

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 33

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 18 SEPTEMBER 2013

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The 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 Speaker –

Auditor General, Office of the – Public Trustee: Administration of the Financial Affairs of Vulnerable People: Report 14 – September 2013 (780).

Auditor General, Office of the – Sustainable Funding and Contracting with the Not-For-Profit Sector – Component 1: Report 13 – September 2013 (779).

By the Clerk –

Busselton Water – Annual Report 2012–2013 (781).

Financial Management Act 2006 – Notice Under Section 82 of the Act From the Minister for Planning in Respect to Not Providing an Answer to Part (B) and (D-E) of Legislative Assembly Question on Notice No. 938 (782).

Metropolitan Cemeteries Board – Annual Report 2012–2013 (783).

Metropolitan Redevelopment Authority – Annual Report 2012–2013 (784).

Perry Lakes Redevelopment Project – Annual Report 2012–2013 (785).

Perth Theatre Trust – Annual Report 2012–2013 (786).

ScreenWest – Annual Report 2012–2013 (787).

State Library of Western Australia – Annual Report 2012–2013 (788).

Swan Bells Foundation Inc. – Annual Report 2012–2013 (789).

Western Australian Museum – Annual Report 2012–2013 (790).

3. Notices of Motion

4. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Tourism on the National and International Visitor Survey results for the year ending June 2013.

The Minister for Emergency Services on the Darling Range Volunteer Bushfire Brigade 25th Anniversary.

5. Private Members' Business Precedence

The Minister for Health on behalf of 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, 18 September 2013.

Debate ensued.

Question put and passed.

6. Appropriation (Consolidated Account) Capital 2013-14 Bill 2013

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

Debate resumed.

Suspension of Standing Orders

Mr M. McGowan, without notice, moved, That so much of the Standing Orders be suspended as is necessary to enable the following motion to be moved forthwith –

That this House condemns the Barnett Government for its disastrous management of the State's finances and for losing the AAA credit rating, and that the ordinary rules of a matter of public interest debate apply to this debate.

Debate ensued.

Question put.

The Speaker having counted the House, and an absolute majority being present and there being no dissentient voice, declared the motion to be carried with the concurrence of an absolute majority of the whole number of members of the House.

Western Australia's AAA Credit Rating

Mr M. McGowan, pursuant to the foregoing motion, moved,

That this House condemns the Barnett Government for its disastrous management of the State's finances and for losing the AAA credit rating, and that the ordinary rules of a matter of public interest debate apply to this debate.

Debate ensued.

Question put.

The Assembly divided.

Ayes (18)

Ms L.L. Baker

Dr A.D. Buti

Mr R.H. Cook

Ms J.M. Freeman

Mr W.J. Johnston

Mr D.J. Kelly

Mr F.M. Logan

Mr M. McGowan

Mr M.P. Murray

Mr P. Papalia

Mr J.R. Quigley

Ms M.M. Quirk

Mrs M.H. Roberts

Ms R. Saffioti

Mr C.J. Tallentire

Mr P.C. Tinley

Mr B.S. Wyatt

Ms S.F. McGurk (*Teller*)

Noes (32)

Mr P. Abetz
 Mr F.A. Alban
 Mr C.J. Barnett
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr V.A. Catania
 Mr M.J. Cowper
 Ms M.J. Davies
 Ms W.M. Duncan
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Mr B.J. Grylls
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr S.K. L'Estrange
 Mr J.E. McGrath

Mr P.T. Miles
 Ms A.R. Mitchell
 Mr N.W. Morton
 Mr D.C. Nalder
 Mr J. Norberger
 Mr D.T. Redman
 Mr A.J. Simpson
 Mr M.H. Taylor
 Mr T.K. Waldron
 Mr A. Krsticevic (*Teller*)

Question thus negated.

Debate resumed.

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

7. Questions

Questions without Notice were taken.

Paper

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

By the Minister for Health –

Health, Minister for – Western Australia Emergency Flow Report: UK Visit – Final Report, September 2013 (791).

Suspension of Member

The Speaker, having called Mr W.J. Johnston to order more than three times, suspended the member from the service of the Assembly for the remainder of the sitting.

Questions on Notice Nos 1242 to 1251 were asked.

Questions on Notice Nos 1030 and 1047 were answered.

8. Variation to the Order of Business

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

9. Appropriation (Consolidated Account) Capital 2013-14 Bill 2013

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

Debate resumed.

Debate interrupted by the Chair (Mr P.C. Tinley speaking) and adjourned until a later stage of the sitting.

10. Variation to the Order of Business

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

11. Dadour Local Poll Provision

Mr B.S. Wyatt, pursuant to notice, moved,

That this House supports the retention of the Dadour local poll provision in the Local Government Act.

Debate ensued.

Debate interrupted by the Chair (Ms S.F. McGurk speaking) and adjourned until a later stage of the sitting.

12. Variation to the Order of Business

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

13. Appropriation (Consolidated Account) Capital 2013-14 Bill 2013

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

Debate resumed.

Question put and passed.

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

14. Dog Amendment Bill 2013

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

CONSIDERATION IN DETAIL

Clause 4.

The Minister for Local Government moved,

Page 3, after line 7 – To insert:

“ *sterilized* ”.

Amendment put and passed.

Ms L.L. Baker moved,

Page 4, after line 22 – To insert:

“

industry accredited dog trainer means a person who has attained, as a minimum requirement, the nationally recognised Certificate III in Companion Animal Services;

”.

Amendment put and negatived.

The Minister for Local Government moved,

Page 6, after line 7 – To insert:

“ *sterilised* means made permanently infertile by a surgical procedure; ”.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5 agreed to.

Clause 6.

The Minister for Local Government moved,
Page 9, lines 29 to 31 – To delete the lines and substitute:

“

written law;
or

(b) delete paragraphs (d) and (e) and insert:

(d) a greyhound that is registered under the *Racing and Wagering Western Australia Act 2003* section 41 while the registration is in effect.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 7 to 12 agreed to.

Clause 13.

The Minister for Local Government moved,

Page 17, after line 17 – To insert:

“

(6) Delete section 15(6) and insert:

(6) The registration fee payable in relation to a dog's first registration —

(a) that takes effect after 31 May and before 1 November in the year of the first registration; and

(b) that is to have effect until 31 October in that year, is one half of the fee that would otherwise be payable.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 14 to 29 agreed to.

Clause 30.

Ms L. Baker moved,

Page 42, line 2 – To insert after “programme”:

“ provided by an industry accredited dog trainer ”.

Amendment put and negatived.

Clause agreed to.

Clause 31.

Ms L. Baker moved,

Page 42, after line 28 – To insert:

“

(2A) After section 33A(2)(b) insert:

; or

(c) under the supervision of and on a premises used by an industry accredited dog trainer.

”.

Amendment put and negatived.

Clause agreed to.

Clause 32 agreed to.

Clause 33.

Ms J. Freeman moved,

Page 44, after line 34 – To insert:

“

(2C) Where a person liable for the control of a dog has been convicted of an offence and paid a penalty under subsection (1) where the dog has attacked or chased a person or animal and physical injury has been caused to that person or physical injury or death of that animal, the court imposing the penalty may order that the amount of the penalty, or part of that amount, be paid to the person attacked or the owner of the attacked animal.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 34 to 37 agreed to.

Clause 38.

Ms L. Baker moved,

Page 56, after line 28 – To insert:

“

(1A) In section 33H(2) insert after “training”:
provided by an industry accredited dog trainer

”.

Amendment put and negatived.

Clause agreed to.

Clauses 39 to 45 agreed to.

Clause 46.

Ms J. Freeman moved,

Page 62, after line 31 – To insert:

“

- (4A) In order to be satisfied that a dog is a nuisance as alleged in a complaint in subsection (3), the authorised person must establish that –
- (a) the person who lodged the complaint has attempted to resolve the issue directly with the owner; and
 - (b) the allegation is not frivolous or vexatious and is made in good faith; and
 - (c) the complaint is legitimate.

”.

Amendment put and negatived.

Ms J. Freeman moved,

Page 62, after line 31 – To insert:

“

- (4B) Where an order is issued under subsection (3), the person to whom the order is issued may, within not more than 7 days after the giving of the order, either –
- (a) lodge a written objection with the local government, with a subsequent right to apply to the State Administrative Tribunal for a review of the decision made by the local government on the objection; or
 - (b) apply directly to the State Administrative Tribunal for a review of the order.

”.

Amendment put and negatived.

Clause agreed to.

Clauses 47 to 52 agreed to.

Clause 53.

Ms L. Baker moved,

Page 67, line 24 – To insert after “course”:

“ provided by an industry accredited dog trainer ”.

Amendment put and negatived.

Ms L. Baker moved,

Page 67, line 29 – To insert after “course”:

“ provided by an industry accredited dog trainer ”.

Amendment put and negatived.

Clause agreed to.

Clauses 54 to 59 agreed to.

New Clause.

Ms L. Baker moved,

Page 74, after line 2 – To insert:

“

59A. Review of Act

- (1) The Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the fifth anniversary of its commencement.
- (2) The Minister must prepare a report based on the review and, as soon as is practicable after the report is prepared, cause it to be laid before each House of Parliament.

”.

The Minister for Local Government moved, To delete the words “the fifth anniversary of its commencement” and substitute:

“ 1 January 2019 ”.

Amendment agreed to.

New clause, as amended, agreed to.

Clauses 60 to 62 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.

15. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 10.41 p.m. until Thursday, 19 September 2013 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr W.R. Marmion, Dr M.D. Nahan and Mr D.A. Templeman.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
Speaker of the Legislative Assembly