

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 132

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

WEDNESDAY, 16 MARCH 2011

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Voluntary Euthanasia – Mr M.P. Whitely presented a petition from 1,904 persons requesting that the Legislative Assembly pass the Voluntary Euthanasia Bill 2009 (P. 374).

3. Paper

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

By the Clerk –

Commissioner for Children and Young People, Joint Standing Committee on the –
Government Response to Report No. 5, Functions and Powers of the Joint Standing
Committee on the Commissioner for Children and Young People (3195).

4. Notice of Motion

5. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Road Safety on the Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010.

The Minister for Planning on Metropolitan Region Scheme Amendment 1180/41 – Cockburn Coast District Structure Plan.

Papers

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

By the Minister for Planning –

Metropolitan Region Scheme Amendment – Metropolitan Region Scheme Amendment 1180/41 Cockburn Coast District Structure Plan: Report on Submissions, February 2011 (3198).

Metropolitan Region Scheme Amendment– Metropolitan Region Scheme Amendment 1180/41 Cockburn Coast District Structure Plan: Submissions, Transcript of Hearings, February 2011 (3199).

Metropolitan Region Scheme Amendment– Metropolitan Region Scheme Amendment 1180/41 Map Numbers 19/97m and 23/54m as modified (3200).

The Minister for Sport and Recreation on the 2011–2012 major grants round of the Community Sports and Recreation Fund.

6. Suspension of Standing Orders – 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, 16 March 2011.

Debate ensued.

Question put and passed.

7. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 2011

The Minister for Transport, pursuant to notice, moved,

That a bill for “An Act to amend the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.” be introduced and read a first time.

Question put and passed.

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

The Minister for Transport 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. Small Business and Retail Shop Legislation Amendment Bill 2011

The Parliamentary Secretary representing the Minister for Commerce, pursuant to notice, moved,

That a bill for “An Act to amend the *Small Business Development Corporation Act 1983* and the *Commercial Tenancy (Retail Shops) Agreements Act 1985*.” be introduced and read a first time.

Question put and passed.

The Parliamentary Secretary representing the Minister for Commerce presented an explanatory memorandum and bill read a first time.

The Parliamentary Secretary representing 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. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

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

CONSIDERATION IN DETAIL

Clauses 1 to 7 agreed to.

Clause 8.

The Minister for Road Safety moved,
Page 7, lines 11 to 19 — To delete the lines and substitute:

“

(2) Delete section 64A(2)(a) and (b) and insert:

(a) is a novice driver as defined in section 104(2); or

”.

Amendment put and passed.

The Minister for Road Safety moved,
Page 7, after line 31 — To insert:

“

(4A) Subsection (4) does not apply to a person who drives or attempts to drive a motor vehicle described in subsection (5)(a) or (d) if the person —

- (a) is a person of a class prescribed by the regulations for the purposes of this paragraph; and
- (b) is driving or attempting to drive the vehicle in the course of responding to an incident as defined in the *Fire and Emergency Services Authority of Western Australia Act 1998* section 3.

”.

Amendment put.

Mr J.E. McGrath moved, That the debate be adjourned until a later stage of the sitting.
Question put and passed.

10. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 9 be next considered.

11. Premier's Statement

The Order of the Day for the resumption of the debate upon the question, That the Premier's Statement be noted, was read.

Debate resumed.

Debate interrupted by the Chair (Mr J.E. McGrath speaking) and adjourned until a later stage of the sitting.

12. Questions

Questions without Notice were taken.

Questions on Notice Nos 4854 to 4889 were asked.

Questions on Notice Nos 4371, 4585, 4608, 4609, 4625, 4629, 4630, 4632, 4667, 4678 and 4707 were answered.

Papers tabled by the Premier —

Question on Notice No. 4585 — Copy of conditions of section 59 of the *Public Sector Management Act 1994* compensation payment to Mr Anthony Mills (3196).

Question on Notice No. 4630 — Comparison of requirements for online Lotterywest participation between Western Australia and Australian states (3197).

13. Additional Information

The Attorney General provided additional information relating to a Question without Notice from Mr J.R. Quigley.

14. Variation to the Order of Business

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

15. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

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

CONSIDERATION IN DETAIL

Clause 8, as amended.

The Minister for Road Safety had moved,

Page 7, after line 31 — To insert:

“

(4A) Subsection (4) does not apply to a person who drives or attempts to drive a motor vehicle described in subsection (5)(a) or (d) if the person —

- (a) is a person of a class prescribed by the regulations for the purposes of this paragraph; and
- (b) is driving or attempting to drive the vehicle in the course of responding to an incident as defined in the *Fire and Emergency Services Authority of Western Australia Act 1998* section 3.

”.

Amendment put and passed.

The Minister for Road Safety moved,

Page 8, lines 3 to 5 — To delete “whether or not, at the relevant time, the vehicle is carrying passengers” and substitute:

“

if, at the relevant time, the vehicle is carrying passengers, whether or not the passengers are being carried

”.

Amendment put and passed.

The Minister for Road Safety moved,

Page 8, lines 7 to 9 — To delete “4(1) and is of a class prescribed by the regulations, whether or not,” and substitute:

“

4(1), but is not a vehicle referred to in paragraph (a), if,

”.

Amendment put and passed.

The Minister for Road Safety moved,

Page 8, lines 15 and 16 — To delete “whether or not, at the relevant time, the vehicle is standing or plying for hire or” and substitute:

“

if, at the relevant time, the vehicle is

”.

Amendment put and passed.

The Minister for Road Safety moved,

Page 8, lines 20 to 23 — To delete the lines and substitute:

“

- (e) that is of a class prescribed by the regulations for the purposes of this paragraph, if, at the relevant time, the vehicle is being used to transport dangerous goods as defined in the *Dangerous Goods Safety Act 2004* section 3(1).

”.

Amendment put and passed.

Clause, as amended, put.

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

16. Variation to the Order of Business

Ordered, That Private Members' Business Notices of Motion Nos 7 and 6 be next considered.

17. Human Rights of Seafarers On Board the Bader 3

Mr F.M. Logan, pursuant to notice, moved,

That this House calls on the Premier, the Minister for Transport and the Minister for Agriculture to take action to protect the human rights of seafarers on board the Bader 3 sheep carrier docked in Fremantle Harbour and condemns the behaviour of the ship's owner Livestock Shipping Services and its breaching of human rights and international agreements.

Debate ensued.

The Minister for Agriculture and Food moved,

To delete “take action” and substitute:

“ pursue with the Commonwealth suitable actions ”.

Amendment put and passed.

On the question, That the motion, as amended, be agreed to,

Question put and passed.

18. Entry of Year Seven Students to Secondary Schools

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

That this House condemns the Minister for Education for the uncertainty she is causing parents with her continued delay in making a decision on the entry of Year Seven students to secondary schools and calls on the Minister for Education to immediately make and announce a decision on whether Year Seven students in Government schools will be required to attend secondary school.

Debate ensued.

Debate interrupted by the Chair (Mr A.J. Waddell speaking) and adjourned until a later stage of the sitting.

19. Variation to the Order of Business

Ordered, That Government Business Orders of the Day Nos 1 and 2 be next considered.

20. Road Traffic Amendment (Alcohol and Drug Related Offences) Bill 2010

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

CONSIDERATION IN DETAIL

Clause 8, as amended, agreed to.

Clause 9.

The Minister for Road Safety moved,

Page 10, after line 4 — To insert:

“

(2A) Subsection (2) does not apply to a person who drives or attempts to drive a motor vehicle described in section 64A(5)(a) or (d) if the person —

- (a) is a person of a class prescribed by the regulations for the purposes of this paragraph; and
- (b) is driving or attempting to drive the vehicle in the course of responding to an incident as defined in the *Fire and Emergency Services Authority of Western Australia Act 1998* section 3.

”.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 10 to 18 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.

21. Appropriation (Consolidated Account) Capital 2009-10 (Supplementary) Bill 2010

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

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Schedule 1 agreed to.

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.

Question put and passed.

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

22. Adjournment

Mr M. McGowan moved, That the House do now adjourn.

Question put and passed.

The Assembly adjourned accordingly at 8.42 p.m. until Thursday, 17 March 2011 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Dr K.D. Hames.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly