31 December 2006 (2844).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Members of Parliament on Official Business funded by the Imprest System for the three months ended 31 March 2006 (2845).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Members of Parliament on Official Business funded by the Imprest System for the three months ended 30 June 2006 (2846).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Members of Parliament on Official Business funded by the Imprest System for the three months ended 30 September 2006 (2847).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Members of Parliament on Official Business funded by the Imprest System for the three months ended 31 December 2006 (2848).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 September 2006 (2849).

Members of Parliament Interstate and Overseas Travel - Report of Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 31 December 2006 (2850).

Occupational Safety and Health Act 1984 - Notice for revocation of the Safety and Health of Children and Young people in Workplaces Code of Practice published in the *Government Gazette* on 5 April 2007. (2851).

Treasury Corporation, Western Australia - Statement of Corporate Intent 2007/2008 (2852).

Treasury Corporation, Western Australia - Strategic Development Plan 2007/8 to 2009/10 (2853).

## **5. Notices of Motion**

## **6. Brief Ministerial Statements**

The following Brief Ministerial Statements were made by -

The Minister for Small Business on the progress of the Go West Now campaign launched by the Premier in September 2006.

The Minister for Disability Services on the appointment of the Sector Health Check Implementation Steering Committee.

The Minister for Health on the six week extension of the contract for Mr Alan Piper, the strategic business consultant engaged to work with the Fiona Stanley Hospital Taskforce.

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

Ordered, That Bills Notice of Motion No. 1 be postponed to a later stage of the sitting.

## **8. Terrorism (Preventative Detention) Amendment Bill 2007**

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

That a bill for “An Act to amend the *Terrorism (Preventative Detention) Act 2006* as a consequence of the enactment of the *ASIO Legislation Amendment Act 2006* of the Commonwealth.” 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.

## **9. Criminal Code Amendment (Drink and Food Spiking) Bill 2007**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend *The Criminal Code*.” 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 G.M. Castrilli moved, That the debate be adjourned.

Question put and passed.

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

Ordered, That Bills Notice of Motion No. 7 be next considered.

## **11. Nuclear Facilities Prohibition Bill 2007**

The Minister for Energy, pursuant to notice, moved,

That a bill for “An Act to prohibit the construction or operation of certain nuclear facilities in Western Australia, and for related purposes.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

## **12. Bail Amendment Bill 2007**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Bail Act 1982*, to consequentially amend the *Criminal Procedure Act 2004* and the *Supreme Court Act 1935*, 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 T.R. Sprigg moved, That the debate be adjourned.

Question put and passed.

### **Judges' Salaries and Pensions Amendment Bill 2007**

The Attorney General, pursuant to notice, moved,

That a bill for “An Act to amend the *Judges’ Salaries and Pensions Act 1950*.” 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.

### **14. Election of Senators Amendment Bill 2007**

The Minister for Electoral Affairs, pursuant to notice, moved,

That a bill for “An Act to amend the *Election of Senators Act 1903*.” be introduced and read a first time.

Question put and passed.

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

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

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

Question put and passed.

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

Ordered, That Bills Notice of Motion No. 1 be next considered.

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

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to -

- amend the *State Superannuation Act 2000*; and
  - consequentially amend certain other written laws,
- and for related purposes.” 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.

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

Ordered, That Government Business Notice of Motion No. 1 be postponed to 16 August 2007.

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

Ordered, That Government Business Order of the Day No. 1 be postponed to a later stage of the sitting.

**19. Chemistry Centre (WA) Bill 2006**

The Order of the Day for the consideration in detail of Legislative Council message No. 152 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the Chemistry Centre (WA) 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 Chemistry Centre (WA) Bill 2006*

**No. 1**

Clause 12, page 11, lines 10 and 11 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

**No. 2**

Clause 22, page 17, lines 7 and 8 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

**No. 3**

Clause 27, page 19, line 10 — To insert after “Account” —

“ , which is to be established ”.

**No. 4**

Clause 27, page 19, lines 11 to 13 — To delete the lines and insert instead —

“  
(a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or”.

**No. 5**

Clause 27, page 19, lines 15 and 16 — To delete “the *Financial Administration and Audit Act 1985* section 3(1)” and insert instead —

“ section 3 of that Act ”.

**No. 6**

Clause 29, page 20, line 15 — To delete “Fund” and insert instead —

“ Account ”.

**No. 7**

Clause 29, page 20, line 20 — To delete “Fund” and insert instead —

“ Account ”.

**No. 8**

Clause 30, page 20, line 24 — To delete “Fund” and insert instead —

“ Account ”.

**No. 9**

Heading for Division 3, page 21, line 1 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006 and Auditor General Act 2006* ”.

**No. 10**

Clause 31, page 21, lines 3 and 4 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006 and the Auditor General Act 2006* ”.

**No. 11**

Clause 34, page 24, lines 2 and 3 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006 Part 5* ”.

**No. 12**

Clause 34, page 24, lines 11 and 12 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006 Part 5* ”.

**No. 13**

Clause 34, page 24, lines 19 and 20 — To delete “*Financial Administration and Audit Act 1985* section 69” and insert instead —

“ *Financial Management Act 2006* section 64 ”.

**No. 14**

New Clause 31, page 20, after line 28 — To insert the following new clause —

“

**31. *Liability for duties, taxes and other statutory imposts***

(1) Despite any other written law but except as stated in subsection (2) —

(a) the Chemistry Centre; and

(b) deeds or other instruments to which it is a party,

are liable to and chargeable with duties, taxes or other imposts under any written law.

(2) Despite subsection (1) but subject to subsection (3), the Chemistry Centre is not liable to pay any local government rate or charge.

(3) Subsection (2) does not apply to the liability to pay any rate or charge in respect of land held under a lease or tenancy agreement from the Chemistry Centre.

- (4) The Chemistry Centre is to pay to the Treasurer in respect of each financial year an amount equivalent to the sum of all local government rates and charges that, but for subsection (2) and the *Local Government Act 1995* section 6.26(2)(a)(i), the Chemistry Centre would have been liable to pay in respect of that financial year.
- (5) Subsection (4) does not apply in relation to rates and charges in respect of land referred to in subsection (3).
- (6) An amount payable under subsection (4) —
  - (a) is to be determined in accordance with such principles as the Treasurer may direct; and
  - (b) is to be paid at such time or times as the Treasurer may direct.
- (7) The first payment under subsection (4) is to be in respect of the next full financial year after the commencement of this Act.

**No. 15**

Schedule 2, page 37, line 7 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

**No. 16**

Schedule 2, page 39, line 31 to page 40, line 1 — To delete “*Financial Administration and Audit Act 1985* section 66” and insert instead —

“ *Financial Management Act 2006* Part 5 ”.

**No. 17**

Schedule 3, page 42, lines 16 and 17 — To delete “*Financial Administration and Audit Act 1985*” and insert instead —

“ *Financial Management Act 2006* ”.

**No. 18**

Schedule 3, page 42, lines 18 to 22 — To delete the lines and insert instead —

“

[\* *Act No. 76 of 2006.*

For subsequent amendments see Act No. 77 of 2006.]

”.

**No. 19**

Long Title, page 1, line 9 — To delete “to” in the first place where it occurs.

### *CONSIDERATION IN DETAIL*

The Minister for Science moved, That amendment Nos 1 to 19 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

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

Ordered, That Government Business Order of the Day No. 3 be postponed to a later stage of the sitting.

**21. Fiona Stanley Hospital Construction Account 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 (Dr G.G. Jacobs speaking) and adjourned until a later stage of the sitting.

**22. Questions**

Questions without Notice were taken.

Questions on Notice Nos 2447 to 2470 were asked.

Questions on Notice Nos 2050, 2238, 2248, 2300, 2356 and 2357 were answered.

**23. Speaker's Statement - Resignation of Member from Economics and Industry Standing Committee**

The Speaker advised members that he had received a letter dated 19 June 2007 from Ms J.A. Radisich resigning as a member and Chairperson of the Economics and Industry Standing Committee.

**24. Notice of Motion after the Time Prescribed**

The Leader of the House was granted leave to present a late notice of motion.

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

Ordered, That consideration of Government Business Order of the Day No. 4 be resumed.

**26. Fiona Stanley Hospital Construction Account 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 day's sitting.

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

Ordered, That Government Business Order of the Day No. 1 be next considered.

**28. Local Government (Miscellaneous Provisions) Amendment Bill 2005**

The Order of the Day for the consideration in detail of Legislative Council message No. 150 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Local Government (Miscellaneous Provisions) Amendment Bill 2005* 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 (Miscellaneous Provisions) Amendment Bill 2005*



**No. 1**

Clause 7, page 9, line 28 — To delete “a committee; and” and insert instead —

“ the committee; ”.

**No. 2**

Clause 7, page 9, after line 28 — To insert —

“

- (e) provide for applications to be made to the State Administrative Tribunal for the review of decisions of the committee; and ”.

*CONSIDERATION IN DETAIL*

The Minister representing the Minister for Local Government moved, That amendment No. 1 be agreed to.

Question put and passed.

The Minister representing the Minister for Local Government moved, That amendment No. 2 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

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

Ordered, That consideration of Government Business Order of the Day No. 4 be resumed.

**30. Fiona Stanley Hospital Construction Account Bill 2007**

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

*CONSIDERATION IN DETAIL*

Clause 1.

Debate ensued.

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

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

Ordered, That Private Members' Business Orders of the Day Nos 7 and 11 and Private Members' Business Notice of Motion No. 13 be next considered.

**32. Children and Community Services (Mandatory Reporting) Amendment Bill 2006**

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 P.D. Omodei speaking) and adjourned until a later stage of the sitting.

**33. Message from the Governor**

Message No. 16 from His Excellency the Governor was reported recommending the purpose of the appropriation for the Judges' Salaries and Pensions Amendment Bill 2007.

**34. Procedure and Privileges Committee**

Mr F. Riebeling, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Procedure and Privileges Committee - Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters, Report No. 2 (2854).

Procedure and Privileges Committee - Inquiry into the Member for Murchison-Eyre's Unauthorised Release of Committee Documents and Related Matters, Report No. 2, Vol. 2 (2855).

Mr F. Riebeling, Mrs D.J. Guise, Mr M.W. Trenorden, Mr P.W. Andrews and Mr R.F. Johnson spoke on the report.

**35. Personal Explanation**

Mr A.D. McRae made a personal explanation on the findings contained in the Procedure and Privileges Committee Report No. 2.

**36. Personal Explanation**

Mr J.J.M. Bowler made a personal explanation on the findings contained in the Procedure and Privileges Committee Report No. 2.

**37. Adjournment**

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

Question put and passed.

The Assembly adjourned accordingly, at 7.57 p.m. until Thursday, 21 June 2007 at 9.00 a.m.

*Members present during any part of the day's proceedings* - All the members except Mr C.J. Barnett and Mr G.A. Woodhams.

**JOHN D. MANDY**

Acting Clerk of the Legislative Assembly

**HON. FRED RIEBELING**

Speaker of the Legislative Assembly