

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 47

FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

THURSDAY, 10 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

Shack Site Communities - Petitions requesting that Shack Site communities be preserved so Western Australians have affordable coastal holiday destinations for future generations were presented by –

Mr P. Papalia from 78 persons (P. 128);

Mr F.M. Logan from 143 persons (P. 129); and

Mr I.C. Blayney from 72 persons (P. 131).

Hawtin Road and Berkshire Road Intersection, Forrestfield - Mr A.J. Waddell presented a petition from 358 persons requesting that the dangers associated with the intersection at Hawtin and Berkshire Roads, Forrestfield be addressed (P. 130).

Geraldton to Perth Passenger Train - Mr I.C. Blayney presented a petition from 73 persons requesting that the Legislative Assembly initiate a request from the petitioners to support the introduction of a Geraldton to Perth passenger train (P. 132).

3. Brief Ministerial Statements

Brief Ministerial Statements were made by –

The Minister for Indigenous Affairs on the Billard Blank Page Summit on Suicide at the Billard Aboriginal community on the Dampier peninsula.

The Minister for Education on the expressions of interest received by the Department of Education and Training from schools that wish to become Independent Public Schools.

Paper

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

By the Minister for Planning –

Education and Training, Department of - List of public schools that have nominated for independent school status (1243).

The Minister for Planning on the Greater Bunbury Region Scheme (GBRS) Amendment 0003/41 which transfers 24.45 hectare and 19.76 hectare portions of land from Rural to Industrial zoning.

Papers

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

By the Minister for Planning –

Greater Bunbury Region Scheme Amendment - Map outlining changes made to the Greater Bunbury Region Scheme Amendment No. 0003/41 (1244).

Greater Bunbury Region Scheme Amendment - Greater Bunbury Region Scheme Amendment 0003/41, July 2009 (1245).

The Minister for Planning on the Metropolitan Region Scheme Amendment 1100/33 which reduces the road reservation on Canning Highway between Petra Street and Glenelg Street in the City of Melville.

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 - Map outlining changes made to the Metropolitan Region Scheme Amendment No. 1100/33 (1246).

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1100/33 Canning Highway, between Petra Street and Canning Bridge, Report on Submissions, March 2009 (1247).

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1100/33 Canning Highway, between Petra Street and Canning Bridge, Submissions 1–45, Vol. 1, March 2009 (1248).

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1100/33 Canning Highway, between Petra Street and Canning Bridge, Submissions 46–Late, Vol. 2, March 2009 (1249).

Metropolitan Region Scheme Amendment - Metropolitan Region Scheme Amendment 1100/33 Canning Highway, between Petra Street and Canning Bridge, Transcript of Hearings, March 2009 (1250).

Metropolitan Region Scheme Amendment - Map outlining changes to be made to Canning Highway as part of the Metropolitan Region Scheme Amendment 1100/33 (1251).

4. Grievances

The Speaker called for grievances which were then made.

5. Joint Standing Committee on the Commissioner for Children and Young People

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

Commissioner for Children and Young People, Joint Standing Committee on - Annual Report 2008–2009, Report No. 2 (1252).

Ms A.R. Mitchell and Mr M.P. Whitely spoke on the report.

6. Joint Standing Committee on Delegated Legislation

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

Delegated Legislation, Joint Standing Committee on City of Joondalup Cats Local Law 2008, Report No. 34, September 2009 (1253).

Mr J.M. Francis, Mr A.J. Waddell and Ms J.M. Freeman spoke on the report.

7. Criminal Code Amendment (Graffiti) Bill 2009

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

Debate resumed.

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

8. Members' Statements

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

9. Joint Standing Committee on the Corruption and Crime Commission - Terms of Reference

The Speaker advised members that he had received a letter dated 10 September 2009 from Hon. Nick Goiran MLC, Chairman of the Joint Standing Committee on the Corruption and Crime Commission, advising that the Committee had determined for itself terms of reference in relation to an Inquiry into How the Corruption and Crime Commission Can Best Work with the Western Australian Police Force to Combat Organised Crime.

The letter read as follows –

“

Dear Mr Speaker,

I hereby advise that on 9 September 2009 the Joint Standing Committee on the Corruption and Crime Commission resolved to conduct an inquiry with the following terms of reference:

That the Committee inquire into and report on:

1. how the Corruption and Crime Commission can best work together with the Western Australian Police Force to combat organised crime under potential amendments to the Corruption and Crime Commission Act 2003; and

2. the implications of the above on the ability and capacity of the Corruption and Crime Commission to achieve the second of the stated purposes of the Corruption and Crime Commission Act 2003 which is to improve continuously the integrity of, and to reduce the incidence of misconduct in, the public sector (including, without limitation, the Western Australian Police Force).

The Committee will report by 28 February 2010.

”.

In accordance with the same Standing Order, the Speaker had arranged for the Committee's terms of reference to be placed on the notice boards of the Legislative Assembly.

10. Questions

Questions without Notice were taken.

Questions on Notice Nos 1512 to 1515 were asked.

Questions on notice Nos 1111, 1115, 1117, 1131, 1138 to 1151, 1155 to 1157, 1159, 1166, 1176, 1177, 1324, 1325, 1337 and 1393 were answered.

11. Personal Explanation

Mr E.S. Ripper made a personal explanation on funding by the previous Government of the installation of residual current devices in Homeswest houses.

Speaker's Ruling - Personal Explanation Out of Order

The Speaker ruled that the personal explanation made by Mr E.S. Ripper did not constitute a personal explanation and therefore ruled it out of order.

12. Variation to the Order of Business

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

13. Criminal Code Amendment (Graffiti) Bill 2009

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

Debate resumed.

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

Question put and passed.

14. Professional Standards Amendment Bill 2009

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

Debate resumed.

Question put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the bill.

The Attorney General 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.

15. Revenue Laws Amendment (Taxation) Bill 2009

Message No. 32 dated 9 September 2009 from the Legislative Council was reported agreeing to the bill without amendment.

16. Tobacco Products Control Amendment Bill 2008

Message No. 34 dated 10 September 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Tobacco Products Control Amendment Bill 2008* 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 Tobacco Products Control Amendment Bill 2008

No. 1

Page 4, after line 25 — To insert —

- (4) A responsible person in relation to licensed premises may allocate as a smoking zone for the premises one or more places in one or more outdoor eating areas to which a restaurant licence does not apply, but the total area of all the smoking zones for the premises must not exceed 50% of the total area of all the outdoor eating areas to which a restaurant licence does not apply.

No. 2

Page 9, line 19 — To delete “that — ” and insert —

allocated under section 107B(4);

No. 3

Page 9, lines 20 to 25 — To delete the lines.

No. 4

Page 3, after line 10 — To insert —

6A. Section 24 amended

In section 24(1) after “products” insert:

or smoking implements

No. 5

Page 3, after line 10 — To insert —

6B. Section 32 amended

In section 32(1):

- (a) in paragraph (d) after “tobacco products” insert:

or smoking implements

(b) in paragraph (d) after “those products” insert:

or implements

(c) in paragraph (f) after “product” insert:

or smoking implement

Ordered, That consideration in detail of Legislative Council message No. 34 be made an Order of the Day for the next sitting of the Assembly

17. Criminal Code Amendment Bill 2008

Message No. 33 dated 10 September 2009 from the Legislative Council was reported as follows –

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Criminal Code Amendment Bill 2008* 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 Criminal Code Amendment Bill 2008

No. 1

Page 2, lines 13 to 16 — To delete “by a young person (as defined in the *Young Offenders Act 1994* section 3) in prescribed circumstances, then, notwithstanding that Act” and insert —

in prescribed circumstances by a person who has reached 16 but not 18 years of age, then, notwithstanding the *Young Offenders Act 1994*

No. 2

Page 3, line 6 — To delete “and subsection (5) does not apply” and insert —

by a person who has reached 18 years of age

No. 3

Page 4, lines 4 to 7 — To delete “a young person (as defined in the *Young Offenders Act 1994* section 3) is convicted of an offence against this section committed in prescribed circumstances, then, notwithstanding that Act” and insert —

a person is convicted of an offence against this section committed in prescribed circumstances at a time when the person had reached 16 but not 18 years of age, then, notwithstanding the *Young Offenders Act 1994*

No. 4

Page 4, lines 25 and 26 — To delete “and subsection (2) does not apply” and insert —

at a time when the person had reached 18 years of age

No. 5

Page 5, lines 23 to 30 — To delete the clause.

No. 6

Page 5, after line 30 — To insert —

6. Section 740A inserted

After section 739 insert:

740A. Review of certain amendments to s. 297 and 318

- (1) The Minister shall carry out a review of the operation and effectiveness of the amendments made to this Code by the Criminal Code Amendment Act 2008 as soon as practicable after the third anniversary of the day on which those amendments came into operation.
- (2) The Minister shall prepare a report based on the review made under subsection (1), and shall, as soon as is practicable after that preparation, cause the report to be laid before each House of Parliament.

Ordered, That Legislative Council message No. 33 be considered in detail forthwith.

CONSIDERATION IN DETAIL

The Attorney General moved, That amendments Nos 1 to 6 be agreed to.

Question put and passed.

Consideration in detail concluded and the Legislative Council acquainted accordingly.

18. National Environment Protection Council (Western Australia) Amendment Bill 2009

Message No. 35 dated 10 September 2009 from the Legislative Council was reported forwarding for concurrence a bill entitled a bill for “An Act to amend the *National Environment Protection Council (Western Australia) Act 1996*.”

Ordered, That the first reading of the bill be made an Order of the Day for the next sitting of the Assembly.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.49 p.m. until Tuesday, 15 September 2009 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr B.J. Grylls, Ms A.J.G. MacTiernan, Mr J.R. Quigley and Mr B.S. Wyatt.

PETER J. McHUGH
Clerk of the Legislative Assembly

HON. GRANT WOODHAMS
Speaker of the Legislative Assembly