

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS**No. 75****FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT**

WEDNESDAY, 17 MARCH 2010**1. Meeting of Assembly**

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Dogs in Alfresco Areas – Mr J.M. Francis presented a petition from 368 persons requesting that the ban on dogs in the alfresco areas of food establishments be overturned (P. 255).

Ban on Animals in Alfresco Areas – Mr J.M. Francis presented a petition from 1,304 persons requesting that the Food Act 2008 and the Food Safety Standard 3.2.2 be amended to allow animals in alfresco areas (P. 256).

Commercial Growing of Genetically Modified Canola – Dr M.D. Nahan presented a petition from 73 persons requesting that the Legislative Assembly reverse the decision to allow commercial growing of genetically modified canola in Western Australia (P. 257).

3. Papers

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

By the Clerk –

CBH – Annual Report 2008–2009 (1923).

State Emergency Management Committee – Annual Report 2008–2009 (1924).

4. Notice of Motion**5. Brief Ministerial Statements**

Brief Ministerial Statements were made by –

The Minister for Sport and Recreation on the Perth Wildcats winning the National Basketball League Championship.

The Attorney General on the settlement of Supreme Court proceedings relating to the Catherine Musk Fund.

Paper

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

By the Attorney General –

Attorney General, Department of – Statement regarding the settlement of a dispute in relation to the Catherine Musk Fund (1925).

The Minister for Lands on Landgate winning the exporter category award at the 19th Western Australian Information Technology and Telecommunications Awards.

The Minister for Emergency Services on the Western Australia's bushfire season extending into April 2010.

6. Pay-roll Tax Rebate Bill 2010

The Treasurer, pursuant to notice, moved,

That a bill for “An Act to provide for a rebate on pay-roll tax for the 2009/10 assessment year and for related matters.” 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 D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

7. Credit (Commonwealth Powers) Bill 2010

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to adopt the *National Consumer Credit Protection Act 2009* (Commonwealth) as amended and the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009* (Commonwealth), and to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth, for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth.” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

8. Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Bill 2010

The Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to amend or repeal various Acts as a consequence of the *National Consumer Credit Protection Act 2009* (Commonwealth).” be introduced and read a first time.

Question put and passed.

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

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

Mr D.A. Templeman moved, That the debate be adjourned.

Question put and passed.

9. Private Members' Business Precedence

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

That so much of the Standing Orders be suspended as is necessary to enable Private Members' Business to have priority from 4.00 p.m. to 8.00 p.m. on Wednesday, 17 March 2010.

Debate ensued.

Question put and passed.

10. Speaker's Statement – Treasurer's Second Reading Speech

The Speaker advised members about matters concerning the distribution of copies of the Treasurer's second reading speech on the Treasurer's Advance Authorisation Bill 2010.

11. Treasurer's Advance Authorisation Bill 2010

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

CONSIDERATION IN DETAIL

Clause 3.

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

12. Questions

Questions without Notice were taken.

Sitting suspended from 2.24 p.m. to 2.32 p.m.

Distinguished Visitor

The Speaker noted the presence in the Speaker's Gallery of Mr Terry Mills, Leader of the Opposition in the Northern Territory Legislative Assembly.

Questions on Notice Nos 2481 to 2510 were asked.

Questions without Notice Nos 2105, 2109, 2121, 2160 and 2164 were answered.

13. Additional Information

The Minister for Health provided additional information relating to Question without Notice No. 102 from today from Mr J.N. Hyde regarding Healthway funding for the Music, Arts, Surf and Style Festival.

The Minister for Planning provided additional information relating to the Broome North development.

Paper

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

By the Minister for Planning –

Landcorp – District Development Plan (Plan No. 1), Broome North, Shire of Broome (1926).

14. Variation to the Order of Business

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

15. Treasurer's Advance Authorisation Bill 2010

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

CONSIDERATION IN DETAIL

Clause 3.

The Leader of the House moved, That the question be now put.

Question put.

The Assembly divided.

Ayes (28)

Mr P. Abetz	Mr J.M. Francis	Dr M.D. Nahan
Mr C.J. Barnett	Mr B.J. Grylls	Mr C.C. Porter
Mr I.C. Blayney	Dr K.D. Hames	Mr D.T. Redman
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr A.J. Simpson
Mr I.M. Britza	Mr A.P. Jacob	Mr M.W. Sutherland
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr A. Krsticevic	Dr J.M. Woollard
Dr E. Constable	Mr W.R. Marmion	Mr J.E. McGrath (<i>Teller</i>)
Mr M.J. Cowper	Mr P.T. Miles	
Mr J.H.D. Day	Ms A.R. Mitchell	

Noes (25)

Ms L.L. Baker	Mrs C.A. Martin	Mr T.G. Stephens
Ms A.S. Carles	Mr M.P. Murray	Mr C.J. Tallentire
Ms J.M. Freeman	Mr A.P. O’Gorman	Mr P.C. Tinley
Mr J.N. Hyde	Mr P. Papalia	Mr A.J. Waddell
Mr W.J. Johnston	Mr J.R. Quigley	Mr P.B. Watson
Mr J.C. Kobelke	Ms M.M. Quirk	Mr M.P. Whitely
Mr F.M. Logan	Mr E.S. Ripper	Mr D.A. Templeman (<i>Teller</i>)
Ms A.J.G. MacTiernan	Mrs M.H. Roberts	
Mr M. McGowan	Ms R. Saffioti	

Clause thus passed.

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.

Debate ensued.

Debate interrupted by the Chair (Mr M. McGowan speaking) and adjourned until a later stage of the sitting.

16. Variation to the Order of Business

Ordered, That Private Members’ Business Notices of Motions Nos 18, 19 and 17 be next considered.

17. Fish Resources Management Amendment Regulations 2010

Mr E.S. Ripper, pursuant to notice, moved,

That Regulation 6 of the Fish Resources Management Amendment Regulations 2010 under the *Fish Resources Management Act 1994*, a copy of which was laid upon the Table of the House on Tuesday, 23 February 2010, is hereby disallowed.

Debate ensued.

Question put.

The Assembly divided.

Ayes (23)

Ms L.L. Baker	Mrs C.A. Martin	Mr T.G. Stephens
Ms J.M. Freeman	Mr M.P. Murray	Mr C.J. Tallentire
Mr J.N. Hyde	Mr P. Papalia	Mr P.C. Tinley
Mr W.J. Johnston	Mr J.R. Quigley	Mr A.J. Waddell
Mr J.C. Kobelke	Ms M.M. Quirk	Mr P.B. Watson
Mr F.M. Logan	Mr E.S. Ripper	Mr M.P. Whitely
Ms A.J.G. MacTiernan	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Mr M. McGowan	Ms R. Saffioti	

Noes (30)

Mr P. Abetz	Mr M.J. Cowper	Mr P.T. Miles
Mr F.A. Alban	Mr J.H.D. Day	Ms A.R. Mitchell
Mr C.J. Barnett	Mr J.M. Francis	Dr M.D. Nahan
Mr I.C. Blayney	Dr K.D. Hames	Mr C.C. Porter
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr D.T. Redman
Mr I.M. Britza	Mr A.P. Jacob	Mr A.J. Simpson
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Ms A.S. Carles	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr A. Krsticevic	Dr J.M. Woollard
Dr E. Constable	Mr W.R. Marmion	Mr J.E. McGrath (<i>Teller</i>)

Question thus negated.

18. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 17 be next considered.

19. Logging of Native Forests under the Existing Management Plan in South West Region of Western Australia

Dr J.M. Woollard, pursuant to notice, moved,

- (1) That this House refers to the Standing Committee on Economics and Industry for consideration and report by 30 November 2010 the following:

To inquire into and report on the costs and benefits, including the broader community costs and considerations, of logging of native forests under the existing Forest Management Plan in the South West region of Western Australia.
- (2) That this House calls on the Government to place a moratorium on any further logging of those native forests until the Government has reported to the Assembly its response to the report of the Committee.

Debate ensued.

Debate interrupted by the Chair (Dr J.M. Woollard speaking) and adjourned until a later stage of the sitting.

20. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 2 be next considered.

21. Road Traffic Amendment Bill 2010

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

Urgent Bill

The Leader of the House moved, That the Road Traffic Amendment Bill 2010 be considered an urgent bill.

Debate ensued.

Question put and passed.

Debate resumed.

Question put and passed.

Bill read a second time.

CONSIDERATION IN DETAIL

Clauses 1 to 9 agreed to.

Clause 10.

Ms M.M. Quirk moved,

Page 11, after line 9 – To insert –

“

- (a) delete “The Commissioner” and insert –
 “ Subject to section 79EA(5), the Commissioner ”.

”.

Amendment put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mrs C.A. Martin	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr P.C. Tinley
Mr J.N. Hyde	Mr P. Papalia	Mr A.J. Waddell
Mr W.J. Johnston	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.C. Kobelke	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)
Mr F.M. Logan	Mrs M.H. Roberts	

Noes (27)

Mr P. Abetz	Mr M.J. Cowper	Mr W.R. Marmion
Mr F.A. Alban	Mr J.H.D. Day	Mr P.T. Miles
Mr C.J. Barnett	Mr J.M. Francis	Ms A.R. Mitchell
Mr I.C. Blayney	Dr K.D. Hames	Dr M.D. Nahan
Mr J.J.M. Bowler	Mrs L.M. Harvey	Mr C.C. Porter
Mr I.M. Britza	Mr A.P. Jacob	Mr D.T. Redman
Mr T.R. Buswell	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr G.M. Castrilli	Mr R.F. Johnson	Mr T.K. Waldron
Dr E. Constable	Mr A. Krsticevic	Mr J.E. McGrath (<i>Teller</i>)

Amendment thus negatived.

Ms M.M. Quirk moved,

Page 12, after line 29 – To insert –

“

- (fa) a senior police officer is satisfied that, at the time the offence in respect of which the vehicle was impounded was committed –

- (i) the person who allegedly committed the offence (the *alleged offender*) was an employee of a responsible person for the vehicle; and
- (ii) the employer of the alleged offender was unaware of the alleged commission of the offence; and
- (iii) the employer of the alleged offender took all reasonable steps to prevent the commission of the offence; and
- (iv) the alleged offender was not a responsible person for the vehicle;

or

- (fb) a senior police officer is satisfied that, at the time the offence in respect of which the vehicle was impounded was committed –

the vehicle was a taxi within the meaning of the *Taxi Act 1994*; and
 the person who allegedly committed the offence (the *alleged offender*)
 leased the vehicle from a responsible person for the vehicle; and
 the responsible person for the vehicle was unaware of the commission of the
 offence; and
 the responsible person for the vehicle took all reasonable steps to prevent
 the commission of the offence; and
 the alleged offender was not a responsible person for the vehicle;

or

”.

Amendment put.

The Assembly divided.

Ayes (21)

Ms L.L. Baker	Mr F.M. Logan	Mrs M.H. Roberts
Mr J.J.M. Bowler	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mrs C.A. Martin	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr P.C. Tinley
Mr J.N. Hyde	Mr P. Papalia	Mr A.J. Waddell
Mr W.J. Johnston	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.C. Kobelke	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)

Noes (25)

Mr P. Abetz	Mr J.M. Francis	Ms A.R. Mitchell
Mr F.A. Alban	Dr K.D. Hames	Dr M.D. Nahan
Mr C.J. Barnett	Mrs L.M. Harvey	Mr C.C. Porter
Mr I.C. Blayney	Mr A.P. Jacob	Mr D.T. Redman
Mr I.M. Britza	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr T.R. Buswell	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr A. Krsticevic	Mr J.E. McGrath (<i>Teller</i>)
Dr E. Constable	Mr W.R. Marmion	
Mr M.J. Cowper	Mr P.T. Miles	

Amendment thus negatived.

New clause.

Ms M.M. Quirk moved,

Page 13, after line 22 – To insert –

“

11. Section 79EA inserted

After section 79D insert –

“

79EA. Release of impounded vehicles on grounds of manifest unfairness or injustice

- (1) Where a senior police officer has determined under section 79D that exceptional hardship will not be suffered in a particular case; or
- (2) Where circumstances outlined in section 79D(d)-(fb) do not apply;
- (3) A person responsible for an impounded vehicle may apply directly to the Commissioner on the grounds that the failure to release the vehicle would be manifestly unjust or unfair.
- (4) The Commissioner may require a person seeking release of an impounded vehicle under this section to provide information to him in the form of a statutory declaration.
- (5) The Commissioner shall release the vehicle the subject to an application under this section if he is satisfied that failure to release the vehicle would be manifestly unjust or unfair.
- (6) A decision made under subsection (5) must be made by the Commissioner or by a person acting in the role of Commissioner, and cannot be otherwise delegated to any other person.
- (7) Regulations may prescribe the method by which an application must be made under this section.

” ”.

Mr J.E. McGrath moved, That the question be now put.

The Assembly divided.

Ayes (25)

Mr P. Abetz	Mr J.M. Francis	Ms A.R. Mitchell
Mr F.A. Alban	Dr K.D. Hames	Dr M.D. Nahan
Mr C.J. Barnett	Mrs L.M. Harvey	Mr C.C. Porter
Mr I.C. Blayney	Mr A.P. Jacob	Mr D.T. Redman
Mr J.J.M. Bowler	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr I.M. Britza	Mr R.F. Johnson	Mr T.K. Waldron
Mr G.M. Castrilli	Mr A. Krsticevic	Mr J.E. McGrath (<i>Teller</i>)
Dr E. Constable	Mr W.R. Marmion	
Mr M.J. Cowper	Mr P.T. Miles	

Noes (20)

Ms L.L. Baker	Mr M. McGowan	Mr T.G. Stephens
Ms A.S. Carles	Mrs C.A. Martin	Mr C.J. Tallentire
Ms J.M. Freeman	Mr M.P. Murray	Mr P.C. Tinley
Mr J.N. Hyde	Mr P. Papalia	Mr A.J. Waddell
Mr W.J. Johnston	Mr J.R. Quigley	Mr M.P. Whitely
Mr J.C. Kobelke	Ms M.M. Quirk	Mr D.A. Templeman (<i>Teller</i>)
Mr F.M. Logan	Mrs M.H. Roberts	

Question thus agreed to.

On the question, That the amendment be inserted,

Amendment put.

The Assembly divided.

Ayes (20)

Ms L.L. Baker
Ms A.S. Carles
Ms J.M. Freeman
Mr J.N. Hyde
Mr W.J. Johnston
Mr J.C. Kobelke
Mr F.M. Logan

Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mrs M.H. Roberts

Mr T.G. Stephens
Mr C.J. Tallentire
Mr P.C. Tinley
Mr A.J. Waddell
Mr M.P. Whitely
Mr D.A. Templeman (*Teller*)

Noes (25)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr G.M. Castrilli
Dr E. Constable
Mr M.J. Cowper

Mr J.M. Francis
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob
Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion

Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr J.E. McGrath (*Teller*)

Amendment thus negatived.

Clauses 11 to 13 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.

22. Notice of Motion after the Time Prescribed

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

23. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 11.44 p.m. until Thursday, 18 March 2010 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr R.H. Cook and Mr B.S. Wyatt.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly