

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 97

THURSDAY, 14 SEPTEMBER 2006

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

The President, Hon Nick Griffiths, took the Chair and read prayers.

2. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

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|---|------|
| Audit Opinion and Financial Statements (year ended 30 June 2006) for the Administration of the Department of the Legislative Council | 1862 |
| Audit Opinion and Financial Statements (year ended 30 June 2006) for the Administration of the Parliamentary Services Department | 1863 |
| Audit Opinion and Financial Statements (year ended 30 June 2006) for the Administration of the Department of the Legislative Assembly | 1867 |

Leader of the House

Annual Reports -

| | |
|--|------|
| Water Corporation (2005-2006) (Date received 13/09/2006) | 1864 |
|--|------|

Minister for Local Government and Regional Development

Annual Reports -

| | |
|--|------|
| WorkCover Western Australia (2005-2006) (Date received 13/09/2006) | 1865 |
|--|------|

Parliamentary Secretary representing the Minister for Health

Annual Reports -

| | |
|---|------|
| Public Advocate, Office of the (2005-2006) (Date received 13/09/2006) | 1866 |
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3. Suspension of Sessional Orders and Standing Orders - Motion

Hon Norman Moore moved, without notice -

That so much of Sessional Orders and Standing Orders be suspended, other than Sessional Order 2(3) and 4(4), to enable non-official business to be taken today until 6.00pm and that any question before the Chair be put and determined, if not sooner, at this day's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

There being a dissentient voice the President ordered the House to divide.

Ayes (13)

| | |
|--------------------|---------------------------------------|
| Hon Peter Collier | Hon Robyn McSweeney |
| Hon Murray Criddle | Hon Norman Moore |
| Hon Donna Faragher | Hon Helen Morton |
| Hon Anthony Fels | Hon Simon O'Brien |
| Hon Nigel Hallett | Hon Barbara Scott |
| Hon Ray Halligan | Hon Bruce Donaldson (<i>Teller</i>) |
| Hon Barry House | |

Noes (14)

| | |
|-------------------------|---------------------------------|
| Hon Shelley Archer | Hon Graham Giffard |
| Hon Matt Benson-Lidholm | Hon Paul Llewellyn |
| Hon Kim Chance | Hon Sheila Mills |
| Hon Kate Doust | Hon Louise Pratt |
| Hon Sue Ellery | Hon Ken Travers |
| Hon Adele Farina | Hon Giz Watson |
| Hon Jon Ford | Hon Ed Dermer (<i>Teller</i>) |

The concurrence of an absolute majority of the whole number of Members not being met Sessional Orders and Standing Orders not suspended.

4. Select Committee on the Department of Community Development - Establishment

Pursuant to Sessional Order, Hon Robyn McSweeney moved, without notice -

- (1) A Committee of three Members is appointed, any two of whom constitute a quorum.
- (2) The Committee, and the proceedings of the Committee, are subject to Chapter XXII of Standing Orders and it is to be regarded for all purposes as a committee appointed under that Chapter.
- (3) The Committee is to enquire into and report on -
 - (a) the policies, procedures, actions and culture of the Department for Community Development (DCD) or any other person or relevant agency involved in the protection and welfare of children in Western Australia;
 - (b) the effectiveness of existing legislation, policies and procedures that are intended to provide for the protection of children. This shall include, but is not limited to, inter-departmental and agency co-operation and the legislation, policies and procedures of other departments and agencies as considered appropriate; and
 - (c) whether changes to the laws of the State, the policies and procedures of the DCD, and any other department or agency is desirable to provide for the more effective protection of children.
- (4) The Committee may present interim reports without a requirement for leave.
- (5) The Committee report to the House not later than 30 June 2007.

Debate ensued.

Debate stands adjourned pursuant to Sessional Order.

5. Commissioner for Children and Young People Bill 2005

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 Ken Travers in the Chair)

Clause 28.

Debate resumed on the amendment of Hon Barbara Scott as follows -

Page 15, lines 3 to 7 — To delete the lines and insert instead —

“

- (1) The Commissioner may conduct a special inquiry into a matter affecting the well being of children and young people.
- (2) Subject to subsection (3) the Commission may cause a notice of a special inquiry to be published in any manner that the Commissioner considers appropriate.
- (3) If the Commissioner establishes a special inquiry under subsection (1) which may affect the interests of any government agency or non-government agency, or any officer or employee of any government agency or non-government agency, then the Commissioner must give a notice of the special inquiry to the principal officer of the agency and, in the case of a government agency, the relevant Minister.
- (4) A notice under this section must specify —
 - (a) the matter to which the inquiry relates;
 - (b) the period during which the inquiry is to be held;
 - (c) details of any hearings that are to be held;
 - (d) the manner in which submissions to the Commissioner may be made.

”.

Amendment - put and negatived.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 15, line 5 — To insert after “children” —

“ and young people ”.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 15, lines 6 and 7 — To delete the lines and insert instead —

“

- (2) Before conducting a special inquiry the Commissioner must inform the Minister in writing of his or her intention to do so.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 29.

Debate ensued.

Clause agreed to.

Clause 30.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 16, lines 4 and 5 — To delete “children’s participation in, and” and insert instead —

“ the participation of children and young people in, and their ”.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved that further consideration of Clause 30 be postponed until after Clause 60.

Question - put and passed.

Clauses 31 to 34 agreed to.

Clause 35.

Debate ensued.

Hon Giz Watson moved -

Page 17, line 28 to page 18, line 2 — To delete the line and insert instead —

“

- (1) Subject to subsection (2), nothing in this Part prevents a person from refusing to give an answer or produce a document because the answer would relate to, or the document contains, information in respect of which the person claims legal professional privilege.
- (2) A government agency, or an employee or officer of a government agency, may not refuse to answer a question or produce a document on the ground that the answer or the document is subject to legal professional privilege.
- (3) If a government agency, or an employee or officer of a government agency, answers a question or produces a document which is claimed to be subject to legal professional privilege the Commissioner may not include the answer or document or the substance of the answer or document, in any report to Parliament but may report the answer or document confidentially to the Standing Committee.
- (4) If the Commissioner reports an answer or document confidentially to the Standing Committee under subsection (3) the Standing Committee must consider in private session whether the answer or question should be reported to Parliament, and, if the Standing Committee considers it appropriate, the Standing Committee may report the answer or document to the Parliament.

”.

The Parliamentary Secretary representing the Minister for Community Development moved that further consideration of Clause 35 be postponed until after New Part 7.

Question - put and passed.

Clauses 36 to 44 agreed to.

Clause 45.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 21, line 5 — To insert after “children” —

“ and young people ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 46 agreed to.

Clause 47.

Debate ensued.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 21, line 15 — To delete “require” and insert instead —

“ request ”.

Page 21, lines 16 and 17 — To delete “, and the Commissioner must comply with the requirement”.

Debate ensued.

Amendments - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 21, lines 18 to 22 — To delete the lines and insert instead —

“

(4) The Commissioner is not required to —

(a) undertake consultation in response to a request under subsection (3); or

(b) make changes to a draft report as a result of any comments issued under subsection (2) or consultation undertaken in response to a request under subsection (3).

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 48.

Hon Barbara Scott moved -

Page 21, line 27 — To delete “section 58” and insert instead —

“ subsections (3), (4) and (5) ”.

Debate ensued.

Amendment - put and negatived.

Question, That the Clause stand as printed - put and passed.

Clause 49.

Hon Giz Watson moved -

Page 22, lines 7 to 9 — To delete “that, to the extent the Commissioner considers appropriate, is suitable for children” and insert instead —

“

suitable for children and young people unless the Commissioner considers that it is not appropriate to do so

”.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 22, after line 12 — To insert —

“

- (2) The version referred to in subsection (1)(a) may consist of the whole report or such parts of the report as the Commissioner considers appropriate.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 50.

Hon Barbara Scott moved -

Page 23, lines 3 to 14 — To delete the lines and insert instead —

“

- (1) The Commissioner must establish —
- (a) general advisory committees and reference groups; and
 - (b) children and young people advisory committees and reference groups,
- to assist in the performance of the Commissioner’s functions.
- (2) The children and young people advisory committees and reference groups must —
- (a) consist of children and young people, who the Commissioner considers are from a broad range of socio-economic and cultural backgrounds and age groups; and
 - (b) be established in regional areas and the metropolitan area.
- (3) As far as practicable all advisory committees and reference groups are to include at least one representative from a non-government agency concerned with the rights, interests and wellbeing of children.
- (4) Subject to subsection (2) —
- (a) all advisory committees and reference groups are to consist of such people as the Commissioner determines; and
 - (b) the Commissioner may discharge, alter or reconstitute any advisory committee or reference group.

”.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

Hon Giz Watson moved -

Page 23, lines 3 to 14 — To delete the lines and insert instead —

“

- (1) Subject to subsection (2), the Commissioner may establish advisory committees and reference groups to assist in the performance of the Commissioner's functions.
- (2) The Commissioner must establish advisory committees consisting of children and young people, who the Commissioner considers are from a broad range of socio-economic and cultural backgrounds and age groups, to assist in the performance of the Commissioner's functions. These committees should be established in regional areas as well as the metropolitan area.
- (3) The membership of advisory committees and reference groups should include representatives of non-government agencies concerned with the rights, interests and well being of children.
- (4) The Commissioner may discharge, alter or reconstitute an advisory committee.
- (5) Subject to subsection (2), an advisory committee is to consist of such people as the Commissioner determines.

”

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 51.

Hon Giz Watson moved -

Page 23, lines 20 to 23 — To delete “, relevant to children, in one or more of the fields of health, education, child protection, child advocacy, child development, disabilities, law, employment, sport and recreation, and culture and arts.” and insert instead —

“

in a field that the Commissioner considers relevant to the wellbeing of children and young people.

”

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 23, lines 24 to 26 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 52.

Hon Barbara Scott moved -

Page 23, line 28 — To delete “Subject to section 50(2)(a) and (b)”.

Hon Barbara Scott, by leave, withdrew her amendment.

Debate ensued.

Hon Giz Watson moved -

Page 23, line 28 — After “(2)” to delete “(a) and (b),”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 53 agreed to.

Clause 54.

Hon Barbara Scott moved -

Page 24, line 10 — To delete “Minister” where it appears the first time, and insert instead —

“ Commissioner ”.

Debate ensued.

Amendment - put and negatived.

Question, That the Clause stand as printed - put and passed.

Clauses 55 and 56 agreed to.

Clause 57.

Hon Barbara Scott moved -

Page 26, line 1 — To insert after “Act” —

“ , the *Public Interest Disclosure Act 2003* ”.

Debate ensued.

Amendment - put and passed.

Hon Barbara Scott moved -

Page 26, line 3 — To delete “Minister” and insert instead —

“ Commissioner ”.

Debate ensued.

Amendment - put and negatived.

Clause, as amended, agreed to.

Clause 58.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 26, line 19 — To delete “or 48”.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 26, line 23 — To delete “or the Commissioner, as the case requires,”.

Amendment - put and passed.

The Parliamentary Secretary representing the Minister for Community Development moved -

Page 26, after line 24 — To insert —

“

(2) If —

- (a) at the commencement of a period referred to in section 48(1) in respect of a document a House of Parliament is not sitting; and
- (b) the Commissioner is of the opinion that that House will not sit during that period,

the Commissioner must transmit a copy of the document to the Clerk of that House.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 59 agreed to.

Clause 60.

Hon Barbara Scott moved -

Page 27, lines 14 to 26 — To delete the lines and insert instead —

“

60. Rules of Parliament

- (1) Rules of Parliament may be made for the guidance of the Commissioner in the exercise of the Commissioner’s functions and for the other purposes for which Rules of Parliament may be made under this Act.
- (2) Subject to this Act the functions of the Commissioner shall be exercised in accordance with the Rules of Parliament made under this Act.
- (3) The Rules of Parliament referred to in this section are rules that have been agreed upon both Houses of Parliament in accordance with the rules and orders thereof.
- (4) Rules of Parliament made under this Act must be published in the *Government Gazette*.
- (5) Section 42 of the *Interpretation Act 1984* does not apply to Rules of Parliament made under this Act.

”.

Debate ensued.

Amendment - put and negatived.

Question, That the Clause stand as printed - put and passed.

Postponed Clause 30.

Debate resumed on the question, That the clause, as amended, be agreed to.

Question - put and passed.

Clause 61.

Hon Barbara Scott moved that Clause 61 be postponed until after New Part 7.

Question - put and passed.

Clause 62 agreed to.

New Clause 8.

Hon Barbara Scott moved -

Page 4, after line 14 — To insert the following new clause —

“

8. Removal or suspension of Commissioner

- (1) The Commissioner may, at any time, be suspended or removed from his office by the Governor on addresses from both Houses of Parliament.
- (2) Where the Governor is satisfied that the Commissioner —
 - (a) is incapable of properly performing the duties of his office;
 - (b) has shown himself incompetent properly to perform, or has neglected, those duties;
 - (c) has applied to take, or has taken, advantage of any law relating to bankruptcy, or has compounded, or entered into any arrangement, with his creditors; or
 - (d) has been guilty of misconduct,
 he may suspend the Commissioner from his office.
- (3) When the Commissioner has been suspended from his office under subsection (2) he shall be restored to office unless —
 - (a) a statement of the grounds of his suspension is laid before each House of Parliament during the 7 sitting days of that House following the suspension; and
 - (b) each House of Parliament, during the session in which the statement is so laid, and within 30 sitting days of that statement being so laid, passes an address praying for his removal.

”.

Debate ensued.

New Clause agreed to.

Postponed Clause 21.

Debate resumed on the amendment of Hon Barbara Scott as follows -

Page 11, after line 17 — To insert —

“

- (3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to a government agency or service provider, or an officer or employee of a government agency or service provider, whether imposed by any enactment or by any rule of law, applies to the disclosure of information in response to a request by the Commissioner for information under subsection (2).
- (4) Subject to subsection (3), a person is not compelled for the purpose of a request for information by the Commissioner under subsection (2) to provide any information or produce any document which he or she could not be compelled to provide or produce in proceedings before a court.

”.

Amendment - put and negatived.

Hon Giz Watson moved -

Page 11, line 21 — To delete “law” and insert instead —

“ prescribed written enactment ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

New Clause 17.

Hon Barbara Scott moved -

Page 8, after line 13 — To insert the following new clause —

“

17. Commissioner’s finances

- (1) The Commissioner must determine a budget of the expenses to be incurred by the Commissioner in the administration of this Act for each financial year, which must be determined in consultation with the Standing Committee.
- (2) The budget referred to in subsection (1) is a report for the purpose of section 48.
- (3) The funds available for the purpose of enabling the Commissioner to perform the Commissioner’s functions consist of —
 - (a) moneys from time to time appropriated by Parliament and paid to the Commissioner; and
 - (b) any moneys, other than moneys referred to in paragraph (a), lawfully received by, made available to or payable to the Commissioner.
- (4) Except as otherwise expressly provided in this Act, and subject to any relevant appropriation Act, the expenses incurred by the Commissioner in the administration of this Act shall be defrayed out of the funds referred to in subsection (3).
- (5) Whenever the Commissioner has reason to believe that the funds referred to in subsection (3) are likely to be insufficient to meet the expenses to be incurred by the Commissioner in the administration of this Act as and when they fall due, the Commissioner must request that the Standing Committee consider a supplementary appropriation of moneys by the Parliament to be paid to the Commissioner for the purposes of this Act.
- (6) The Standing Committee must consider any request by the Commissioner under subsection (5) for a supplementary appropriation of moneys by the Parliament and must make a recommendation to the Parliament in relation to the Commissioner’s request.
- (7) Subject to this Act, the provisions of the *Financial Administration and Audit Act* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commissioner and the Commissioner’s functions.

”.

The Parliamentary Secretary representing the Minister for Community Development moved to postpone proposed New Clause 17 until after New Part 7.

Question - put and passed.

New Clause 35.

The Parliamentary Secretary representing the Minister for Community Development moved to postpone New Clause 35 until after New Part 7.

Question - put and passed.

New Clauses 41 to 43.

Hon Barbara Scott moved -

Page 19, after line 18 — To insert the following new clauses —

“

41. Contempt of Commissioner

A person who contravenes section 33(1), 33(2), 38 or 39 is in contempt of the Commissioner.

42. Punishment of contempt of Commissioner

- (1) Where contempt of the Commissioner is alleged to have taken place, the Commissioner may present to the Supreme Court a certificate setting out the details of the act or omission that the Commissioner considers constitutes the alleged contempt.
- (2) A certificate presented under subsection (1) is prima facie evidence of the matters certified in it.
- (3) Where a certificate is presented under subsection (1), the Supreme Court has jurisdiction as if the contempt were a contempt of Court.
- (4) A person is not liable to be punished for contempt under this section in respect of failure to comply with a notice served under section 32 if, in the case of a failure without lawful excuse to produce any document or thing, the person proves that the document or other thing was not relevant to the special inquiry.
- (5) Subsection (4) does not apply in respect of failure to comply with a requirement under section 32 to any person to answer any question put to that person.
- (6) Except as otherwise provided in this Act, a person required to comply with a notice served under section 32 has the same protection, and is subject to the same liabilities in any civil or criminal proceedings, as a witness in any case tried in the Supreme Court.

43. Conduct that is both a contempt and an offence

- (1) An act or omission may be punished as a contempt of the Commission even though it could be punished as an offence.
- (2) An act or omission may be punished as an offence even though it could be punished as a contempt of the Commissioner.
- (3) If an act constitutes both an offence and a contempt of the Commissioner the offender is not liable to be punished twice.

”.

Debate ensued.

New Clauses - put and negatived.

New Clause 55.

Hon Giz Watson moved to postpone proposed New Clause 55 until after New Part 7.

Question - put and passed.

New Part 7.

Hon Barbara Scott moved -

Page 22, after line 12 — To insert the following new Part —

“

Part 7 — Standing Committee

50. Standing committee of Houses of Parliament

- (1) The Houses of Parliament are to establish a joint standing committee comprising an equal number of members appointed by each House.
- (2) The functions and powers of the Standing Committee are determined by agreement between the Houses and are not justiciable.

”.

Debate ensued.

New Part agreed to.

Postponed Clause 5.

Debate resumed on the question, That the Clause, as amended, be agreed to.

Hon Barbara Scott moved -

Page 3, after line 25 — To insert —

“

“Standing Committee” means the committee referred to in section 50.

”.

Amendment - put and passed.

Clause, as further amended, agreed to.

Postponed Clause 18.

Hon Barbara Scott moved -

Page 9, line 26 — To delete “Minister” where it occurs and insert instead —

“ both Houses of Parliament or the Standing Committee ”.

Debate ensued.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled terms of reference in relation to the position of consultant to assist the State Government in identifying long-term strategies to strengthen the participation of Aboriginal people in the State’s development, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 1868).

The Minister for Education and Training representing the Minister for the Environment tabled an answer in table format in relation to a listing of Shires and clearing permit applications in reference to the *Environmental Protection Act 1986*, in response to question on notice No. 3750 asked by Hon Murray Criddle. (Tabled paper 1869).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 3697 asked by Hon Nigel Hallett will be provided on 28 September 2006.

7. Commissioner for Children and Young People Bill 2005

The President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Postponed Clause 18.

Debate resumed on the amendment of Hon Barbara Scott as follows -

Page 9, line 26 — To delete “Minister” where it occurs and insert instead —

“ both Houses of Parliament or the Standing Committee ”.

Hon Barbara Scott, by leave, withdrew her amendment.

Hon Giz Watson moved -

Page 9, line 26 — To insert after the word “Minister” where it first occurs —

“ or the Standing Committee ”.

Page 9, line 32 — To insert after the word “Minister” —

“ or the Standing Committee ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Postponed Clause 35.

Hon Giz Watson moved -

Page 17, line 28 to page 18, line 2 — To delete the line and insert instead —

“

- (1) Subject to subsection (2), nothing in this Part prevents a person from refusing to give an answer or produce a document because the answer would relate to, or the document contains, information in respect of which the person claims legal professional privilege.
- (2) A government agency, or an employee or officer of a government agency, may not refuse to answer a question or produce a document on the ground that the answer or the document is subject to legal professional privilege.
- (3) If a government agency, or an employee or officer of a government agency, answers a question or produces a document which is claimed to be subject to legal professional privilege the Commissioner may not include the answer or document or the substance of the answer or document, in any report to Parliament but may report the answer or document confidentially to the Standing Committee.
- (4) If the Commissioner reports an answer or document confidentially to the Standing Committee under subsection (3) the Standing Committee must consider in private session whether the answer or question should be reported to Parliament, and, if the Standing Committee considers it appropriate, the Standing Committee may report the answer or document to the Parliament.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 61.

Hon Barbara Scott moved -

Page 27, line 28 — To delete “Minister” and insert instead —

“ Standing Committee ”.

Page 28, line 1 — To delete “Minister” and insert instead —

“ Standing Committee ”.

Debate ensued.

Amendments - put and negatived.

Question, That the Clause stand as printed - put and passed.

New Clause 17.

Debate resumed on the amendment of Hon Barbara Scott as follows -

Page 8, after line 13 — To insert the following new clause —

“

17. Commissioner’s finances

- (1) The Commissioner must determine a budget of the expenses to be incurred by the Commissioner in the administration of this Act for each financial year, which must be determined in consultation with the Standing Committee.
- (2) The budget referred to in subsection (1) is a report for the purpose of section 48.
- (3) The funds available for the purpose of enabling the Commissioner to perform the Commissioner’s functions consist of —
 - (a) moneys from time to time appropriated by Parliament and paid to the Commissioner; and
 - (b) any moneys, other than moneys referred to in paragraph (a), lawfully received by, made available to or payable to the Commissioner.
- (4) Except as otherwise expressly provided in this Act, and subject to any relevant appropriation Act, the expenses incurred by the Commissioner in the administration of this Act shall be defrayed out of the funds referred to in subsection (3).
- (5) Whenever the Commissioner has reason to believe that the funds referred to in subsection (3) are likely to be insufficient to meet the expenses to be incurred by the Commissioner in the administration of this Act as and when they fall due, the Commissioner must request that the Standing Committee consider a supplementary appropriation of moneys by the Parliament to be paid to the Commissioner for the purposes of this Act.

- (6) The Standing Committee must consider any request by the Commissioner under subsection (5) for a supplementary appropriation of moneys by the Parliament and must make a recommendation to the Parliament in relation to the Commissioner's request.
- (7) Subject to this Act, the provisions of the *Financial Administration and Audit Act* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the Commissioner and the Commissioner's functions.

”.

New Clause - put.

The Committee divided.

Ayes (11)

Hon Peter Collier
 Hon Murray Criddle
 Hon Anthony Fels
 Hon Ray Halligan
 Hon Barry House
 Hon Robyn McSweeney

Hon Norman Moore
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Bruce Donaldson (*Teller*)

Noes (11)

Hon Matt Benson-Lidholm
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Graham Giffard
 Hon Paul Llewellyn

Hon Sheila Mills
 Hon Ljiljana Ravlich
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

The votes being equal, the New Clause was resolved in the negative.

Postponed New Clause 55.

Hon Giz Watson moved -

Page 25, after line 1 — To insert the following new clause —

“

55. Recommendations by the Standing Committee

In the determination of the budget for the Commissioner for a financial year regard is to be had to any recommendation as to that budget made to the Treasurer by the Standing Committee.

”.

New Clause agreed to.

Schedule 1 agreed to.

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.

8. Electoral Reform (Electoral Funding) Bill 2006

The Acting President reported the receipt of Message No. 166 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Electoral Affairs moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Electoral Affairs moved, That the Bill be now read a second time.

Debate stands adjourned.

9. Sunset Hospital Site Bill 2006

The Acting President reported the receipt of Message No. 165 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing 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 Parliamentary Secretary representing the Minister for Housing and Works tabled the Sunset Community Master Plan and Former Claremont Old Men's Home (Sunset Hospital) Site Chronology. (Tabled paper 1870).

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

Debate stands adjourned.

10. Parole and Sentencing Legislation Amendment Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 167

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Parole and Sentencing Legislation Amendment Bill 2006*.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 September 2006

11. Misuse of Drugs Amendment Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 168

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Misuse of Drugs Amendment Bill 2006*.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 September 2006

12. Terrorism (Preventative Detention) Bill 2005

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 169

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Terrorism (Preventative Detention) Bill 2005*.

Mrs D.J. Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 14 September 2006

Interruption pursuant to Sessional Order.

13. Adjournment

The House adjourned at 6.00pm until Tuesday, 19 September 2006 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Ken Baston, Hon George Cash, Hon Vincent Catania, Hon Margaret Rowe and Hon Sally Talbot.

MIA BETJEMAN

Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council