

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 105

WEDNESDAY, 18 OCTOBER 2006

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

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

2. Petition

Hon Anthony Fels presented a petition from 86 residents of Western Australia requesting the Legislative Council support water rights on freehold land. (Tabled paper 2131).

Hon Ray Halligan presented a petition from 9 residents of Western Australia requesting the Legislative Council to support protection of mature trees on public land in urban areas. (Tabled paper 2132).

3. Minister for Education and Training - Confidence of the House

Hon Peter Collier: To move on the next day of sitting -

That this House has lost confidence in the capacity of the Minister for Education and Training to carry out her duties to the satisfaction of the Western Australian community and calls on the Premier to replace her immediately.

4. Greenhouse Gas Emissions Reduction

Motion No. 44 having been read, Hon Paul Llewellyn continued his introductory remarks in moving the motion of Hon Giz Watson as follows -

That this House calls on the State Government to -

- (1) Develop binding targets for emissions reduction to set us on the path of achieving the cuts required to avoid dangerous threats to the climate.
- (2) Support these targets with funding and policy measures.
- (3) Maximise the economic opportunities available through innovation, and large scale investment programs aimed at greenhouse gas reduction.

Interruption pursuant to Sessional Order.

5. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled a plan showing current wheat yield compared with predicted 2050 yield due to climate change and two reports entitled "Potential Impacts of Climate Change on Agricultural Land Use Suitability: Barley - Resource Management Technical Report 302"

and “Potential Impacts of Climate Change on Agricultural Land Use Suitability: Wheat - Resource Management Technical Report 295”, in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 2133).

The Minister for Fisheries tabled an answer in relation to Lobster Australia and James Bowes amalgamating their operations for the forthcoming rock lobster season by operating under one license, in response to a question without notice asked by Hon Bruce Donaldson. (Tabled paper 2134).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to questions on notice Nos 4167 and 4168 asked by Hon Simon O’Brien will be provided on 31 October 2006.

6. Consideration of Committee Reports and Ministerial Statements

Pursuant to Sessional Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Louise Pratt in the Chair)

Joint Standing Committee on the Corruption and Crime Commission- Report No. 5 - Examination of the 2004-2005 Annual Report of the Corruption and Crime Commission - 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.

Metropolitan Region Scheme Amendment 1089/33 - East Landsdale Precinct 64 - Ministerial Statement and Tabled Papers

The Order of the Day having been called, Hon George Cash moved that the Ministerial Statement and Tabled Papers be noted.

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 6 - Examination of the 2004-2005 Annual Report of the Parliamentary Inspector of the Corruption and Crime Commission - Committee Report

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

Interruption pursuant to Sessional Order.

The Deputy President resumed the Chair.

The Deputy 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. 5 - Examination of the 2004-2005 Annual Report of the Corruption and Crime Commission and had noted same.
- (2) Metropolitan Region Scheme Amendment 1089/33 - East Landsdale Precinct 64 - Ministerial Statement and Tabled Papers and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission - Report No. 6 - Examination of the 2004-2005 Annual Report of the Parliamentary Inspector of the Corruption and Crime Commission, made progress, and asked leave to sit again.

Report adopted.

7. Auditor General Bill 2006

The Deputy President reported the receipt of Message No. 179 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

8. Land Administration (Land Management) Regulation 2006 - Disallowance - Disallowance

The Order of the Day having been read for the motion of Hon Ray Halligan moved *pro forma* on 27 September 2006 as follows -

That the *Land Administration (Land Management) Regulation 2006 - Disallowance* published in the *Gazette* on 14 June 2006 and tabled in the Legislative Council on 22 June 2006 under the *Land Administration Act 1997*, be and are hereby disallowed.

On the motion of the Leader of the House the debate was adjourned to the next sitting.

9. Statutes (Repeals and Minor Amendments) Bill 2006

The Leader of the House pursuant to notice, moved -

That a Bill for “An Act to amend the statute law by -

- repealing various Acts and adopted imperial Acts; and
 - making minor amendments to various other written laws and adopted imperial Acts,
- 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.

The Leader of the House moved, without notice -

That the *Statutes (Repeals and Minor Amendments) Bill 2006* be discharged and referred to the Standing Committee on Uniform Legislation and Statutes Review for consideration and report.

Question - put and passed.

10. Order of Business

Ordered - That Order of the Day No. 301, *Parliamentary Legislation Amendment Bill 2006*, be taken before Order of the Day No. 249, *Criminal and Found Property Disposal Bill 2005*. (Leader of the House).

11. Parliamentary Legislation 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 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Hon Norman Moore moved -

Page 3, after line 8 — To insert -

“

(1) Section 44A (4) is amended by deleting “If the Premier so approves”.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Long Title.

The Parliamentary Secretary representing the Minister for Electoral Affairs moved -

Page 1 — To delete “, **and for related purposes**”.

Amendment - put and passed.

Long Title, as amended, agreed to.

The Acting President resumed the Chair.

Bill reported with amendment and Long Title amended.

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

12. Criminal and Found Property Disposal Bill 2005

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

The Parliamentary Secretary representing the Attorney General moved, That the Bill be now read a third time.

The Acting 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.

13. Criminal Investigation Bill 2005 and Criminal Investigation (Consequential Provisions) Bill 2005

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

The Acting President left the Chair.

In Committee

(Hon Louise Pratt in the Chair)

Criminal Investigation Bill 2005

Clause 13.

Debate resumed on the amendment of Hon Giz Watson as follows -

Page 11, lines 20 to 22 — To delete the lines and insert instead —

“

13. Protecting individual rights

Any person under an order, warrant, detention or other procedure related to this Act has to be given an opportunity to communicate, or attempt to communicate, with an Australian legal practitioner or advocate of the person's choice and to do so in private if this is reasonable practicable.

”.

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

Question, That the words to be inserted, be inserted, put and negatived.

Clause thus negatived.

Clause 14.

Debate ensued.

Clause agreed to.

Clauses 15 to 17 agreed to.

Clause 18.

Debate ensued.

Clause agreed to.

Clauses 19 to 23 agreed to.

Clause 24.

The Parliamentary Secretary representing the Attorney General moved -

Page 18, line 3 — To delete “It is lawful for any person (the “**citizen**”) to” and insert instead —

“ Any person (the “**citizen**”) may ”.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clause 25.

The Parliamentary Secretary representing the Attorney General moved -

Page 19, line 24 — To delete “take over the arrest and detention of” and insert instead —

“ arrest ”.

Page 19, lines 27 and 28 — To delete “take over the arrest and detention of” and insert instead —

“ arrest ”.

Debate ensued.

Interruption pursuant to Sessional Order.

14. Adjournment

The House adjourned at 9.45pm until Thursday, 19 October 2006 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust, Hon Robyn McSweeney and Hon Margaret Rowe

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council