WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 137

THURSDAY, JUNE 3 2004

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Report on Universities and TAFE Colleges and Other Audits Completed since November 25, 2003 (Report No.2) (June 2004)..... 2232

Minister for Housing and Works

Annual Reports -

Anti-Corruption Commission (2003-2004) - pursuant to the Telecommunications (Interception) Act 1979 (Date received 02/06/2004) 2233

3. Standing Committee on Uniform Legislation and General Purposes - Australian Crime Commission (Western Australia) Bill 2003 - Extension of Reporting Time

Hon Adele Farina presented a Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *Australian Crime Commission (Western Australia) Bill 2003* seeking an extension of time from June 3 2004 to June 22 2004. (Tabled paper 2234).

Hon Adele Farina moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

4. Standing Committee on Uniform Legislation and General Purposes - Architects Bill 2003 - Extension of Reporting Time

Hon Adele Farina presented a Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *Architects Bill 2003* seeking an extension of time from June 4 2004 to June 29 2004. (Tabled paper 2235).

Hon Adele Farina moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

5. Ministerial Statement - Marketing of Eggs Amendment Bill

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the proposed *Marketing of Eggs Amendment Bill*.

6. Revenue Laws Amendment Bill 2004

The President reported the receipt of Message No. 186 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Housing and Works moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Housing and Works moved, That the Bill be now read a second time.

Bill stands adjourned.

7. Revenue Laws Amendment and Repeal Bill 2004

The President reported the receipt of Message No. 187 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Housing and Works moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Housing and Works moved, That the Bill be now read a second time.

Bill stands adjourned.

8. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2004-2005

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Housing and Works, That the Consolidated Fund Estimates 2004-2005 be noted.

Debate resumed.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

9. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003

The Order of the Day having been read for the third reading of this Bill.

The Parliamentary Secretary to Minister for Education and Training moved, That the Bill be now read a third time.

The President having reported that the Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

10. Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2004

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 12.

Debate resumed on the amendment moved by Hon Peter Foss as follows -

Page 8, lines 10 and 11 - To delete the word "sergeant" and substitute instead -

" inspector ".

Amendment - put and passed.

Hon Peter Foss moved -

Page 8, line 11 - To insert after the word "inspector" -

"

if, for an impoundment that takes place outside the Perth Metropolitan Area, it is not reasonably practical for a member of the Police Force to inform a person of the rank of inspector or above for reasons that the member has recorded, then "**senior officer**" includes a member of the Police Force who has attained the substantive rank of sergeant

".

Amendment - put and passed.

Hon Peter Foss moved -

Page 9, lines 16 to 24 - To delete the lines

Debate ensued.

Amendment - put and negatived.

Hon Peter Foss moved -

Page 12, after line 4 - To insert -

"

(2) A senior officer who is informed by a member of the Police Force of a vehicle impoundment pursuant to subsection (1) is to make enquiries so as to satisfy him or herself in respect of the matters mentioned in section 79(a) and (b) or 79A(a) to (c) about which a member of the Police Force is required to have a suspicion, that there are reasonable grounds for the member to have that suspicion.

(3) If a senior officer is not satisfied as required by subsection (2) the senior officer and the member of the Police Force are to take measures to ensure that the vehicle is released from impoundment and returned to the vehicle's license holder, or if the licence holder is not available, to the driver of the vehicle.

".

Amendment - put and passed.

Hon Peter Foss moved -

Page 12, lines 16 to 21 - To delete all words after "satisfied" and substitute instead -

" as required by section 79C(2); or ".

Amendment - put and passed.

Debate ensued.

The Chairman of Committees left the Chair at 11.59am

The Chairman of Committees resumed the Chair at 12.04pm

Debate resumed.

Hon Peter Foss moved -

Page 8, after line 3 - To insert a new definition -

"

"lent" in addition to the ordinary meaning of the word means hired in the ordinary meaning of that word, or subject to a hire purchase agreement within the meaning of that term in the *Hire Purchase Act 1959* or is subject to a goods mortgage in connection with a credit contract within the meaning of the Consumer Credit Code;

".

Amendment - put and passed.

Hon Peter Foss moved

Page 15, after line 10 - To insert -

"

(2) A court is not to make an order under section 80A(1) or 80C(1) if it is satisfied that at the time the offence for which the person is convicted was committed, the vehicle was a lent vehicle and instead may make an order under section 80 or 80B for a period not exceeding 6 months.

".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 13 to 15 agreed to.

New Clause 11.

The Minister for Housing and Works moved -

Page 5, after line 5 - To insert the following New Clause -

"

11. Section 73 amended

Section 73 is amended by inserting after "inclusive," the following —

" but not in section 62A, ".

".

Amendment - put and passed.

Title agreed to.

———

The Acting President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for the next sitting.

11. Commonwealth Powers (De Facto Relationships) Bill 2003

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

On the motion of the Minister for Housing and Works the debate was adjourned to the next sitting.

12. Western Australian Land Authority Amendment Bill 2003

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to Sessional Orders.

13. Import Risk Analysis on the Importation of Apples from New Zealand

Hon Christine Sharp moved, without notice -

> That this House considers that the Import Risk Analysis on the importation of apples from New Zealand will provide inadequate protection to the Western Australian Apple and Pear Industry.

Debate ensued.

Question - put and passed.

14. Western Australian Land Authority Amendment Bill 2003

Debate resumed on the second reading of this Bill (cf item 12 above).

15. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled, and by leave incorporated into *Hansard*, a correction to question without notice No. 273 - part 5 in response to a question without notice. (Tabled paper 2236).

The Leader of the House on behalf of the Minister for Housing and Works in accordance with Standing Order No 138(d), advised that answer to questions on notice Nos 1942 and 1960 asked by Hon Ray Halligan should be provided by June 22 2004.

The Leader of the House on behalf of the Minister for Housing and Works tabled documents in relation to Homeswest owned and operated properties consisting of two or more storeys as at June 30 2003 in response to question on notice No. 1996 asked by Hon Ray Halligan. (Tabled paper 2237).

The Leader of the House on behalf of the Minister for Housing and Works in accordance with Standing Order No 138(d), advised that answer to question on notice No. 1944 asked by Hon Derrick Tomlinson should be provided by June 22 2004.

16. Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003

The following Message from the Legislative Assembly was reported -

> Mr President Message No. 188
>
> The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2003*.
>
> Mrs D.J. Guise
> Deputy Speaker
>
> Legislative Assembly Chamber
> Perth, 3 June 2004

17. Western Australian Land Authority Amendment Bill 2003

Debate resumed on the second reading of this Bill (cf item 14 above).

Question - put and passed.

Bill read a second time.

The Acting President left the Chair.

In Committee

(Hon Barry House in the Chair)

Clause 1.

Debate ensued.

Interruption of Debate [SO 61(c)].

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

18. Member's Statements

Statements were taken.

19. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 6.10 until Friday, June 4 2004 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Bruce Donaldson and Hon Louise Pratt.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council