

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 115

THURSDAY, 16 NOVEMBER 2006

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 Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 167 residents of Western Australia requesting the Legislative Council to inquire, report and recommend opposition to the use of depleted uranium munitions. (Tabled paper 2234).

Hon Giz Watson presented a petition, by delivery to the Clerk, [SO 130], from 10 residents of Western Australia requesting the Legislative Council to support the protection of mature trees on public land in urban areas. (Tabled paper 2235).

Hon Barbara Scott presented a petition from 550 residents of Western Australia requesting the Legislative Council to recommend increased accommodation support services in Western Australia enabling the provision of a group home for people with disabilities. (Tabled paper 2236).

3. Daylight Saving Bill (No. 2) 2006 - Instruction to the Committee of the Whole

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

That it be an instruction to the Committee of the Whole that it shall have power to extend the operation of the Bill to enable amendments to be made in the following terms -

Clause 3

Page 2, after line 22 — To insert —

“

“**Coordinator of Energy**” means the person referred to in section 4 of the *Energy Coordination Act 1994*.

”

Clause 5

Page 4, after line 5 — To insert —

“

(c) the elector will be required to identify demographic information including

-

- (i) age;
- (ii) sex;
- (iii) whether they have children of school age;
- (iv) postcode; and
- (v) occupation.

”

New Clause 5

Page 3, after line 14 — To insert the following new clause —

“

5. Report on impact of daylight saving on electricity use

The Coordinator of Energy shall, by 1 May 2007, prepare and publish a report on the impact of the trial period of daylight saving on electricity use in Western Australia.

”.

4. Ministerial Statement - Forest Products Act 2000 - Statutory Review

The Minister for Forestry made a Ministerial Statement with respect to a statutory review of the *Forest Products Act 2000*.

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

5. Ministerial Statement - Business of the House - Daylight Saving Bill (No. 2) 2006

The Leader of the House made a Ministerial Statement with respect to the business of the House regarding the *Daylight Saving Bill (No. 2) 2006*.

6. Personal Explanation

Hon Norman Moore, by leave, made a personal explanation.

7. Order of Business

Ordered - That Orders of the Day Nos 321, *Contaminated Sites Regulations 2006 - Disallowance*, 322, *Western Australian College of Teaching Election Rules 2006 - Disallowance*, 330, *Fair Trading (Product Information Standard) Amendment Regulations 2006 - Disallowance*, 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).

8. Daylight Saving Bill (No. 2) 2006

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

Debate resumed.

Hon Bruce Donaldson sought leave of the House for Hon Anthony Fels to extend his speaking time.

Leave denied.

Debate resumed.

Question - put.

The House divided.

Ayes (21)

Hon Shelley Archer
 Hon Matt Benson-Lidholm
 Hon George Cash
 Hon Peter Collier
 Hon Kate Doust
 Hon Sue Ellery
 Hon Donna Faragher
 Hon Adele Farina
 Hon Graham Giffard
 Hon Ray Halligan
 Hon Paul Llewellyn

Hon Sheila Mills
 Hon Helen Morton
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Barbara Scott
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Noes (10)

Hon Ken Baston
 Hon Vincent Catania
 Hon Kim Chance
 Hon Murray Criddle
 Hon Anthony Fels

Hon Nigel Hallett
 Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a second time.

Hon Anthony Fels moved, without notice -

That Order of the Day No. 332, the *Daylight Saving Bill (No. 2) 2006* be discharged and referred to the Standing Committee on Legislation for consideration and report not later than 30 June 2007.

Debate ensued.

Question - put.

The House divided.

Ayes (11)

Hon Ken Baston
 Hon Murray Criddle
 Hon Donna Faragher
 Hon Anthony Fels
 Hon Nigel Hallett
 Hon Barry House

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Helen Morton
 Hon Barbara Scott
 Hon Bruce Donaldson (*Teller*)

Noes (20)

Hon Shelley Archer
 Hon Matt Benson-Lidholm
 Hon George Cash
 Hon Vincent Catania
 Hon Kim Chance
 Hon Peter Collier
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard

Hon Ray Halligan
 Hon Paul Llewellyn
 Hon Sheila Mills
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Sally Talbot
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Question thus negatived.

The President left the Chair.

In Committee

(Hon Ken Travers in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3 agreed to.

Clause 4.

Hon Norman Moore moved -

Page 3, lines 11 and 12 — To delete the lines.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Agriculture and Food tabled, and by leave incorporated into Hansard, an answer in relation to State strategies in place to assist regional and country business affected by the drought in Western Australia, in response to a question without notice asked by Hon Nigel Hallett. (Tabled paper 2237).

The Parliamentary Secretary representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to the details of Fitzroy House at Graylands Hospital, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 2238).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 4205 asked by Hon Giz Watson will be provided in due course.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into Hansard, an answer in relation to the average number of carriages for train services on the Midland-Perth, Fremantle-Perth and Armadale-Perth train lines, in response to a question without notice asked by Hon Donna Faragher. (Tabled paper 2239).

10. Daylight Saving Bill (No. 2) 2006

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 4.

Debate resumed on the amendment moved by Hon Norman Moore as follows -

Page 3, lines 11 and 12 — To delete the lines.

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

Noes (16)

Hon Shelley Archer
 Hon Matt Benson-Lidholm
 Hon Vincent Catania
 Hon Kim Chance
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard

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

Amendment thus negatived.

Debate ensued.

Hon Anthony Fels moved -

Page 3, lines 7 and 8 — To delete the lines.

Amendment - put and negatived.

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

Clause 5.

Debate ensued.

Point of Order

Hon Helen Morton raised the following Point of Order -

Mr Chairman, I wish to have your ruling about whether it is possible for me to move the following amendment to this clause -

Page 4, after line 5 - To insert -

- (c) The elector will be required to identify demographic information, including -
 - (i) age;
 - (ii) sex;
 - (iii) whether he or she has children of school age;
 - (iv) postcode; and
 - (v) occupation.

Rather than go into the discussion, I would like you to let me know whether it is possible to move that amendment.

Chairman's Ruling

The Chairman ruled as follows -

Hon Helen Morton has asked for my ruling on whether her proposed amendment is valid. The amendment deals with the elector being required to identify certain demographic information, and then lists the type of information that is required. The issue at hand is whether the amendment is within the scope and purpose of the Bill. The long title of the Bill states, in part -

A Bill for

An Act to provide for a trial period of daylight saving throughout the State and a referendum thereafter on the question of daylight saving on a permanent basis . . .

There are some other issues, but that is what the Bill is for. Within that scope, there is no opportunity to add additional requirements for demographic information. My ruling is that the amendment as proposed is outside the scope of the Bill, and would have required an instruction to the committee, if the committee was to be empowered to handle it at this stage.

Debate resumed.

Clause agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Title.

Debate ensued.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

11. Liquor and Gaming 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.

Interruption pursuant to Sessional Order.

12. Adjournment

The House adjourned at 6.00pm until Tuesday, 21 November 2006 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford and Hon Margaret Rowe.

MALCOLM PEACOCK
Acting Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council