

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 196

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

THURSDAY, 8 MAY 2008

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. Paper

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

By the Clerk –

Country Housing Act 1998 – Ministerial approval under Section 42 of the Act for a loan of \$487,500 to the Royal Flying Doctor Service to assist in the purchase of 5 Grant Place, Cooke Point, Port Headland (3862).

3. Notice of Motion

4. Brief Ministerial Statements

The following Brief Ministerial Statements were made by -

The Minister for the Environment on the appointment of Mr Anthony Sutton as the Western Australian Independent Appeals Convener.

The Minister for Industry and Enterprise on the beginning of work on the new Fenner Dunlop conveyer belt manufacturing facility at Kwinana.

5. Grievances

The Deputy Speaker called for grievances which were then made.

6. Joint Standing Committee on Delegated Legislation

Mr P.W. Andrews, as Chairman, presented the following report which was ordered to lie upon the Table of the House -

Joint Standing Committee on Delegated Legislation – Annual Report 2007 (3863)

Mr P.W. Andrews spoke on the report.

7. Economics and Industry Standing Committee Co-opted of Member

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

That the member for Joondalup be co-opted to participate in the Economics and Industry Standing Committee's inquiry into the Karrinyup Lakes Lifestyle Village Development.

Debate ensued.

Question put and passed.

8. Variation to the Order of Business

Ordered, That Bills Notices of Motion Nos 1 and 2 be postponed to a later stage of the sitting.

9. Criminal Law Amendment (Homicide) Bill 2008

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

CONSIDERATION IN DETAIL

Clause 1 agreed to.

Clause 2.

The Attorney General moved,

Page 2, after line 7 – To insert –

“

- (b) section 25(2) — on a day fixed by proclamation, being a day that is the day, or after the day, on which the *Community Protection (Offender Reporting) Amendment Act 2007* section 11 comes into operation;
- (c) section 40(2) — on a day fixed by proclamation, being a day that is the day, or after the day, on which the *Community Protection (Offender Reporting) Amendment Act 2007* section 13(3) comes into operation;

”

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 3 to 5 agreed to.

Clause 6.

Question put.

The Assembly divided.

Ayes (30)

Mr P.W. Andrews
Mr A.J. Carpenter
Mr J.B. D'Orazio
Dr J.M. Edwards
Ms D.J. Guise
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
Mrs C.A. Martin
Mr M.P. Murray
Mr A.P. O'Gorman
Mr P. Papalia
Ms M.M. Quirk
Ms J.A. Radisich
Mr D.T. Redman

Mrs M.H. Roberts
Mr T.G. Stephens
Mr D.A. Templeman
Mr T.K. Waldron
Ms S.E. Walker
Mr P.B. Watson
Mr M.P. Whitely
Mr G.A. Woodhams
Mr B.S. Wyatt
Mr S.R. Hill (*Teller*)

Noes (15)

Mr C.J. Barnett
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
Mr R.F. Johnson
Mr P.D. Omodei

Mr C.C. Porter
Mr A.J. Simpson
Mr G. Snook
Dr S.C. Thomas
Dr G.G. Jacobs (*Teller*)

Clause thus agreed to.

Clause 7.

Mr C.C. Porter moved,

Page 7, line 6 – To delete “or grievous bodily harm”.

Question put and passed.

Clause, as amended, agreed to.

Clauses 8 and 9 agreed to.

Clause 10.

Mr C.C. Porter moved,

Page 9, lines 26 to 29 – To delete the lines and substitute –

“

- (b) the person intends to do the person killed or another person some grievous bodily harm; or

”.

Page 10, lines 11 to 20 – To delete the lines.

Amendments put.

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

10. Members' Statements

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

11. Questions

Questions without notice were taken.

Questions on notice Nos 3351 to 3356 were asked.

Questions on notice Nos 2981, 3314 and 3322 were answered.

12. Speaker's Statement - Media Arrangements

The Speaker advised members that he had given permission for media still-photographers to photograph the Treasurer delivering the Budget.

13. Variation to the Order of Business

Ordered, That Bills Notices of Motion Nos 1 and 2 be next considered.

14. Appropriation (Consolidated Account) Bill (No. 1) 2008

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the recurrent services and purposes of the year ending 30 June 2009.” 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.

Papers

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

By the Treasurer -

Budget 2008 – 2009 – Budget Paper No. 1: Budget Speech, 8 May 2008 (3864).

Budget 2008 – 2009 – Budget Paper No. 2: Budget Statements, Volume 1 (3865).

Budget 2008 – 2009 – Budget Paper No. 2: Budget Statements, Volume 2 (3866).

Budget 2008 – 2009 – Budget Paper No. 2: Budget Statements, Volume 3 (3867).

Budget 2008 – 2009 – Budget Paper No. 3: Economic and Fiscal Outlook (3868).

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

Question put and passed.

15. Appropriation (Consolidated Account) Bill (No. 2) 2008

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to grant supply and to appropriate and apply out of the Consolidated Account certain sums for the capital purposes of the year ending 30 June 2009.” 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.

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

Question put and passed.

16. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 3 be next considered.

17. Employment Dispute Resolution Bill 2007

The Order of the Day for the consideration in detail of Legislative Council message No. 204 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Employment Dispute Resolution Bill 2007* subject to the amendment contained in the Schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendment made by the Legislative Council in the Employment Dispute Resolution Bill 2007

No. 1

Clause 3, page 2, line 18 – To insert after “Act” –

“

or any other agreement or arrangement prescribed under the IR Act section 113 for the purposes of this definition

”.

CONSIDERATION IN DETAIL

The Minister representing the Minister for Employment Protection moved, That amendment No. 1 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

18. Criminal Law Amendment (Homicide) Bill 2008

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

CONSIDERATION IN DETAIL

Sitting suspended from 3.00 p.m. to 3.03 p.m.

Clause 10, on the amendments moved by Mr C.C. Porter [see paragraph No. 9].

Amendments put and negatived.

Clause agreed to.

Clauses 11 to 13 agreed to.

Clause 14.

The Attorney General moved,

Page 12, line 25 – To delete “18 months and a fine of \$18 000.” and substitute –

“ 3 years and a fine of \$36 000. ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clause 17.

The Attorney General moved,

Page 15, lines 1 to 13 – To delete the lines and substitute –

“

2. Acts or omissions committed before commencement

- (1) In this clause —
“unamended Code” means this Code as if it had not been amended by the amendment Act.
- (2) Despite section 11, if a person does an act or makes an omission before commencement that is an element of or constitutes an offence under the unamended Code, then after commencement this Code applies to and in respect of the person and the act or omission as if it had not been amended by the amendment Act.
- (3) Despite subclause (2) and the *Sentencing Act 1995* section 10, if —
 - (a) a person is convicted of murder or wilful murder under the unamended Code before commencement but is not sentenced for the offence before commencement; or
 - (b) a person is convicted of murder or wilful murder under the unamended Code as it applies under subclause (2), the person must be sentenced under section 279(4) to (6) as inserted by the amendment Act as if he or she had been convicted of murder under section 279(1) as inserted by that Act.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 18 to 23 agreed to.

Clause 24.

The Attorney General moved,

Page 20, after line 7 – To insert –

“

- (2) Section 7B(2)(a) is amended by deleting “wilful murder or”.
- (3) Section 7B(4) is amended by deleting “wilful murder or”.
- (4) Section 7C(1) is amended by deleting “wilful murder or”.

”.

Page 20, after line 8 – To insert –

“

- (3) Section 54A(1)(a) is amended by deleting “wilful murder or”.
- (4) Schedule 1 Part C clause 3C is amended by deleting “wilful murder or” in the 2 places where it occurs.

”.

Amendments put and passed.

Clause, as amended, agreed to.

Clause 25.

The Attorney General moved,

Page 20, after line 19 – To insert –

“

- (2) Schedule 1 is amended by deleting the entry relating to *The Criminal Code* section 278.

”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 26 agreed to.

Clause 27.

The Attorney General moved,

Page 21, line 12 – To delete the line and substitute –

“

- (2) Section 3(2) is amended by deleting “the crimes of wilful murder, and murder, and each of them:” and inserting instead —

“

include the crime that was called wilful murder under the Code as it was before the commencement of the *Criminal Law Amendment (Homicide) Act 2008*:

”

”

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 28 to 37 agreed to.

Clause 38.

The Attorney General moved,

Page 25, line 6 – To delete “360 PU” and substitute –

“ 720 PU ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 39 agreed to.

Clause 40.

The Attorney General moved,

Page 28, after line 25 – To insert –

“

- (2) Schedule 2 is amended by deleting the entry relating to *The Criminal Code* section 278.

”

Amendment put and passed.

Clause, as amended, agreed to.

Clause 41 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.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.57 p.m. until Tuesday, 13 May 2008 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr D.F. Barron-Sullivan, Mr B.J. Grylls and Mr J.R. Quigley.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. FRED RIEBELING
Speaker of the Legislative Assembly