

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 117

WEDNESDAY, 22 NOVEMBER 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 -

Performance Examination - Room to move: Improving the cost of efficiency of government office space (November 2006) 2249

Reports -

Public Sector Standards Commissioner, Office of the - Accountability Officers of the Western Australian Parliament - Accountability and Independent Principles (November 2006) 2250

Leader of the House

By-laws -

Water Agencies (Powers) Act 1984 (Water Agencies (Charges) Amendment By-laws (No. 3) 2006 G.G. 14/11/2006) 2251

Minister for Education and Training

Regulations -

Betting Control Act 1954 (Betting Control Amendment Regulations (No. 4) 2006 G.G. 14/11/2006) .. 2252

Casino Control Act 1984 (Casino Control (Burswood Island) (Licensing of Employees) Amendment Regulations (No. 2) 2006 G.G. 14/11/2006)..... 2253

Gaming and Wagering Commission Act 1987 (Gaming and Wagering Commission Amendment Regulations (No. 2) 2006 G.G. 14/11/2006)..... 2254

Liquor Licensing Act 1988 (Liquor Licensing Amendment Regulations (No. 2) 2006 G.G. 14/11/2006)..... 2255

Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations (No. 3) 2006 G.G. 14/11/2006)..... 2256

Racing Penalties (Appeals) Act 1990 (Racing Penalties (Appeals) Amendment Regulations 2006 G.G. 14/11/2006).....	2257
School Education Act 1999 (School Education Amendment Regulations 2006 G.G. 17/11/2006)	2258

Minister for Local Government and Regional Development

Local Laws -

Local Government Act 1995 (Shire of Bridgetown-Greenbushes - Repeal Local Law 2006 G.G. 17/11/2006).....	2259
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Leases -

CALM Lease No. 1826/97 - Between CALM and Denmark Clay Target Club	2260
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Regulations -

Subiaco Redevelopment Act 1994 (Subiaco Redevelopment (Subtracted Area - Stage 2) Regulations 2006 G.G. 17/11/2006)	2261
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Parliamentary Secretary representing the Minister for Planning and Infrastructure on behalf of the Parliamentary Secretary representing the Minister for Housing and Works

Regulations -

Motor Vehicle Dealers Act 1973 (Motor Vehicle Dealers (Sales) Amendment Regulations 2006 G.G. 17/11/2006).....	2262
Real Estate and Business Agents Act 1978 (Real Estate and Business Agents (General) Amendment Regulations (No. 2) 2006 G.G. 17/11/2006).....	2263

Parliamentary Secretary representing the Minister for Health

Annual Reports -

Psychologists Board, The (2005-2006) (Date received 21/11/2006)	2264
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Regulations -

Criminal Procedure Act 2004 (Criminal Procedure Amendment Regulations (No. 3) 2006 G.G. 14/11/2006).....	2265
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations (No. 5) 2006 G.G. 14/11/2006)	2266

3. Standing Committee on Uniform Legislation and Statutes Review - Fifteenth Report - Industrial Training Amendment Bill 2006

Hon Simon O'Brien presented the Fifteenth Report of the Standing Committee on Uniform Legislation and Statutes Review in relation to the *Industrial Training Amendment Bill 2006*. (Tabled paper 2267).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

4. Standing Committee on Uniform Legislation and Statutes Review - Sixteenth Report - Interim Report - Intergovernmental Agreement on the Reform of Commonwealth - State Financial Relations

Hon Simon O'Brien presented the Sixteenth Report of the Standing Committee on Uniform Legislation and Statutes Review being an interim report in relation to the Intergovernmental Agreement on the Reform of Commonwealth - State Financial Relations. (Tabled paper 2268).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Consumer Credit (Western Australia) (Infringement Notices) Regulations 2006 - Disallowance

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

That the *Consumer Credit (Western Australia) (Infringement Notices) Regulations 2006* published in the *Gazette* on 22 September 2006 and tabled in the Legislative Council on 28 September 2006, under the *Consumer Credit (Western Australia) Act 1996*, be and are hereby disallowed.

6. Fair Trading (Infringement Notices) Regulations 2006 - Disallowance

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

That the *Fair Trading (Infringement Notices) Regulations 2006* published in the *Gazette* on 22 September 2006 and tabled in the Legislative Council on 28 September 2006, under the *Fair Trading Act 1987*, be and are hereby disallowed.

7. Community Development Employment Projects Scheme

Motion No. 45 having been called, debate resumed on the motion of Hon Shelley Archer as follows -

That this House condemns the Federal Government for their lack of appreciation of the detrimental impacts that will arise from the changes to the Community Development Employment Projects Scheme (CDEP) on Aboriginal people and other members of the community in regional Western Australia.

Hon Ken Baston moved to amend the motion as follows -

- (1) Line 1 — To delete “condemns” and insert instead —
“ expresses its concern to ”.
- (2) Line 1 — To delete “for their lack of appreciation of the” and insert instead —
“ about potential ”.
- (3) Line 4 — To insert after “Western Australia” —
“
but acknowledges that the changes have been implemented to address concerns with the scheme
”.

Debate ensued.

Interruption pursuant to Sessional Order.

8. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a plan of the seabed adjacent to the Rous Head development, in response to a question without notice asked by Hon George Cash. (Tabled paper 2269).

The Leader of the House representing the Premier tabled an answer in table format in relation to former public servants who earned in excess of \$100 000 per year, having received termination payments exceeding their salary, in response to question on notice No.4219 asked by Hon Helen Morton. (Tabled paper 2270).

The Minister for Education and Training on behalf of the Parliamentary Secretary representing the Minister for Government Enterprises tabled a note to the Insurance Commission of Western Australia (ICWA) from JANA Investment Advisers Pty Ltd in relation to Investment Diversification - Investment in Alternative Asset Classes, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 2271).

The Minister for Fisheries tabled, and by leave incorporated into Hansard, an answer in relation to Thomas Weir's application for the transfer of an Oyster Fishing Licence No. 1006, in response to a question without notice asked by Hon Bruce Donaldson. (Tabled paper 2272).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to details of ownership and dates of granting general leases in reference to Lots 384 and 574 of the Burrup Peninsula, and by leave incorporated the answer into Hansard, in response to question on notice No.4205 asked by Hon Giz Watson. (Tabled paper 2273).

9. Consideration of Committee Reports and Ministerial Statements

Pursuant to Sessional Orders for the consideration of Committee Reports and Ministerial Statements.

In Committee

(Hon Louise Pratt in the Chair)

Biosecurity and Agriculture Management Bill and Associated Bills; Tabling of Green Bills - Ministerial Statement and Tabled Papers

The Order of the Day having been called, Hon Bruce Donaldson moved, That the Ministerial Statement and Tabled Papers be noted.

Debate ensued.

Question - put and passed.

Standing Committee on Uniform Legislation and Statutes Review - Report No. 10 - Consumer Credit and Trade Measurement Amendment Bill 2006 (Qld) - Committee Report

The Order of the Day having been called, Hon Simon O'Brien moved, That the Report be noted.

Question - put and passed.

Partial Revocation of State Forest Nos 14 and 22 - Ministerial Statement and Tabled Paper

The Order of the Day called.

Joint Standing Committee on Delegated Legislation - Report No. 16 - Issues of Concern Raised by the Committee Between 1 May 2005 and 30 April 2006 With Respect to Local Laws - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Partial Revocation of State Forest Nos 7, 16, 29, 30, 35, 36, 38, 57 and 65 - Ministerial Statement and Tabled Paper

The Order of the Day called.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 8 - Public Hearing With the Corruption and Crime Commission on 3 May 2006 - Committee Report

The Order of the Day having been called, Hon Ray Halligan moved, That the Report be noted.

Interruption pursuant to Sessional Order.

The Deputy President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Biosecurity and Agriculture Management Bill and Associated Bills; Tabling of Green Bills - Ministerial Statement and Tabled Papers and had noted same.
- (2) Standing Committee on Uniform Legislation and Statutes Review - Tenth Report - Consumer Credit and Trade Measurement Amendment Bill 2006 (Qld) - Committee Report and had noted same.
- (3) Joint Standing Committee on Delegated Legislation - Sixteenth Report - Issues of Concern Raised by the Committee Between 1 May 2005 and 30 April 2006 With Respect to Local Laws - Committee Report and had noted same.
- (4) Joint Standing Committee on the Corruption and Crime Commission - Eighth Report - Public Hearing With the Corruption and Crime Commission on 3 May 2006 - Committee Report, made progress, and asked leave to sit again.

Report adopted.

10. Stamp Amendment Bill 2006

The Acting President reported the receipt of Message No. 195 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

The Minister for Education and Training tabled the Explanatory Memorandum. (Tabled paper 2274).

Debate stands adjourned.

11. Racing and Wagering Western Australia Tax Amendment Bill 2006

The Acting President reported the receipt of Message No. 196 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

12. Racing and Wagering Legislation Amendment Bill 2006

The Acting President reported the receipt of Message No. 197 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

13. 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).

14. 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 Acting President left the Chair.

In Committee

(Hon Louise Pratt in the Chair)

Clause 40.

Debate resumed.

Clause agreed to.

Clauses 41 and 42 agreed to.

Clause 43.

Hon Giz Watson moved -

Page 45, after line 23 — To insert —

“

- (iii) for a function associated with the celebration of a cultural, educational, religious, patriotic, professional, charitable, political, literary, sporting, athletic, industrial or community nature;

”.

Debate ensued.

Amendment - put and negatived.

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

Clause 44.

Debate ensued.

Clause agreed to.

Clauses 45 to 66 agreed to.

Clause 67.

Debate ensued.

Clause agreed to.

Clause 68.

Hon Norman Moore moved -

Page 58, line 21 — To delete “10 p.m.” and insert instead —

“ 12 midnight ”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (11)

Hon Ken Baston
Hon George Cash
Hon Donna Faragher
Hon Anthony Fels
Hon Nigel Hallett
Hon Ray Halligan

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

Noes (14)

Hon Shelley Archer
Hon Murray Criddle
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Graham Giffard

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

Amendment thus negatived.

Debate resumed.

Hon Giz Watson moved -

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

The Minister for Education and Training moved that further consideration of Clause 68 be postponed until after Clause 117.

Question - put and passed.

Clauses 69 and 70 agreed to.

Clause 71.

Debate ensued.

Clause agreed to.

Clauses 72 to 74 agreed to.

Clause 75.

Debate ensued.

Clause agreed to.

Clauses 76 to 103 agreed to.

Clause 104.

Hon Giz Watson moved -

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.

”.

Debate ensued.

Interruption pursuant to Sessional Order.

15. Members' Statements

Members' statements were taken.

16. Adjournment

The House adjourned at 10.13pm until Thursday, 23 November 2006 at 10.00am.

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