

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 119

TUESDAY, 5 DECEMBER 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 -

24 November 2006 - Message No. 57	Act No.
Daylight Saving Bill (No. 2) 2006	61 of 2006
30 November 2006 - Message No. 58	Act No.
Curriculum Council (Fees and Charges) Bill 2006	62 of 2006
BHP Billiton (Termination of Agreements) Agreement Bill 2005	63 of 2006

3. Petitions

Hon Peter Collier presented a petition from 1 975 residents of Western Australia requesting the Legislative Council to support the previous selection criteria for Perth Modern School. (Tabled paper 2299).

Hon Louise Pratt presented a petition from 175 residents of Western Australia requesting the Legislative Council oppose the current road reserve management practices in Toodyay and elsewhere. (Tabled paper 2300).

4. Papers

The following Papers were laid on the Table by -

Leader of the House

Reports -

Consultants engaged by Government for the six months ended 30 June 2006	2286
Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ending 30 September 2005.....	2287
Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ending 30 September 2005 ...	2288

Interstate and Overseas Travel undertaken by Members of Parliament on Official Business for the three months ending 31 December 2005	2289
Interstate and Overseas Travel undertaken by Ministers, Members of Parliament and Officers on Official Business for the three months ending 31 December 2005	2290
Report on the Remuneration of Judges, District Court Judges, Masters of the Supreme Court, Magistrates and the Parliamentary Inspector of the Corruption and Crime Commission.....	2291

Minister for Education and Training

Budget Papers and Related Papers -

Quarterly Financial Report 2006-2007 (September 2006)	2292
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Annual Reports -

Geraldton Port Authority (2005-2006) (Date received 28/11/2006)	2293
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Reports -

Albany Port Authority - Statement of Corporate Intent (2006-2007)	2294
Bunbury Port Authority - Statement of Corporate Intent (2006-2007)	2295
Port Headland Port Authority - Statement of Corporate Intent (2006-2007)	2296

Parliamentary Secretary representing the Minister for Health

Addendums -

Commission for Occupational Safety and Health Code of Practice: Tilt-up and Precast Concrete Construction.....	2297
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Annual Reports -

Council of Official Visitors (2005-2006) (Date received 30/11/2006)	2298
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5. Joint Standing Committee on Delegated Legislation - Twenty-first Report - Strata Titles General Amendment Regulations (No.4) 2006

Hon Ray Halligan presented the Twenty-first Report of the Joint Standing Committee on Delegated Legislation in relation to the *Strata Titles General Amendment Regulations (No.4) 2006*. (Tabled paper 2301).

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

Question - put and passed.

6. Joint Standing Committee on the Corruption and Crime Commission - Seventeenth Report - Inquiry into the Future Operation of Witness Protection Programmes in WA: Interim Report on ACC Reports into the Death of a Protected Witness

Hon Ray Halligan presented the Seventeenth Report of the Joint Standing Committee on the Corruption and Crime Commission in relation to the Inquiry into the Future Operation of Witness Protection Programmes in WA: Interim Report on ACC Reports into the Death of a Protected Witness. (Tabled paper 2302).

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

Question - put and passed.

7. Notice of Question

Hon Simon O'Brien gave notice of a question.

8. Ministerial Statement - Locusts - Spraying Program

The Minister for Agriculture and Food made a Ministerial Statement with respect to the State Government's commitment to the Australian Plague Locust campaign.

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

9. Ministerial Statement - Disability Services - Companion Card

The Parliamentary Secretary representing the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Western Australia's own regional airline, Skywest, joining the ACROD Companion Card program.

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

10. Leave of Absence - Hon Margaret Rowe

Hon Bruce Donaldson moved, without notice -

That leave of absence be granted to Hon Margaret Rowe for three sitting days due to ill health.

Question - put and passed.

11. Order of Business

Ordered - That Order of the Day No. 322, *Western Australian College of Teaching Election Rules 2006 - Disallowance*, be taken after Order of the Day No. 300, *Sunset Hospital Site Bill 2006*. (Leader of the House).

12. Strata Titles General Amendment Regulations (No.4) 2006 - Disallowance - Discharge from Notice Paper

Hon Ray Halligan moved, without notice -

That Order of the Day No. 331, *Strata Titles General Amendment Regulations (No.4) 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 having been read for the consideration of the Committee's report upon this Bill.

The Minister for Education and Training moved, That the report be adopted.

Question - put and passed.

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

14. 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.

Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

15. Industrial Training Amendment Bill 2006

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

Debate resumed.

16. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled documents in relation to written advice from the Electoral Commission of Western Australia on the source of electoral roll data provided by Magenta Linus and Consulatech in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2303).

The Minister for Education and Training tabled documents in relation to the Memorandum of Understanding between Balga Senior High School and Manufacturing Industry Training Services Pty Ltd in response to a question without notice asked by Hon Peter Collier. (Tabled paper 2304).

The Leader of the House representing the Premier tabled an answer in table format in relation to reviews, committees, inquiries and taskforces established between 1 May 2005 and 30 June 2006 for all portfolios, Departments and Agencies over which the Premier holds responsibility, in response to question on notice No. 4109 asked by Hon Donna Faragher. (Tabled paper 2305).

The Minister for Local Government and Regional Development representing the Minister for Police and Emergency Services tabled, and by leave incorporated into Hansard, an answer in relation to details of the Western Australian Police receiving Commonwealth funding, in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 2306).

The Parliamentary Secretary representing the Minister for Consumer Protection tabled an answer in table format in relation to reviews, committees, inquiries and taskforces established between 1 May 2005 and 30 June 2006 for all portfolios, Departments and Agencies over which the Minister for Consumer Protection holds responsibility, in response to question on notice No. 4135 asked by Hon Donna Faragher. (Tabled paper 2307).

The Parliamentary Secretary representing the Attorney General tabled an answer in table format in relation to reviews, committees, inquiries and taskforces established between 1 May 2005 and 30 June 2006 for all portfolios, Departments and Agencies over which the Attorney General holds responsibility, in response to question on notice No.4129 asked by Hon Donna Faragher. (Tabled paper 2308).

The Parliamentary Secretary representing the Minister for Health tabled an answer in table format in relation to reviews, committees, inquiries and taskforces established between 1 May 2005 and 30 June 2006 for all portfolios, Departments and Agencies over which the Minister for Health holds responsibility, in response to question on notice No.4130 asked by Hon Donna Faragher. (Tabled paper 2309).

17. Industrial Training Amendment Bill 2006

Debate resumed on the second reading of this Bill (cf item 15 above).

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.

18. Stamp 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.

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.

19. Prisons and Sentencing Legislation Amendment Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 199

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Prisons and Sentencing Legislation Amendment Bill 2006*.

Dr S.C. Thomas

Acting Speaker

Legislative Assembly Chamber

Perth, 28 November 2006

20. Electoral Legislation Amendment Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 200

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Electoral Legislation Amendment Bill 2006*.

Dr S.C. Thomas

Acting Speaker

Legislative Assembly Chamber

Perth, 28 November 2006

21. Road Traffic Amendment (Drugs) Bill 2006

The Acting President reported the receipt of Message No. 202 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.

22. Fish Resources Management Amendment Bill 2006

The Acting President reported the receipt of Message No. 203 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.

23. Road Traffic Amendment Bill 2006

The Acting President reported the receipt of Message No. 205 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

24. Local Government Amendment Bill 2006

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 206

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Local Government Amendment Bill 2006*.

Mr A.P. O’Gorman

Acting Speaker

Legislative Assembly Chamber

Perth, 30 November 2006

25. Water Efficiency Labelling and Standards 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 Ken Travers in the Chair)

Clause 1 agreed to.

Clauses 2 to 50 agreed to.

Clause 51.

Hon Norman Moore moved -

Page 29, line 9 — To delete “imprisonment for 9 months” and insert instead —

“ a fine of 60 penalty units ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 52 to 60 agreed to.

Clause 61.

Hon Norman Moore moved -

Page 35, line 16 — To delete “imprisonment for 9 months” and insert instead —

“ a fine of 60 penalty units ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 62.

Hon Norman Moore moved -

Page 36, line 5 — To delete “imprisonment for 9 months” and insert instead —

“ a fine of 60 penalty units ”.

Page 36, line 15 — To delete “imprisonment for 9 months” and insert instead —

“ a fine of 60 penalty units ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 63 to 77 agreed to.

Title.

Debate ensued.

Title agreed to.

The Deputy 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.

26. Cognate Debate - Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

The Minister for Education and Training sought leave of the House to debate Order of the Day No. 314, *Auditor General Bill 2006*, Order of the Day No. 307, *Financial Management Bill 2006* and Order of the Day No. 306, *Financial Legislation Amendment and Repeal Bill 2006* cognately [SO 228].

Leave granted.

27. Auditor General Bill 2006, Financial Management Bill 2006 and Financial Legislation Amendment and Repeal Bill 2006

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

Debate resumed.

Interruption pursuant to Sessional Order.

28. Members’ Statements

Members’ statements were taken.

29. Adjournment

The House adjourned at 10.01pm until Wednesday, 6 December 2006 at 2.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Matt Benson-Lidholm and Hon Sheila Mills.

Member granted leave: Hon Margaret Rowe.

MALCOLM PEACOCK
Acting Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council