

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 174

THURSDAY, 22 NOVEMBER 2007

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### 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. Statement by President - Hon Shelly Archer - Fitness to be a Member of Parliament

The President made the following Statement -

Honourable Members, I have a message from the Legislative Assembly. However, before I read the message, I should advise the House of the practice of this Parliament over many years. In a bicameral, Westminster-type Parliament, it is a fundamental principle that neither House involves itself in, or formally notices, what occurs in the other. Standing order 97 provides -

No Member shall use offensive or unbecoming words in reference to any Member of either House, and all imputations of improper motives and personal reflections on Members shall be considered highly disorderly, and when any Member objects to words used, the presiding officer shall if he considers the words to be objectionable or unparliamentary, order them to be withdrawn forthwith.

This reflects that principle, as does the expression “another place”, rather than referring to the Assembly by name in debate. Standing order 94 states -

No Member shall allude to any debate of the current session in the Assembly, or to any measure impending therein.

These and related principles are intended to maintain “comity between the Houses” and avoid deleterious relationships between the two. The Parliament should function in an orderly manner to promote the “peace, order and good government of Western Australia”. It involves each House respecting the independence of the other. This House should not entertain the message in order for this House to uphold those principles.

Message No 276 from the Legislative Assembly states -

*The Legislative Assembly advises the Legislative Council that the following motion was passed without dissent.*

*That this House considers that Hon. Shelley Archer is not a fit and proper person to be a Member of Parliament.*

The words “without dissent” lack precedent and are grossly inappropriate. I rule the message out of order.

### 3. Papers

The following Papers were laid on the Table by -

#### **Leader of the House**

##### *Annual Reports -*

Meat Industry Authority (2006-2007) (Date received 21/11/2007) ..... 3525

#### **Minister for Local Government**

##### *Local Laws -*

Local Government Act 1995 (Shire of Tammin - Parking And Parking Facilities Amendment Local Law 2007 G.G. 16/11/2007)..... 3526

#### **Minister for Regional Development**

##### *Management Plans -*

Fish Resources Management Act 1994 (West Coast Deep Sea Crustacean Fishery (Interim) Management Plan 2007 [742] G.G. 13/11/2007) ..... 3527

##### *Orders -*

Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 G.G. 13/11/2007)..... 3528

##### *Regulations -*

Firearms Act 1973 (Firearms Amendment Regulations (No. 2) 2007 G.G. 16/11/2007)..... 3529

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 4) 2007 G.G. 13/11/2007) ..... 3530

Police Act 1892 (Police Force Amendment Regulations (No. 3) 2007 G.G. 16/11/2007) ..... 3531

#### **Minister for Child Protection**

##### *Regulations -*

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations (No. 2) 2007 G.G. 13/11/2007)..... 3532

Health Act 1911 (Health (Meat Hygiene) Amendment Regulations (No. 4) 2007 G.G. 13/11/2007)..... 3533

### 4. Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance

Hon Bruce Donaldson: To move on the next day of sitting -

That the *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007* published in the *Gazette* on 13 November 2007 and tabled in the Legislative Council on 22 November 2007 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.

### 5. Greater Bunbury Regional Scheme

Hon Nigel Hallett: To move on the next day of sitting -

That this House acknowledges the shortcomings of the Greater Bunbury Regional Scheme and calls on the Carpenter government to address the following as a matter of utmost urgency.

- (1) The government to provide adequate resources immediately to update the scheme.
- (2) The government to provide additional adequate resources to manage the current and additional lands acquired or listed as Regional Open Space.
- (3) The Scheme to be extended to include the Shires of Collie and Donnybrook-Balingup.
- (4) The concerns of the private property owners to be more adequately addressed.

## 6. Teacher Shortage

Motion No. 55 having been read, debate resumed on the motion of Hon Peter Collier as follows -

That this House expresses its grave concern at the recent revelation of the Department of Education and Training that there will be a shortage of 3 000 teachers in Western Australia in five years unless some serious action is taken to remedy this significant problem.

*Interruption of Debate* [SO 195].

## 7. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

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### In Committee

(Hon George Cash in the Chair)

#### **Joint Standing Committee on Delegated Legislation - Report No. 22 - Annual Report 2006 - Committee Report**

The Order of the Day having been read, Hon Ray Halligan continued his introductory remarks on the motion, That the report be noted.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 20 - Public Hearing with the Integrity Coordinating Group on 13 September 2006 - 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. 21 - Report on Release of Records Pertaining to the Joint Standing Committee on the Corruption and Crime Commission and its Predecessor the Joint Standing Committee on the Anti-Corruption Commission - 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. 22 - Public Hearing with the Corruption and Crime Commission on 21 March 2007 - Committee Report**

The Order of the Day having been called, the Minister for Regional Development moved, That debate be postponed until the next sitting.

Question - put and passed.

#### **Joint Standing Committee on the Corruption and Crime Commission - Report No. 23 - Examination of the 2005-2006 Annual Report of the Corruption and Crime Commission - Committee Report**

The Order of the Day having been called, the Minister for Regional Development moved, That debate be postponed until the next sitting.

Question - put and passed.

#### **Standing Committee on Uniform Legislation and Statutes Review - Report No. 17 - Annual Report 2006 - Committee Report**

The Order of the Day having been called, the Minister for Regional Development moved, That debate be postponed until the next sitting.

Question - put and passed.

**Standing Committee on Public Administration - Report No. 4 - A Matter Arising from the Committee's Annual Report 2006 - Management of Asbestos Containing Materials in Western Australian Schools - Committee Report**

The Order of the Day having been called, the Minister for Regional Development moved, That debate be postponed until the next sitting.

Question - put and passed.

**Standing Committee on Environment and Public Affairs - Report No. 9 - Annual Report 2006 - Committee Report**

The Order of the Day having been called, Hon Bruce Donaldson moved, That the report be noted.

Debate ensued.

Question - put and passed.

**Standing Committee on Uniform Legislation and Statutes Review - Report No. 18 - Consumer Credit (Queensland) and Another Act Amendment Bill 2007 (QLD) - Committee Report**

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

Question - put and passed.

*Interruption of Debate* [SO 61A].

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The Acting President resumed the Chair.

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

- (1) Joint Standing Committee on Delegated Legislation - Report No. 22 - Annual Report 2006 - Committee Report and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Report No. 20 - Public Hearing with the Integrity Coordinating Group on 13 September 2006 - Committee Report and had noted same.
- (3) Joint Standing Committee on the Corruption and Crime Commission - Report No. 21 - Report on Release of Records Pertaining to the Joint Standing Committee on the Corruption and Crime Commission and its Predecessor the Joint Standing Committee on the Anti-Corruption Commission - Committee Report and had noted same.
- (4) Standing Committee on Environment and Public Affairs - Report No. 9 - Annual Report 2006 - Committee Report and had noted same.
- (5) Standing Committee on Uniform Legislation and Statutes Review - Report No. 18 - Consumer Credit (Queensland) and Another Act Amendment Bill 2007 (QLD) - Committee Report and had noted same.

Report adopted.

**8. Order of Business**

Ordered - That Orders of the Day Nos 515, *Poisons Amendment Regulations (No. 2) 2007 - Disallowance*, 527, *Town of Claremont Standing Orders Local Law 2007 - Disallowance*, 528, *Local Government (Rules of Conduct) Regulations 2007 - Disallowance* and 529, *Non-Coronial Post-Mortem Examinations Code of Practice 2007 - Disallowance*, be taken after Order of the Day No. 362, *Acts Amendment (Consent to Medical Treatment) Bill 2006*. (Leader of the House).

**9. Rights in Water and Irrigation Amendment Regulations 2007 - Disallowance**

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Paul Llewellyn -

That the *Rights in Water and Irrigation Amendment Regulations 2007* published in the *Gazette* on 22 June 2007 and tabled in the Legislative Council on 27 June 2007 under the *Rights in Water and Irrigation Act 1914*, be and are hereby disallowed.

Debate ensued.

Hon Barry House, by leave, tabled a media release from Hon Paul Llewellyn in relation to fairer and more equitable water licence fee arrangements under an agreement with the Minister for Water Resources. (Tabled paper 3534).

Debate resumed.

Hon Paul Llewellyn, by leave, tabled an open letter updating progress on water licence fees. (Tabled paper 3535).

Debate resumed.

Question - put.

The House divided.

### Ayes (15)

Hon George Cash  
Hon Peter Collier  
Hon Murray Criddle  
Hon Brian Ellis  
Hon Donna Faragher  
Hon Anthony Fels  
Hon Nigel Hallett  
Hon Barry House

Hon Paul Llewellyn  
Hon Robyn McSweeney  
Hon Norman Moore  
Hon Helen Morton  
Hon Simon O'Brien  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

### Noes (11)

Hon Vincent Catania  
Hon Kim Chance  
Hon Kate Doust  
Hon Sue Ellery  
Hon Jon Ford  
Hon Graham Giffard

Hon Sheila Mills  
Hon Ljiljanna Ravlich  
Hon Sally Talbot  
Hon Ken Travers  
Hon Ed Dermer (*Teller*)

Question thus passed.

### 10. Shire of Menzies - Dogs Local Law 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 509, *Shire of Menzies - Dogs Local Law 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### 11. Shire of Goomalling - Local Law Relating to Fencing 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 512, *Shire of Goomalling - Local Law Relating to Fencing 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### 12. Occupational Therapists Regulations 2007 - Disallowance - Discharge from Notice Paper

The Order of the Day having been called, Hon Ray Halligan moved, without notice -

That Order of the Day No. 517, *Occupational Therapists Regulations 2007 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**13. Human Reproductive Technology Amendment Bill 2007**

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

**14. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for the Environment tabled an answer in relation to results of the ambient air monitoring conducted as a condition of licence by Midland Brick and Austral Brick for the weeks ending 26 July 2007 and 2 August 2007, in response to question on notice No. 5579 asked by Hon Giz Watson. (Tabled paper 3536).

**15. Statement by President - Hon Anthony Fels - Fitness to be a Member of Parliament**

The President made the following Statement -

Before we return to Order of the Day No. 479, I have received Message No. 279 from the Legislative Assembly. The Message advises that on this day the Legislative Assembly passed the following motion -

*That this House considers that Hon Anthony Fels is not a fit and proper person to be a Member of Parliament.*

The Message is out of order in the same way that a similar Message that I read to the House this morning is out of order.

**16. Human Reproductive Technology Amendment Bill 2007**

Debate resumed on the second reading of this Bill (cf item 13 above).

*Interruption of Debate* [SO 61(b)].

**17. Indigenous Conservation Title Bill 2007**

The Deputy President reported the receipt of Message No. 277 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary representing the Deputy Premier moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Deputy Premier moved, That the Bill be now read a second time.

Debate stands adjourned.

**18. Security and Related Activities (Control) Amendment Bill 2007**

The Deputy President reported the receipt of Message No. 278 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Regional Development representing the Minister for Police and Emergency Services moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Regional Development representing the Minister for Police and Emergency Services moved, That the Bill be now read a second time.

Debate stands adjourned.

**19. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.23pm until Tuesday, 27 November 2007 at 3.30pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Adele Farina.

**MALCOLM PEACOCK**  
Clerk of the Legislative Council

**HON NICK GRIFFITHS**  
President of the Legislative Council