

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 129

FIRST SESSION OF THE THIRTY-NINTH PARLIAMENT

WEDNESDAY, 11 MARCH 2015

1. Meeting of Assembly

The Assembly met at 12.00 noon pursuant to adjournment.

The Speaker took the Chair.

Prayers were read.

2. Petition

Motorcycling Western Australia – Mr M.J. Cowper presented a petition from 20 persons requesting that the Legislative Assembly supports the campaign for the Government to invest in Motorcycling Western Australia's plan to purchase land and establish a multi-function ride facility near Pinjarra as a home for motorcycling in Western Australia (P. 220).

3. Paper

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

By the Clerk –

Conservation and Land Management Act 1984 – Proposal for the Partial Revocation of State Forest No. 16 (2680).

4. Notices of Motion

5. Expiration of Notices of Motion

The Speaker advised members that Private Members' Business Notices of Motion Nos 2 and 3, notice of which were given on 19 March 2014 and renewed for a further 30 sitting days on 10 September 2014, will be removed and will not appear on the next Notice Paper.

6. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Mines and Petroleum on the Magnetite Financial Assistance Program.

The Minister for Environment on the third oxygenation plant on the Canning River.

The Minister for Water giving a condolence for Ken Kelsall AM, a pioneer in the development of the water industry in Western Australia.

7. Precedence of Private Members' Business

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

That so much of Standing Orders be suspended as is necessary to enable Private Members' Business to have priority on Wednesday, 11 March 2015 between 4.00 p.m. and 8.00 p.m.

Debate ensued.

Question put and passed.

8. Valuation of Land Amendment Bill 2015

The Minister for Lands, pursuant to notice, moved,

That a bill for "An Act to amend the *Valuation of Land Act 1978*." be introduced and read a first time.

Question put and passed.

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

The Minister for Lands 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. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 1 and 2 agreed to.

Clause 3.

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

10. Questions

Questions without Notice were taken.

Questions on Notice Nos 3731 to 3748 were asked.

Questions on Notice Nos 3336, 3406, 3411, 3459, 3542, 3555, 3577, 3584 to 3590 were answered.

11. Variation to the Order of Business

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

12. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014

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

CONSIDERATION IN DETAIL

Clause 3.

Mr W.J. Johnston moved, That clause 3 be postponed.

Question put.

The Assembly divided.

Ayes (17)

Ms L.L. Baker
 Dr A.D. Buti
 Mr R.H. Cook
 Ms J. Farrer
 Mr W.J. Johnston
 Mr D.J. Kelly

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 P.B. Watson
 Mr D.A. Templeman (*Teller*)

Noes (35)

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
 Mr J.H.D. Day
 Ms W.M. Duncan
 Ms E. Evangel

Mrs G.J. Godfrey
 Mr B.J. Grylls
 Dr K.D. Hames
 Mrs L.M. Harvey
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr R.F. Johnson
 Mr S.K. L'Estrange
 Mr R.S. Love
 Mr W.R. Marmion
 Mr J.E. McGrath
 Ms L. Mettam

Mr P.T. Miles
 Ms A.R. Mitchell
 Mr N.W. Morton
 Dr M.D. Nahan
 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 negatived.

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

13. Variation to the Order of Business

Ordered, That Private Members' Business Notice of Motion No. 1, Private Members' Business Order of the Day No. 17 and Private Members' Business Notice of Motion No. 15 be next considered.

14. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013

Mr C.J. Tallentire, pursuant to notice, moved,

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

Debate ensued.

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

Question put and passed.

15. TAFE Course Fees

The Order of the Day having been read for the resumption of debate on the motion moved by Mr F.M. Logan,

That this House condemns the Barnett Government for its massive increase in TAFE course fees and its sustained undermining of TAFE.

Debate resumed.

Ms S. McGurk was granted leave to continue her remarks at a later stage of the sitting.

16. Greyhound Racing

Mr M.P. Murray, pursuant to notice, moved,

That this House calls on the Barnett Government to undertake an investigation into Greyhound Racing to ensure that:

- (1) there is no live baiting in Western Australia;
- (2) all animal welfare within the Greyhound racing industry is maintained; and
- (3) appropriate safeguards are put in place to eliminate any future live baiting in Western Australia.

Debate ensued.

Debate interrupted by the Chair (Dr A.D. Buti speaking) and adjourned until a later stage of the sitting.

17. Variation to the Order of Business

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

18. Criminal Law Amendment (Home Burglary and Other Offences) Bill 2014

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

CONSIDERATION IN DETAIL

Clauses 3 and 4 agreed to.

New Clause 4A.

Mr J.R. Quigley moved,

Page 3, after line 25 – To insert:

“

4A. Section 27 amended

After section 27(2) insert:

- (3) A person suffering from a mental impairment as defined in section 8 of the *Criminal Law (Mentally Impaired Accused) Act 1996* who is not relieved of criminal responsibility under subsection (1) or (2) for an offence under a provision listed in column 1 of the Table is nevertheless not subject to a minimum sentence requirement under the provisions listed in column 3 of the Table opposite that offence if, by reason of the mental impairment, it would be manifestly unjust to apply the minimum sentence requirement to the person.

Table

Offence provision	Description of Offence	Minimum sentence requirement provision
s. 279	Murder	s. 279(5A) and (6A)
s. 280	Manslaughter	s. 280(2) and (3)
s. 281	Unlawful assault causing death	s. 281(3) and (4)

Offence provision	Description of Offence	Minimum sentence requirement provision
s. 283	Attempt to unlawfully kill	s. 383(2) and (3)
s. 294	Act intended to cause grievous bodily harm or prevent arrest	s. 294(2) and (3)
s. 297	Grievous bodily harm	s. 297(5) and (6)
s. 320	Child under 13, sexual offences against	s. 320(7) and (8)
s. 321	Child of or over 13 and under 16, sexual offences against	s. 321(14) and (15)
s. 324	Aggravated indecent assault	s. 324(3) and (4)
s. 325	Sexual penetration without consent	s. 325(2) and (3)
s. 326	Aggravated sexual penetration without consent	s. 326(2) and (3)
s. 327	Sexual coercion	s. 327(2) and (3)
s. 328	Aggravated sexual coercion	s. 328(2) and (3)
s. 330	Incapable person, sexual offences against	s. 330(10) and (11)
s. 401	Burglary	s. 401(4) and (5)

New Clause put.

The Assembly divided.

Ayes (15)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Ms J. Farrer
Ms J.M. Freeman

Mr D.J. Kelly
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti

Mr C.J. Tallentire
Mr P.C. Tinley
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
 Mr F.A. Alban
 Mr I.C. Blayney
 Mr I.M. Britza
 Mr G.M. Castrilli
 Mr M.J. Cowper
 Ms M.J. Davies
 Mr J.H.D. Day
 Ms W.M. Duncan
 Ms E. Evangel

Mr J.M. Francis
 Mrs G.J. Godfrey
 Mrs L.M. Harvey
 Mr C.D. Hatton
 Mr A.P. Jacob
 Dr G.G. Jacobs
 Mr S.K. L'Estrange
 Mr R.S. Love
 Mr J.E. McGrath
 Ms L. Mettam

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

New clause thus negatived.

Clause 5.

The Leader of the House moved, That the debate be adjourned.

Question put and passed.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly at 11.01 p.m. until Thursday, 12 March 2015 at 9.00 a.m.

Members present during any part of the day's proceedings – All the members except Mr F.M. Logan.

PETER J. McHUGH
 Clerk of the Legislative Assembly

HON. MICHAEL SUTHERLAND
 Speaker of the Legislative Assembly