

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 192

THURSDAY, 20 MARCH 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 - Legislative Council - Sessional Orders

The Leader of the House made a Ministerial Statement with respect to Sessional Orders.

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Notices -

Financial Management Act 2006, Under Section 82 - Questions on Notice No. 3026
asked in the Legislative Assembly on 26 February 2008..... 3796

Regulations -

Stock Diseases (Regulations) Act 1968 (Enzootic Diseases Amendment Regulations 2008
G.G. 11/03/2008)..... 3797

Reports -

Community Attitude Monitor (March 2007)..... 3798

Community Attitude Monitor (July 2007) 3799

Parliamentary Secretary representing the Deputy Premier on behalf of the Minister for Child Protection

Codes -

Human Tissue and Transplant Act 1982 (Non-Coronial Post-Mortem Examinations Amendment
Code of Practice 2008 G.G. 14/03/2008)..... 3800

Regulations -

Children's Court of Western Australia Act 1988 (Children's Court (Fees) Amendment
Regulations 2008 G.G. 11/03/2008)..... 3801

Coroners Act 1996 (Coroners Amendment Regulations 2008 G.G. 11/03/2008) 3802

Evidence Act 1906 (Evidence (Examination of witnesses outside the State) Amendment Regulations 2008 G.G. 11/03/2008 and Evidence (Visual Recording of Interviews with Children) Amendment Regulations 2008 G.G. 11/03/2008)	3803
Fines, Penalties and Infringement Notices Enforcement Act 1994 (Fines, Penalties and Infringement Notices Enforcement Amendment Regulations (No. 2) 2008 G.G. 11/03/2008).....	3804

Parliamentary Secretary representing the Deputy Premier

Annual Reports -

Anzac Day Trust (Year ending 31 December 2007) (Date received 20/03/2008)	3805
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Regulations -

First Home Owner Grant Act 2000 (First Home Owner Grant Amendment Regulations 2008 G.G. 14/03/2008).....	3806
Taxation Administration Act 2003 (Taxation Administration Amendment Regulations 2008 G.G.14/03/2008)	3807

Parliamentary Secretary representing the Minister for the Environment on behalf of the Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regulations -

Land Valuers Licensing Act 1978 (Land Valuers Licensing Amendment Regulations (No. 2) 2007 G.G. 14/03/2008).....	3808
Rail Safety Act 1998 (Rail Safety Amendment Regulations 2008 G.G. 14/03/2008)	3809
Road Traffic Act 1974 (Road Traffic Legislation Amendment Regulations 2008 G.G. 14/03/2008 and Road Traffic (General) Regulations 2008 G.G. 14/03/2008).....	3810

4. Standing Committee on Environment and Public Affairs - Twelfth Report - Overview of Petitions

Hon Sheila Mills presented the Twelfth Report of the Standing Committee on Environment and Public Affairs in relation to the Overview of Petitions. (Tabled paper 3811).

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

Question - put and passed.

5. Joint Standing Committee on Delegated Legislation - Twenty-fifth Report - University Statutes: Curtin University of Technology - Statute No. 7 - The Council; and Murdoch University - Amending Statutes - No. 5 and No. 17

Hon Ray Halligan presented the Twenty-fifth Report of the Joint Standing Committee on Delegated Legislation in relation to the University Statutes: Curtin University of Technology - Statute No. 7 - The Council; and Murdoch University - Amending Statutes - No. 5 and No. 17. (Tabled paper 3812).

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

Question - put and passed.

6. Joint Standing Committee on Delegated Legislation - Twenty-sixth Report - Issues Arising Under the Health Local Laws

Hon Ray Halligan presented the Twenty-sixth Report of the Joint Standing Committee on Delegated Legislation in relation to the Issues Arising Under the Health Local Laws. (Tabled paper 3813).

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

Question - put and passed.

7. Standing Committee on Estimates and Financial Operations - Office of Shared Services Briefing

Hon Anthony Fels: To move on the next day of sitting -

That the Standing Committee on Estimates and Financial Operations table in the Legislative Council any documents and transcripts of proceedings of the briefing from the Office of Shared Services provided to them on 21 August 2006, as referred to at 2.34 in the 2006 Annual Report.

8. Health, Education and Law and Order - Crises

Motion No. 63 having been called, debate resumed on the motion of Hon Ray Halligan as follows -

That this House condemns the Government for refusing to acknowledge that over its terms in office it has contributed to the crises continuing to plague our communities in the areas of health, education and law and order.

Want of Quorum

There not being a quorum present, the President gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Interruption of Debate [SO 195].

9. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Sheila Mills in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Report No. 26 - Inquiry into the Future Operation of Witness Protection Programmes in Western Australia - Committee Report

The Order of the Day having been read, Hon Ray Halligan continued his introductory remarks in moving, That the Report be noted.

Question - put and passed.

Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes Involving Treaties Entered Into, or Proposed to be Entered Into, By the Commonwealth - Committee Report

The Order of the Day having been called, Hon Simon O'Brien moved, That the Report be noted.

Want of Quorum

There not being a quorum present, the Deputy Chairman gave instructions for the ringing of the Bells.

A quorum being formed, the debate continued.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 27 - Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007 - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 28 - Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report

The Order of the Day having been called, Hon Ken Travers moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 29 - Legislative and Procedural Matters Arising from the Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report

The Order of the Day having been called, Hon Ken Travers moved, That the Report be noted.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Special Report - On a Matter Arising from the 2006-2007 Budget Estimates Hearings in Relation to the Western Australian Sports Centre Trust - Committee Report

The Order of the Day having been called, Hon Ken Travers moved, That the Report be noted.

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 8 - Budget Estimates 2006-2007 - Committee Report

The Order of the Day having been called, Hon Ken Travers moved, That the Report be noted.

Question - put and passed.

Interruption of Debate [SO 61A].

The President resumed the Chair.

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

- (1) Joint Standing Committee on the Corruption and Crime Commission - Report No. 26 - Inquiry into the Future Operation of Witness Protection Programmes in Western Australia - Committee Report and had noted same.
- (2) Standing Committee on Uniform Legislation and Statutes Review - Report No. 19 - Administrative Practices and Procedures and Parliamentary Processes Involving Treaties Entered Into, or Proposed to be Entered Into, By the Commonwealth - Committee Report and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission - Report No. 27 - Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 9 May 2007 - Committee Report and had noted same.
- (4) Joint Standing Committee on the Corruption and Crime Commission - Report No. 28 - Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report and had noted same.
- (5) Joint Standing Committee on the Corruption and Crime Commission - Report No. 29 - Legislative and Procedural Matters Arising from the Parliamentary Inspector's Investigation and Review of the Acts and Proceedings of the Corruption and Crime Commission Concerning Mr John D'Orazio - Committee Report and had noted same.
- (6) Standing Committee on Estimates and Financial Operations - Special Report - On a Matter Arising from the 2006-2007 Budget Estimates Hearings in Relation to the Western Australian Sports Centre Trust - Committee Report and had noted same.
- (7) Standing Committee on Estimates and Financial Operations - Report No. 8 - Budget Estimates 2006-2007 - Committee Report and had noted same.

Report adopted.

10. Standing Committee on Procedure and Privileges - Fifteenth Report - Observation 3 of the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

The President tabled the Fifteenth Report of the Standing Committee on Procedure and Privileges in relation to the Standing Committee on Estimates and Financial Operations. (Tabled paper 3814).

Hon George Cash moved, That the Report be printed and recommendation 1 adopted and agreed to.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

11. Standing Committee on Procedure and Privileges - Sixteenth Report - Referral of Letters by Resolution of the House on 20 February 2008 regarding the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

The President tabled the Sixteenth Report of the Standing Committee on Procedure and Privileges in relation to the Standing Committee on Estimates and Financial Operations. (Tabled paper 3815).

Hon George Cash moved, That the Report be printed and recommendations 1 and 2 adopted and agreed to.

On the motion of Hon Ed Dermer the debate was adjourned to the next sitting.

12. Order of Business

Ordered - That Order of the Day Nos 568, *Rights in Water and Irrigation Amendment Regulations (No. 3) 2007 - Disallowance* and 571, *Shire of Harvey Local Law Relating to Signs and Other Advertising Devices 2007 - Disallowance*, be taken after Order of the Day No. 279, *Minerals and Energy Research Amendment Bill 2006*. (Leader of the House).

13. Prostitution Amendment Bill 2007

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

The Minister for Child Protection moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

14. State Supply Commission Amendment Bill 2007

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

Debate resumed.

The Parliamentary Secretary representing the Treasurer, by leave, tabled and incorporated into Hansard documents in relation to Government vehicle fleet matters raised by the Auditor General and debated during the *State Supply Commission Amendment Bill 2007* second reading debate. (Tabled paper 3816).

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Hon Paul Llewellyn moved -

Page 4, after line 8 — To insert —

“

- (5) Any State fleet agreement shall include a condition requiring the Minister, or department of the Public Service principally assisting the Minister, to —
 - (a) minimise, so far as practicable, the net greenhouse gas emissions associated with vehicles used by public authorities by —
 - (i) maximising, so far as practicable, the fuel efficiency of the vehicle fleet; and
 - (ii) offsetting greenhouse gas emissions of the vehicle fleet; and
 - (b) report annually on the greenhouse gas emissions associated with vehicles used by public authorities.

”

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 8 and 9 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendment.

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

15. Cognate Debate - Duties Bill 2007 and Duties Legislation Amendment Bill 2007

The Parliamentary Secretary representing the Treasurer sought leave of the House to debate Order of the Day No. 573, *Duties Bill 2007* and Order of the Day No. 572, *Duties Legislation Amendment Bill 2007* cognately [SO 228].

Leave granted.

16. Duties Bill 2007 and Duties Legislation Amendment Bill 2007

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

Debate resumed.

Hon Paul Llewellyn sought leave of the House to continue his remarks at the next day's sitting.

Leave granted.

On the motion of the Parliamentary Secretary representing the Treasurer the debate was adjourned to the next sitting.

17. Questions Without Notice

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training tabled a corrected answer, in response to question on notice No. 5923 asked by Hon Peter Collier. (Tabled paper 3817).

18. Mines Safety and Inspection Amendment Bill 2007

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

Debate resumed.

The Minister for Employment Protection sought leave of the House to continue his remarks at the next day's sitting.

Leave granted.

On the motion of the Minister for Employment Protection the debate was adjourned to the next sitting.

19. Order of Business

Ordered - That Bills for Introduction be now taken. (Leader of the House).

20. Statutes (Repeals and Minor Amendments) Bill 2008

The Leader of the House, pursuant to notice, moved -

That a Bill for "An Act to amend the statute law by repealing various written laws and making minor amendments to various other written laws and for related purposes" be introduced and read a first time.

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

21. Road Traffic (Administration) Bill 2007

The Deputy President reported the receipt of Message No. 302 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, without notice -

That the following Bill upon being referred to a committee pursuant to SO 230A, the committee have the power to consider the policy of the Bill, and that the committee report to the House by 6 May 2008.

- *Road Traffic (Administration) Bill 2007.*

Question - put and passed.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure 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.

22. Road Traffic (Vehicles) Bill 2007

The Deputy President reported the receipt of Message No. 301 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, without notice -

That the following Bill upon being referred to a committee pursuant to SO 230A, the committee have the power to consider the policy of the Bill, and that the committee report to the House by 6 May 2008.

- *Road Traffic (Vehicles) Bill 2007.*

Question - put and passed.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure 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.

23. Road Traffic (Authorisation to Drive) Bill 2007

The Deputy President reported the receipt of Message No. 299 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

The Leader of the House moved, without notice -

That the *Road Traffic (Authorisation to Drive) Bill 2007* be discharged and referred to Standing Committee on Uniform Legislation and Statutes Review for consideration and report not later than 6 May 2008.

Question - put and passed.

24. Road Traffic (Consequential Provisions) Bill 2007

The Deputy President reported the receipt of Message No. 303 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

The Leader of the House moved, without notice -

That the *Road Traffic (Consequential Provisions) Bill 2007* be discharged and referred to Standing Committee on Uniform Legislation and Statutes Review for consideration and report not later than 6 May 2008.

Question - put and passed.

25. Road Traffic (Vehicles) (Taxing) Bill 2007

The Deputy President reported the receipt of Message No. 304 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a second time.

The Leader of the House moved, without notice -

That the *Road Traffic (Vehicles) (Taxing) Bill 2007* be discharged and referred to Standing Committee on Uniform Legislation and Statutes Review for consideration and report not later than 6 May 2008.

Question - put and passed.

26. Special Adjournment

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, 1 April 2008.

Question - put and passed.

27. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.11pm until Tuesday, 1 April 2008 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Wendy Duncan, Hon Donna Faragher, Hon Graham Giffard and Hon Barry House.

Member granted leave: Hon Barbara Scott.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council