

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 52

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

TUESDAY, 15 NOVEMBER 2005

1. Meeting of Assembly

The Assembly met at 2.00 p.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for Health on the Denmark Hospital redevelopment.

The Minister for Seniors on the new WA Seniors Card Centre shopfront in Forrest Place.

The Minister for Small Business on the Western Australian Regional Small Business Awards.

The Minister for Planning and Infrastructure on the Metropolitan Region Scheme Amendment No. 1089/33, East Landsdale Precinct 64.

Papers

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

By the Minister for Planning and Infrastructure -

Metropolitan Region Scheme - Amendment No. 1089/33, East Landsdale Precinct 64, Submissions 1 to 50, Volume 1 of 2, October 2005 (1047).

Metropolitan Region Scheme - Amendment No. 1089/33, East Landsdale Precinct 64, Submissions 51 to 76, Volume 2 of 2, October 2005 (1048).

Metropolitan Region Scheme - Amendment No. 1089/33, East Landsdale Precinct 64, Report on Submissions, October 2005 (1049).

Metropolitan Region Scheme - Amendment No. 1089/33, East Landsdale Precinct 64, Transcripts of Public Hearings, October 2005 (1050).

Metropolitan Region Scheme - Amendment No. 1089/33, East Landsdale Precinct 64, Map No. 12/73m, Plan No. 3.1764 (1051).

The Minister for Culture and the Arts on the 12th State Arts Sponsorship Awards.

3. Questions

Questions without notice were taken.

Question on notice No. 502 was asked.

Questions on notice Nos 143, 194, 225, 475, 476 and 484 were answered.

Paper tabled by the Minister representing the Minister for Education and Training -

Question on Notice No. 225 - Details on all grants exceeding \$100,000 that were made for financial years 2003-2004 and 2004-2005 for Department of Education and Training (1046).

4. Papers

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

Electricity Industry Act 2004 - Codes (Electricity Networks Access Code Amendments 2005 G.G. 08/11/2005) (1038).

Fish Resources Management Act 1994 - Management Plans (Abrolhos Islands and Mid West Trawl Fishery Management Plan Amendment 2005 G.G. 11/11/2005) (1039).

Fish Resources Management Act 1994 - Management Plans (West Coast Rock Lobster Fishery Management Plan Amendment 2005 G.G. 09/11/2005) (1040).

Fish Resources Management Act 1994 - Regulations (Fish Resources Management Amendment Regulations (No. 8) 2005 G.G. 11/11/2005) (1041).

Genetically Modified Crops Free Areas Act 2003 - Orders (Genetically Modified Crops Free Areas Exemption Order (No. 2) 2005 G.G. 08/11/2005) (1042).

Workers' Compensation and Injury Management Act 1981 - Regulations (Workers' Compensation and Injury Management (Scales of Fees) Amendment Regulations (No. 3) 2005 G.G. 11/11/2005) (1043).

Workers' Compensation and Injury Management Act 1981 - Rules (Workers' Compensation (Compensation Magistrate's Court) Repeal Rules 2005 G.G. 11/11/2005) (1044).

Workers' Compensation and Injury Management Act 1981 - Rules (Workers' Compensation (Conciliation and Review) Repeal Rules 2005 G.G. 11/11/2005) (1045).

5. Notices of Motion

6. Message from the Legislative Council

Message No. 34 dated 10 November 2005 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that having received Message No. 77 from the Legislative Assembly in the *Planning and Development Bill 2005* stating that Legislative Council Amendment No. 6 has been ruled out of order, and having given the fullest consideration to the Message resolves that in the opinion of this Council -

- (a) it has the undoubted right to make the amendment to the Bill in question; and

- (b) that it being bound by justice to the people by whom it is elected to maintain their rights and to exercise the power given to it, it is the imperative duty of this Council to uphold its privileges,

and requests the Legislative Assembly to -

- (a) provide its reasons for ruling Legislative Council Amendment No. 6 out of order; and
(b) return the Bill to the Legislative Council to enable this House to consider whether or not to insist on its amendment.

Ordered, by leave, That consideration in detail of Legislative Council Message No. 34 be made an Order of the Day for a later stage of the sitting.

7. Economics and Industry Standing Committee

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

That the Member for Vasse be discharged from the Economics and Industry Standing Committee and the Member for Serpentine-Jarrahdale be appointed in his place.

Question put and passed.

8. Dangerous Sexual Offenders Bill 2005

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

Clause 1.

Ms S.E. Walker moved,

Page 2, line 3 - To delete "*Sexual*".

Amendment put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

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

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

Noes (24)

Mr J.J.M. Bowler
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs D.J. Guise
Mr S.R. Hill
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke

Mr R.C. Kucera
Mr F.M. Logan
Mr J.A. McGinty
Mr M. McGowan
Ms S.M. McHale
Mr A.D. McRae
Mr N.R. Marlborough
Mrs C.A. Martin

Mr M.P. Murray
Mr A.P. O'Gorman
Ms J.A. Radisich
Mr E.S. Ripper
Mr T.G. Stephens
Mr P.B. Watson
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 2 agreed to.

Clause 3.

Ms S.E. Walker moved,

Page 3, lines 7 and 8 – To delete the lines and substitute –

“

“**serious offence**” is a reference to any of the following offences under the *Criminal Code* —

- (a) Wilful murder s.278;
- (b) Murder s.279;
- (c) Manslaughter s.280;
- (d) Chapter XXXI (Sexual Offences);
- (e) Arson (Criminal Damage) s.444;
- (f) Grievous Bodily Harm s.297;

”.

Speaker's Ruling - Amendment out of order

The Speaker ruled that the amendment moved by Ms S.E. Walker was outside the scope of the Bill, and therefore ruled the amendment out of order.

Debate resumed on the clause.

Suspension of Standing Orders

Ms S.E. Walker, without notice, moved,

That so much of the Standing Orders be suspended as is necessary to enable the scope of the *Dangerous Sexual Offenders Bill 2005* to be extended so as to allow the following amendment to be moved forthwith -

“

Page 3, lines 7 and 8 – To delete the lines and substitute –

“

“**serious offence**” is a reference to any of the following offences under the *Criminal Code* —

- (a) Wilful murder s.278;
- (b) Murder s.279;
- (c) Manslaughter s.280;
- (d) Chapter XXXI (Sexual Offences);
- (e) Arson (Criminal Damage) s.444;
- (f) Grievous Bodily Harm s.297;

”.

”.

Debate ensued.

Question put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

Mr P.D. Omodei
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Ms J.A. Radisich
Mr E.S. Ripper
Mr T.G. Stephens
Mr P.B. Watson
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Question thus negatived.

Debate resumed on clause 3.

Clause agreed to.

Clauses 4 to 7 agreed to.

Clause 8.

Ms S.E. Walker moved,

Page 6, line 6 – To insert after “who is” –

“ or has been ”.

Amendment put.

The Assembly divided.

Ayes (19)

Mr C.J. Barnett
Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

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Mr N.R. Marlborough
Mrs C.A. Martin

Mr M.P. Murray
Ms M.M. Quirk
Ms J.A. Radisich
Mr E.S. Ripper
Mr T.G. Stephens
Mr P.B. Watson
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 9 to 15 agreed to.

Clause 16.

Ms S.E. Walker moved,

Page 8, after line 31 – To insert –

“

- (4) Detailed written reasons must be given by the DPP for any discontinuance application.
- (5) The DPP’s detailed written reasons must be contained within the notice of discontinuance.

”.

Amendment put.

The Assembly divided.

Ayes (18)

Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

Mr P.D. Omodei
Mr D.T. Redman
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Ms M.M. Quirk
Ms J.A. Radisich
Mr E.S. Ripper
Mr T.G. Stephens
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clauses 17 to 37 agreed to.

Clause 38.

The Attorney General moved,

Page 17, after line 25 – To insert the following subclause –

“

- (2) The chief executive officer must give to the DPP a copy of anything that the chief executive officer gives to a psychiatrist under subsection (1).

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 39.

The Attorney General moved,

Page 18, line 17 – To insert before the full stop at the end of the line –

“

and at the same time give to the person a copy of anything that the chief executive officer gives to the DPP under section 38(2)

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 40 agreed to.

Clause 41.

Ms S.E. Walker moved,

Page 19, line 23 – To insert after “kind” –

“ , including a victim impact statement ”.

Amendment put.

The Assembly divided.

Ayes (17)

Mr T.R. Buswell
Mr G.M. Castrilli
Dr E. Constable
Ms K. Hodson-Thomas
Mr R.F. Johnson
Mr J.E. McGrath

Mr P.D. Omodei
Mr D.T. Redman
Mr A.J. Simpson
Mr G. Snook
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Ms M.M. Quirk
Ms J.A. Radisich
Mr E.S. Ripper
Mr T.G. Stephens
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Amendment thus negatived.

Clause agreed to.

Clause 42 to 44 agreed to.

Clause 45.

The Attorney General moved,
Page 20, line 30 – To delete “committal into custody” and substitute –
“ detention in a prison under the *Prisons Act 1981* ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 46 and 47 agreed to.

Title agreed to.

Consideration in detail concluded.

Ordered, That the third reading of the Bill be made an Order of the Day for the next sitting of the Assembly.

9. Taxi Amendment Bill 2005

The Order of the Day for the third reading of the Bill having been read, the Minister for Planning and Infrastructure 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.

10. Variation to the Order of Business

Ordered, That Government Business Order of the Day for the consideration in detail of Legislative Council Message No. 34 be next considered.

11. Planning and Development Bill 2005

The Order of the Day for the consideration in detail of Legislative Council message No. 34 was read (see paragraph 6).

CONSIDERATION IN DETAIL

The Minister for Planning and Infrastructure moved,

“

In response to Legislative Council Message No 34 regarding the *Planning and Development Bill 2005*, the Legislative Assembly -

- (a) advises that it has not agreed to Legislative Council Amendment No. 6 forwarded by Legislative Council Message No. 28, because it contravenes section 46 (3) of the *Constitution Acts Amendment Act 1899*;
- (b) notes that the amendment which contravenes section 46 (3) cannot be insisted upon, although it is open to the Legislative Council to propose an alternative amendment; and
- (c) returns the *Planning and Development Bill 2005* herewith for the concurrence of the Legislative Council in its amended form.

”.

Debate ensued.

On the question, That the motion be agreed to,

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

12. Energy Safety Bill 2005

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 (32)

Mr J.J.M. Bowler
Mr T.R. Buswell
Mr G.M. Castrilli
Mr M.J. Cowper
Mr J.B. D'Orazio
Dr J.M. Edwards
Mrs D.J. Guise
Mr S.R. Hill
Mrs J. Hughes
Mr J.N. Hyde
Mr J.C. Kobelke

Mr R.C. Kucera
Mr F.M. Logan
Mr J.A. McGinty
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Mr G. Snook
Mr T.R. Sprigg
Mr T.G. Stephens
Dr S.C. Thomas
Mr P.B. Watson
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Noes (5)

Mr D.T. Redman
Mr M.W. Trenorden

Mr T.K. Waldron
Mr G.A. Woodhams

Dr G.G. Jacobs (*Teller*)

Question thus passed.

Bill read a second time.

Ordered, That the consideration in detail of the Bill be made an Order of the Day for the next sitting of the Assembly.

13. Acts Amendment (Higher School Leaving Age and Related Provisions) Bill 2005

Message No. 35 dated 15 November 2005 from the Legislative Council was reported agreeing to the Bill without amendment.

14. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 11.41 p.m. until Wednesday, 16 November 2005 at 12 noon.

Members present during any part of the day's proceedings - All the members except Mr P.W. Andrews, Mr A.J. Carpenter, Mr B.J. Grylls, Dr K.D. Hames and Mrs M.H. Roberts.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly