

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 7

THURSDAY, 27 NOVEMBER 2008

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Ministerial Statement - Australian Training Awards

The Minister for Training made a Ministerial Statement with respect to awards presented to Western Australians at the Australian Training Awards presentation evening, Darwin, 21 November 2008.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

3. Papers

The following Papers were laid on the Table by -

President

Addendums -

Corruption and Crime Commission Annual Report (2007-2008)..... 375

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan
Amendment (No. 2) 2008 [884, 890] G.G. 12/11/2008)..... 376

Minister for Energy

Local Laws -

Local Government Act 1995 (Shire of Bridgetown-Greenbushes Standing Orders Local Law 2008
G.G. 14/11/2008 and (Shire of Denmark Amendment Local Law 2008 G.G. 14/11/2008)..... 377

Regulations -

Community Protection (Offender Reporting) Act 2004 (Community Protection (Offender
Reporting) Amendment Regulations (No. 2) 2008 G.G. 14/11/2008)..... 378

Minister for Environment on behalf of the Minister for Child Protection

Annual Reports -

Child Death Review Committee 2007-2008 (Date received 26/11/2008)..... 379

Ministerial Approvals -

Subiaco Redevelopment Act 1994 - Sale of land with value in excess of \$1 million -
Lot 14698 Agnew Way, Subiaco 380

Reports -

Child Death Review Committee - Group Analysis of Aboriginal Child Death Review
Cases in which Chronic Neglect is Present..... 381

Parliamentary Secretary to the Minister for Water

Regulations -

Water Boards Act 1904 (Water Boards (Busselton) Amendment Regulations 2008 G.G. 11/11/2008).... 382

Parliamentary Secretary to the Treasurer

Budget Papers and Related Papers -

Quarterly Financial Report 2008-2009 (September 2008)..... 383

Notices -

Taxation Administration Act 2003 (Taxation Administration (Pre-enactment Provisions
Determination) Notice 2008 G.G. 14/11/2008) 384

Regulations -

Taxation Administration Act 2003 (Taxation Administration Amendment Regulations (No. 3)
2008 G.G. 11/11/2008) 385

4. Standing Committee on Environment and Public Affairs - Special Report - Municipal Waste Management in Western Australia

Hon Sheila Mills presented a Special Report of the Standing Committee on Environment and Public Affairs in relation to a resolution of the Committee on 26 November 2008 to commence an inquiry into Municipal Waste Management in Western Australia. (Tabled paper 386).

Hon Sheila Mills moved, That the Report do lie upon the Table.

Question - put and passed.

5. Standing Committee on Environment and Public Affairs

Hon Sheila Mills: To move on the next day of sitting -

That the Eleventh Report of the Standing Committee on Environment and Public Affairs titled *Annual Report 2007* tabled in the Legislative Council on 27 February 2008 be reinstated as an Order of the Day for the next sitting.

6. Standing Committee on Environment and Public Affairs

Hon Sheila Mills: To move on the next day of sitting -

That the Twelfth Report of the Standing Committee on Environment and Public Affairs titled *Overview of Petitions* tabled in the Legislative Council on 20 March 2008 be reinstated as an Order of the Day for the next sitting.

7. Select Committee into Public Sector Expenditure - Establishment

Motion No. 2 having been called, debate resumed on the amendment of Hon Kim Chance as follows -

- (1) In subsection (1), To delete “five” and insert instead —
“ three ”.
- (2) In subsection (1), To delete “three” and insert instead —
“ two ”.

to the motion of Hon Sue Ellery as follows -

- (1) That a select committee of five members is appointed, any three 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 inquire into and report on Government measures to audit the operational and financial performance of the Western Australian public sector, and any other means by which efficiencies in public sector expenditure can be gained and all the circumstances surrounding the implementations of the 3% efficiency dividend including -
 - (a) the impacts of the 3 percent efficiency dividend on the general level of service delivery across all agencies; in particular any impacts on service delivery to regional areas,
 - (b) consider alternative methods for achieving a 3 percent reduction in government expenditure;
 - (c) whether the efficiency dividend has a disproportionate impact on smaller agencies, including whether or not smaller agencies are disadvantaged by poorer economies of scale or a relative inability to obtain funding for new policy proposals;
 - (d) what measures agencies are taking to implement the efficiency dividend, and the effect on their functions, performance and staffing arrangements;
 - (e) alternatives to an across-the-board efficiency dividend to encourage efficiency in the public sector, including consideration of whether certain agencies or functions of agencies should be exempt from the efficiency dividend, or whether the rate of the dividend should vary according to agency size or function.
- (4) The Committee may present interim reports without a requirement for leave and is to present its final report to the House not later than Tuesday, 12 May 2009.

Debate ensued.

Amendments - put and passed.

Debate resumed.

Interruption of Debate [SO 195].

8. Joint Standing Committee on the Corruption and Crime Commission

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 5

The Legislative Assembly acquaints the Legislative Council that for the present Parliament the Legislative Assembly has appointed the Member for Swan Hills and the Member for Perth as members of the Joint Standing Committee on the Corruption and Crime Commission.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 26 November 2008

9. Joint Standing Committee on the Commissioner for Children and Young People

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 6

The Legislative Assembly acquaints the Legislative Council that for the present Parliament the Legislative Assembly has appointed the Member for Kingsley and the Member for Bassendean as members of the Joint Standing Committee on the Commissioner for Children and Young People.

Hon G.A. Woodhams

Speaker

Legislative Assembly Chamber

Perth, 26 November 2008

10. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

On the motion of Hon Ken Baston the debate was adjourned to the next sitting.

11. Order of Business

Ordered - That Order of the Day No. 4, *Surrogacy Bill 2008*, be taken forthwith. (Leader of the House).

12. Surrogacy Bill 2008

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

The Acting President left the Chair.

In Committee

(Hon Sheila Mills in the Chair)

Clause 3.

Debate resumed on the amendment of Hon Helen Morton -

Page 2, line 14 — To delete “a person or”.

Debate ensued.

Amendment - put and negatived.

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

Clauses 4 to 13 agreed to.

Clause 14.

Hon Helen Morton moved -

Page 6, lines 25 and 26 — To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (11)

Hon George Cash
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett
Hon Ray Halligan
Hon Barry House

Hon Norman Moore
Hon Helen Morton
Hon Batong Pham
Hon Barbara Scott
Hon Ed Dermer (*Teller*)

Noes (19)

Hon Shelley Archer
Hon Ken Baston
Hon Carolyn Burton
Hon Peter Collier
Hon Kate Doust
Hon Wendy Duncan
Hon Shelley Eaton
Hon Sue Ellery
Hon Brian Ellis
Hon Adele Farina

Hon Jon Ford
Hon Paul Llewellyn
Hon Robyn McSweeney
Hon Sheila Mills
Hon Simon O'Brien
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Giz Watson
Hon Ken Travers (*Teller*)

Amendment thus negatived.

Hon Helen Morton moved -

Page 7, after line 9 — To insert —

genetic parent of a child means a person from whose egg or sperm the child is conceived.

Debate ensued.

Amendment - put and negatived.

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

Clauses 15 and 16 agreed to.

Clause 17.

Debate ensued.

Clause agreed to.

Clause 18 agreed to.

Clause 19.

Debate ensued.

Hon Barbara Scott moved -

Page 10, lines 11 and 12 — To delete “, or the arranged parent if there is only one,”.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

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

Clauses 20 to 69 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

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

Debate ensued.

Question - put.

The House divided.

Ayes (25)

Hon Shelley Archer
Hon Ken Baston
Hon Matt Benson-Lidholm
Hon Carolyn Burton
Hon George Cash
Hon Peter Collier
Hon Kate Doust
Hon Wendy Duncan
Hon Shelley Eaton
Hon Sue Ellery
Hon Brian Ellis
Hon Adele Farina
Hon Jon Ford

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 Ljiljanna Ravlich
Hon Sally Talbot
Hon Giz Watson
Hon Ken Travers (*Teller*)

Noes (6)

Hon Donna Faragher
Hon Anthony Fels
Hon Helen Morton

Hon Batong Pham
Hon Barbara Scott
Hon Ed Dermer (*Teller*)

Question thus passed.

Bill read a third time and passed.

13. Questions Without Notice

Questions without notice were taken.

14. Police (Medical and Other Expenses for Former Officers) Bill 2008

The President reported the receipt of Message No. 7 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Training moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Training moved, That the Bill be now read a second time.

Debate stands adjourned.

15. National Gas Access (WA) Bill 2008

The Acting President reported the receipt of Message No. 8 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Training moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Training moved, That the Bill be now read a second time.

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

16. Adjournment

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

Debate ensued.

Hon Ed Dermer, by leave, tabled studies relating to the necessity of both sexes in parenting. (Tabled paper 387).

Question - put and passed.

The House adjourned at 5.32pm until Tuesday, 2 December 2008 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kim Chance and Hon Bruce Donaldson.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council