

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 154

TUESDAY, 4 SEPTEMBER 2007

1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

2. Papers

The following Papers were laid on the Table by -

Leader of the House

Joint Standing Committee on Treaties (Commonwealth of Australia) -
Report No. 88 - Treaty tabled on 7 August 2007 3089

Minister for Regional Development

Reports -
Western Australia Police - Quarterly Report under Section 54(2) of the Terrorism
(Preventative Detention) Act 2006 (ending 30 June 2007) 3090

3. Matter of Urgency - Water Resources - South West

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency that given the ongoing pressure on the water resources of the south west of Western Australia, this House calls on the government to commit to long term water efficiency targets.

Yours sincerely

Hon Paul Llewellyn
Member for South West Region

Four members having risen in support.

Hon Paul Llewellyn moved the motion.

Debate ensued.

Motion lapsed.

4. Order of Business

Ordered - That Orders of the Day Nos 456, *Road Traffic (Charges and Fees) Amendment Regulations (No. 3) 2007 - Disallowance* and 457, *Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2007 - Disallowance* be taken after Order of the Day No. 280, *Water Resources Legislation Amendment Bill 2006*. (Leader of the House).

5. Biosecurity and Agriculture Management (Repeal and Consequential Provisions) Bill 2006 and Biosecurity and Agriculture Management Rates and Charges Bill 2006

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

The Minister for Agriculture and Food moved, That the Bills be now read a third time.

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

Question - put and passed.

Bills read a third time and passed.

6. Taxi Amendment Bill 2007

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.

7. Questions Without Notice

Questions without notice were taken.

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, details in regard to Western Power's preferred route for the Eneabba to Moonyoonooka transmission line project, in response to a question without notice asked by Hon Murray Criddle. (Tabled paper 3091).

The Leader of the House representing the Minister for Energy tabled a list of Boards of Management, Members and total remuneration under the Minister for Energy's portfolio, in response to question on notice No. 4835 asked by Hon Helen Morton. (Tabled paper 3092).

8. Taxi Amendment Bill 2007

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clauses 4.

Debate ensued.

Clause agreed to.

Clause 5.

The Hon Murray Criddle moved -

Page 3, line 12 — To delete “40%” and insert instead —

“ 30% ”.

Debate ensued.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure, by leave, tabled a table in regard to the movement of plate prices for conventional taxis over the past 10 years. (Tabled paper 3093).

Debate ensued.

Hon Murray Criddle, by leave, withdrew the amendment standing in his name.

The Hon Simon O’Brien moved -

Page 3, line 12 — To delete “40%” and insert instead —

“ 35% ”.

Debate ensued.

Question, That the words to be deleted, be deleted - put.

The Committee divided.

Ayes (14)

Hon George Cash	Hon Ray Halligan
Hon Peter Collier	Hon Paul Llewellyn
Hon Murray Criddle	Hon Robyn McSweeney
Hon Brian Ellis	Hon Norman Moore
Hon Donna Faragher	Hon Simon O’Brien
Hon Anthony Fels	Hon Giz Watson
Hon Nigel Hallett	Hon Bruce Donaldson (<i>Teller</i>)

Noes (11)

Hon Matt Benson-Lidholm	Hon Sheila Mills
Hon Vincent Catania	Hon Louise Pratt
Hon Kate Doust	Hon Ljiljanna Ravlich
Hon Sue Ellery	Hon Sally Talbot
Hon Adele Farina	Hon Ed Dermer (<i>Teller</i>)
Hon Jon Ford	

Question thus passed.

On the question, That the words to be inserted, be inserted.

Debate ensued.

Question - put and passed.

The Hon Simon O’Brien moved -

Page 3, lines 13 to 16 — To delete the lines and insert instead —

“(b) by deleting paragraph (b).”

Debate ensued.

Question, That the words to be deleted, be deleted - put.

The Committee divided.

Ayes (11)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Brian Ellis
Hon Anthony Fels
Hon Nigel Hallett

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

Noes (14)

Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Murray Criddle
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford

Hon Paul Llewellyn
Hon Sheila Mills
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Question thus negated.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Clause - put and negated.

Clause 8.

Debate ensued.

Clause - put and negated.

Clause 9 agreed to.

Clause 10.

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

Page 5, line 12 — To delete “in relation to” and insert instead —

“ restricting ”.

Debate ensued.

Amendment - put and passed.

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

Page 5, line 13 — To insert after “plates” —

“

, except a condition restricting the transfer of those plates within 3 years after they were acquired

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 11 agreed to.

New Clause 7.

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

Page 3, after line 20 — To insert the following new clause —

“

7. **Section 21 amended**

After section 21(2) the following subsections are inserted —

“

- (3) Where the Director General decides that a plate holder has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act, the Director General may serve notice on that person —
 - (a) stating the reason the Director General made that decision; and
 - (b) requiring the plate holder —
 - (i) in the case of an owner of taxi plates — to divest himself or herself of any interest in the ownership of the taxi plates within 45 days after the day of service of the notice (the “**divestment period**”); or
 - (ii) in the case of a lessee of taxi plates — advising him or her of the effect of the relevant provisions of subsections (4) and (5).
- (4) Where a person fails to divest himself or herself of his or her interest in the ownership of taxi plates within the divestment period or a person is served with a notice under subsection (3)(b)(ii) in relation to the leasing of taxi plates —
 - (a) his or her right to the plates is forfeited to the Director General —
 - (i) if he or she has applied under subsection (5) for a review — on the making of a decision that confirms the Director General’s decision or that otherwise results in the forfeiture of that right; or
 - (ii) otherwise on the expiry of —
 - (I) in the case of an owner of taxi plates — the divestment period; or
 - (II) in the case of a lessee of taxi plates — the period specified in subsection (5);
 - and
 - (b) the plates may then be offered for sale or lease, as the case requires, in accordance with section 16.
- (5) Where the Director General serves notice on a person under subsection (3), the person may within 14 days after the day of service of that notice apply to the State Administrative Tribunal for a review of the Director General’s decision that he or she has not, for a period of at least 60 days, used taxi plates owned or leased by him or her on a vehicle being operated as a taxi in accordance with this Act.
- (6) In this section —

“**plate holder**”, in relation to a plate holder that is a partnership,
means each member of the partnership.

”
”

Debate ensued.

New Clause agreed to.

New Clause 8.

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

Page 4, after line 11 — To insert the following new clause —

“

8. Section 24 amended

(1) Section 24(2) is amended by inserting after “divest under section” —

“ 21(3) or ”.

(2) After section 24(5) the following subsection is inserted —

“

(6) Taxi plates issued under section 30I(2)(b) are not transferable for a period
of one year after the day on which they are issued.

”
”

Debate ensued.

New Clause agreed to.

New Clause 9.

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

Page 4, before line 20 — To insert the following new clause —

“

9. Section 25 amended

Section 25(1)(c) is amended by inserting after “forfeiture under” —

“ subsection (4) of section 21 or ”.

”

New Clause agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

9. Acts Amendment (Consent to Medical Treatment) Bill 2006

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

Debate resumed.

Interruption of Debate [SO 61(b)].

10. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.25pm until Wednesday, 5 September 2007 at 4.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Barbara Scott.

MIA BETJEMAN

Clerk of the Legislative Council

HON NICK GRIFFITHS

President of the Legislative Council