

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

---

## MINUTES OF PROCEEDINGS

No. 215

THURSDAY, 26 JUNE 2008

---

### 1. Meeting of Council

The Council assembled at 10.00am pursuant to Temporary Order.

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

### 2. Petitions

Hon Sue Ellery presented a petition, by delivery to the Clerk, [SO 130], from 1 129 petitioners requesting the Legislative Council support increased funding for non-government social and community services organisations. (Tabled paper 4165).

Hon Norman Moore presented a petition from 1 petitioner in the name of Mr Noel Crichton-Browne - Praying for Relief. (Tabled paper 4166).

Hon Matt Benson-Lidholm presented a petition from 313 petitioners requesting the Legislative Council oppose the upgrade of Millinup Road, Porongurup, in the Shire of Plantagenet. (Tabled paper 4167).

Hon Paul Llewellyn presented a petition from 327 petitioners requesting the Legislative Council oppose the Spots Brook Tributary of the Ferguson River dam application. (Tabled paper 4168).

### 3. Papers

The following Papers were laid on the Table by -

#### **Leader of the House**

##### *Regulations -*

Mining Act 1978 (Mining Amendment Regulations (No. 2) 2008 G.G. 20/06/2008) ..... 4133

#### **Minister for Local Government**

##### *Regulations -*

Animal Welfare Act 2002 (Animal Welfare (General) Amendment Regulations (No. 2) 2008 G.G. 20/06/2008)..... 4134

Local Government Act 1995 (Local Government (Financial Management) Amendment Regulations 2008 G.G. 20/06/2008)..... 4135

Registration of Deeds Act 1856 (Registration of Deeds Amendment Regulations 2008 G.G. 20/06/2008)..... 4136

Strata Titles Act 1985 (Strata Titles General Amendment Regulations 2008 G.G. 20/06/2008) ..... 4137

Transfer of Land Act 1893 (Transfer of Land Amendment Regulations 2008 G.G. 20/06/2008).....	4138
Valuation of Land Act 1978 (Valuation of Land Amendment Regulations 2008 G.G. 20/06/2008) ....	4139

### **Minister for Employment Protection**

#### *Regulations -*

Electricity Act 1945 (Electricity (Licensing) Amendment Regulations 2008 G.G. 17/06/2008).....	4140
Gas Standards Act 1972 (Gas Standards (Gasfitting and Consumer Gas Installations) Amendment Regulations 2008 G.G. 17/06/2008) .....	4141
Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Amendment Regulations (No. 2) 2008 G.G. 17/06/2008) .....	4142
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 7) 2008 G.G. 17/06/2008).....	4143

### **Minister for Child Protection**

#### *Annual Reports -*

State Coroner, Office of the (2006-2007) (Date received 25/06/2008).....	4144
--	------

#### *Regulations -*

Working with Children (Criminal Record Checking) Act 2004 (Working with Children (Criminal Record Checking) Amendment (Road Traffic) Regulations 2008 G.G. 20/06/2008) .....	4145
--	------

### **Parliamentary Secretary representing the Deputy Premier**

#### *Regulations -*

Duties Act 2008 (Duties Regulations 2008 G.G. 20/06/2008).....	4146
Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations 2008 G.G. 20/06/2008) .....	4147

### **Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure**

#### *Regulations -*

Armadale Redevelopment Act 2001 (Armadale Redevelopment (Addition of Land to Redevelopment Area) Regulations 2008 G.G. 17/06/2008) .....	4148
Bills of Sale Act 1899 (Bills of Sale (Fees) Amendment Regulations 2008 G.G. 17/06/2008).....	4149
Builders' Registration Act 1939 (Builders' Registration Amendment Regulations 2008 G.G. 17/06/2008 and Builders' Registration Amendment Regulations (No. 2) 2008 G.G. 17/06/2008).....	4150
Credit (Administration) Act 1984 (Credit (Administration) Amendment Regulations 2008 G.G. 17/06/2008).....	4151
Debt Collectors Licensing Act 1964 (Debt Collectors Licensing Amendment Regulations 2008 G.G. 17/06/2008).....	4152
Employment Agents Act 1976 (Employment Agents Amendment Regulations 2008 G.G. 17/06/2008).....	4153
Finance Brokers Control Act 1975 (Finance Brokers Control (General) Amendment Regulations (No. 2) 2008 G.G. 17/06/2008) .....	4154
Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations 2008 G.G. 17/06/2008).....	4155
Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Licensing) Amendment Regulations 2008 G.G. 17/06/2008) .....	4156

Motor Vehicle Repairers Act 2003 (Motor Vehicle Repairers Amendment Regulations (No. 2) 2008 G.G. 17/06/2008) .....	4157
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2008 G.G. 17/06/2008).....	4158
Settlement Agents Act 1981 (Settlement Agents Amendment Regulations 2008 G.G. 17/06/2008) ....	4159
Trade Measurement Act 2006 (Trade Measurement Amendment Regulations 2008 G.G. 17/06/2008).....	4160
Travel Agents Act 1985 (Travel Agents Amendment Regulations 2008 G.G. 17/06/2008) .....	4161
<i>Rules -</i>	
Painters' Registration Act 1961 (Painters' Registration Board Amendment Rules 2008 G.G. 17/06/2008).....	4162

### **Parliamentary Secretary representing the Minister for the Environment**

#### *Regulations -*

Waste Avoidance and Resource Recovery Levy Act 2007 (Waste Avoidance and Resource Recovery Levy Regulations 2008 G.G. 20/06/2008) .....	4163
Waste Avoidance and Resource Recovery Act 2007 (Waste Avoidance and Resource Recovery Regulations 2008 G.G. 20/06/2008).....	4164

#### **4. Standing Committee on Estimates and Financial Operations - Thirteenth Report - Annual Report 2007**

Hon Giz Watson presented the Thirteenth Report of the Standing Committee on Estimates and Financial Operations - Annual Report 2007. (Tabled paper 4169).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

#### **5. Town of Vincent - Local Government Property Local Law 2008 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That the *Town of Vincent - Local Government Property Local Law 2008* published in the *Gazette* on 15 April 2008 and tabled in the Legislative Council on 8 May 2008 under the *Local Government Act 1995*, be and is hereby disallowed.

#### **6. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Membership**

The Leader of the House moved, without notice -

(1) That Hon Giz Watson, Hon George Cash, Hon Norman Moore, Hon Kate Doust and Hon Kim Chance be appointed to the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament.

(2) That the quorum for the Select Committee be three Members.

Question - put and passed.

#### **7. Surrogacy Bill 2007**

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

The Minister for Employment Protection moved, That the Bill be now read a third time.

The President having reported that the Deputy 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.

Debate ensued.

Question - put.

The House divided.

**Ayes (26)**

Hon Shelley Archer  
Hon Matt Benson-Lidholm  
Hon George Cash  
Hon Vincent Catania  
Hon Kim Chance  
Hon Peter Collier  
Hon Kate Doust  
Hon Wendy Duncan  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Jon Ford  
Hon Graham Giffard  
Hon Nigel Hallett

Hon Ray Halligan  
Hon Barry House  
Hon Paul Llewellyn  
Hon Robyn McSweeney  
Hon Sheila Mills  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Batong Pham  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

**Noes (5)**

Hon Donna Faragher  
Hon Anthony Fels  
Hon Helen Morton

Hon Barbara Scott  
Hon Ed Dermer (*Teller*)

Question thus passed.

Bill read a third time and passed.

**8. Suspension of Standing Orders**

The Minister for Employment Protection moved, without notice -

That so much of the Standing Orders be suspended as would allow Orders of the Day Nos 525, *Industrial and Related Legislation Amendment Bill 2007* and 523, *Contractual Benefits Bill 2007*, to proceed to the third reading at a later stage of this day's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

**9. Industrial and Related Legislation Amendment Bill 2007**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Employment Protection moved, That the report be adopted.

Question - put and passed.

The Minister for Employment Protection moved, That the Bill be now read a third time.

The President having reported that the Deputy 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. Contractual Benefits Bill 2007**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Employment Protection moved, That the report be adopted.

Question - put and passed.

The Minister for Employment Protection moved, That the Bill be now read a third time.

The President having reported that the Deputy 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.

**11. Indigenous Conservation Title Bill 2007**

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 13.

Clause agreed to.

Clauses 14 and 15 agreed to.

Clause 16.

The Parliamentary Secretary representing the Deputy Premier moved -

Page 11, lines 24 to 27 — To delete the lines and insert instead —

“

(d) excise part of any ICT land for the purpose of creating a road.

”.

Page 12, line 5 — To delete “or (e)”.

Page 12, lines 9 and 10 — To delete the lines.

Page 12, line 30 — To delete “, (d) or (e)” and insert instead —

“ or (d) ”.

Page 13, line 1 — To delete “(1)(e)” and insert instead —

“ (1)(d) ”.

Page 13, line 6 — To delete “(1)(e)” and insert instead —

“ (1)(d) ”.

Debate ensued.

Amendments - put and passed.

The Parliamentary Secretary representing the Deputy Premier moved -

Page 13, after line 10 — To insert —

“

(12) Subject to this section, ICT land cannot be excised or surrendered (in whole or part) except in accordance with an Act specifying the ICT land to be excised or surrendered.

- (13) If ICT land is excised or surrendered in accordance with an Act referred to in subsection (12), subject to that Act expressly providing differently, the following applies —
- (a) if the land is excised, it becomes Crown land;
  - (b) if the land is surrendered, it becomes Crown land that is taken to be reserved under the LAA Part 4 as a class A reserve for the purpose of —
    - (i) if, immediately before the surrender, the land was the whole or any part of an area of ICT land that included the whole or any part of the Gibson Desert area — the conservation of flora and fauna; or
    - (ii) if, immediately before the surrender, the land was the whole or any part of an area of ICT land that included the whole or any part of the Rudall River area — a national park;
  - (c) the land must be treated as land taken under the LAA Part 9;
  - (d) the LAA Part 10 applies as if a reference in that Part to a taking order were a reference to the Act in accordance with which the land was excised or surrendered.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20 agreed to.

Clauses 21 to 29 agreed to.

Clause 30.

Debate ensued.

Clause agreed to.

Clauses 31 to 37 agreed to.

Postponed Clause 6.

Debate ensued.

The Parliamentary Secretary representing the Deputy Premier, by leave, tabled a copy of an email addressing the *Indigenous Conservation Title Bill 2007*. (Tabled paper 4170).

Clause agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for a later stage of this day's sitting.

## **12. Suspension of Standing Orders**

The Parliamentary Secretary representing the Deputy Premier moved, without notice -

That so much of the Standing Orders be suspended as would allow Order of the Day No. 545, *Indigenous Conservation Title Bill 2007*, to proceed to the third reading at a later stage of this day's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **13. Order of Business**

The Parliamentary Secretary representing the Deputy Premier moved, without notice -

That Order of the Day No. 545, *Indigenous Conservation Title Bill 2007*, be now taken.

Debate ensued.

Question - put and passed.

## **14. Indigenous Conservation Title Bill 2007**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary representing the Deputy Premier moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary representing the Deputy Premier 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 in Committee, and reported.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

## **15. Cognate Debate - Road Traffic (Authorisation to Drive) Bill 2007; Road Traffic (Vehicles) (Taxing) Bill 2007; Road Traffic (Administration) Bill 2007; Road Traffic (Consequential Provisions) Bill 2007 and Road Traffic (Vehicles) Bill 2007**

The Parliamentary Secretary representing the Minister for Planning and Infrastructure sought leave of the House to debate Orders of the Day Nos 586, *Road Traffic (Authorisation to Drive) Bill 2007*, 588, *Road Traffic (Vehicles) (Taxing) Bill 2007*, 584, *Road Traffic (Administration) Bill 2007*, 587, *Road Traffic (Consequential Provisions) Bill 2007* and 585, *Road Traffic (Vehicles) Bill 2007* cognately [SO 228].

Leave granted.

**16. Road Traffic (Authorisation to Drive) Bill 2007; Road Traffic (Vehicles) (Taxing) Bill 2007; Road Traffic (Administration) Bill 2007; Road Traffic (Consequential Provisions) Bill 2007 and Road Traffic (Vehicles) Bill 2007**

The Orders of the Day having been read for the adjourned debate on the second reading of these Bills.  
Debate ensued.

On the motion of Parliamentary Secretary representing the Minister for Planning and Infrastructure the debate was adjourned to a later stage of this day's sitting.

**17. Order of Business**

Ordered - That Orders of the Day Nos 651, *Electoral Amendment Bill 2008* and 650, *Electoral Amendment Bill (No. 2) 2008* be now taken. (Leader of the House).

**18. Electoral Amendment Bill 2008**

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

*Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.  
A quorum being formed.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

Bill read a second time.

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

The Minister for Child Protection representing the Minister for Electoral Affairs moved, That the Bill be now read a third time

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

Bill read a third time and passed.

**19. Electoral Amendment Bill (No. 2) 2008**

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

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

---

**In Committee**

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.



Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Hon Norman Moore moved -

Page 4, line 28 — To delete “3 years” and insert instead —

“ 1 year ”.

Debate ensued.

Amendment - put.

The Committee divided.

#### Ayes (14)

Hon Shelley Archer  
Hon George Cash  
Hon Peter Collier  
Hon Wendy Duncan  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Nigel Hallett

Hon Ray Halligan  
Hon Barry House  
Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Bruce Donaldson (*Teller*)

#### Noes (13)

Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Jon Ford  
Hon Graham Giffard  
Hon Paul Llewellyn  
Hon Sheila Mills

Hon Batong Pham  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 8 to 13 agreed to.

Clause 14.

Debate ensued.

On the question, That the clause stand as printed - put.

The Committee divided.

#### Ayes (13)

Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Jon Ford  
Hon Graham Giffard  
Hon Paul Llewellyn  
Hon Sheila Mills

Hon Batong Pham  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (14)**

Hon Shelley Archer  
 Hon George Cash  
 Hon Peter Collier  
 Hon Wendy Duncan  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Nigel Hallett

Hon Ray Halligan  
 Hon Barry House  
 Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon Bruce Donaldson (*Teller*)

Question thus negatived.

Clause 15.

Debate ensued.

On the question, That the clause stand as printed - put and negatived.

Clause 16 agreed to.

Clause 17.

Debate ensued.

On the question, That the clause stand as printed - put and negatived.

Clause 18 agreed to.

Part 3.

Clauses 19 and 20.

Debate ensued.

On the question, That Part 3, clauses 19 and 20 stand as printed - put.

The Committee divided.

**Ayes (13)**

Hon Kim Chance  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Paul Llewellyn  
 Hon Sheila Mills

Hon Batong Pham  
 Hon Ljiljanna Ravlich  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

**Noes (14)**

Hon Shelley Archer  
 Hon George Cash  
 Hon Peter Collier  
 Hon Wendy Duncan  
 Hon Brian Ellis  
 Hon Donna Faragher  
 Hon Nigel Hallett

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

Question thus negatived.

Long Title.

The Minister for Child Protection representing the Minister for Electoral Affairs moved -

Page 1, lines 6 and 7 — To delete —

“ **and the Electoral (Political Finance) Regulations 1996** ”.

Amendment - put and passed.

Title, as amended, agreed to.

---

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Child Protection representing the Minister for Electoral Affairs moved -

That the Bill be recommitted for the purpose of reconsidering clause 2.

Question - put and passed.

The Acting President left the Chair.

---

### **In Committee**

(Hon George Cash in the Chair)

#### ***Recommittal***

Clause 2.

The Minister for Child Protection representing the Minister for Electoral Affairs moved -

Page 2, lines 8 and 9 - To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

---

The Acting President resumed the Chair.

Bill reported with a further amendment.

Ordered - That consideration of the Committee's Report be made an Order of the Day for a later stage of this day's sitting.

#### **20. Suspension of Standing Orders**

The Leader of the House moved, without notice -

That so much of the Standing Orders be suspended as would allow Order of the Day No. 650, *Electoral Amendment Bill (No. 2) 2008*, to proceed to the third reading at a later stage of this day's sitting.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

#### **21. Order of Business**

Ordered - That Order of the Day No. 650, *Electoral Amendment Bill (No. 2) 2008*, be taken forthwith. (Minister for Child Protection).

#### **22. Electoral Amendment Bill (No. 2) 2008**

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Minister for Child Protection representing the Minister for Electoral Affairs moved, That the report be adopted.

Question - put and passed.

The Minister for Child Protection representing Minister for Electoral Affairs moved, That the Bill be now read a third time.

Debate ensued.

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 in Committee, and reported.

Debate ensued.

Questions - put and passed.

Bill read a third time and passed.

### **23. Order of Business**

Ordered - That cognate debate on Orders of the Day Nos 586, *Road Traffic (Authorisation to Drive) Bill 2007*, 588, *Road Traffic (Vehicles) (Taxing) Bill 2007*, 584, *Road Traffic (Administration) Bill 2007*, 587, *Road Traffic (Consequential Provisions) Bill 2007* and 585, *Road Traffic (Vehicles) Bill 2007* be now resumed. (Leader of the House).

### **24. Questions Without Notice**

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training in accordance with Standing Order No 138(d), advised that an answer to questions on notice Nos 6343 and 6358 asked by Hon Shelley Archer will be provided by 12 August 2008.

### **25. Suspension of Temporary Orders**

The Leader of the House moved, without notice -

That so much of the Temporary Orders be suspended as will permit the Leader of the House to move that the House do sit beyond 6.00pm today.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

### **26. Business of the House**

The Leader of the House, pursuant to the foregoing motion, moved -

That the House sit beyond 6.00pm.

Question - put and passed.

### **27. Road Traffic (Authorisation to Drive) Bill 2007; Road Traffic (Vehicles) (Taxing) Bill 2007; Road Traffic (Administration) Bill 2007; Road Traffic (Consequential Provisions) Bill 2007 and Road Traffic (Vehicles) Bill 2007**

Debate resumed on the second reading of these Bills (cf item 23 above).

Question - put and passed.

Bills read a second time.

The Acting President left the Chair.

---

### **In Committee**

(Hon Sheila Mills in the Chair)

#### ***Road Traffic (Authorisation to Drive) Bill 2007***

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 59 agreed to.

Clause 60.

Debate ensued.

Clause agreed to.

Clauses 61 to 70 agreed to.

Title agreed to.

***Road Traffic (Vehicles) (Taxing) Bill 2007***

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Title agreed to.

***Road Traffic (Administration) Bill 2007***

Clause 1 agreed to.

Clauses 2 to 166 agreed to.

Title agreed to.

***Road Traffic (Consequential Provisions) Bill 2007***

Clause 1 agreed to.

Clauses 2 to 26 agreed to.

Clause 27.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 7, lines 16 to 18 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 28 to 62 agreed to.

Clause 63.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 13, in the Table — To delete “s. 78A in the definition of “senior officer” ”.

Page 13, in the Table — To insert after “79” —

“ (1), (2)(a) and (b), (3) ”.

Page 14, in the Table — To delete “(twice)” after “s. 79C(1), (2)”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 64.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 14, in the Table — To insert after “79” —

“ (1) ”.

Page 14, in the Table — To insert after “79C(1)” —

“ (a) and (b) ”.

Page 14, in the Table — To insert after “79C(1), (2)” —

“ (a) ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 65 to 228 agreed to.

Title agreed to.

***Road Traffic (Vehicles) Bill 2007***

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 14 agreed to.

Clause 15.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 24, lines 2 to 4 — To delete the lines and insert instead —

“

(1) Regulations may provide for —

- (a) the issue of a registration label on the grant or renewal of a vehicle licence for vehicles of prescribed classes as evidence of the currency of the vehicle licence; and
- (b) the information about a vehicle to be contained in or on a registration label for the vehicle; and
- (c) matters relating to the affixing to vehicles, and display, of registration labels.

”.

Page 24, lines 7 to 20 — To delete the lines.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 16 to 29 agreed to.

Clause 30.

Debate ensued.

Hon Simon O’Brien moved -

Page 33, line 27 — To insert before “The penalty” —

“ Subject to subsection (6), ”.

Page 35, after line 11 — To insert —

“

- (6) Heavy vehicles transporting grain from farms to receival points during the months of October, November, December and January, with a mass exceeding the maximum permitted mass by not more than 10% are not subject to subsection (3).

”.

Debate ensued.

Amendments - put.

The Committee divided.

**Ayes (12)**

Hon Shelley Archer  
Hon George Cash  
Hon Wendy Duncan  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Anthony Fels

Hon Nigel Hallett  
Hon Barry House  
Hon Robyn McSweeney  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Bruce Donaldson (*Teller*)

**Noes (12)**

Hon Vincent Catania  
Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford

Hon Paul Llewellyn  
Hon Batong Pham  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Giz Watson  
Hon Matt Benson-Lidholm (*Teller*)

The votes being equal, the amendments were resolved in the negative.

On the question, That the clause stand as printed - put and passed.

Clauses 31 to 37 agreed to.

Clause 38.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 41, after line 9 — To insert —

“

- (d) the matters to be taken into account by the Commissioner of Main Roads when deciding an application to modify a mass requirement in relation to the transportation of grain to a bulk handler, including any matters that a bulk handler requires a transporter of grain to comply with as part of the bulk handler's business practices; and

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 39 to 144 agreed to.

Clause 145.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

Page 115, lines 22 to 25 — To delete the lines.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 146 to 149 agreed to.

Title agreed to.

The Acting President resumed the Chair.

*Road Traffic (Authorisation to Drive) Bill 2007* - reported without amendment.

*Road Traffic (Vehicles) (Taxing) Bill 2007*- reported without amendment.

*Road Traffic (Administration) Bill 2007*- reported without amendment.

*Road Traffic (Consequential Provisions) Bill 2007* - reported with amendments.

*Road Traffic (Vehicles) Bill 2007* - reported with amendments.

Ordered - That consideration of the Committee's Report be made an Order of the Day for a later stage of this day's sitting.

## **28. Suspension of Standing Orders**

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, without notice -

That so much of the Standing Orders be suspended as would allow Orders of the Day Nos 586, *Road Traffic (Authorisation to Drive) Bill 2007*, 588, *Road Traffic (Vehicles) (Taxing) Bill 2007*, 584, *Road Traffic (Administration) Bill 2007*, 587, *Road Traffic (Consequential Provisions) Bill 2007*, and 585, *Road Traffic (Vehicles) Bill 2007* to proceed to the third reading at a later stage of this day's sitting.

*Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.

A quorum being formed.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

## **29. Order of Business**

Ordered - That Orders of the Day Nos 586, *Road Traffic (Authorisation to Drive) Bill 2007*, 588, *Road Traffic (Vehicles) (Taxing) Bill 2007*, 584, *Road Traffic (Administration) Bill 2007*, 587, *Road Traffic (Consequential Provisions) Bill 2007*, and 585, *Road Traffic (Vehicles) Bill 2007*, be taken forthwith. (Parliamentary Secretary representing the Minister for Planning and Infrastructure).

## **30. Road Traffic (Authorisation to Drive) Bill 2007; Road Traffic (Vehicles) (Taxing) Bill 2007; Road Traffic (Administration) Bill 2007; Road Traffic (Consequential Provisions) Bill 2007 and Road Traffic (Vehicles) Bill 2007**

The Orders of the Day having been read for the third reading of these Bills.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bills be now read a third time.

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair prints of the Bills were in accordance with the Bills as agreed to in Committee, and reported.

Question - put and passed.

Bills read a third time and passed.

## **31. Food Bill 2005**

The Order of the Day having been read for the consideration, in Committee, of Message No. 330 from the Legislative Assembly.

The Deputy President left the Chair.



**In Committee**

(Hon George Cash in the Chair)

The Message was as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Food Bill 2005*, has agreed to Amendments Nos 1 to 9, 11, 12 and 14, and has disagreed to Amendments Nos 10 and 13.

Murray Cowper  
Acting Speaker

Legislative Assembly Chamber  
Perth, 12 June 2008

The Minister for Agriculture and Food moved -

That in response to Legislative Assembly Message No. 330, That the Legislative Council does not insist on its amendments Nos 10 and 13.

Debate ensued.

Question - put.

The House divided.

**Ayes (21)**

Hon George Cash  
Hon Vincent Catania  
Hon Kim Chance  
Hon Bruce Donaldson  
Hon Kate Doust  
Hon Wendy Duncan  
Hon Sue Ellery  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Adele Farina  
Hon Anthony Fels

Hon Jon Ford  
Hon Nigel Hallett  
Hon Ray Halligan  
Hon Barry House  
Hon Robyn McSweeney  
Hon Sheila Mills  
Hon Simon O'Brien  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Matt Benson-Lidholm (*Teller*)

**Noes (2)**

Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

Question thus passed.

The Deputy President resumed the Chair.

The Deputy Chairman reported, That the Committee had considered Message No. 330 from the Legislative Assembly, and had agreed that in response to Legislative Assembly Message No. 330, That the Legislative Council does not insist on its amendments Nos 10 and 13.

Report adopted.

Legislative Assembly acquainted accordingly.

**32. Public Transport Authority Amendment Bill 2008**

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

Debate ensued.

Question - put and passed.

Bill read a second time.

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

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

### **33. Draft Consumer Credit (Western Australia) Code Regulations Amendment Order 2008**

The Order of the Day having been read for the consideration of Message No. 317 from the Legislative Assembly.

The Message was as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order 2008*, a copy of which was laid on the Table of the House on 6 May 2008,

and invites the Legislative Council to pass a similar resolution.

Hon Fred Riebeling

Speaker

Legislative Assembly Chamber

Perth, 7 May 2008

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved -

That in response to Legislative Assembly Message No. 317, That this House approves the draft *Consumer Credit (Western Australia) Code Regulations Amendment Order 2008*, a copy of which was laid on the Table of the House on 6 May 2008.

Question - put and passed.

Legislative Assembly acquainted accordingly.

### **34. Joint Standing Committee on the Commissioner for Children and Young People**

The Order of the Day having been read for the consideration of Message No. 341 from the Legislative Assembly.

The Message was as follows -

Mr President

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

- (1) That the terms contained within the Schedule annexed to Legislative Council Message No. 215 for the establishment of the Joint Standing Committee on the Commissioner for Children and Young People be agreed to, subject to the following amendment -

To delete section 9.5 of the Schedule and substitute -

“

- 9.5 The Standing Orders of the Assembly relating to standing and select committees will be followed as far as they can be applied.

”

- (2) That the Members for Maylands and Churchlands be appointed as members of the Committee,

and the Legislative Assembly seeks the concurrence of the Legislative Council.

The Leader of the House moved -

That -

- (1) This House agrees to the resolution contained in Legislative Assembly Message No. 341.
- (2) Hon Ken Travers and Hon Barbara Scott be appointed as Members of the Joint Standing Committee on the Commissioner for Children and Young People.

Debate ensued.

Question - put and passed.

Legislative Assembly acquainted accordingly.

### **35. Education and Training Legislation Amendment and Repeal Bill 2008**

The Deputy President reported the receipt of Message No. 338 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Local Government representing the Minister for Education and Training moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Local Government representing the Minister for Education and Training moved, That the Bill be now read a second time.

Debate stands adjourned and the Bill referred to the Standing Committee on Uniform Legislation and Statutes Review.

### **36. Acts Amendment (Weapons) Bill 2008**

The Deputy President reported the receipt of Message No. 342 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Child Protection representing the Attorney General moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Child Protection representing the Attorney General moved, That the Bill be now read a second time.

Debate stands adjourned.

### **37. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Membership**

The Leader of the House moved, without notice -

- (1) That the membership of the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament be extended to six Members.
- (2) That the President be appointed as a Member and Chairman of the Select Committee.
- (3) That leave be granted for the Select Committee to disclose or publish evidence or documents received by the Select Committee prior to the Select Committee reporting such evidence or documents to the House.

Debate ensued.

Question - put and passed.

**38. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 12 August 2008.

Debate ensued.

Question - put and passed.

**39. Adjournment**

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

Question - put and passed.

The House adjourned at 9.33pm until Tuesday, 12 August 2008 at 3.30pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Ken Baston.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council