

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 124

THURSDAY, 22 MARCH 2007

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 - Western Australian Multicultural Community Service Awards

The Minister for Multicultural Interests made a Ministerial Statement with respect to Harmony Week 2007 and the Western Australian Multicultural Community Service Awards.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

3. Papers

The following Papers were laid on the Table by -

Leader of the House

Codes -

Electricity Industry Act 2004 (Electricity Networks Access Code Amendments (No. 2) 2006 G.G.
08/12/2006)..... 2402

Local Laws -

Local Government Act 1995 (City of Stirling - Parking and Parking Facilities Amendment Local
Law 2005 G.G. 05/12/2006)..... 2403

Management Plans -

Fish Resources Management Act 1994 (West Coast Rock Lobster Management Plan
Amendment (No. 4) 2006 G.G. 08/12/2006) 2404

Orders -

Fish Resources Management Act 1994 (Prohibition on Recreational Fishing for Rock Lobster
(West Coast) Order 2006 G.G. 08/12/2006) 2405

Regulations -

Children and Community Services Act 2004 (Children and Community Services Amendment Regulations (No. 3) 2006 G.G. 08/12/2006, Children and Community Services (Child Care) Amendment Regulations 2006 G.G. 08/12/2006, Children and Community Services (Family Day Care) Amendment Regulations 2006 G.G. 08/12/2006, Children and Community Services (Outside School Hours Care) Amendment Regulations (No. 2) 2006 G.G. 08/12/2006, Children and Community Services (Outside School Hours Family Day Care) Amendment Regulations (No. 2) 2006 G.G. 08/12/2006)	2406
Rail Safety Act 1998 (Rail Safety Amendment Regulations (No. 2) 2006 G.G. 08/12/2006)	2407
Taxi Act 1994 (Taxi Amendment Regulations (No. 5) 2006 G.G. 08/12/2006)	2408
Transport Co-ordination Act 1966 (Country Taxi-cars (Fares and Charges) Amendment Regulations (No. 2) 2006 G.G. 08/12/2006)	2409
Veterinary Chemical Control and Animal Feeding Stuffs Act 1976 (Veterinary Chemical Control and Animal Feeding Stuffs Regulations 2006 G.G. 08/12/2006)	2410
Western Australian Marine Act 1982 (W.A. Marine (Certificates of Competency and Safety Manning) Amendment Regulations (No. 3) 2006 G.G. 08/12/2006)	2411

Leader of the House on behalf of the Minister for Regional Development*Bills -*

Consumer Credit (Queensland) and Another Act Amendment Bill, and Explanatory Notes (Deemed tabled 21/03/2007)	2412
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4. Joint Standing Committee on the Corruption and Crime Commission - Eighteenth Report - Report on the Hearing with the Corruption and Crime Commission on 22 November 2006

Hon Ray Halligan presented the Eighteenth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Report on the Hearing with the Corruption and Crime Commission on 22 November 2006. (Tabled paper 2413).

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

Question - put and passed.

5. Joint Standing Committee on the Corruption and Crime Commission - Nineteenth Report - Report on the Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 12 December 2006

Hon Ray Halligan presented the Nineteenth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Report on the Hearing with the Parliamentary Inspector of the Corruption and Crime Commission on 12 December 2006. (Tabled paper 2414).

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

Question - put and passed.

6. Standing Committee on Public Administration - Special Report - Water Resources Legislation Amendment Bill 2006 - Extension of time to Report

Hon Barry House presented the Special Report of the Standing Committee on Public Administration in relation to the *Water Resources Legislation Amendment Bill 2006* - Extension of time to Report. (Tabled paper 2415).

Hon Barry House moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

7. Solar Hot Water Bill 2007

Hon Paul Llewellyn: To move on the next day of sitting -

That a Bill for “An Act to mandate the use of solar hot water systems in Western Australia” be introduced and read a first time.

8. Teacher Shortage

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

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.

9. Business of the House

Hon Norman Moore moved, without notice -

That pursuant to Standing Order 128, Motion No. 52, Governance and Administration of Western Australia, be made Motion No. 1 for Wednesday, 28 March 2007.

Question - put.

The House divided.

Ayes (16)

Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett
Hon Ray Halligan
Hon Barry House

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

Noes (13)

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

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

Question thus passed.

10. Home Ownership Affordability

Motion No. 46 having been called, debate resumed on the motion of Hon Ray Halligan as follows -

That this House condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to -

- (1) help reduce the cost pressures on residential land;
- (2) help reduce the supply and cost pressures associated with skilled labour;
- (3) meet its election commitments to -
 - (a) address housing affordability;
 - (b) increase social housing stock; and
 - (c) encourage and enable home ownership.

Hon Louise Pratt moved to amend the motion as follows -

- (1) By deleting “condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to” and insert instead -
“ calls on the Government to continue to ”
- (2) To delete paragraph (3) and insert instead -
“
- (3) Continue to meet its commitments to -
 - (a) increase social housing stock;
 - (b) encourage and enable home ownership;
 - (c) improve housing sustainability and energy efficiency;
 - (d) alleviate pressure on private sector rents through measures such as the lifting of letting fees;
 - (e) targeted loan schemes included shared equity housing loans;
 - (f) improve access to affordable quality housing for Aboriginal Western Australians; and
 - (g) introduce new measures in the State Budget to address housing affordability.

”.

Point of Order

Hon Simon O’Brien raised the following Point of Order -

Mr President, the amendment that is proposed must skate dangerously close to a negation of the intent of the original motion. I respectfully submit that the basis of my point of order is that the proposed amendment is itself out of order, because the intent of the original motion is to condemn the government for certain things that it has done, whereas the intended effect of the proposed amendment is to change the motion to in fact encourage the government to keep doing those same things. I respectfully submit that that is a negation of the original terms of the motion rather than a simple amendment. I ask the President to rule accordingly.

The President left the Chair at 11.52am

The President resumed the Chair at 11.56am

President’s Ruling

The President ruled as follows -

In making his point of order, Hon Simon O’Brien said that the proposed amendment “skates dangerously close”, and there is a lot in that. As the proposed amendment now reads, it skates dangerously close as an amendment on the wrong side; that is, it does offend. However, if the proposed amendment were adjusted so as to delete the words after “government” - namely, “to continue” - the amendment would then be in order. As President, I have the capacity to make that deletion, and therefore the question before the House is that the words proposed to be deleted be deleted, with the amendment that has been proposed, stating after the words -

That this House calls on the government to -

- (1) help reduce the cost pressures on residential land;
- (2) help reduce the supply and cost pressures associated with skilled labour;
- (3) continue to meet its commitments to: . . .

And so on. The amendment proposed by Hon Louise Pratt is altered so that the words “to continue” are deleted.

Debate resumed on the amendment of Hon Louise Pratt as follows -

- (1) By deleting “condemns the Government for the undue anxiety created for the many first home buyers through its inability in a timely manner to” and insert instead -
“ calls on the Government to ”
- (2) To delete paragraph (3) and insert instead -
“
- (3) Continue to meet its commitments to -
 - (a) increase social housing stock;
 - (b) encourage and enable home ownership;
 - (c) improve housing sustainability and energy efficiency;
 - (d) alleviate pressure on private sector rents through measures such as the lifting of letting fees;
 - (e) targeted loan schemes included shared equity housing loans;
 - (f) improve access to affordable quality housing for Aboriginal Western Australians; and
 - (g) introduce new measures in the State Budget to address housing affordability.

”.

Interruption of Debate [SO 195].

11. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon George Cash in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Tenth Report - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - Committee Report

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

Debate ensued.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Eighteenth Report - Agriculture Produce (Egg Production Industry) Regulations 2006 - Committee Report

The Order of the Day called.

Standing Committee on Environment and Public Affairs - Fifth Report - Overview of Petitions - Committee Report

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

Debate ensued.

Interruption of Debate [SO 61A].

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 the Corruption and Crime Commission - Tenth Report - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - Committee Report and had noted same.

- (2) Standing Committee on Environment and Public Affairs - Fifth Report - Overview of Petitions - Committee Report, made progress, and asked leave to sit again.

Report adopted.

12. Cognate Debate - Racing and Wagering Legislation Amendment Bill 2006 and Racing and Wagering Western Australia Tax Amendment Bill 2006

The Minister for Racing and Gaming sought leave of the House to debate Order of the Day No. 342, *Racing and Wagering Legislation Amendment Bill 2006* and Order of the Day No. 341, *Racing and Wagering Western Australia Tax Amendment Bill 2006* cognately [SO 228].

Leave granted.

13. Racing and Wagering Legislation Amendment Bill 2006 and Racing and Wagering Western Australia Tax Amendment Bill 2006

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

Debate resumed.

Question - put and passed.

Bills read a second time.

Leave was granted to proceed forthwith to the third reading of these Bills.

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

Question - put and passed.

Bills read a third time and passed.

14. Parental Support and Responsibility Bill 2005

The Order of the Day for the consideration of this Bill, in Committee, having been read.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3.

The Minister for Child Protection moved -

Page 2, line 13 — To delete “**(Community Development)**” and insert instead —

“ **(Child Protection)** ”.

Amendment - put and passed.

The Minister for Child Protection moved -

Page 2, line 15 — To delete “*Community Services Act 1972*” and insert instead —

“ *Children and Community Services Act 2004* ”.

Amendment - put and passed.

The Minister for Child Protection moved -

Page 2, line 19 — To delete “**(Justice)**” and insert instead —

“ **(Corrective Services)** ”.

Amendment - put and passed.

The Minister for Child Protection moved -

Page 3, line 8 — To delete “*Community Services Act 1972*” and insert instead —
 “ *Children and Community Services Act 2004* ”.

Amendment - put and passed.

Hon Giz Watson moved -

Page 2, line 23 — To delete the line.

Hon Giz Watson moved to postpone further consideration of the amendment until after consideration of Clause 33.

Question - put and passed.

Hon Giz Watson moved -

Page 3, lines 26 and 27 — To delete the lines.

15. Questions Without Notice

Questions without notice were taken.

The Minister for Local Government representing the Minister for Education and Training tabled a Curriculum Council report entitled “Implementation of English Course of Study - Interim Report - May 2006”, in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2416).

16. Parental Support and Responsibility Bill 2005

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 3.

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

Page 3, lines 26 and 27 — To delete the lines.

Hon Giz Watson moved to postpone further consideration of the amendment until after consideration of Clause 33.

Question - put and passed.

Interruption of Debate [SO 61(c)].

17. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.24pm until Tuesday, 27 March 2007 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members.

Member granted leave: Hon Margaret Rowe.

MIA BETJEMAN
 Clerk of the Legislative Council

HON NICK GRIFFITHS
 President of the Legislative Council