

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 6

WEDNESDAY, 26 NOVEMBER 2008

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Statement by the President

The President made the following statement -

The media has sought permission to take some file footage.

For the benefit of new members I advise that, as is the custom in this place, I give members 24 hours notice with a view to accepting from any member any objection to that permission being granted.

If I do not hear anything from members by the time we adjourn tonight, I will take it that all members agree that the media should be permitted to take file footage for about 15 minutes during question time at tomorrow's sitting.

3. Petitions

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 608 petitioners requesting the Legislative Council support maintaining Western Australia as a Genetically Modified (GM) Free Zone. (Tabled paper 369).

Hon Simon O'Brien presented a petition from 2 129 petitioners requesting the Legislative Council oppose the closure of Royal Perth Hospital. (Tabled paper 371).

Hon Giz Watson presented a petition from 758 petitioners requesting the Legislative Council oppose the development of a LNG processing hub on the Kimberley Coast. (Tabled paper 372).

4. Paper

The following Paper was laid on the Table by -

Leader of the House

Reports -

Public Sector Standards Commissioner, Office of the [OPSSC] - State of the Service

Report 2008 (Deemed tabled 25/11/2008) 370

5. Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament - Publication of Evidence

The Leader of the House moved, without notice -

That leave be granted for the Select Committee into the Appropriateness of Powers and Penalties for Breaches of Parliamentary Privilege and Contempts of Parliament 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.

Question - put and passed.

6. 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.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Community Services tabled documents in relation to details of five spot visits to ABC Child Care Centres in the last four weeks, in response to a question without notice asked by Hon Sue Ellery. (Tabled paper 373).

8. Select Committee into Public Sector Expenditure - Establishment

Debate resumed on the amendment of Hon Kim Chance to the motion of Hon Sue Ellery (cf item 6 above).

Interruption of Debate [SO 195].

9. Order of Business

Ordered - That Bills for Introduction be taken before Orders of the Day. (Leader of the House).

10. Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Amendment Bill 2008

The Minister for Mines and Petroleum, pursuant to notice, moved -

That a Bill for “An Act to amend the *Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002*.” be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

The Minister for Mines and Petroleum, by leave, tabled the Explanatory Memorandum for the Bill. (Tabled paper 374).

Debate stands adjourned.

11. 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 Bruce Donaldson the debate was adjourned to the next sitting.

12. Training Legislation Amendment and Repeal 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.

The Acting President left the Chair.

In Committee

(Hon Barry House in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Hon Adele Farina moved -

Page 2, after line 10 — To insert —

- (2) Despite subsection (1), if at the end of the period of 6 months beginning on the day on which this Act receives the Royal Assent a day has not been fixed under subsection (1)(b) in respect of a provision, that provision comes into operation on the day after the last day of that period.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 3 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9 agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clauses 20 to 37 agreed to.

Clause 38.

Debate ensued.

Hon Adele Farina moved the following amendments -

Page 32, line 15 — To delete “provide for” and insert —

prescribe

Page 32, line 19 — To delete “provide for” and insert —

prescribe

Page 33, line 11 — To delete “provide for” and insert —

prescribe

Page 34, line 5 — To delete “provide for” and insert —

prescribe

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 39.

Debate ensued.

Clause agreed to.

Clause 40.

Debate ensued.

Hon Adele Farina moved -

Page 45, line 9 — To delete “at any reasonable time” and insert —

with the occupier’s consent

Debate ensued.

Amendment - put and passed.

Hon Adele Farina moved -

Page 45, line 18 — To insert before “read” —

with the consent of the person in possession of the record,

Amendment - put and passed.

Hon Sheila Mills moved -

Page 45, lines 21 and 22 — To delete the lines.

Amendment - put and passed.

Hon Ljiljanna Ravlich moved -

Page 45, line 25 — To delete “\$10 000” and insert —

\$5 000

Amendment - put and passed.

Hon Ljiljanna Ravlich moved -

Page 45, line 30 — To delete “\$10 000” and insert —

\$5 000

Debate ensued.

Hon Ljiljanna Ravlich, by leave, withdrew her amendment.

Hon Adele Farina moved -

Page 45, lines 26 to 30 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Hon Ljiljanna Ravlich moved -

Page 45, line 33 — To delete “\$10 000” and insert —

\$5 000

Amendment - put and passed.

Hon Adele Farina moved -

Page 45, after line 33 — To insert —

61C. Entry warrant for a place

- (1) A VET inspector may apply to a JP for an entry warrant authorising the entry of a place, including a dwelling, for the purpose of investigating any matter the inspector is authorised to investigate.
- (2) A VET inspector may apply for an entry warrant for a place even if the inspector has not asked the occupier for consent to enter the place.
- (3) The application must be made in accordance with the *Criminal Investigation Act 2006* section 13.
- (4) The application must —
 - (a) describe with reasonable particularity the place to be entered; and
 - (b) state —
 - (i) that the VET inspector suspects the place is a place where vocational education and training is provided and the grounds for the suspicion; or
 - (ii) that the VET inspector suspects there are records at the place that relate to the provision of vocational education and training and the grounds for the suspicion;
 - and
 - (c) state the purposes for which entry the place is wanted; and
 - (d) state for how long the inspector believes the warrant should remain in force.
- (5) On such an application, a JP may issue an entry warrant authorising the entry of a place for the purpose of investigating any matter the inspector is authorised to investigate if satisfied that, in respect of the matters in subsection (4) on which the applicant is required to have a suspicion, there are reasonable grounds for the applicant to have that suspicion.
- (6) An entry warrant must contain this information —
 - (a) a reasonably particular description of the place to which it relates;
 - (b) the period, not exceeding 7 days, in which it may be executed;
 - (c) the date and time when it was issued.

- (7) Under an entry warrant issued to a VET inspector, the inspector, with any assistance that is reasonably necessary in the circumstances, may do any or all of the following —
- (a) using any force that is reasonably necessary, enter, inspect and search the place described in the warrant for the purpose of investigating any matter the inspector is authorised to investigate;
 - (b) read and seize or copy any record the inspector suspects on reasonable grounds is or may be relevant to the matter being investigated;
 - (c) for the purposes of paragraph (b) —
 - (i) make reasonable use of any equipment, facilities or services in the place that are needed; and
 - (ii) direct an occupier of the place to do anything that is reasonable and necessary to facilitate that use.
- (8) A person who is given a direction under subsection (7)(c)(ii) must obey it.
Penalty: a fine of \$5 000.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 41 to 61 agreed to.

The Minister for Training 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 Acting President resumed the Chair.

The 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.

13. Suspension of Standing Orders

The Minister for Training moved, without notice -

That so much of the Standing Orders be suspended to enable the *Training Legislation Amendment and Repeal Bill 2008* to proceed through all remaining stages at today'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.

14. Order of Business

Ordered - That Order of the Day No. 5, *Training Legislation Amendment and Repeal Bill 2008*, be now taken. (Minister for Training).

15. Training Legislation Amendment and Repeal 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 George Cash in the Chair)

Title agreed to.

The Acting President resumed the Chair.

Bill reported with amendments.

The Minister for Training 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.

16. 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 George Cash 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.

Interruption of Debate [SO 61(c)].

The Acting President resumed the Chair.

The Chairman of Committees 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.

17. Adjournment

The Minister for Transport moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 10.11pm until Thursday, 27 November 2008 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Anthony Fels and Hon Batong Pham.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council