

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 118

THURSDAY, 23 NOVEMBER 2006

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### 1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

### 2. Petitions

Hon Peter Collier presented a petition from 496 residents of Western Australia requesting the Legislative Council oppose the proposed relocation of Coolbinia Kindergarten. (Tabled paper 2276).

Hon Sheila Mills presented a petition from 321 residents of Western Australia requesting the Legislative Council recommend a school zone and pedestrian crossing at Burswood Road. (Tabled paper 2277).

### 3. Paper

The following Paper was laid on the Table by -

#### **Minister for Education and Training**

##### *Agreements -*

Casino (Burswood Island) Agreement (Dated 2 November 2006) ..... 2275

### 4. Joint Standing Committee on Delegated Legislation - Twentieth Report - Western Australian College of Teaching Election Rules 2006

Hon Ray Halligan presented the Twentieth Report of the Joint Standing Committee on Delegated Legislation in relation to the *Western Australian College of Teaching Election Rules 2006*. (Tabled paper 2278).

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

Question - put and passed.

### 5. Transport Coordination Amendment Regulations 2006 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Transport Coordination Amendment Regulations 2006* published in the *Gazette* on 6 October 2006 and tabled in the Legislative Council on 17 October 2006, under the *Transport Coordination Act 1966*, be and are hereby disallowed.

**6. Shire of Nannup Health Amendment Local Laws 2006 - Disallowance**

Hon Ray Halligan: To move on the next day of sitting -

That the *Shire of Nannup Health Amendment Local Laws 2006* published in the *Gazette* on 13 October 2006 and tabled in the Legislative Council on 17 October 2006, under the *Health Act 1911*, be and are hereby disallowed.

**7. Ministerial Statement - Premier's Awards for Excellence in Public Sector Management - Department of Fisheries**

The Minister for Fisheries made a Ministerial Statement with respect to the Premier's Awards for Excellence in Public Sector Management - Department of Fisheries.

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

**8. Ministerial Statement - Charter of Rights for Children and Young People in Care**

The Parliamentary Secretary representing the Minister for Community Development made a Ministerial Statement with respect to Charter of Rights for Children and Young People in Care.

The Parliamentary Secretary representing the Minister for Community Development tabled documents in relation to the Charter of Rights for Children and Young People in Care. (Tabled paper 2279).

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

**9. Criminal Law and Evidence Amendment Bill 2006**

The President reported the receipt of Message No. 198 from the Legislative Assembly forwarding the Bill for concurrence.

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

Debate stands adjourned.

**10. Order of Business**

Ordered - That Orders of the Day Nos 322, *Western Australian College of Teaching Election Rules 2006 - Disallowance* and 331, *Strata Titles General Amendment Regulations (No 4) 2006 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*.

(Leader of the House).

**11. Contaminated Sites Regulations 2006 - Disallowance - Discharge from Notice Paper**

Hon Ray Halligan moved, without notice -

That Order of the Day No. 321, *Contaminated Sites Regulations 2006 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**12. Fair Trading (Product Information Standard) Amendment Regulations 2006 - Disallowance - Discharge from Notice Paper**

Hon Ray Halligan moved, without notice -

That Order of the Day No. 330, *Fair Trading (Product Information Standard) Amendment Regulations 2006 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### 13. Liquor and Gaming Legislation Amendment Bill 2006

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

#### In Committee

(Hon George Cash in the Chair)

Clause 104.

Debate resumed on the amendment moved by Hon Giz Watson as follows -

Page 98, lines 4 and 5 — To delete “ceases to hold that office on the abolition of the Court under clause 2” and insert instead —

“

is to be deemed to be appointed to and hold office as chairperson of the Commission.

- (2) Notwithstanding any other provision of this Act, the person referred to in subsection (1) is to continue to enjoy the status, tenure and entitlements, including accrued pension rights, of a District Court Judge.

”

Amendment - put and negatived.

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

Clauses 105 to 112 agreed to.

Clause 113.

Hon Giz Watson moved -

Page 108, line 4 — To insert after “Minister,” —

“

the Parliamentary Commissioner for Administrative Investigations appointed under section 5 of the *Parliamentary Commissioner Act 1971*, the Corruption and Crime Commission established under the *Corruption and Crime Commission Act 2003*, the Parliamentary Inspector of the Corruption and Crime Commission appointed under the *Corruption and Crime Commission Act 2003*,

”

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 114 to 117 agreed to.

Postponed Clause 34.

Debate resumed on the question, That the Clause, as amended, be agreed to.

Hon Norman Moore moved -

Page 37, lines 13 to 20 — To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (15)**

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

**Noes (12)**

Hon Matt Benson-Lidholm  
 Hon Kim Chance  
 Hon Kate Doust  
 Hon Adele Farina  
 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*)

Amendment thus passed.

Clause, as amended, agreed to.

Postponed Clause 38.

Debate resumed.

Hon Norman Moore moved -

Page 41, lines 4 to 11 — To delete the lines.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 68.

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

Page 60, lines 20 to 24 — To delete the lines.

Amendment - put.

The Committee divided.

**Ayes (3)**

Hon Murray Criddle  
 Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

**Noes (25)**

Hon Ken Baston  
 Hon Matt Benson-Lidholm  
 Hon George Cash  
 Hon Kim Chance  
 Hon Peter Collier  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Donna Faragher  
 Hon Adele Farina  
 Hon Anthony Fels  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nigel Hallett

Hon Ray Halligan  
 Hon Barry House  
 Hon Sheila Mills  
 Hon Norman Moore  
 Hon Helen Morton  
 Hon Simon O'Brien  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Barbara Scott  
 Hon Sally Talbot  
 Hon Ken Travers  
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

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

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendments.

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

#### **14. Order of Business**

Ordered - That Order of the Day No. 333, *Curriculum Council (Fees and Charges) Bill 2006*, be taken before Order of the Day No. 329, *Local Government Amendment Bill 2006*. (Leader of the House).

#### **15. Curriculum Council (Fees and Charges) 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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

#### **16. Order of Business**

Ordered - That Order of the Day No. 224, *BHP Billiton (Termination of Agreements) Agreement Bill 2005*, be taken before Order of the Day No. 329, *Local Government Amendment Bill 2006*. (Leader of the House).

#### **17. BHP Billiton (Termination of Agreements) Agreement Bill 2005**

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

# **18. Order of Business**

Ordered - That Order of the Day No. 310, *Shipping and Pilotage Amendment Bill 2006*, be taken before Order of the Day No. 329, *Local Government Amendment Bill 2006*. (Leader of the House).

# **19. Shipping and Pilotage Amendment Bill 2006**

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

Debate resumed.

Hon Giz Watson, by leave, tabled a document in relation to listed Commercial Ship incidents for the period 1 July 2003 to 31 October 2006. (Tabled paper 2280).

On the motion of Minister for Local Government and Regional Development the debate was adjourned to a later stage of this day's sitting.

# **20. Statement by Deputy President - Library Demonstration**

The Deputy President made the following Statement -

Before we proceed, I indicate that the Parliamentary Library is demonstrating an OnQ media services program drop-in session in the Members' outside meeting area. Members may wish to take advantage of it. It is a very useful instruction from the library.

# **21. Order of Business**

Ordered - That Order of the Day No. 329, *Local Government Amendment Bill 2006*, be taken forthwith. (Minister for Local Government and Regional Development).

# **22. Local Government Amendment Bill 2006**

The Order of the Day having been read, Hon Paul Llewellyn pursuant to notice, moved -

That it be an Instruction to the Committee of the Whole to divide the Bill into two separate Bills -

The first to have the title of the *Local Government Amendment Bill 2006* and is to consist of -

- (a) the Long Title;
- (b) Clause 1;
- (c) Clause 2 with subclause (2) deleted and substituted with -

“

- (2) Section 15 comes into operation on a day fixed by proclamation.

”; and

- (d) Clauses 3 to 11 inclusive, 13, 14, 15, and 18.

The second to have the title of the *Local Government Amendment Bill (No. 2) 2006* and is to consist of -

- (a) a Long Title -

“

**An Act to amend the *Local Government Act 1995*.**

”; and

(b) the following clauses -

Clause 1, Short Title -

“

This is the *Local Government Amendment Act*  
(No. 2) 2006.

”;

Clause 2, Commencement -

“

This Act comes into operation on a day fixed  
by proclamation.

”; and

Clauses 3, 12, 16 and 17,

and to do such things as may be necessary to achieve that purpose, and thereafter report the  
Bills separately to the House.

Question - put and passed.

Debate resumed on the second reading of this Bill.

### **23. Questions Without Notice**

Questions without notice were taken.

The Leader of the House representing the Minister for Energy tabled, and by leave incorporated into Hansard, an answer in relation to limitations on the capacity of Western Power lines servicing Denmark and Walpole, in response to a question without notice asked by Hon Murray Criddle. (Tabled paper 2281).

The Leader of the House representing the Minister for Science and Innovation tabled, and by leave incorporated into Hansard, an answer in relation to details of staff allocated to assist the Science Council in 2005, in response to a question without notice asked by Hon Barry House. (Tabled paper 2282).

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, an answer in relation to details of payments made to farmers under the Dry Season Package, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2283).

The Leader of the House in accordance with Standing Order No 138(d), tabled a summary of questions on notice asked by Hon Helen Morton to be answered when they become available. (Tabled paper 2284).

The Minister for Fisheries tabled, and by leave incorporated into Hansard, an answer in relation to the application of Thomas Weir for the transfer of an oyster fishing licence No. 1006, in response to a question without notice asked by Hon Bruce Donaldson. (Tabled paper 2285).

### **24. Local Government Amendment Bill 2006**

Debate resumed on the second reading of this Bill (cf item 22 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

### **In Committee**

(Hon George Cash in the Chair)

Pursuant to the instruction to the Committee, the Chairman of Committees moved -

To divide the Bill into two separate Bills -

The first to have the title of the *Local Government Amendment Bill 2006* and is to consist of -

- (a) the Long Title;
- (b) Clause 1;
- (c) Clause 2 with subclause (2) deleted and substituted with -

“

- (2) Section 15 comes into operation on a day fixed by proclamation.

”; and

- (d) Clauses 3 to 11 inclusive, 13, 14, 15, and 18.

The second to have the title of the *Local Government Amendment Bill (No. 2) 2006* and is to consist of -

- (a) a Long Title -

“

**An Act to amend the *Local Government Act 1995*.**

”; and

- (b) the following clauses -

- (i) Clause 1, Short Title -

“

This is the *Local Government Amendment Act (No. 2) 2006*.

”;

- (ii) Clause 2, Commencement -

“

This Act comes into operation on a day fixed by proclamation.

”; and

- (iii) Clauses 3, 12, 16 and 17,

and to do such things as may be necessary to achieve that purpose, and thereafter report the Bills separately to the House.

Question - put and passed.

Division of Bill agreed to.

The Acting President resumed the Chair.

The Chairman of Committees that the Committee of the Whole House on the *Local Government Amendment Bill 2006* had in accordance with the instruction, divided the Bill into two Bills, namely the -

- *Local Government Amendment Bill 2006*; and
- *Local Government Amendment Bill (No. 2) 2006*.

Report adopted.



**25. Local Government Amendment Bill (No. 2) 2006 - Discharge and Referral to the Standing Committee on Environment and Public Affairs**

Hon Paul Llewellyn moved, without notice -

That -

- (1) The Order of the Day on the *Local Government Amendment Bill (No. 2) 2006* be discharged and the Bill be referred to the Standing Committee on Environment and Public Affairs for consideration and report not later than Tuesday, 3 April 2007.
- (2) The Committee -
  - (a) is to examine the impact of the Bill on the management and operation of Local Government Elections; and
  - (b) has the power to consider the policy of the Bill.

Question - put and passed.

**26. Local Government Amendment Bill 2006 - Recommittal**

The Minister for Local Government and Regional Development moved -

The Order of the Day on the *Local Government Amendment Bill 2006* be recommitted to the Committee of the Whole for the purpose of considering its clauses.

Question - put and passed.

**27. Local Government Amendment Bill 2006**

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

The Deputy President left the Chair.

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**In Committee**

(Hon George Cash in the Chair)

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***Recommittal***

Clause 1 agreed to.

Clause 2.

Hon Paul Llewellyn moved -

Page 2, line 4 — To delete -

“ Except as stated in subsection (2), line 5 — To delete the line. ”

Debate ensued.

Amendment - put and negatived.

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

Clauses 3 to 15 agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported without further amendment.

Report adopted.

The Minister for Local Government and Regional Development, by leave, moved, That the Bill be now read a third time.

The Acting President having reported that the 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.

**28. Parental Support and Responsibility Bill 2005**

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

Debate resumed.

*Interruption pursuant to Sessional Order.*

**29. Adjournment**

The House adjourned at 6.00pm until Tuesday, 5 December 2006 at 3.00pm.

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

Attendance: Present all Members except Hon Margaret Rowe.

**MALCOLM PEACOCK**  
Acting Clerk of the Legislative Council

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