

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 104

TUESDAY, 17 OCTOBER 2006

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

3 October 2006 - Message No. 43	Act No.
Perth International Centre for Application of Solar Energy Amendment Bill 2006	43 of 2006
Iron Ore (FMG Chichester Pty Ltd) Agreement Bill 2006	44 of 2006
4 October 2006 - Message No. 44	Act No.
Hospitals and Health Services Amendment Bill 2006	45 of 2006
Pawnbrokers and Second-hand Dealers Amendment Bill 2006	46 of 2006
Retail Shops and Fair Trading Legislation Amendment Bill 2005	47 of 2006
Commissioner for Children and Young People Bill 2006	48 of 2006
6 October 2006 - Message No. 45	Act No.
Medical Amendment Bill 2006	49 of 2006
Nurses and Midwives Bill 2006	50 of 2006
6 October 2006 - Message No. 46	Act No.
Swan and Canning Rivers Management Bill 2006	51 of 2006
Swan and Canning Rivers (Consequential and Transitional Provisions) Bill 2006	52 of 2006

3. Petition

Hon Giz Watson presented a petition from 1 258 residents of Western Australia requesting the Legislative Council to inquire into the South Cardup Landfill. (Tabled paper 2085).

4. Papers

The following Papers were laid on the Table by -

President -

Annual Reports -

Legislative Assembly, Department of the (2005-2006) (Date received 06/10/2006)..... 2084

Letters -

Letter to the Clerk of the Legislative Council from Senator the Hon Ian Campbell,
Minister for the Environment and Heritage, regarding the Australian
Government's determination to apprehend illegal foreign fishers 2086

Reports -

Corruption and Crime Commission - Sexual contact with children by persons in
authority in the Department of Education and Training of Western Australia
(16 October 2006) (Deemed tabled 16/10/2006)..... 2087

Inspector of Custodial Services - Report of an Announced Inspection of Bandyup
Women's Prison (Report No. 36) (June 2006)(Date received 31/08/2006)..... 2088

Leader of the House

Annual Reports -

Coal Industry Superannuation Board (2005-2006) (Date received 06/10/2006)..... 2089

Coal Miners' Welfare Board (2005-2006) (Date received 17/10/2006) 2090

Equal Opportunity in Public Employment, Director of (2005-2006)
(Date received 09/10/2006) 2091

Reports -

Water Corporation Statement of Corporate Intent (2005-2006) 2092

Minister for Education and Training

Annual Reports -

Building and Construction Industry Training Board (2005-2006) (Date received
17/10/2006)..... 2093

Curriculum Council (2005-2006) (Date received 17/10/2006) 2094

Education Services, Department of (2005-2006) (Date received 17/10/2006) 2095

Public Education Endowment Trust (2005-2006) (Date received 17/10/2006) 2096

Zoological Parks Authority (2005-2006) (Date received 04/10/2006)..... 2097

Leases -

CALM Lease No. 1490/97 - Between CALM and City of Wanneroo..... 2098

Regulations -

Betting Control Act 1954 (Betting Control Amendment Regulations (No. 3) 2006 G.G. 10/10/2006).. 2099

Conservation and Land Management Act 1984 (Conservation and Land Management
Amendment Regulations 2006 G.G. 29/09/2006) 2100

Environmental Protection Act 1986 (Environmental Protection Amendment Regulations 2006
G.G. 29/09/2006)..... 2101

Industrial Training Act 1975 (Industrial Training (Apprenticeship Training) Amendment Regulations (No. 3) 2006 G.G. 29/09/2006, Industrial Training (Apprenticeship Training) Amendment Regulations (No. 4) 2006 G.G. 29/09/2006 and Industrial Training (Apprenticeship Training) Amendment Regulations (No. 5) 2006 G.G. 29/09/2006).....	2102
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Reviews -

First Home Owners Grant Act (June 2006).....	2103
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Minister for Local Government and Regional Development

Annual Reports -

Western Australia Police - Surveillance Devices Act 1998 (2005-2006) (Date received 09/10/2006)	2104
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Local Laws -

Local Government Act 1995 (City of Subiaco Parking Facilities Amendment Local Law 2006 G.G. 03/10/2006 and Shire of Gingin Amendment Local Law 2006 G.G. 10/10/2006)	2105
Dog Act 1976 (Town of Bassendean Dogs Amendment Local Law 2006 G.G. 10/10/2006)	2106

Regulations -

Security and Related Activities (Control) Act 1996 (Security and Related Activities (Control) Amendment Regulations (No. 3) 2006 G.G. 03/10/2006)	2107
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Annual Reports -

Broome Port Authority (2005-2006) (Date received 17/10/2006)	2108
Bunbury Port Authority (2005-2006) (Date received 13/10/2006)	2109
Esperance Port Authority (2005-2006) (Date received 17/10/2006).....	2110
Port Hedland Port Authority (2005-2006) (Date received 17/10/2006).....	2111

Regulations -

Pollution of Waters By Oil and Noxious Substances Act 1987 (Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006 G.G. 06/10/2006)	2112
Transport Co-ordination Act 1966 (Transport Co-ordination Amendment Regulations 2006 G.G. 06/10/2006).....	2113

**Parliamentary Secretary representing the Minister for Health on behalf of the
Parliamentary Secretary representing the Minister for Housing and Works**

Regulations -

Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations (No. 2) 2006 G.G. 03/10/2006).....	2114
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Rules -

Lotteries Commission Act 1990 (Lotteries Commission (Monday and Wednesday Lotto) Amendment Rules (No. 2) 2006 G.G. 29/09/2006, Lotteries Commission (Oz Lotto) Amendment Rules 2006 G.G. 29/09/2006, Lotteries Commission (Powerball) Amendment Rules 2006 G.G. 29/09/2006, Lotteries Commission (Powerball) Amendment Rules (No. 2) 2006 G.G. 13/10/2006, Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2006 G.G. 29/09/2006, Lotteries Commission (Soccer Pools) Amendment Rules 2006 G.G. 29/09/2006 and Lotteries Commission (Super 66) Amendment Rules (No. 2) 2006 G.G. 29/09/2006).....	2115
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Parliamentary Secretary representing the Minister for Health*Addendums -*

Amendments to Healthway's Annual Report (2005-2006) 2116

Annual Reports -

Animal Resources Authority (for year ended 30 June 2006) (Date received 28/09/2006) 2117

Electoral Commission, (Political Finance) (2004-2005) (Date received 13/10/2006) 2118

Information Commissioner, Office of the (Freedom of Information) (2005-2006)
(Date received 03/10/2006) 2119

Optometrists Registration Board (2005-2006) (Date received 13/10/2006) 2120

Quadriplegic Centre Board of Management (2005-2006) (Date received 04/10/2006) 2121

Queen Elizabeth II Medical Centre Trust (2005-2006) (Date received 28/09/2006) 2122

Reproductive Technology Council, (2005-2006) (Date received 13/10/2006) 2123

State Administrative Tribunal (2005-2006) (Date received 09/10/2006) 2124

Annual Reports - Hospitals -

South West Area Health Service (2005-2006) (Date received 13/10/2006) 2125

WA Country Health Service (2005-2006) (Date received 13/10/2006) 2126

Local Laws -

Health Act 1911 (Shire of Nannup Health Amendment Local Laws 2006 G.G. 13/10/2006) 2127

5. Statutes (Repeals and Minor Amendments) Bill 2006

The Leader of the House: To move on the next day of sitting -

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.

6. Family Court Amendment Rules 2006 - Disallowance

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

That the *Family Court Amendment Rules 2006* published in the *Gazette* on 14 July 2006 and tabled in the Legislative Council on 23 August 2006, under the *Family Court Act 1997*, be and are hereby disallowed.

7. Section 9 of the Electricity Networks Access Code Amendments 2006 - Disallowance

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

That Section 9 of the *Electricity Networks Access Code Amendments 2006* published in the *Gazette* on 1 September 2006 and tabled in the Legislative Council on 12 September 2006, under the *Electricity Industry Act 2004*, be and is hereby disallowed.

8. Wheat Export Authority

Hon Anthony Fels: To move on the next day of sitting -

That the Western Australian Government support -

- (1) The transfer of the power to veto of bulk wheat export licences from Australian Wheat Board International (AWBI) to the Wheat Export Authority.

- (2) The application by Co-operative Bulk Handling Group (CBH) to the Wheat Export Authority for permits to export bulk wheat to -
- (a) supply wheat to their Joint Venture Interflour and Bogasari Group flour milling operations in Asia; and
 - (b) to allow for the tender and supply of Western Australian wheat to Iraq and any markets not open or available to the Australian Wheat Board.

9. Ministerial Statement - Department of Education and Training - Findings by Corruption and Crime Commission

The Minister for Education and Training made a Ministerial Statement with respect to the Department of Education and Training and Findings by Corruption and Crime Commission.

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

10. Ministerial Statement - Curriculum Council Act 1997 Review

The Minister for Education and Training made a Ministerial Statement with respect to the review of the Curriculum Council Act 1997.

The Minister for Education and Training tabled a report on the review conducted in accordance with section 36(1) of the *Curriculum Council Act 1997*. (Tabled paper 2128).

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

11. Minister for Education and Training - Confidence of the House - Suspension of Sessional and Standing Orders

Hon Norman Moore moved, without notice -

That so much of Sessional and Standing Orders be suspended as would enable the Hon Peter Collier to move the following motion forthwith -

“

That this House has finally 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.

”.

Debate ensued.

Question - put.

There being a dissentient voice the President ordered the House to divide.

Ayes (15)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Murray Criddle
Hon Donna Faragher
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 Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (12)

Hon Vincent Catania
 Hon Kim Chance
 Hon Sue Ellery
 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*)

The concurrence of an absolute majority of the whole number of Members not being met Standing Orders not suspended.

12. 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.

13. Electoral Reform (Electoral Funding) Bill 2006

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

The Parliamentary Secretary representing the Minister for Electoral Affairs moved, That the Bill be now read a third time.

The 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.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

14. Criminal and Found Property Disposal Bill 2005

The Order of the Day having been read for the consideration of the Committee's report upon this Bill.

The Parliamentary Secretary representing the Attorney General moved, That the report be adopted.

Ordered - That the third reading of the Bill be made an Order of the Day for the next sitting.

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

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

Debate ensued.

16. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Health tabled an answer in relation to data on the age breakdown of nurses currently registered with the Nurses Board of Western Australia, in response to question on notice No. 4173 asked by Hon Anthony Fels. (Tabled paper 2129).

The Minister for Education and Training representing the Minister for the Environment tabled a fax from Woodside to the Department of Environment - Karratha Regional office - regarding advice of dark smoke emissions, in response to question on notice No. 4153 asked by Hon Giz Watson. (Tabled paper 2130).

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

Cognate debate resumed on the second reading of these Bills (cf item 15 above).

Extension of time - Hon Giz Watson granted leave to extend her speaking time.

Question - put and passed.

Bills read a second time.

The President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Criminal Investigation Bill 2005

Clause 1 agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

Clause agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

The Parliamentary Secretary representing the Attorney General moved -

Page 8, line 3 — To delete “a police” and insert instead —

“ an ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 9.

The Parliamentary Secretary representing the Attorney General moved -

Page 8, line 10 — To insert after “purpose” —

“ and the functions of which are or include investigating or prosecuting offences ”.

Debate ensued.

Amendment - put and passed.

The Parliamentary Secretary representing the Attorney General moved -

Page 8, lines 21 and 22 — To delete “by virtue of regulations made” and insert instead —
 “ because it is prescribed ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 10 agreed to.

Clause 11.

Debate ensued.

Clause agreed to.

Clause 12.

Hon Giz Watson moved -

Page 9, line 24 — To delete “a JP or”.

Page 9, lines 24 to 25 — To delete “as the case requires”.

Debate ensued.

Amendments - put.

The Committee divided.

Ayes (2)

Hon Paul Llewellyn

Hon Giz Watson (*Teller*)

Noes (27)

Hon Ken Baston
 Hon George Cash
 Hon Vincent Catania
 Hon Kim Chance
 Hon Peter Collier
 Hon Murray Criddle
 Hon Bruce Donaldson
 Hon Sue Ellery
 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 Robyn McSweeney
 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.

Clause 13.

Debate ensued.

Hon Giz Watson moved -

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.

”.

Debate ensued.

Interruption pursuant to Sessional Order.

18. Members' Statements

Members' statements were taken.

19. Adjournment

The House adjourned at 9.57pm until Wednesday, 18 October 2006 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Kate Doust and Hon Margaret Rowe.

MIA BETJEMAN
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council