

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 121

THURSDAY, 7 DECEMBER 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. Statement by President - Legislative Council Chamber

The President made the following Statement -

I take this opportunity to inform Members that the Legislative Assembly will be using the Council chamber for its sitting next Tuesday. The chamber will also be used while the Parliament is hosting the 2007 ANZACATT conference in late January. I raise these matters so as to remind Members to remove any documents and other items from the chamber. The staff will pack any remaining items and deliver them to Members' Parliament House offices.

3. Petition

Hon Barbara Scott presented a petition from 104 residents of Western Australia requesting the Legislative Council oppose the ban on recreational crabbing in Cockburn Sound. (Tabled paper 2333).

4. Papers

The following Papers were laid on the Table by -

Leader of the House

By-laws -

Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Retail Corporation)
(Charges) Amendment By-laws 2006 G.G. 01/12/2006) 2321

Regulations -

Daylight Saving Act 2006 (Daylight Saving Regulations 2006 G.G. 01/12/2006) 2322

Rules -

Electricity Industry Act 2004 (Wholesale Electricity Market Rules - Amending Rules No. 1
(December 2006) G.G. 01/12/2006, Wholesale Electricity Market Rules - Amending Rules No.
1 (November 2006) G.G. 28/11/2006, and Wholesale Electricity Market Rules - Amending
Rules No. 2 (November 2006) G.G. 28/11/2006) 2323

Minister for Education and Training*Annual Reports -*

Education and Training, Department of (2005-2006) (Date received 06/12/2006) 2324

Reviews -

Education Services, Department of - Review conducted in accordance with section
245 of the School Education Act 1999: report 2325

Minister for Local Government and Regional Development*Local Laws -*

Local Government Act 1995 (City of Fremantle Parking Local Law 2006 G.G. 29/11/2006) 2326

Dog Act 1976 (City of Wanneroo Animals Amendment Local Law 2006 G.G. 01/12/2006) 2327

Parliamentary Secretary representing the Minister for Housing and Works on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure*Regulations -*

Motor Vehicle Drivers Instructors Act 1963 (Motor Vehicle Drivers Instructors Amendment
Regulations (No. 2) 2006 G.G. 28/11/2006) 2328

Road Traffic Act 1974 (Road Traffic (Blood Sampling and Analysis) Amendment Regulations 2006
G.G. 28/11/2006, Road Traffic (Drivers' Licences) Amendment Regulations 2006 G.G.
28/11/2006, Road Traffic (Drivers' Licences) Amendment Regulations (No. 4) 2006 G.G.
28/11/2006, Road Traffic (Events on Roads) Amendment Regulations 2006 G.G. 28/11/2006,
Road Traffic (Infringements) Amendment Regulations (No. 2) 2006 G.G. 28/11/2006, Road
Traffic (Licensing) Amendment Regulations 2006 G.G. 28/11/2006, Road Traffic (Towed
Agricultural Implements) Amendment Regulations (No. 2) 2006 G.G. 28/11/2006, Road
Traffic (Urine Sampling and Analysis) Amendment Regulations 2006 G.G. 28/11/2006, and
Road Traffic (Vehicle Standards) Amendment Regulations 2006 G.G. 28/11/2006) 2329

Parliamentary Secretary representing the Minister for Housing and Works*Regulations -*

Trade Measurement Administration Act 2006 (Trade Measurement (Transitional) Regulations
2006 G.G. 28/11/2006) 2330

Working with Children (Criminal Record Checking) Act 2004 (Working with Children
(Criminal Record Checking) Amendment Regulations (No. 3) 2006 G.G. 01/12/2006) 2331

Parliamentary Secretary representing the Minister for Health*Rules -*

Legal Practice Act 2003 (Legal Practice Board Amendment Rules (No. 2) 2006 G.G. 01/12/2006) 2332

5. Standing Committee on Environment and Public Affairs - Seventh Report - A Petition into the Proposed Marina at Point Peron

Hon Louise Pratt presented the Seventh Report of the Standing Committee on Environment and Public Affairs in relation to a Petition into the Proposed Marina at Point Peron. (Tabled paper 2334).

Hon Louise Pratt moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Standing Committee on Legislation - Sixth Report - Annual Report 2006

Hon Giz Watson presented the Sixth Report of the Standing Committee on Legislation, being the Annual Report 2006. (Tabled paper 2335).

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

Question - put and passed.

7. Standing Committee on Public Administration - Third Report - Annual Report 2006

Hon Barry House presented the Third Report of the Standing Committee on Legislation, being the Annual Report 2006. (Tabled paper 2336).

Hon Barry House moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

8. Select Committee into Public Obstetric Services - Special Report - Extension of Time

Hon Helen Morton presented the Special Report of the Select Committee into the Public Obstetric Services seeking an extension of time to report from 30 March 2007 to 28 June 2007. (Tabled paper 2337).

Hon Helen Morton moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

9. Biosecurity and Agriculture Management Bill 2006, Biosecurity and Agriculture (Repeal and Consequential Provisions) Bill 2006 and Biosecurity and Agriculture Management Rates and Charges Bill 2006 - Referral to Standing Committee on Legislation

Leader of the House moved, without notice -

That -

- (1) Orders of the Day Nos 335, the *Biosecurity and Agriculture Management Bill 2006*, 336, *Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006* and 337, *Biosecurity and Agriculture Management Rates and Charges Bill 2006* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 3 April 2006.
- (2) The Committee has the power to consider the policy of the Bill.

Question - put and passed.

10. Balga Works Program

Pursuant to Sessional Order, Hon Peter Collier moved, without notice -

That this House expresses its concern at the processes and procedures of State Government Agencies, particularly the Department of Education and Training, in relation to the establishment and maintenance of the Balga Works Programme.

Debate ensued.

Question - put.

The House divided.

Ayes (13)

Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Donna Faragher
Hon Anthony Fels
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*)

Noes (12)

Hon Shelley Archer
 Hon Vincent Catania
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Jon Ford

Hon Sheila Mills
 Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Matt Benson-Lidholm (*Teller*)

Question thus passed.

11. Western Australian College of Teaching Election Rules 2006 - Disallowance

The Order of the Day having been called, Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Ray Halligan -

That the *Western Australian College of Teaching Election Rules 2006* published in the *Gazette* on 16 August 2006 and tabled in the Legislative Council on 30 August 2006, under the *Western Australian College of Teaching Act 2004*, be and are hereby disallowed.

Debate ensued.

Question - put and passed.

12. Order of Business

Ordered - That Orders of the Day Nos 348, *Consumer Credit (Western Australia) (Infringement Notices) Regulations 2006 - Disallowance*, 349, *Fair Trading (Infringement Notices) Regulations 2006 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

13. Water Efficiency Labelling and Standards Bill 2006

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

The Leader of the House 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.

14. Order of Business

Ordered - That Order of the Day No. 259, *Railway Discontinuance Bill (No. 2) 2006*, be taken forthwith. (Leader of the House).

15. Railway Discontinuance Bill (No. 2) 2006

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.

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

The Leader of the House moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

16. Order of Business

Ordered - That Order of the Day No. 310, *Shipping and Pilotage Amendment Bill 2006*, be taken forthwith. (Leader of the House).

17. Shipping and Pilotage Amendment Bill 2006

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.

Debate ensued.

Clause agreed to.

Clauses 2 to 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 14 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Leader of the House 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.

Question - put and passed.

Bill read a third time and passed.

18. Order of Business

Ordered - That Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*, be taken forthwith. (Leader of the House).

19. Water Resources Legislation Amendment Bill 2006

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

Hon Norman Moore, moved without notice -

That Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*, be discharged and referred to the Standing Committee on Public Administration for consideration and report on or before 5 April 2007.

Debate ensued.

Question - put and passed.

20. Order of Business

Ordered - That Order of the Day No. 292, *Betting and Racing Legislation Amendment Bill 2006*, be taken forthwith. (Leader of the House).

21. Betting and Racing Legislation Amendment Bill 2006

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

The Leader of the House sought leave of the House for Hon Giz Watson to continue her remarks at a later stage of this day's sitting.

Leave granted.

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.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clauses 10 to 15 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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 and passed.

Bill read a third time and passed.

22. Order of Business

Ordered - That Order of the Day No. 164, *Consumer Protection Legislation Amendment and Repeal Bill 2005*, be taken forthwith. (Leader of the House).

23. Consumer Protection Legislation Amendment and Repeal Bill 2005

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.

Debate ensued.

Clause agreed to.

Clauses 2 to 38 agreed to.

Title agreed to.

The Acting President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Parliamentary Secretary representing the Minister for Consumer Protection 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.

Question - put and passed.

Bill read a third time and passed.

24. Order of Business

Ordered - That Orders of the Day Nos 306, *Financial Legislation Amendment and Repeal Bill 2006*, 307, *Financial Management Bill 2006*, 314, *Auditor General Bill 2006*, be taken forthwith. (Leader of the House).

25. Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

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

Debate resumed.

Question - put and passed.

Bills read a second time.

Ordered - That consideration of these Bills, in Committee, be made an Order of the Day for a later stage of this sitting.

26. Select Committee - Report into the Department of Education and Training

Hon Giz Watson presented the Report of the Select Committee into the Department of Education and Training. (Tabled paper 2338).

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

Question - put and passed.

27. Suspension of Standing Orders

The Leader of the House moved, without notice -

That so much of Standing Orders be suspended to enable the *Financial Legislation Amendment and Repeal Bill 2006*, *Financial Management Bill 2006* and *Auditor General Bill 2006* to proceed through all remaining stages at this day's sitting.

The motion requiring the concurrence of an absolute majority.

Question - put.

The Deputy President, having counted the House, and there not being an absolute majority present, gave instructions for the ringing of the Bells.

An absolute majority being present, the 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.

28. Instruction to Committee - Financial Legislation Amendment and Repeal Bill 2006

The Leader of the House moved, without notice -

That the Committee of the Whole when considering the *Financial Legislation Amendment and Repeal Bill 2006* have the power to consider amendments listed on the supplementary notice paper No. 150, Issue 2 as one question.

Question - put and passed.

29. Order of Business

Ordered - That Orders of the Day Nos 306, *Financial Legislation Amendment and Repeal Bill 2006*, 307, *Financial Management Bill 2006*, 314, *Auditor General Bill 2006*, be taken forthwith. (Leader of the House).

30. Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

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

The Deputy President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Auditor General Bill 2006

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

The Leader of the House moved -

Page 2, after line 14 — To insert —

“

“accounts” means —

- (a) records, however compiled, recorded or stored, of transactions in respect of moneys or other property, expressed in monetary units, or in the case of property, expressed in monetary units or other units of measurement; and
- (b) books, documents, writings, monetary forms, abstracts, vouchers and other records of any kind from which records mentioned in paragraph (a) have been compiled;

”.

Debate ensued.

Amendment - put and passed.

Hon Giz Watson moved -

Page 2, lines 27 to 28 — To delete “, if it is renamed, that committee as so renamed” and insert instead —

“ such other committee determined by the Legislative Council to be the responsible committee for the purposes of this Act ”.

Debate ensued.

Amendment - put and passed.

Hon Giz Watson moved -

Page 3, after line 2 — To insert —

“

“Joint Standing Committee on Audit” means the joint standing committee on Audit or, if it is renamed, that committee as renamed;

”.

Amendment - put and passed.

The Leader of the House moved -

Page 3, after line 4 — To insert —

“

“parliamentary finance committee” means —

- (a) the Public Accounts Committee or, if the Legislative Assembly gives the functions that are relevant to this Act to a different committee of the Legislative Assembly, that committee; or
- (b) the Estimates and Financial Operations Committee or, if the Legislative Council gives the functions that are relevant to this Act to a different committee of the Legislative Council, that committee;

”.

Debate ensued.

Amendment - put and negatived.

Clause, as amended, agreed to.

Clauses 5 to 7 agreed to.

Clause 8.

31. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Premier tabled letters from the Western Australian Electoral Commission to Magenta Linas Software Pty Ltd and Consultech Engineering Pty Ltd, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2339).

The Parliamentary Secretary representing the Minister for Community Development tabled, and by leave incorporated into Hansard, an answer in relation to the licensing of childcare centres, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 2340).

The Minister for Education and Training tabled, and by leave incorporated into Hansard, an answer in relation to teachers employed by the Department of Education, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2341).

The Leader of the House in accordance with Standing Order No 138(d), tabled a summary of questions on notice asked by Hon Donna Faragher and advised that they would be answered when the answers become available. (Tabled paper 2342).

The Parliamentary Secretary representing the Minister for Housing and Works on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, an answer in relation to inconvenience and inefficiencies at vehicle licensing centres in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 2343).

The Parliamentary Secretary representing the Minister for Community Development tabled an answer in relation to childcare centres and outside school hours care in Western Australia, in response to a question on notice No. 4315 asked by Hon Robyn McSweeney. (Tabled paper 2344).

32. Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Auditor General Bill 2006

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

33. Suspension of Sessional Orders - Sitting beyond 6pm

The Leader of the House moved, without notice -

That so much of Sessional Orders be suspended that would enable the House to sit beyond 6.00pm, so as to complete the remaining stages of the *Financial Legislation Amendment and Repeal Bill 2006*, *Financial Management Bill 2006* and *Auditor General Bill 2006* at 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.

34. Order of Business

Ordered - That Orders of the Day Nos 306, *Financial Legislation Amendment and Repeal Bill 2006*, 307, *Financial Management Bill 2006*, 314, *Auditor General Bill 2006*, be taken forthwith. (Leader of the House).

35. Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

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

The President left the Chair.

In Committee

(Hon Simon O'Brien in the Chair)

Auditor General Bill 2006

Clause 8

Hon Giz Watson moved -

Page 5, after line 13 — To insert —

“

(c) the Estimates and Financial Operations Committee.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 9 to 13 agreed to.

Clause 14

Hon Giz Watson moved -

Page 7, line 25 — To insert after “Committee” —

“ and the Estimates and Financial Operations Committee ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 15 to 23 agreed to.

Clause 24.

Hon Giz Watson moved -

Page 14, after line 8 — To insert —

“

(c) is to include an opinion as to whether a decision by a Minister not to provide information to Parliament concerning any conduct or operation of an agency is reasonable and appropriate.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 25.

Hon Giz Watson moved -

Page 14, line 25 — To insert after “Committee” —

“ and the Estimates and Financial Operations Committee ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 26 to 36 agreed to.

Clause 37.

Hon Giz Watson moved -

Page 21, line 9 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

The Leader of the House moved -

Page 21, line 9 — To delete “but may report it to the Public Accounts Committee”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 38 to 42 agreed to.

Clause 43.

Hon Giz Watson moved -

Page 24, lines 5 to 6 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 24, lines 8 to 9 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 44 agreed to.

Clause 45.

The Leader of the House moved -

Page 25, after line 14 — To insert -

“

(3) Subsection (2) does not apply to the communication of information to —

(a) the Joint Standing Committee on Audit; or

(b) the Public Accounts Committee; or

(c) the Estimates and Financial Operations Committee.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 46 agreed to.

Clause 47.

Hon Giz Watson moved -

Page 26, line 2 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 26, line 5 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 26, lines 17 to 18 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 26, line 20 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Amendments - put and passed.

Hon Giz Watson moved -

Page 26, line 4 — To delete the line and insert instead —

“

(a) after the expiry of 5 years from the commencement of this Act; and

(b) thereafter after every fifth year after the fifth anniversary.

”.

Hon Giz Watson, by leave, withdrew her amendment.

The Leader of the House moved -

Page 26, line 4 — To delete “the expiry of 5 years from the commencement of this Act.” and insert instead —

“

(a) the fifth anniversary of its commencement; and

(b) the expiry of each 5 yearly interval after that anniversary.

”.

Debate ensued.

Amendment - put and passed.

The Leader of the House moved -

Page 26, line 5 — To delete “that review” and insert instead —

“ a review under subsection (1) ”.

Amendment - put and passed.

The Leader of the House moved -

Page 26, after line 19 — To insert —

“

(3) For the purposes of subsection (1), the Joint Standing Committee on Audit is to appoint a suitably qualified person (the “**reviewer**”) to conduct a review (a “**performance and legislative review**”) as to such matters relating to —

- (a) the operation and effectiveness of this Act; and
- (b) the performance of the Auditor General's functions by the Auditor General and the OAG,

as are within the terms of reference given to the reviewer by the Joint Standing Committee on Audit.

- (4) The Joint Standing Committee on Audit is to consult with the Auditor General before appointing the reviewer and determining the terms of reference to be given to the reviewer.
- (5) The reviewer is to carry out a performance and legislative review and is to prepare a report based on that review and provide it to the Joint Standing Committee on Audit.
- (6) Before providing the report the reviewer must —
 - (a) give a summary of the findings of the performance and legislative review to the Auditor General; and
 - (b) by written notice invite the Auditor General to make submissions or comments on the summary of findings before a specified day, being —
 - (i) not more than 14 days after the summary of findings is given to the Auditor General; and
 - (ii) before the report is provided to the Joint Standing Committee on Audit.
- (7) The reviewer must include in the report any submissions or comments made under subsection (6) before the specified day, or a fair summary of them.

”.

Amendment - put and passed.

The Leader of the House moved -

Page 26, line 21 — To delete “the review” and insert instead —

“ a review under subsection (1) ”.

Amendment - put and passed.

The Leader of the House moved -

Page 26, line 22 — To insert after “the” —

“ Legislative Council and the ”.

Debate ensued.

Amendment - put and passed.

Debate ensued.

The Leader of the House moved -

Page 26, after line 23 — To insert —

“

- (4) The Joint Standing Committee on Audit may adopt the report provided to them by the reviewer, in whole or in part and with or without modifications, as part of the report under subsection (3).

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 48 and 49 agreed to.

New Clause 43.

Hon Giz Watson moved -

Page 24, after line 1 — To insert the following new clause —

“

43. Joint Standing Committee on Audit

The Houses of Parliament are to establish a Joint Standing Committee on Audit comprising an equal number of members appointed by each House.

”.

Debate ensued.

New Clause agreed to.

Schedule 1.

Hon Giz Watson moved -

Page 28, line 9 — To insert after “Committee” —

“ and the Estimates and Financial Operations Committee ”.

Page 28, line 13 — To insert after “Committee” —

“ and the Estimates and Financial Operations Committee ”.

Page 30, line 16 — To delete “made on the recommendation of the Public Accounts Committee”.

Page 30, lines 20 to 21 — To delete “made on the recommendation of the Public Accounts Committee”.

Page 31, line 33 — To insert after “Committee” —

“ and the Estimates and Financial Operations Committee ”.

Amendments - put and passed.

Hon Giz Watson moved -

Page 30, after line 31 — To insert —

“

- (4) Either House of Parliament may order the Joint Standing Committee on Audit to inquire into and report on any motion for suspension or removal of the Auditor General.

”.

Amendment - put and passed.

Schedule, as amended, agreed to.

Schedule 2 agreed to.

Title agreed to.

Financial Management Bill 2006

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

The Leader of the House moved -

Page 2, after line 10 — To insert —

“

“**accounts**”, in paragraph (b)(i) of the definition of “officer” and in sections 56(1)(b), 63(2)(b), 64(1)(b) and 71, has the meaning given to that term in the *Auditor General Act 2006* section 4(1);

”.

Amendment - put and passed.

Hon Giz Watson moved -

Page 3, after line 7 — To insert —

“

“**Joint Standing Committee on Audit**” means the joint standing committee on Audit or, if it is renamed, that committee as so renamed.

”.

Debate ensued.

Hon Giz Watson, by leave, withdrew her amendment.

The Leader of the House moved -

Page 3, after line 7 — To insert —

“

“**Joint Standing Committee on Audit**” means the joint standing committee established by the Houses of Parliament under the *Auditor General Act 2006* section 43;

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 4 agreed to.

Clause 5

The Leader of the House moved -

Page 5, line 20 — To delete “regulations may provide that the administration of” and insert instead —

“ administration of each of the following ”.

Amendment - put and passed.

The Leader of the House moved -

Page 5, line 27 — To delete the line and insert instead —

“

is taken to constitute a department for the purposes of this Act, and the regulations may provide that the administration of any other body or office established under a written law

”.

Amendment - put and passed.

The Leader of the House moved -

Page 6, lines 1 and 2 — To delete “the subject of regulations”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 6 to 84 agreed to.

Clause 85.

Hon Giz Watson moved -

Page 54, lines 4 to 7 — To delete the lines.

Amendment - put and passed.

The Leader of the House moved -

Page 54, lines 9 to 10 — To delete “the expiry of 5 years from the commencement of this Act.” and insert instead —

“

(a) the fifth anniversary of its commencement; and

(b) the expiry of each 5 yearly interval after that anniversary.

”.

Amendment - put and passed.

The Leader of the House moved -

Page 54, line 11 — To delete “that review” and insert instead —

“ a review under subsection (2) ”.

Page 54, line 16 — To delete “the review” and insert instead —

“ a review under subsection (2) ”.

Amendments - put and passed.

Hon Giz Watson moved -

Page 54, line 20 — To delete “the Public Accounts Committee.” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 54, line 21 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 54, lines 24 to 25 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Page 54, line 27 — To delete “Public Accounts Committee” and insert instead —

“ Joint Standing Committee on Audit ”.

Amendments - put and passed.

The Leader of the House moved -

Page 54, line 29 — To insert after “the” —

“ Legislative Council and the ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Schedule 1 agreed to.

Schedule 2.

The Leader of the House moved -

Page 59, in Column 2 in modified section 54(1) — To delete “Treasurer is to appoint, in writing, a person to be the accountable authority of an agency.” and insert instead —

“

accountable authority of the agency taken to be constituted under section 5(1) by the administration of —

- (a) the Legislative Council is the Clerk of the Legislative Council; or
- (b) the Legislative Assembly is the Clerk of the Legislative Assembly; or
- (c) the Parliamentary Services Department is the Executive Manager (however designated) of the Parliamentary Services Department; or
- (d) the Parliamentary Commissioner for Administrative Investigations is the chief executive officer of the department of the Public Service principally assisting in the administration of the *Parliamentary Commissioner Act 1971*; or
- (e) the Information Commissioner is the chief executive officer of the department of the Public Service principally assisting in the administration of the *Freedom of Information Act 1992*,

and the accountable authority of an agency taken to be constituted under section 5(1) by the administration of a body or office that is the subject of regulations referred to in that provision is the person appointed, in writing, by the Treasurer to be the accountable authority of that agency.

”.

Amendment - put and passed.

The Leader of the House moved -

Page 61, at the end of the Schedule to insert —

“ For the purposes of section 5(2), Part 3 Division 5 does not have effect. ”.

Debate ensued.

Amendment - put and passed.

Schedule, as amended, agreed to.

Schedule 3.

The Leader of the House moved -

Page 63, in Column 2 in modified section 63(2) — To delete “section 37” and insert instead —

“ section 38 ”.

Amendment - put and passed.

The Leader of the House moved -

Page 63, in the last line of the Schedule — To delete “section 64 does” and insert instead —

“ Part 3 Division 5 and section 64 do ”.

Amendment - put and passed.

Debate ensued.

Schedule, as amended, agreed to.

Title agreed to.

Financial Legislation Amendment and Repeal Bill 2006

Pursuant to the instruction to the Committee of the Whole House, that it have the power to consider the amendments listed on *SNP 150 Issue 2* as one question, the Leader of the House moved -

That the Committee agree to the amendments contained in *SNP 150 Issue 2*.

The amendments were as follows -

Clause 4.

Page 4, in the item relating to the *Conservation and Land Management Act 1984* — To delete “s. 66(2)” and “s. 74(3)”.

Page 5, in the item relating to the *Electoral Act 1907* — To insert after “s. 16B(8)” —

“

s. 175LK

”.

Page 8, in the item relating to the *Land Administration Act 1997* — To insert —

“

<i>Land Information Authority Act 2006</i>	s. 71(1)(a)
	s. 71(4)
	s. 76(3)
	s. 76(4)
	s. 77(1)

”.

Page 11, after the item relating to the *Railway Standardisation Agreement Act 1961* — To insert —

“

<i>Residential Parks (Long-stay Tenants) Act 2006</i>	s. 83(4)
---	----------

”.

Schedule 1.

Page 35, line 1 — To delete “Treasury to the credit of the”.

Page 37, line 31 — To delete “44(2)” and insert instead —

“ 45(2) ”.

Page 43, after line 24 — To insert —

“

27. *Commissioner for Children and Young People Act 2006*

Section 42(2) is amended by deleting “*Financial Administration and Audit Act 1985*” and inserting instead —

“ *Financial Management Act 2006* ”.

”.

Page 44, lines 2 to 8 — To delete the lines and insert instead —

“

(1) Section 3 is amended by deleting the definition of “Fund”.

”.

Page 44, lines 12 to 14 — To delete the lines and insert instead —

“

- (3) The heading to Part VI Division 1 is deleted.

”.

Page 44, lines 17 to 24 — To delete the lines and insert instead —

“

- (a) by deleting “moneys available for carrying this Act into effect shall be —” and inserting instead —

“

account established for the purposes of the operations of the Department is to be credited with —

”.

- (b) by deleting paragraphs (a), (b), (c), (e), (f), (g) and (h);
 (c) by deleting the semicolon at the end of paragraph (ga) and “and” after that paragraph and inserting a full stop instead;

”.

Page 44, line 25 — To delete “(b) to (g)” and insert instead —

“ (d) and (da) ”.

Page 45, lines 1 to 18 — To delete the lines and insert instead —

“

- (6) Section 64(2) is repealed.
 (7) Sections 65, 66 and 67 are repealed.

”.

Page 45, lines 27 to 29 — To delete the lines and insert instead —

“

- (10) Section 68(2) is repealed and the following subsection is inserted instead —

“

- (2) The NCNP Account is to be credited with —
 (a) fees paid for licences referred to in the *Wildlife Conservation Act 1950* sections 23C and 23D(2); and
 (b) royalties paid under section 23C of that Act; and
 (c) the net proceeds of the sale of any skins or carcasses of fauna taken by or on behalf of the CEO from a nature reserve; and
 (d) gifts, devises, bequests and donations made to the NCNP Account.

”.

”.

Page 46, line 4 — To insert after “trust” —

“

accounts for such purposes, in such terms, and comprising such moneys as may be prescribed.

”.

Page 46, line 8 — To insert after “purpose” —

“ accounts. ”.

Page 46, lines 16 to 31 — To delete the lines and insert instead —

“

(14) Section 70 is repealed.

(15) Part VI Divisions 2 and 3 are repealed.

”.

Page 51, line 28 — To delete “13(2)(b)” and insert instead —

“ 13(6) ”.

Page 55, line 33 — To delete “44(2)” and insert instead —

“ 45(2) ”.

Page 65, after line 11 — To insert —

“

(1) Section 4D(2)(b) is amended by deleting “officer under section 62 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“

authority under Part 5 of the *Financial Management Act 2006*.

”
.
”
.

Page 65, after line 27 — To insert —

“

57. *Energy Safety Act 2006*

Section 26(1) and (2) are repealed and the following subsection is inserted instead —

“

(1) An agency special purpose account called the Energy Safety Account is established under the *Financial Management Act 2006* section 16.

”
.
”
.

Page 69, after line 28 — To insert —

“

61. *Financial Management Act 2006*

Schedule 1 is amended by inserting in the appropriate alphabetical position the following item —

“ Western Australian Land Information Authority ”.

”.

Page 78, line 23 — To delete “44(2)” and insert instead —

“ 45(2) ”.

Page 79, after line 25 — To insert —

“

(2) Section 9C(4) is amended by deleting “section 66 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“ Part 5 of the *Financial Management Act 2006*. ”.

”.

Page 87, after line 29 — To insert —

“

- (2) Section 11A(6) is amended by deleting “section 66 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“ Part 5 of the *Financial Management Act 2006*. ”.

”.

Page 92, after line 34 — To insert —

“

- (2) Section 14C(4) is amended by deleting “section 66 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“ Part 5 of the *Financial Management Act 2006*. ”.

”.

Page 96, after line 13 — To insert —

“

91. Land Information Authority Act 2006

- (1) Section 65(3) is amended by deleting “*Financial Administration and Audit Act 1985* section 66.” and inserting instead —

“ *Financial Management Act 2006* Part 5. ”.

- (2) Section 68(1) is amended as follows:

- (a) in paragraph (a), by deleting “*Financial Administration and Audit Act 1985*” and inserting instead —

“ *Financial Management Act 2006* ”.

- (b) by deleting “*Financial Administration and Audit Act 1985* section 69” and inserting instead —

“ *Financial Management Act 2006* section 64 ”.

- (3) Section 70 is amended by deleting the passage from and including “held — ” to the end of the section and inserting instead —

“

that is to be established —

- (a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or

- (b) with the Treasurer’s approval, at a bank as defined in section 3 of that Act.

”.

- (4) Section 73 is amended by deleting “held as part of the Trust Fund constituted under the *Financial Administration and Audit Act 1985* section 9 and are not”.

- (5) Section 81 is amended by deleting “*Financial Administration and Audit Act 1985*” and inserting instead —

“ *Financial Management Act 2006* and the *Auditor General Act 2006* ”.

- (6) Section 82(1)(a) is amended by deleting “*Financial Administration and Audit Act 1985*,” and inserting instead —

“ *Financial Management Act 2006* or the *Auditor General Act 2006*; ”.

Page 97, after line 1 — To insert —

“

- (1) Section 37(4g) is amended by deleting “*Financial Administration and Audit Act 1985* section 66” and inserting instead —

“ *Financial Management Act 2006* Part 5 ”.

Page 101, after line 23 — To insert —

“

- (2) Section 8C(4) is amended by deleting “section 66 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“ Part 5 of the *Financial Management Act 2006*. ”.

Page 117, lines 16 to 25 — To delete the lines.

Page 130, line 13 — To delete “44(2)” and insert instead —

“ 45(2) ”.

Page 149, after line 16 — To insert —

“

- (1) Section 33C(4) is amended by deleting “section 66 of the *Financial Administration and Audit Act 1985*.” and inserting instead —

“ Part 5 of the *Financial Management Act 2006*. ”.

Page 153, lines 1 to 20 — To delete the lines and insert instead —

“

162. *Swan and Canning Rivers Management Act 2006*

- (1) Section 29(8)(b) is amended by deleting “operating account of the department established and administered under the *Financial Administration and Audit Act 1985*.” and inserting instead —

“

agency special purpose account of the department established and maintained under the *Financial Management Act 2006* section 16.

”.

- (2) Section 34(2) is amended by deleting “*Financial Administration and Audit Act 1985* section 66.” and inserting instead —

“ *Financial Management Act 2006* Part 5. ”.

- (3) Section 42(1) is repealed and the following subsection is inserted instead —

“

- (1) An account called the Swan River Trust Account is to be established —
 - (a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or
 - (b) with the approval of the Treasurer, at a bank as defined in section 3 of that Act,

to which the funds referred to in section 41 must be credited.

”.

- (4) Section 44 is amended by deleting “*Financial Administration and Audit Act 1985*” and inserting instead —

“ *Financial Management Act 2006* and the *Auditor General Act 2006* ”.

- (5) Section 66(4) is amended by deleting “*Financial Administration and Audit Act 1985* section 66.” and inserting instead —

“ *Financial Management Act 2006* Part 5. ”.

- (6) Section 131(1) is repealed and the following subsection is inserted instead —

“

- (1) An account called the Swan and Canning Rivers Foundation Account is to be established —

- (a) as an agency special purpose account under the *Financial Management Act 2006* section 16; or
- (b) with the approval of the Treasurer, at a bank as defined in section 3 of that Act,

to which the funds received by the Foundation must be credited.

”.

- (7) Section 131(4)(a) is amended by deleting “*Financial Administration and Audit Act 1985* section 54;” and inserting instead —

“ *Financial Management Act 2006* section 52; ”.

- (8) Section 131(4)(b) is amended by deleting “Part II Division 14” and inserting instead —

“ Part 5 ”.

”.

Page 170, after line 1 — To insert —

“

- (1) Section 6(1) is amended by deleting the definition of “Fund”.

”.

Page 170, after line 4 — To insert —

“

- (2) Section 23C(4)(a) is amended by deleting “Fund;” and inserting instead —

“

Nature Conservation and National Parks Account referred
to in the *Conservation and Land Management Act 1984*
section 68(1);

”

”

Page 170, line 8 — To delete “28” and insert instead —

“ 29 ”.

Debate ensued.

Amendments - put and passed.

Bill, as amended, agreed to.

The President resumed the Chair.

Bills reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of these Bills at this day's sitting.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

The Leader of the House moved, That the Bills be now read a third time.

The President having reported that the Deputy Chairman of Committees had certified that the fair prints of these 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.

36. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until a date and time to be fixed by the President.

Debate ensued.

Question - put and passed.

37. Adjournment

The House adjourned at 7.14pm until a date and time to be fixed by Mr President.

Members present during the day's proceedings

Attendance: Present all Members except Hon Adele Farina.

Member granted leave: Hon Margaret Rowe.

MALCOLM PEACOCK
Acting Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council