

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 52

THURSDAY, 24 SEPTEMBER 2009, 9.00 a.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice *

Matter of Public Interest

Private Members' Business

Grievances

Private Members' Statements

| | |
|---|-----------------------------------|
| – | approximately 2.00 p.m each day |
| – | one per week on any day |
| – | 4.00 p.m. to 7.00 p.m. Wednesdays |
| – | approximately 9.00 a.m. Thursdays |
| – | 12.50 p.m. Thursdays |

**Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. **Royalties for Regions Bill 2009** (Minister for Regional Development)
(No. 050, 2r. – 17/6/09)

To be read a third time.

2. ***Road Traffic Amendment (Hoons) Bill 2009** (Minister for Police) (No. 063, 2r. – 17/6/09)
Consideration in detail of Legislative Council Message No. 40.

3. ***Co-operatives Bill 2009** (Minister for Commerce) (No. 024, 2r. – 18/3/09)
Consideration in detail of Legislative Council Message No. 37.

4. ***First Home Owner Grant Amendment Bill 2009** (Treasurer) (No. 021, 2r. – 18/3/09)
Consideration in detail of Legislative Council Message No. 39.

- 5. Occupational Safety and Health Legislation Amendment Bill 2009** (Minister for Commerce) (LC No. 027, 2r. – 7/5/09)

Second reading. Adjourned debate (Mr J.C. Kobelke).

- 6. Valuation of Land Amendment (Assessed Value) Bill 2009** (Minister for Lands) (No. 052, 2r. – 19/8/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 7. Retail Trading Hours Amendment Bill 2009** (Premier) (No. 061, 2r. – 17/6/09)

Second reading. Adjourned debate (Leader of the House).

- 8. *Royal Perth Hospital Protection Bill 2008** (Minister for Health) (No. 008, 2r. – 11/11/08)

Further consideration in detail – Clause 1.

- 9. Busselton Water Board (Supply of Water to Dunsborough) Bill 2009** (Minister for Water) (No. 060, 2r. – 17/6/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 10. Interpretation and Reprints Amendment Bill 2008** (Premier) (No. 003, 2r. – 3/12/08)

Second reading. Adjourned debate (Leader of the House).

- 11. Premier's Statement**

Adjourned debate (Leader of the House) on the question, That the statement be noted.

- 12. Health and Disability Services Legislation Amendment Bill 2009** (Minister for Health) (No. 064, 2r. – 19/8/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 13. *Land Administration Amendment Bill 2009** (Minister for Lands) (No. 062, 2r. – 19/8/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 14. Police Amendment Bill 2009** (Minister for Police) (No. 071, 2r. – 16/9/09)

Second reading. Adjourned debate (Mr D.A. Templeman).

- 15. National Environment Protection Council (Western Australia) Amendment Bill 2009** (Minister for Water) (LC No. 038, 2r. – 17/9/09)

Second reading. Adjourned debate (Mr A.P. O’Gorman).

- 16. Fisheries Adjustment Schemes Amendment Bill 2009** (Deputy Premier) (LC No. 067, 2r. – 17/9/09)

Second reading. Adjourned debate (Ms R. Saffioti).

- 17. Racing and Wagering Legislation Amendment Bill 2009** (Minister for Racing and Gaming) (No. 076, 2r. – 23/9/09)

Second reading. Adjourned debate (Mr M.P. Murray).

- 18. Racing Bets Levy Bill 2009** (Minister for Racing and Gaming) (No. 077, 2r. – 23/9/09)

Second reading. Adjourned debate (Mr M.P. Murray).

- 19. Bookmakers Betting Levy Amendment Bill 2009** (Minister for Racing and Gaming) (No. 078, 2r. – 23/9/09)

Second reading. Adjourned debate (Mr M.P. Murray).

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. **Burmese Constitution and Planned 2010 Elections** (Notice given – 11/11/08, renewed – 9/6/09)

Mr J.N. Hyde: To move –

That this House rejects the Burmese junta's newly adopted Constitution and planned 2010 elections and notes:

- (1) The Constitution was designed to institutionalise military rule; was drafted by the junta's hand-picked delegates rather than elected representatives; and was approved by coercion in a sham referendum held in the midst of devastation caused by Cyclone Nargis in May 2008.
- (2) The 2010 elections will be held only in accordance with the catastrophically flawed 2008 Constitution; will go ahead with the strict intention to nullify the 1990 democratic general elections, which Suu Kyi's party won by a landslide; and will guarantee a military-dominated parliament and military-controlled government.

2. **Education and Health Standing Committee – Inquiry into Nickel Loading** (Notice given – 2/12/08, renewed – 11/8/09)

Ms A.J.G. MacTiernan: To move –

- (1) That the House direct the Education and Health Standing Committee to enquire into and report on:
 - (a) the health effects of nickel exposure resulting from nickel loading operations at the Esperance Port Authority;
 - (b) the capacity of nickel exposure to be kept within recognised safe limits during bulk operations; and
 - (c) any other matter relating to safety of nickel loading operations.
- (2) That the Committee report by 30 April 2009.

3. **Liberal Party Law and Order Election Promises** (Notice given – 2/12/08, renewed – 11/8/09)

Ms M.M. Quirk: To move –

That this House condemns the Premier for his failure to deliver on key law and order promises outlined in the *Liberal Plan for the First 100 Days of Government* which include:

- (a) the passing of laws for mandatory sentences for thugs who assault police and public officers;
- (b) the introduction of additional powers for the Courts to impose restrictions on anti-social behaviour;
- (c) the re-establishment of the Graffiti Taskforce and increased penalties for graffiti vandals and those who sell spray cans to minors;
- (d) an increase in penalties for hoons – including the confiscation of the vehicles of repeat offenders;
- (e) legislation for tougher penalties for cannabis and other drug possession, cultivation, the sale of drugs to children, and the sale of drug paraphernalia;
- (f) the commencement of work on a new juvenile prison facility for 18–22 year old offenders in the metropolitan area;
- (g) commencement of work on the installation of CCTV at locations across the state in cooperation with local communities as part of a \$6 million Community Crime Prevention Program; and

- (h) the repeal of Labor's prostitution legislation to stop the spread of brothels in our suburbs and towns.

4. Liberal Party Health Promises and Plan for Better Health Services (Notice given – 2/12/08, renewed – 11/8/09)

Mr R.H. Cook: To move –

That this House condemns the Minister for Health for his failure to act on issues as detailed in the *Liberal Plan for the First 100 Days of Government* and the Government's policy on health, *Liberal Plan for Better Health Services*.

5. Western Australian Jobs and Economic and Financial Management (Notice given – 31/3/09, renewed – 16/9/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its failure to protect Western Australian jobs and its poor economic and financial management.

6. Employment-generating Iconic Capital Works Projects (Notice given – 31/3/09, renewed – 16/9/09)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for its lack of vision in the development of employment-generating, iconic capital works projects.

7. State Underground Power Program (Notice given – 1/4/09, renewed – 17/9/09)

Mr J.N. Hyde: To move –

That this House condemns the Minister for Energy for stalling the State Underground Power Program (SUPP) and failing to fund any new underground power projects in Western Australia.

8. Ellenbrook Rail Line (Notice given – 5/5/09)

Ms R. Saffioti: To move –

That this House condemns the Barnett Liberal Government for abandoning its election commitment to start building a rail line to Ellenbrook in 2012.

9. Demolition of the Merredin Railway Institute Hall (Notice given – 6/5/09)

Mr J.N. Hyde: To move –

That this House demands the Minister for Heritage support a stop work order on demolition of the Merredin Railway Institute Hall, built in 1930 and the only timber Railway Institute Hall remaining in Western Australia.

10. Education and Health Standing Committee – Inquiry into the Fresh Start Illicit Drug Program and Naltrexone Implants (Notice given – 12/5/09)

Mr R.H. Cook: To move –

- (1) That the Legislative Assembly supports the Education and Health Standing Committee establishing an inquiry into the Fresh Start Illicit Drug Program and the use of Naltrexone implants in the treatment of opiate and alcohol dependent patients with the following terms of reference:
 - (a) to examine the merits of the program and progress towards the registration of Naltrexone implants with the Therapeutic Goods Administration and other trials of Naltrexone implants in Australia and overseas;
 - (b) the efficacy and safety of the program;
 - (c) the appropriate level and type of government support that should be provided to the program; and
 - (d) the Fresh Start Clinic and its practices.

- (2) That the Committee make recommendations and report to the Legislative Assembly no later than 13 August 2009.

11. Australian Abruzzo Earthquake Appeal (Notice given – 12/5/09)

Mr J.N. Hyde: To move –

That this Parliament calls on the Western Australian Government to donate \$100,000 to the Western Australian-based Australian Abruzzo Earthquake Appeal, in line with the South Australian Government's \$100,000 to the South Australian-based appeal.

12. Retention of Fremantle Inner Harbour as a Working Port (Notice given – 9/6/09)

Ms A.J.G. MacTiernan: To move –

That this House calls on the Government to recognise the strategic need to retain Fremantle Inner Harbour as a working port to ensure adequate well-placed container capacity for Western Australia.

13. Funding of the Arts in Fremantle (Notice given – 9/6/09)

Mr J.N. Hyde: To move –

That this House condemns the Barnett Government for its defunding and denuding of the arts in Fremantle, through the closure of the Fremantle History Museum, the Fremantle Light and Sound Discovery Centre and the World of Energy Museum, Western Australia's premier energy and environmental education centre.

14. Sitting Hours of the Legislative Assembly (Notice given – 9/6/09)

Dr J.M. Woollard: To move –

- (1) That the following term of reference be referred to the Procedure and Privileges Committee for its investigation and report to the House:
 - (a) that the sitting hours of the House be reviewed to ensure the House sits more appropriate business hours; and
 - (b) that recommendations be made to amend the Standing Order for the days and times of the meeting of the Assembly.
- (2) That the Committee report to the Legislative Assembly by 13 August 2009.

15. Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009 (Notice given – 17/6/09)

Mr M.P. Murray: To move –

That the *Genetically Modified Crops Free Areas Exemption Order (No. 3) 2009* under the *Genetically Modified Crops Free Areas Act 2003*, a copy of which was laid upon the Table of the House on 9 June 2009, is hereby disallowed.

16. Sixtieth Anniversary of the Geneva Conventions (Notice given – 12/8/09)

Mr J.N. Hyde: To move –

That the House:

- (a) notes the sixtieth anniversary of the Four Geneva Conventions of 1949;
- (b) congratulates the International Red Cross and Red Crescent Movement on its continuous fostering of the principles of international humanitarian law to limit human suffering in times of armed conflict and to prevent atrocities, especially against civilian populations, the wounded, and prisoners of war;
- (c) recalls Australia's ratification of the Conventions and of the two Additional Protocols of 1977;
- (d) affirms all parliamentary measures taken in support of such ratification at the national level with cross-party support;

- (e) encourages the fullest implementation of the Conventions and Additional Protocols by the military forces and civilian organisations of all nations;
- (f) acknowledges that many of the obligations found in the Geneva Conventions require implementation at a State (Territory) level;
- (g) encourages ratification by all nations of the Conventions and Additional Protocols;
- (h) notes that Red Cross was formed in Australia in 1914 and that Australia Red Cross is represented on the Governing Board of the International Federation of Red Cross and Red Crescent Societies; and
- (i) recognises the extraordinary contribution made by many individual Australians, including Australian Red Cross members, volunteers and staff, in the State of Western Australia to the practical carrying into effect of the humanitarian ideals and legal principles expressed in the Conventions and Additional Protocols.

17. The Impact of Alcohol-Fuelled Violence in Western Australia (Notice given – 18/8/09)

Ms M.M. Quirk: To move –

- (1) That the following matter be referred to the Standing Committee on Community Development and Justice to inquire and report to the Legislative Assembly by 30 April 2010 on –
 - (a) the impact of alcohol-fuelled violence in Western Australia;
 - (b) focusing on community safety and preventative measures to reduce levels of alcohol-related violence, including its ramifications;
 - (c) consideration of –
 - (i) best practice harm minimisation measures in other Australian and international jurisdictions, including specific measures such as restrictions on the use of glass;
 - (ii) the impact of late opening hours on incidences of alcohol-related violence;
 - (iii) any contributing or multiplier effect on alcohol-fuelled violence caused by illicit drugs;
 - (iv) the flow-on issues for emergency service workers, police and front-line health workers of alcohol-related violence;
 - (v) education campaigns and their role in cultivating effective social change in terms of community attitudes to alcohol consumption;
 - (vi) the role of parents in influencing the attitudes of young Western Australians towards alcohol consumption;
 - (vii) the economic cost of alcohol-related violence; and
 - (viii) any other related matters.
- (2) Further, the committee should take public submissions and consult with community leaders, educators, law enforcement, medical professionals and the liquor industry.

18. Percentage of School Fees Collected for State Senior High Schools (Notice given – 17/9/09)

Mrs M.H. Roberts: To move –

That this House directs the Minister for Education to:

- (a) table at the next sitting of the Legislative Assembly the supplementary information requested of her in Estimates Committee A (Reference No. A22) regarding the percentage of school fees collected for senior high schools in the State; and

- (b) make a personal explanation to the House as to why she has concealed this information from the House.

19. Perth Parking Management Amendment Regulations (No. 2) 2009 (Notice given – 22/9/09)

Ms A.J.G. MacTiernan: To move –

That the *Perth Parking Management Amendment Regulations (No. 2) 2009* under the *Perth Parking Management Act 1999*, a copy of which was laid upon the Table of the House on 11 August 2009, is hereby disallowed.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. Perth Theatre Trust Amendment Bill 2009 (Mr J.N. Hyde) (No. 035, 1r. – 11/3/09)

To be read a second time.

2. Local Government Amalgamation Policy (Moved – 1/4/09)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr P. Papalia –

That this House condemns the Premier and the Minister for Local Government for their confusing, destructive and non-consultative local government amalgamation policy.

3. Independent Mental Health and Wellbeing Commissioner (Moved – 8/4/09)

Adjourned debate (Ms L.L. Baker – continuation of remarks) on the motion moved by Mr R.H. Cook –

That this House condemns the Minister for Mental Health for his failure to act on issues as detailed in the *Liberal Plan for the First 100 Days of Government* which says the Government will appoint an independent Mental Health and Wellbeing Commissioner.

4. Weapons (Supply to Minors and Enhanced Police Powers) Amendment Bill 2008 (Ms M.M. Quirk) (No. 022, 2r. – 3/12/08)

Second reading. Adjourned debate (Mr A.P. O’Gorman – continuation of remarks).

5. Regional Projects and Programmes (Moved – 20/5/09)

Adjourned debate (Minister for Regional Development – continuation of remarks) on the motion moved by Ms A.J.G. MacTiernan –

That this House condemns the Minister for Regional Development for axing and deferring significant projects and programmes across regional Western Australia in defiance of his promise that Royalties for Regions funding would be over and above existing budget commitments.

6. “Towards Zero” Road Safety Strategy (Moved – 17/6/09)

Adjourned debate (Mr D.A. Templeman – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Minister for Road Safety for his failure to take any measures to stem the tide of fatalities and serious critical injuries on Western Australian roads and to implement and fund the “Towards Zero” road safety strategy targeted specifically at reducing the levels of road trauma suffered by Western Australians.

7. Recreational Fishing Fees (Moved – 12/8/09)

Adjourned debate (Leader of the House) on the motion moved by Mr E.S Ripper –

That the House condemns the Barnett Government's unjustified attack on recreational fishing and calls upon the Government to withdraw the huge fees it is imposing on ordinary West Australian families.

8. Renewable Energy in Western Australia (Moved – 19/8/09)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Ms A.J.G. MacTiernan –

That the House condemns the Barnett Government for its lack of leadership in driving forward renewable energy in Western Australia.

9. Job Losses and Cuts to Core Services (Moved – 9/9/09)

Adjourned debate (Dr M.D. Nahan – continuation of remarks) on the motion moved by Ms R. Saffioti –

That the House condemns the Barnett Government for budget cuts that are leading to job losses and cuts to core services.

10. *Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (Mr E.S. Ripper) (No. 072, 2r. – 16/9/09)

Second reading. Adjourned debate (Leader of the House).

11. Butane Products Control Bill 2009 (Mr R.H. Cook) (No. 041, 2r. – 16/9/09)

Second reading. Adjourned debate (Leader of the House).

12. Planning and Development Amendment Bill 2009 (Mr J.N. Hyde) (No. 080, 1r. – 23/9/09)

To be read a second time.

13. Heritage of Western Australia Amendment Bill 2009 (Mr J.N. Hyde) (No. 079, 1r. – 23/9/09)

To be read a second time.

14. Implementation of Government's Hundred Day Plan (Moved – 3/12/08)

Adjourned debate (Mr W.J. Johnston – continuation of remarks) on the motion moved by Mr M. McGowan –

That the House condemns the Barnett Government for its failure to implement the election promises contained within its first 100-day plan document.

COMMITTEES TO REPORT

Economics and Industry Standing Committee:

Inquiry into the Provision, Use and Regulation of Caravan Parks (and Camping Grounds) in Western Australia

– 15 October 2009

Community Development and Justice Standing Committee:

Inquiry into the 'Inside Australia' Project at Lake Ballard

– 19 November 2009

Education and Health Standing Committee:

Review of Western Australia's Current and Future Hospital and Community Health Services

– 19 November 2009

Joint Standing Committee on the Corruption and Crime Commission:
Inquiry into How the Corruption and Crime Commission Can Best
Work Together with the Western Australian Police Force to Combat
Organised Crime

– 28 February 2010

Education and Health Standing Committee:

Inquiry into the Adequacy and Appropriateness of
Prevention and Treatment Services for Alcohol and Illicit
Drug Problems in Western Australia

– 30 March 2010

Economics and Industry Standing Committee:

Discussion Paper on the Potential for the Development of a Centre
of Excellence in LNG Industry Design in Western Australia

– 17 September 2010

GOVERNMENT RESPONSE TO COMMITTEE RECOMMENDATIONS

| <i>Committee</i> | <i>Ministers to Respond</i> | <i>Date Due</i> |
|--|---|------------------|
| Community Development and Justice Standing Committee: Inquiry into the Adequacy of Services to Meet the Developmental Needs of Western Australia's Children | Premier Parliamentary Secretary to the Minister for Community Services Minister for Education Minister for Health Minister for Housing and Works | 13 November 2009 |

* Denotes amendments appear in the Notices and Amendments section of the Notice Paper.

† Denotes time allocated for Bill appears in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill was undertaken cognately with a principal Bill, and no further second reading debate will occur.

NOTICES AND AMENDMENTS

Acts Amendment (Safety and Human Rights of Persons in Custody) Bill 2009 (No. 072—1)

Clause 12.

Mr E.S. Ripper: To move –

Page 8, line 13 — To delete “prisoner’s imprisonment” and substitute:

“ person in custody ”.

Clause 15.

Mr E.S. Ripper: To move –

Page 9, line 21 — To delete “held in custody or”.

Co-operatives Bill 2009 (No. 024—1)

Message No. 37

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Co-operatives 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 Co-operatives Bill 2009

No. 1

Page 2, line 13 — To delete “paragraph (a);” and insert —

paragraph (b);

No. 2

Page 23, after line 28 — To insert —

- (4) Despite subsection (3), if a transferred co-operative would be registered with rules that give effect to a conversion from being a non-distributing co-operative to a distributing co-operative, or vice versa, the requirement to pass a special resolution is not satisfied unless the resolution is passed in accordance with the requirements in section 177(1)(c).

No. 3

Page 289, line 17 — To delete “this Act” and insert —

this section

First Home Owner Grant Amendment Bill 2009 (No. 021—2)

Message No. 39

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).

Land Administration Amendment Bill 2009 (No. 062—1)

Clause 3.

The Minister for Lands: To move —

Page 2, line 9 — To delete “This” and substitute:

“ Except as stated in section 7, this ”.

New clause 7.

The Minister for Lands: To move —

Page 3, after line 28 — To insert:

“

7. *Valuation of Land Act 1978 amended*

- (1) This section amends the *Valuation of Land Act 1978*.
- (2) After section 4 insert —

5A. Unimproved value: pastoral leases

- (1) In this section —
pastoral lease has the meaning given in the *Land Administration Act 1997* section 3(1).
- (2) For the purposes of determining, for paragraph (b)(i) of the definition of ***unimproved value*** in section 4(1), the amount of the annual rental reserved by a pastoral lease, any effect on that amount that would result from regulations made for the purposes of the *Land Administration Act 1997* section 124A(2) is to be disregarded.

”.

Long title.

The Minister for Lands: To move —

Page 1 — To insert in the long title after “**1997**”:

“ **and, in consequence, the *Valuation of Land Act 1978*** ”.

Road Traffic Amendment (Hoons) Bill 2009 (No. 063—2)

Message No. 39

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

Royal Perth Hospital Protection Bill 2008 (No. 008—1)

Clause 1.

Mr R.H. Cook: To move —

Page 2, line 2 – To insert after “the”:

“ *Tertiary* ”.

Mr R.H. Cook: To move —

Page 2, line 2 – To delete “*Protection*” and substitute:

“ *Health Services* ”.

Clause 3.

Mr R.H. Cook: To move –

Page 2, after line 9 – To insert alphabetically:

“

continued operation means to remain in existence and provide ongoing health services at the current level at Royal Perth Hospital, other health institutions, hospitals and health services in Western Australia;

for the time being means at the time of the Act coming into operation;

Protection means the safeguarding of existing health services provided by Royal Perth Hospital and other health institutions, hospitals and health services in Western Australia;

tertiary means tertiary health care which may include but is not limited to, services provided by state-designated trauma centres, a burn centre, trauma surgery neurosurgery, cardiothoracic surgery, organ transplant, paediatric surgery, magnetic resonance imaging and positron emissions tomography, and include secondary, primary and emergency care;

the entity means the Board of a public hospital;

”.

Mr R.H. Cook: To move –

Page 2, line 11 – To insert after “being”:

“ any of the following ”.

Mr R.H. Cook: To move –

Page 2, line 15 – To insert after “whole”:

“ or part ”.

Clause 6.

Mr R.H. Cook: To move –

Page 2, line 26 – To insert before “tertiary”:

“ 400 bed ”.

Mr W.J. Johnston: To move –

Page 3, after line 2 – To insert:

“

(2) For the purpose of maintaining Royal Perth Hospital, future annual appropriations shall not be reduced to levels below the allocation to the hospital as at 6 September 2008.

”.

Clause 7.

Mr R.H. Cook: To move –

Page 3, after line 8 – To insert:

“

- (2) No development is to take place at Royal Perth Hospital to the extent that development will impact on proposed services, resources and scope of services at the Fiona Stanley Hospital.

”.

Mr A.P. O’Gorman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Joondalup Health Campus.

”.

Mr W.J. Johnston: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Armadale-Kelmscott Hospital.

”.

Mr P. Papalia: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Rockingham General Hospital.

”.

Mrs M.H. Roberts: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the new Midland Health Campus.

”.

Mr D.A. Templeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Peel Health Campus.

”.

Mr M.P. Murray: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the South West Regional Health Campus and Associated South West Hospitals.

”.

Mrs C.A. Martin: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Broome Regional Health Campus.

”.

Mr T.G. Stephens: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not negatively impact on the services, resources and scope of services at the Hedland Hospital (Hedland’s Regional Resource Centre), Newman Hospital, Tom Price Hospital, and Paraburdoo Hospital.

”.

Mr J.C. Kobelke: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on services, resources and scope of services at the Osborne Park Hospital.

”.

Ms J.M. Freeman: To move –

Page 3, after line 8 – To insert:

“

- (2) Development that takes place at Royal Perth Hospital will not impact on the development of planned or anticipated health services in the Mirrabooka area.

”.

Mr R.H. Cook: To move –

Page 3, lines 9 to 11 – To delete the lines and substitute:

“

- (2) **Development** means improving and advancing the health facilities at Royal Perth Hospital in a manner which ensures its continued operation as a tertiary hospital without undue interruption to service.

”.

Clause 9.

Ms J.M. Freeman: To move –

Page 3, lines 17 to 20 – To delete all words after “prescribing” and substitute:

“ medical and support services for the purpose of Section 6 ”.

Long title.

Mr R.H. Cook: To move –

Page 1, line 10 – To insert after “**Hospital**”:

“ **and other associated Western Australian hospitals** ”.

PETER J. MCHUGH

Clerk of the Legislative Assembly