

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 53

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 24 SEPTEMBER 2009

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petitions

Recreational Fishing Fees - Mr F.M. Logan presented a petition from 159 persons requesting that the introduction of new recreational fishing fees be opposed (P. 142).

Esperance Anglican Community School - Dr G.G. Jacobs presented a petition from 119 persons requesting that registration be granted for years 11 and 12 to the Esperance Anglican Community School (P. 143).

Extension of Mitchell Freeway and Neerabup Road - Mr A.P. Jacob presented a petition from 2,954 persons requesting that provision be made for the design and construction of the extension of the Mitchell Freeway and Neerabup Road (P. 144).

Shack Site Communities - Mr J.E. McGrath presented a petition from 195 persons requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations (P. 145).

3. Papers

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

By the Speaker –

Legislative Assembly, Department of - Annual Report 2008–2009 (1421).

Parliamentary Services Department - Annual Report 2008–2009 (1393).

Legislative Council, Department of - Annual Report 2008–2009 (1422).

By the Clerk –

- AqWest Bunbury Water Board - Annual Report 2008–2009 (1360).
- Armadale Redevelopment Authority - Annual Report 2008–2009 (1361).
- Armadale Redevelopment Authority Act 2001 - Review of the Act under Section 70 of the Act (1362).
- Art Gallery of Western Australia - Annual Report 2008–2009 (1363).
- Attorney General, Department of the - Annual Report 2008–2009 (1364).
- Botanic Gardens and Parks Authority - Annual Report 2008–2009 (1365).
- Building and Construction Industry Training Board - Annual Report 2008–2009 (1366).
- Busselton Water - Annual Report 2008–2009 (1367).
- Cockburn Sound Management Council - Annual Report 2008 (1368).
- Commissioner for Children and Young People - Annual Report 2008–2009 (1369).
- Consultants Engaged by Government - Report for the six months ended 30 June 2008 (1370).
- Consultants Engaged by Government - Report for the six months ended 31 December 2008 (1371).
- Corrective Services, Department of - Annual Report 2008–2009 (1372).
- Culture and the Arts, Department of - Annual Report 2008–2009 (1373).
- Director of Public Prosecutions, Office of the - Annual Report 2008–2009 (1374).
- Energy, Office of - Annual Report 2008–2009 (1375).
- Equal Opportunity Commission - Annual Report 2008–2009 (1376).
- Fisheries, Department of - Annual Report 2008–2009 (1377).
- Governor's Establishment - Annual Report 2008–2009 (1378).
- Land Administration Act 1997 - Proposal No. 17/2009 under Section 42(4) of the Act in relation to the change of purpose of Class 'A' Reserve 41945 (1379).
- Law Reform Commission of Western Australia - Review of Court Intervention Programs, Final Report June 2009 (1380).
- Legal Aid Western Australia - Annual Report 2008–2009 (1381).
- Legal Costs Committee - Annual Report 2008–2009 (1382).
- Local Government Advisory Board - Annual Report 2008–2009 (1383).
- Local Government and Regional Development, Department of - Annual Report 2008–2009 (1384).
- Metropolitan Cemeteries Board - Annual Report 2008–2009 (1385).
- Mines and Petroleum, Department of - Annual Report 2008–2009 (1386).
- National Trust of Australia (Western Australia) - Annual Report 2008–2009 (1387).
- Official Travel - Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Period 23 September to 31 December 2008 (1388).
- Official Travel - Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 June 2008 (1389).
- Official Travel - Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 30 December 2007 (1390).

Official Travel - Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ended 31 March 2008 (1391).

Official Travel - Report of Interstate and Overseas Travel Undertaken by Ministers, Members of Parliament and Officers on Official Business for the Period from 1 July to 22 September 2008 (1392).

Perth Theatre Trust - Annual Report 2008–2009 (1394).

Planning and Development Act 2005 - Ministerial Direction under Section 17 of the Act to the Western Australian Planning Commission, in relation to land in the Mandogalup locality (1395).

Planning and Infrastructure, Department of - Annual Report 2008–2009 (1396).

Potato Marketing Corporation of Western Australia - Annual Report 2008–2009 (1397).

Public Advocate, Office of the - Annual Report 2008–2009 (1398).

Public Sector Commission - Annual Report 2008–2009 (1399).

Public Trustee of Western Australia - Annual Report 2008–2009 (1400).

Quadriplegic Centre Board of Management - Annual Report 2008–2009 (1401).

Screenwest - Annual Report 2008–2009 (1402).

State Library of Western Australia - Annual Report 2008–2009 (1403).

State Training Board - Annual Report 2008–2009 (1404).

Swan Bells Foundation - Annual Report 2008–2009 (1405).

Swan River Trust - Annual Report 2008–2009 (1406).

Training Accreditation Council - Annual Report 2008–2009 (1407).

Water Corporation - Annual Report 2008–2009 (1408).

Water, Department of - Annual Report 2008–2009 (1409).

West Australian Institute of Sport [WAIS] - Annual Report 2008–2009 (1410).

Western Australian Electoral Commission - Annual Report 2008–2009 (1411).

Western Australian Gas Disputes Arbitrator - Annual Report 2008–2009 (1412).

Western Australian Planning Commission - Annual Report 2008–2009 (1413).

Premier and Cabinet, Department of - Annual Report 2008–2009 (1414).

Education and Training, Department of - Annual Report 2008–2009 (1415).

Country High School Hostels Authority - Annual Report 2008–2009 (1416).

Western Australian College of Teaching - Annual Report 2008–2009 (1417).

Education Services, Department of - Annual Report 2008–2009 (1418).

Public Education Endowment Trust - Annual Report 2008–2009 (1419).

Information Commissioner, Office of the - Annual Report 2008–2009 (1420).

Curriculum Council - Annual Report 2008–2009 (1428).

4. Notices of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Lands on the 2011 International Society for Digital Earth Symposium to be hosted by the Western Australian Land Information System.

The Minister for Housing and Works on the progress of the inspection and installation of Residual Current Devices in Homeswest properties.

The Minister for Planning on the Metropolitan Region Scheme Amendment No. 1114/33, as modified, regarding the proposed Mandogalup urban deferred area.

Papers

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

By the Minister for Planning –

Planning Commission of Western Australia - Metropolitan Region Scheme Amendment No. 1114/33, Map No. 24/85m (1423).

Planning Commission of Western Australia - Metropolitan Region Scheme Amendment No. 1114/33, Report on Submissions, Submissions, Transcript of Hearings, September 2009 (1424).

6. Grievances

The Speaker called for grievances which were then made.

7. Public Accounts Committee

Mr J.C. Kobelke, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Public Accounts Committee - Annual Report 2008–2009, Report No. 4 (1425).

Mr J.C. Kobelke spoke on the report.

8. Community Development and Justice Standing Committee

Ms A.J.G. MacTiernan, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Community Development and Justice Standing Committee - Annual Report 2009, Report No. 2 (1426).

Ms A.J.G. MacTiernan and Mr I.M. Britza spoke on the report.

9. Education and Health Standing Committee

Dr J.M. Woollard, as Chairman, presented the following report which was ordered to lie upon the Table of the House –

Education and Health Standing Committee - Annual Report 2008–2009, Report No. 3 (1427).

Dr J.M. Woollard, Ms L.L. Baker, Mr P. Abetz and Mr P.B. Watson spoke, and Mr M.P. Whitely, by leave, also spoke on the report.

10. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 4 be next considered.

11. First Home Owner Grant Amendment Bill 2009

The Order of the Day for the consideration in detail of Legislative Council message No. 39 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *First Home Owner Grant Amendment Bill 2009* 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 First Home Owner Grant Amendment Bill 2009

No. 1

Page 5, after line 7 — To insert —

- (4A) A ***class 6 eligible transaction*** is an eligible transaction the commencement date of which is not before 1 October 2009 and not after the cut-off date that is a contract for the purchase of an established home.
- (4B) A ***class 7 eligible transaction*** is an eligible transaction the commencement date of which is not before 1 October 2009 and not after the cut-off date that is —
 - (a) a contract for the purchase of a new home or a substantially renovated home; or
 - (b) a comprehensive home building contract for a new home if —
 - (i) the building work begins within 26 weeks after the commencement date; and
 - (ii) the contract provides to the effect that the building work must be completed within 18 months after it begins or, if the contract does not provide for a completion date for the building work, it is completed within 18 months after it begins;
 - or
 - (c) the building of a new home by an owner builder if the eligible transaction is completed before the relevant date.

No. 2

Page 13, lines 1 to 4 — To delete the lines and insert —

- (b) in relation to a home north of the 26th parallel of South Latitude, \$1 000 000,

except that the regulations may prescribe another amount as the cap amount for the purposes of paragraph (a) or (b).

CONSIDERATION IN DETAIL

The Treasurer moved, That amendment Nos 1 and 2 be agreed to.

The Leader of the House moved, That the debate be adjourned until a later stage of the sitting.

Question put and passed.

12. Variation to the Order of Business

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

13. Road Traffic Amendment (Hoons) Bill 2009

The Order of the Day for the consideration in detail of Legislative Council message No. 40 was read.

The message was as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Amendment (Hoons) Bill 2009* 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 Road Traffic Amendment (Hoons) Bill 2009

No. 1

Page 20, lines 13 to 19 — To delete the clause.

No. 2

Page 20, after line 12 — To insert —

16. Section 79E replaced

Delete section 79E and insert:

79E. Liability for expenses of police impounding

If a vehicle is impounded under this Subdivision and a person is convicted of the offence for which the vehicle was impounded, that person is liable to pay to the Commissioner an amount specified by the Commissioner as being equivalent to all expenses reasonably incurred by the Commissioner in impounding the vehicle less —

- (a) any amount received by the Commissioner under section 80IB(1); and
- (b) any amount received by the Commissioner under section 80JA(8)(b),

in relation to impounding the vehicle.

No. 3

Page 23, after line 11 — To insert —

24A. Section 80JA inserted

After section 80I insert:

80JA. Commissioner may sell vehicle impounded under s. 79A at any time with consent of owner etc.

- (1) In this section —
impounded vehicle means a vehicle that is impounded under section 79A;
interest, in relation to a vehicle, means a legal or equitable interest, right or title in or to the ownership or possession of the vehicle.
- (2) If the Commissioner is satisfied that each person who has an interest in an impounded vehicle has, in accordance with subsection (4), consented to the Commissioner doing so, the Commissioner, on behalf of those persons, may sell or otherwise dispose of the vehicle.
- (3) The Commissioner may sell or otherwise dispose of a vehicle under subsection (2) —
 - (a) even if the impounding period has not elapsed; and
 - (b) even if the Commissioner may sell the vehicle under section 80J; and
 - (c) whether or not a charge of an offence for which the vehicle was impounded has been heard or determined by a court; and
 - (d) whether or not any appeal against the conviction for an offence for which the vehicle was impounded or confiscated has been concluded.
- (4) The consent of a person who has an interest in an impounded vehicle to the Commissioner selling or otherwise disposing of the vehicle has no effect unless —
 - (a) the person has been informed in accordance with subsection (5); and
 - (b) the consent is in writing and signed by the person; and
 - (c) the consent is given at least 48 hours after the vehicle is impounded.
- (5) The Commissioner must ensure a person who has an interest in an impounded vehicle is informed —
 - (a) of the effect of this Division in relation to impounding and selling vehicles; and
 - (b) of the liabilities that this Division imposes on persons for the costs and expenses incurred by the Commissioner.
- (6) The Commissioner may require a person who has an interest in an impounded vehicle to provide information to the Commissioner for the purposes of this section in a statutory declaration.

- (7) If the Commissioner sells or otherwise disposes of an impounded vehicle under subsection (2) —
- (a) the Commissioner must release the vehicle to the buyer; and
 - (b) the buyer obtains a good title to the vehicle if the person acquires it in good faith and without notice of any failure to comply with this section in relation to the sale or disposal; and
 - (c) the proceeds of the sale are to be paid in the order of priority provided by subsection (8).
- (8) The proceeds of the sale or disposal of a vehicle under subsection (2) are to be paid in the following order of priority —
- (a) for expenses incurred in selling the vehicle;
 - (b) for the expenses specified by the Commissioner as being equivalent to all expenses reasonably incurred by the Commissioner in impounding the vehicle;
 - (c) if the sale or disposal occurs after the impounding period ends, for expenses (if any) incurred in storing the vehicle after that period ends;
 - (d) the balance —
 - (i) if only one person has an interest in the vehicle, to that person;
 - (ii) if there are 2 or more persons who each have an interest in the vehicle, to each such person according to the proportion that the value of the person's interest bears to the value of the vehicle.
- (9) If an impounded vehicle is sold or otherwise disposed of under subsection (2) and —
- (a) no charge is laid for the offence for which the vehicle was impounded within 3 months after the date of the offence; or
 - (b) the charge for that offence is withdrawn or dismissed for want of prosecution; or
 - (c) the person charged with that offence is acquitted,
- the Commissioner must pay to the person or persons referred to in subsection (8)(d) in accordance with that paragraph an amount equal to the amounts paid under subsection (8)(a), (b) and (c).

No. 4

Page 24, after line 8 — To insert —

25A. Section 80K amended

- (1) At the beginning of section 80K insert:
- (1) If a vehicle is sold under section 80JA(2) but the proceeds of the sale are insufficient to pay the expenses incurred in selling it, the person because of whose conviction the vehicle was impounded is liable to pay to the Commissioner the difference between the amount of those expenses and the proceeds of the sale.

- (2) In section 80K delete “If” and insert:

- (2) If

CONSIDERATION IN DETAIL

The Minister for Police moved, That amendment No. 1 be agreed to.

Question put and passed.

The Minister for Police moved, That amendment No. 2 be agreed to.

Question put and passed.

The Minister for Police moved, That amendment No. 3 be agreed to.

Question put and passed.

The Minister for Police moved, That amendment No. 4 be agreed to.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

14. Members’ Statements

The Acting Speaker called for members’ statements which were then made.

15. Questions

Questions without Notice were taken.

Questions on Notice Nos 1618 to 1623 were asked.

Questions on Notice Nos 1432, 1433, 1449, 1476, 1477, 1481 and 1529 were answered.

Paper tabled by the Minister for Housing and Works –

Question on Notice No. 1432 - Details of Department of Housing and Works houses and units demolished between 23 September 2008 and 17 August 2009 (1429).

16. Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts

Message No. 41 dated 23 September 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that in response to Legislative Assembly Message No. 51, that it agrees to the resolution that a Committee of members of both Houses be appointed; provided that the committee consist of three members of each House.

Subject to the Legislative Assembly’s agreement with the foregoing provision, the Legislative Council appoints Hon. Max Trenorden, Hon. Matt Benson-Lidholm and Hon. Alyssa Hayden as members of the Committee.

Leave granted to consider Legislative Council Message No. 41 be considered forthwith.

CONSIDERATION IN DETAIL

The Minister for Racing and Gaming moved,

- (1) That the Legislative Assembly agrees with the proviso contained in Legislative Council Message No. 41 that the Joint Standing Committee on the Review of the Racing and Wagering Western Australia Acts consist of three members of each House.
- (2) That the Members for Albany, Kalgoorlie and South Perth be appointed as the Assembly members of the Committee.
- (3) That the Legislative Council be acquainted accordingly.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

17. Variation to the Order of Business

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

18. Royalties for Regions Bill 2009

The Order of the Day for the third reading of the bill having been read, the Minister for Regional Development moved, That the bill be now read a third time.

Debate ensued.

Question put and passed.

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

19. Papers

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

By the Speaker –

Parliamentary Commissioner for Administrative Investigations [Ombudsman] - Annual Report 2008–2009 (1430).

Corruption and Crime Commission of Western Australia - Annual Report 2008–2009 (1431).

By the Clerk –

Bunbury Port Authority - Annual Report 2008–2009 (1432).

Chemistry Centre of Western Australia (ChemCentre) - Annual Report 2008–2009 (1433).

Chemistry Centre of Western Australia (ChemCentre) - Business Plan 2009–2010 (1434).

Child Protection, Department for - Annual Report 2008–2009 (1435).

Coal Industry Superannuation Board - Annual Report 2008–2009 (1436).

Coal Miner's Welfare Board, The - Annual Report 2008–2009 (1437).

Criminal Injuries Compensation, Office of - Chief Assessor's Annual Report 2008–2009 (1438).

East Perth Redevelopment Authority - Annual Report 2008–2009 (1439).

Economic Regulation Authority - Annual Report 2008–2009 (1440).

Fremantle Ports - Annual Report 2008–2009 (1441).

Government Employees Superannuation Board - Annual Report 2008–2009 (1442).

Government of Western Australia - Annual Report on State Finances 2008–2009, September 2009 (1443).

Heritage Council of Western Australia - Annual Report 2008–2009 (1444).
 Indigenous Affairs, Department of - Annual Report 2008–2009 (1445).
 Insurance Commission of Western Australia - Annual Report 2008–2009 (1446).
 Land Valuers Licensing Board - Annual Report 2008–2009 (1447).
 Local Health Authorities Analytical Committee - Annual Report 2008–2009 (1448).
 Main Roads Western Australia - Annual Report 2008–2009 (1449).
 Midland Redevelopment Authority - Annual Report 2008–2009 (1450).
 Professional Combat Sports Commission - Annual Report 2008–2009 (1451).
 Public Transport Authority - Annual Report 2008–2009 (1452).
 Queen Elizabeth II Medical Centre Trust - Annual Report 2008–2009 (1453).
 Reproductive Technology Council - Annual Report 2008–2009 (1454).
 Rottnest Island Authority - Annual Report 2008–2009 (1455).
 State Government Insurance Commission - Annual Report 2008–2009 (1456).
 Subiaco Redevelopment Authority - Annual Report 2008–2009 (1457).
 Tabling of Annual Reports after Prescribed Date - Notification of late tabling of Annual Reports 2008–2009 from the Department of Health, Metropolitan Health Service, Western Australia Country Health Service and the Medical Board of Western Australia (1458).
 Tourism Western Australia - Annual Report 2008–2009 (1459).
 Treasury and Finance, Department of - Annual Report 2008–2009 (1460).
 Western Australia Construction Industry Long Service Leave Payments Board - Annual Report 2008–2009 (1461).
 Western Australian Coastal Shipping Commission - Annual Report 2008–2009 (1462).
 Western Australian Museum - Annual Report 2008–2009 (1463).
 Western Australian Treasury Corporation - Annual Report 2008–2009 (1464).

20. Special Adjournment

The Minister for Planning moved, That the House at its rising adjourn until Tuesday, 13 October 2009 at 2.00 p.m.

Question put and passed.

21. Adjournment

The Minister for Planning moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly, at 5.02 p.m. until Tuesday, 13 October 2009 at 2.00 p.m..

Members present during any part of the day's proceedings - All the members except Mrs C.A. Martin.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly