

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 108

WEDNESDAY, 25 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. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Audit Results Reported by Ministerial Portfolios at 16 October 2006 (Report 10)
(October 2006) 2150

Financial Statements -

Members of Parliament (Financial Interests) Act 1992 - Annual Returns 2151

Parliamentary Secretary representing the Minister for Housing and Works

Annual Reports -

Land Valuers' Licensing Board (2005-2006) (Date received 24/10/2006)..... 2152

Registrar of Housing Societies (2005-2006) (Date received 24/10/2006) 2153

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

Motion No. 49 having been called.

Hon Peter Collier moved as follows -

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.

Hon Peter Collier, by leave, tabled documents in relation to briefing notes for the Minister for Education and Training regarding EBA and curriculum implementation SSTU industrial action. (Tabled paper 2154).

Hon Peter Collier, by leave, tabled documents in relation to briefing note request - EBA and curriculum implementation SSTU industrial action. (Tabled paper 2155).

Debate ensued.

On the motion of the Leader of the House the debate was adjourned to a later stage of this day's sitting.

4. Business of the House - Suspension of Standing and Sessional Orders

The Leader of the House moved, without notice -

That so much of Standing and Sessional Orders be suspended, other than Sessional Order 2(3) and 4(4), to enable motion No.49 *Minister for Education - Confidence of the House*, to be taken until 6.00pm at today's sitting and the question put and determined, if not sooner, at that time.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

Question - put and passed.

5. Order of Business

Ordered - That Motion No. 49, *Minister for Education and Training - Confidence of the House*, be now taken. (Leader of the House).

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

Motion No. 49 having been read, debate resumed on the motion of Hon Peter Collier, as follows -

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.

7. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training tabled briefing notes for the Minister for Education and Training regarding allegations of sexual assault of students by staff, in response to a question without notice asked by Hon Barry House. (Tabled paper 2156).

The Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services tabled a police notice, dated 25 August 2006, concerning the withdrawal of infringement notices, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2157).

The Minister for Education and Training representing the Minister for the Environment tabled, and by leave incorporated into Hansard, documents in relation to a letter from the Department of Conservation and Land Management - Nomination of the Burrup Peninsula Islands of the Dampier Archipelago and Dampier coast for inclusion in the National Heritage List, in response to a question without notice asked by Hon Giz Watson. (Tabled paper 2158).

The Minister for Education and Training representing the Minister for the Environment tabled an answer in relation to water soluble fertilizers in Western Australia, in response to a question without notice asked by Hon Anthony Fels. (Tabled paper 2159).

The Parliamentary Secretary representing the Minister for Small Business in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4183 asked by Hon Anthony Fels will be provided on 1 November 2006.

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

Debate resumed on the motion of Hon Peter Collier (cf item 6 above).

The Leader of the House, by leave, tabled a letter from the Corruption and Crime Commission addressed to the Director General of the Department of Education and Training regarding sexual contact with children by persons in authority in the Department of Education and Training. (Tabled paper 2160).

Debate resumed.

Question - put.

The House divided.

Ayes (13)

Hon Ken Baston
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 Norman Moore
Hon Helen Morton
Hon Simon O'Brien
Hon Bruce Donaldson (*Teller*)

Noes (14)

Hon Shelley Archer
Hon Matt Benson-Lidholm
Hon Vincent Catania
Hon Kim Chance
Hon Kate Doust
Hon Adele Farina
Hon Jon Ford

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

Question thus negatived.

9. Order of Business

Ordered - That Orders of the Day Nos 308, *Land Administration (Land Management) Regulations 2006 - Disallowance*, 316, *Family Court Amendment Rules 2006 - Disallowance* and 317, *Section 9 of the Electricity Networks Access Code Amendments 2006 - Disallowance*, be taken after Order of the Day No. 232, *Local Government (Miscellaneous Provisions) Amendment Bill 2005*. (Leader of the House).

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

The Orders of the Day having been read for the consideration of the Committee's report upon these Bills.

The Leader of the House moved, That the report be adopted.

Question - put and passed.

Ordered - That the third reading of these Bills be made Orders of the Day for the next sitting.

11. Parliamentary Legislation Amendment Bill 2006

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

The Leader of the House 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.

12. Prisons and Sentencing 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 Acting President left the Chair.

In Committee

(Hon Louise Pratt in the Chair)

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Hon Simon O'Brien moved -

Page 4, lines 8 to 14 — To delete the lines.

Debate ensued.

Amendment - put and negatived.

Question, That the Clause stand as printed - put and passed.

Clause 6 agreed to.

Clause 7.

Hon Giz Watson moved -

Page 5, after line 18 — To insert —

“

(2b) The Department's Annual Report must contain a list of individuals and corporate bodies who assisted the CEO in the performance of his or her functions under the Act.

”.

Debate ensued.

Amendment - put and negatived.

Question, That the Clause stand as printed - put and passed.

Clauses 8 and 9 agreed to.

Clause 10.

Hon Simon O'Brien moved -

Page 7, lines 2 to 5 — To delete the lines.

Debate ensued.

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

The Committee divided.

Ayes (12)

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 Norman Moore
 Hon Simon O'Brien
 Hon Barbara Scott
 Hon Ken Baston (*Teller*)

Noes (12)

Hon Shelley Archer
 Hon Vincent Catania
 Hon Kate Doust
 Hon Adele Farina
 Hon Jon Ford
 Hon Paul Llewellyn

Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

The votes being equal, the question was resolved in the negative.

Amendment thus negatived.

Question, That the Clause stand as printed - put and passed.

Clause 11 agreed to

Clause 12

Debate ensued.

Clause agreed to.

Clause 13 agreed to.

Clause 14.

The Minister for Local Government and Regional Development moved -

Page 9, lines 4 to 6 — To delete the lines.

Amendment - put and passed.

The Minister for Local Government and Regional Development moved -

Page 9, line 8 — To delete “prison” and insert instead —

“ a prison or other facility ”.

Page 9, line 10 — To delete “from prison”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 15 to 28 agreed to.

Clause 29.

The Minister for Local Government and Regional Development moved -

Page 14, lines 17 and 18 — To delete “the prison in which the prisoner is confined” and insert instead —

“ a prison or other facility ”.

Page 15, line 3 — To delete “from prison”.

Debate ensued.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 30 agreed to.

Clause 31.

The Minister for Local Government and Regional Development moved -

Page 16, after line 23 — To insert —

“

(4) In this section —

“**proceedings**” of a judicial body includes anything done in the performance of the functions of the judicial body.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 32.

The Minister for Local Government and Regional Development moved -

Page 20, after line 25 — To insert —

“

(7) A prisoner may be confined in a facility outside a prison to facilitate the prisoner being provided with opportunities for work or participation in services or programmes under this section.

(8) This section does not authorise a prisoner to be absent from a prison, or facility referred to in subsection (7), without an absence permit.

”.

Debate ensued.

Interruption pursuant to Sessional Order.

13. Members’ Statements

Members’ statements were taken.

14. Adjournment

The House adjourned at 10.10pm until Thursday, 26 October 2006 at 10.00am.

Members present during the day’s proceedings

Attendance: Present all Members except Hon Sue Ellery, Hon Graham Giffard and Hon Robyn McSweeney.

Member granted leave: Hon Margaret Rowe.

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council