

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 33

THURSDAY, DECEMBER 5 2002

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. Petitions

Hon Barbara Scott presented a petition, by delivery to the Clerk, [SO 130], from 20 residents of Western Australia for an increase to State funding of Catholic and other non-Government school children. (Tabled paper 587).

Hon Derrick Tomlinson presented a petition from 78 residents of Western Australia for an increase to State funding of Catholic and other non-Government school children. (Tabled paper 588).

3. Ministerial Statement - Correction to the Kwinana Cumulative Risk Study 1998

The Parliamentary Secretary to the Minister for State Development made a Ministerial Statement with respect to a correction to the 1998 Kwinana Cumulative Risk Study.

The Parliamentary Secretary to the Minister for State Development, by leave, tabled a corrected report of the 1998 Kwinana Cumulative Risk Study. (Tabled paper 589).

4. Papers

The following Papers were laid on the Table by -

Leader of the House

Annual Reports -

South West Development Commission (2001-2002) (Date received 05/12/2002)..... 580

State of the Fisheries Report (2001-2002) (Date received 04/12/2002)..... 581

Reports -

Report of Interstate and Overseas Travel undertaken by Ministers, Members of
Parliament and Officers on Official Business for the three months ended
31 March 2002 582

Minister for Housing and Works

Annual Reports -

Bunbury Water Board [AQWEST] (2001-2002) (Date received 05/12/2002) 583

Marine Parks and Reserves Authority (2001-2002) (Date received 05/12/2002) 584

Minister for Racing and Gaming

Annual Reports -

Legal Practitioners Complaints Committee (2001-2002) (Date received 05/12/2002)..... 585

WorkSafe Western Australia Commission (2001-2002) (Date received 04/12/2002)..... 586

5. Peel Region Scheme - Disallowance

Hon Christine Sharp: To move on the next day of sitting -

That the *Peel Region Scheme* published in the *Gazette* on October 23 2002 and tabled in the Legislative Council on October 24 2002, be and is hereby disallowed.

6. Peel Region Scheme - Disallowance

Hon Barry House: To move on the next day of sitting -

That the *Peel Region Scheme* published in the *Gazette* on October 23 2002 and tabled in the Legislative Council on October 24 2002, be and is hereby disallowed.

7. Peel Region Scheme - Disallowance

Hon Murray Criddle: To move on the next day of sitting -

That the *Peel Region Scheme* published in the *Gazette* on October 23 2002 and tabled in the Legislative Council on October 24 2002, be and is hereby disallowed.

8. Freedom of Information Amendment Bill 2002

Hon Jim Scott: To move on the next day of sitting -

That a Bill for “An Act to amend the *Freedom of Information Act 1992*” be introduced and read a first time.

9. Select Committee on Rules, Orders and Usage of the House - Appointment

Hon Norman Moore moved, by leave, without notice -

That a Select Committee of five members, any three of whom constitute a quorum, be appointed to consider and report on -

- (1) The rules, orders and usages of the House with respect to -
 - (a) the days and times on which it meets, and the duration of its sitting on any day;
 - (b) the routine governing the transaction of business at each sitting; and
 - (c) the time limits apportioned for the consideration of particular matters, eg. motions, passages of bills and speeches.
- (2) In relation to the matters set out in paragraph (1), any findings and recommendations intended to achieve greater effectiveness and efficiency in the ways and means by which the business of the House is dealt with.
- (3) The committee have power to send for persons, papers and records.
- (4) The committee report finally not later than Thursday, March 6 2003.
- (5) The committee must include a member from each political group represented in the Council.

Question - put and passed.

10. Select Committee on Rules, Orders and Usage of the House - Appointment of Members

Hon Norman Moore moved, by leave, without notice -

That the Hon Norman Moore, Hon Kim Chance, Hon Murray Criddle, Hon John Fischer and Hon Jim Scott be appointed to the Select Committee on Rules, Orders and Usage of the House and that the Hon Norman Moore be appointed Chairman of the Committee.

Question - put and passed.

11. Standing Committee on Environment and Public Affairs - Special Report - Petition of Barry Granville Waller

Hon Christine Sharp presented the Special Report of the Standing Committee on Environment and Public Affairs in relation to the Petition of Barry Granville Waller. (Tabled paper 592)

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

Debate ensued.

On the motion of Hon Norman Moore the debate was adjourned to a later stage of this day's sitting.

12. Australian Involvement in Military Action in Iraq

Motion No. 6 having been called.

Debate resumed on the motion of Hon Dee Margetts as follows -

That this House notes -

- (1) The recent comments from the Prime Minister and Minister for Foreign Affairs regarding Australia's possible support for US military action in Iraq.
- (2) That these comments were made in the absence of any United Nations resolution or processes.
- (3) The threat to the livelihood of Western Australian agricultural producers and exporters in light of the Prime Minister's indication that any request for Australian assistance would be considered against the "national interest test".
- (4) The statements from Labour Leader Simon Crean that Mr Howard's and Mr Downer's statements are out of step with other international opinion.
- (5) The likely impact on the civilian population, particularly women and children.

Therefore, the Legislative Council informs the Federal Government that it does not support Australian involvement in military action in Iraq without UN backing.

Debate resumed.

Interruption of Debate [SO 195].

13. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee reports.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches

Debate resumed on the motion of Hon George Cash, That the Report be adopted and agreed to.

Hon Norman Moore moved, That consideration of the Order of the Day No. 51(1) be postponed until after Orders of the Day No. 51(2) to (7).

Debate ensued.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Second Report - Sessional Report on Inquiries and Petitions - January 1 2002 to August 9 2002

Debate resumed on the motion of Hon Kate Doust, That the Report be noted.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Fourth Report - City of Perth Code of Conduct Local Law

Hon Ray Halligan moved, That the Report be noted.

Question - put and passed.

Standing Committee on Public Administration and Finance - Second Report - A Sessional Overview of the Committee's Operations: First Session of the Thirty-Sixth Parliament - May 2001 to August 2002

Hon Barry House moved, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Third Report - Petition Opposing the Gnarabup Waste Water Treatment Plant

Hon Bruce Donaldson moved, That the Report be noted.

Debate ensued.

Interruption of Debate [SO 61A].

The Deputy President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches and had made some progress.
- (2) Standing Committee on Environment and Public Affairs - Second Report - Sessional Report on Inquiries and Petitions - January 1 2002 to August 9 2002 and had noted same.
- (3) Joint Standing Committee on Delegated Legislation - Fourth Report - City of Perth Code of Conduct Local Law and had noted same.
- (4) Standing Committee on Public Administration and Finance - Second Report - A Sessional Overview of the Committee's Operations: First Session of the Thirty-Sixth Parliament - May 2001 to August 2002 and had noted same.
- (5) Standing Committee on Environment and Public Affairs - Third Report - Petition Opposing the Gnarabup Waste Water Treatment Plant and had made some progress.

Reports adopted.

14. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Bruce Donaldson as follows -

That the following words be added to the end of the motion -

“

but regret to inform your Excellency that the Government is failing in its administration of the State of Western Australia.

”.

to the motion of Hon Sue Ellery as follows -

That the following address be presented to His Excellency -

To His Excellency, Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Debate resumed.

On the motion of Hon Peter Foss the debate was adjourned to the next sitting.

15. Joint Standing Committee on Delegated Legislation - Fifth Report - City of Melville Local Law Relating to Signs, Hoardings and Billposting

Hon Ray Halligan presented the Fifth Report of the Joint Standing Committee on Delegated Legislation in relation to the City of Melville Local Law Relating to Signs, Hoardings and Billposting. (Tabled paper 590).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

16. Standing Committee on Environment and Public Affairs - Fifth Report - Gene Technology Bill 2001 and the Gene Technology Amendment Bill 2001 - Proposal to Travel

Hon Christine Sharp presented the Fifth Report of the Standing Committee on Environment and Public Affairs in relation to the *Gene Technology Bill 2001* and the *Gene Technology Amendment Bill 2001* - Proposal to Travel. (Tabled paper 591).

Hon Christine Sharp moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

17. Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001

The Order of the Day for the further consideration of these Bills, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon Kate Doust in the Chair)

Recommittal of Taxation Administration Bill 2001 [Proof Copy 79-2C]

Clause 38.

Debate resumed on amendment moved by the Minister for Racing and Gaming as follows -

Page 22, lines 20 to 28 - To delete all the words from and including “apply” to and including “agency” and insert instead -

“

refer the objection —

- (a) if the objection relates to an assessment or decision under the *Land Tax Assessment Act 2001* — to the Land Valuation Tribunal;
or
- (b) in any other case — to the Supreme Court.

”

The Minister for Racing and Gaming, by leave, withdraw the amendment standing in his name.

Clause, as amended, agreed to.

Clause 41.

The Minister for Racing and Gaming moved -

Page 24, lines 6 to 9 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (10)

Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard

Hon Nick Griffiths
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Alan Cadby
Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Barry House

Hon Dee Margetts
Hon Norman Moore
Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Amendment thus negatived.

The Minister for Racing and Gaming moved -

Page 24, line 6, before the word “where” -

“ Except for appeals under subsection (1) ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 42.

The Minister for Racing and Gaming moved -

Page 24, after line 25 - To insert the following subclause -

“

- (3) An application for an extension of time must be made within 12 months after the notice of the decision to which the proposed appeal relates is served on the taxpayer (but subject to that limitation may be made either before or after the end of the initial period of 60 days).

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (10)

Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard

Hon Nick Griffiths
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (18)

Hon Alan Cadby
Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Dee Margetts
Hon Norman Moore
Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Bill Stretch
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Amendment thus negatived.

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

Clause 45.

The Minister for Racing and Gaming moved -

Page 27, line 10 - To delete “within 30 days of” and insert instead -

“ on ”.

Debate ensued.

Amendment - put and negatived.

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

Clause 67.

The Minister for Racing and Gaming moved -

Page 39, line 5 to page 41, line 12 - To delete the clause and insert the following clause instead -

“

67. Liability of company directors

- (1) The Commissioner may serve a director's liability notice on the directors of a company if —
 - (a) the Commissioner has issued an assessment notice to the company;
 - (b) the outstanding amount is not paid by the due date or within any further time allowed under section 47;
 - (c) an objection to the assessment was not lodged within 60 days after the date of the assessment notice;
 - (d) an appeal against a decision on an objection to the assessment is not commenced within 60 days after notice of the decision was served on the company; and
 - (e) the company's default is not remedied as provided in subsection (6).
- (2) The Commissioner may serve a director's liability notice on the directors of a company if the company's default revives under subsection (10), whether or not a director's liability notice in respect of the same default was previously served.
- (3) A director's liability notice must —
 - (a) inform the directors that they will become jointly and severally liable to pay the outstanding amount unless the company remedies its default within the period of 28 days after the date of service of the notice; and
 - (b) be served personally on each director.
- (4) However if, after exercising due diligence, it appears to the Commissioner that it is not practicable to serve a notice on a director personally, the notice may be sent, by prepaid post requiring proof of delivery, to the director at his or her last known personal or business address.
- (5) If a second or later director's liability notice is served in respect of a default, then a reference in the remainder of this subsection to the period of 28 days is to be read as a reference to the period of 28 days after the date of the last notice to be served in respect of the default, whether or not any period of 28 days relating to an earlier notice has ended.
- (6) For the purposes of this section, the company's default is remedied if —
 - (a) the company's tax liability is discharged;
 - (b) the company enters into a tax payment arrangement under section 47;

- (c) an application is made under section 459P of the Corporations Act for leave to apply for an insolvency order but the application has not been heard and determined or otherwise disposed of;
 - (d) if leave to apply for an insolvency order is granted —
 - (i) the application is made within a reasonable time;
 - (ii) any conditions imposed under section 459P of the Corporations Act are complied with; and
 - (iii) the application has not been heard and determined or otherwise disposed of;
 - (e) the company is under the management of an official liquidator appointed provisionally under section 472(2) of the Corporations Act;
 - (f) an insolvency order is made;
 - (g) an application is made under section 462 of the Corporations Act for an order to wind up the company on a ground provided for by section 461 of that Act, and the application has not been heard and determined or otherwise disposed of;
 - (h) the company is being wound up in accordance with an order under section 461 of the Corporations Act; or
 - (i) the company enters into voluntary administration under Part 5.3A of the Corporations Act.
- (7) The 28 day period stops running if the company's default is remedied, but starts running again if the default revives under subsection (10).
- (8) If the company's default is not remedied within the 28 day period, the directors are jointly and severally liable, with the company, to pay the outstanding amount.
- (9) However, a director is not liable if —
- (a) before the end of the 28 day period the director made or supported an application under section 459P of the Corporations Act for leave to apply for an insolvency order; and
 - (b) if leave is granted — the director makes or supports an application for an insolvency order.
- (10) Unless the company's liability has been discharged, the company's default revives if —
- (a) the company does not comply with a condition of a tax payment arrangement or otherwise defaults on a tax payment arrangement;
 - (b) an objection to the assessment is disallowed in whole or in part;

- (c) an appeal against a decision on an objection to the assessment has been finally determined or otherwise disposed of, and the outstanding amount is not paid within the time allowed by the Court or the Commissioner;
 - (d) the court refuses to give leave to apply for an insolvency order;
 - (e) the court refuses to make an insolvency order;
 - (f) the court refuses to order the winding up of the company under section 461 of the Corporations Act; or
 - (g) the company ceases to be under the control of an official liquidator, but has not been wound up.
- (11) A director of a company who pays an amount in discharge of the company's liability or his or her liability under this section, or pays an amount to another director by way of contribution, is entitled —
- (a) to be indemnified by the company for an amount equal to the amount paid by him or her less any amount paid to him or her by the company by way of reimbursement or by another director by way of contribution; and
 - (b) to recover a contribution from any other director of the company who is subject to the same liability as if the directors who are subject to the liability had jointly guaranteed payment of the assessed amount.
- (12) If a director pays an amount in discharge of the company's tax liability or in discharge of the director's liability under this section, the company is taken to have discharged its tax liability to the extent of that amount.
- (13) In proceedings for recovery of tax from a director under this section, it is a defence for the director to establish that —
- (a) the director took all reasonable steps to get the company's default remedied; or
 - (b) the director was unable because of his or her illness or some other proper reason to take steps to get the company's default remedied.

”.

Debate ensued.

18. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works, by leave, incorporated into *Hansard* and tabled his response regarding information on the introduction of regulations, that provide for the access requirements of the renewable energy industry to the Western Power grid in response to a question without notice No. 475 asked by Hon Robin Chapple. (Tabled paper 593)

19. Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001

The President left the Chair.

In Committee

(Hon Barry House in the Chair)

Recommittal of Taxation Administration Bill 2001 [Proof Copy 79-2C]

Clause 67.

Debate resumed on amendment moved by the Minister for Racing and Gaming as follows -

Page 39, line 5 to page 41, line 12 - To delete the clause and insert the following clause instead -

“

67. Liability of company directors

- (1) The Commissioner may serve a director's liability notice on the directors of a company if —
 - (a) the Commissioner has issued an assessment notice to the company;
 - (b) the outstanding amount is not paid by the due date or within any further time allowed under section 47;
 - (c) an objection to the assessment was not lodged within 60 days after the date of the assessment notice;
 - (d) an appeal against a decision on an objection to the assessment is not commenced within 60 days after notice of the decision was served on the company; and
 - (e) the company's default is not remedied as provided in subsection (6).
- (2) The Commissioner may serve a director's liability notice on the directors of a company if the company's default revives under subsection (10), whether or not a director's liability notice in respect of the same default was previously served.
- (3) A director's liability notice must —
 - (a) inform the directors that they will become jointly and severally liable to pay the outstanding amount unless the company remedies its default within the period of 28 days after the date of service of the notice; and
 - (b) be served personally on each director.
- (4) However if, after exercising due diligence, it appears to the Commissioner that it is not practicable to serve a notice on a director personally, the notice may be sent, by prepaid post requiring proof of delivery, to the director at his or her last known personal or business address.

- (5) If a second or later director's liability notice is served in respect of a default, then a reference in the remainder of this subsection to the period of 28 days is to be read as a reference to the period of 28 days after the date of the last notice to be served in respect of the default, whether or not any period of 28 days relating to an earlier notice has ended.
- (6) For the purposes of this section, the company's default is remedied if —
 - (a) the company's tax liability is discharged;
 - (b) the company enters into a tax payment arrangement under section 47;
 - (c) an application is made under section 459P of the Corporations Act for leave to apply for an insolvency order but the application has not been heard and determined or otherwise disposed of;
 - (d) if leave to apply for an insolvency order is granted —
 - (i) the application is made within a reasonable time;
 - (ii) any conditions imposed under section 459P of the Corporations Act are complied with; and
 - (iii) the application has not been heard and determined or otherwise disposed of;
 - (e) the company is under the management of an official liquidator appointed provisionally under section 472(2) of the Corporations Act;
 - (f) an insolvency order is made;
 - (g) an application is made under section 462 of the Corporations Act for an order to wind up the company on a ground provided for by section 461 of that Act, and the application has not been heard and determined or otherwise disposed of;
 - (h) the company is being wound up in accordance with an order under section 461 of the Corporations Act; or
 - (i) the company enters into voluntary administration under Part 5.3A of the Corporations Act.
- (7) The 28 day period stops running if the company's default is remedied, but starts running again if the default revives under subsection (10).
- (8) If the company's default is not remedied within the 28 day period, the directors are jointly and severally liable, with the company, to pay the outstanding amount.
- (9) However, a director is not liable if —
 - (a) before the end of the 28 day period the director made or supported an application under section 459P of the Corporations Act for leave to apply for an insolvency order; and

- (b) if leave is granted — the director makes or supports an application for an insolvency order.
- (10) Unless the company's liability has been discharged, the company's default revives if —
 - (a) the company does not comply with a condition of a tax payment arrangement or otherwise defaults on a tax payment arrangement;
 - (b) an objection to the assessment is disallowed in whole or in part;
 - (c) an appeal against a decision on an objection to the assessment has been finally determined or otherwise disposed of, and the outstanding amount is not paid within the time allowed by the Court or the Commissioner;
 - (d) the court refuses to give leave to apply for an insolvency order;
 - (e) the court refuses to make an insolvency order;
 - (f) the court refuses to order the winding up of the company under section 461 of the Corporations Act; or
 - (g) the company ceases to be under the control of an official liquidator, but has not been wound up.
- (11) A director of a company who pays an amount in discharge of the company's liability or his or her liability under this section, or pays an amount to another director by way of contribution, is entitled —
 - (a) to be indemnified by the company for an amount equal to the amount paid by him or her less any amount paid to him or her by the company by way of reimbursement or by another director by way of contribution; and
 - (b) to recover a contribution from any other director of the company who is subject to the same liability as if the directors who are subject to the liability had jointly guaranteed payment of the assessed amount.
- (12) If a director pays an amount in discharge of the company's tax liability or in discharge of the director's liability under this section, the company is taken to have discharged its tax liability to the extent of that amount.
- (13) In proceedings for recovery of tax from a director under this section, it is a defence for the director to establish that —
 - (a) the director took all reasonable steps to get the company's default remedied; or
 - (b) the director was unable because of his or her illness or some other proper reason to take steps to get the company's default remedied.

”.

Amendment - put.

The Committee divided.

Ayes (10)

Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard

Hon Nick Griffiths
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Alan Cadby
Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Barry House

Hon Dee Margetts
Hon Norman Moore
Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Amendment thus negatived.

Question - That the clause stand as printed - put and passed.

Clause 67A to 67H agreed to.

Clause 69.

The Minister for Racing and Gaming moved -

Page 45, after line 5 - To insert the following subclause -

“

- (1) If stamp duty payable under item 4, 10, 14A, 15, 17 or 19 of the Second Schedule to the *Stamp Act 1921* on an instrument in relation to land as defined in section 76 of that Act is not paid by the due date, the Commissioner may lodge a memorial with the Registrar of Titles to create a charge on the land for the unpaid stamp duty.

”.

Debate ensued.

The Minister for Racing and Gaming moved -

That further consideration of the Clause be postponed until after consideration of the Glossary.

Question - put and passed.

Clause 86.

The Minister for Racing and Gaming moved -

Page 56, lines 10 to 15 - To delete the lines and insert the following subclauses instead -

“

- (4) The Commissioner must —
- (a) allow the person a reasonable time within which to comply with a requirement; and
 - (b) if the requirement is made by notice served on the person, specify the time allowed in the notice.

- (5) A person must comply with a requirement under this section within the time allowed under subsection (4) or within any further time allowed by the Commissioner.

Penalty: \$20 000.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 88.

The Minister for Racing and Gaming moved -

Page 57, lines 29 to 32 - To delete the lines and insert the following subclause instead -

“

- (2) While an instrument or other document is being retained under subsection (1), the Commissioner must permit the inspection of the instrument or document by, or provide a copy of it to —
- (a) in the case of an instrument within the meaning of the *Stamp Act 1921* — a party to the transaction to which the instrument relates; or
 - (b) in any other case — the person who lodged the instrument or document with the Commissioner.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 89 agreed to.

The Minister for Racing and Gaming moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman 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.

20. Order of Business

The Leader of the House moved, without notice -

That Order of the Day for consideration of the Report of the Standing Committee on Environment and Public Affairs on the Waller petition be now taken.

Question - put and passed.

21. Standing Committee on Environment and Public Affairs - Special Report - Petition of Barry Granville Waller

Pursuant to the Order of the House.

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

On the motion of Hon Christine Sharp, That the report do lie on the Table, and be adopted and agreed to.

Question - put and passed.

22. Sentence Administration Bill 2002

The Deputy President reported the receipt of Message No. 33 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

23. Fines, Penalties and Infringement Notices Enforcement Amendment Bill 2002

The Deputy President reported the receipt of Message No. 39 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a second time.

Debate stands adjourned.

24. Police Amendment Bill 2002

The Deputy President reported the receipt of Message No. 41 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

25. Adjournment

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

Debate ensued.

Point of Order

The Leader of the House raised the following Point of Order -

As entertaining as Hon Simon O'Brien's comments are, he may be straying over the edge of the standing orders - albeit inadvertently - by commenting on the proceedings in another place.

Deputy President's Ruling

The Deputy President ruled as follows -

As I understand the situation, Hon Simon O'Brien is quoting from question time. A Member is allowed to quote questions and answers from the other House. However, if Hon Simon O'Brien is alluding to debates in the other House that is a different matter. I caution Hon Simon O'Brien who has been here well and truly long enough to know the difference between question time and debates in the other House. I leave it to him to ensure that the applicable Standing Order is not breached. I understood Hon Simon O'Brien was quoting from question and answers.

Debate resumed.

Question - put and passed.

The House adjourned at 6.39pm until Tuesday, December 10 2002 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Robyn McSweeney.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council