

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 183

THURSDAY, 21 FEBRUARY 2008

1. Meeting of Council

The Council assembled at 11.00am pursuant to order.

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

2. Petition

Hon Matt Benson-Lidholm presented a petition from 855 residents of Western Australia requesting the Legislative Council support a substantial increase in salaries and allowances for teachers in order to address the teacher shortage crisis. (Tabled paper 3687).

3. Papers

The following Papers were laid on the Table by -

Leader of the House

By-laws -

Water Agencies (Powers) Act 1984 (Water Agencies (Charges) Amendment By-laws (No. 4)
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G.G. 07/12/2007, City of Melville Parking Facilities Amendment Local Law 2007
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Racing and Wagering Western Australia Act 2003 (Racing and Wagering Western Australia Amendment Regulations (No. 2) 2007 G.G. 07/12/2007).....	3664

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Management Plans -

Fish Resources Management Act 1994 (Mackerel Fishery (Interim) Management Plan Amendment 2007 G.G. 14/12/2007 and West Coast Rock Lobster Fishery Management Plan Amendment (No. 2) 2007 [656] G.G. 28/12/2007)	3665
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Orders -

Fish Resources Management Act 1994 (Prohibition on Fishing (Cockburn Sound and Warnbro Sound) Amendment Order 2007 G.G. 14/12/2007, Prohibition on Fishing (Cockburn Sound) Revocation Order 2007 G.G. 14/12/2007, and Prohibition on Fishing (Fish Trap Restrictions) Amendment Order 2007 [657] G.G. 28/12/2007)	3666
Misuse of Drugs Act 1981 (Misuse of Drugs (Amounts of Prohibited Drugs) Order 2007 G.G. 07/12/2007).....	3667

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Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 8) 2007 G.G. 21/12/2007)	3668
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Minister for Child Protection

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Civil Judgments Enforcement Act 2004 (Civil Judgments Enforcement Amendment Regulations 2007 G.G. 14/12/2007)	3671
Dangerous Goods Safety Act 2004 (Dangerous Goods Safety (Explosives) Regulations 2007 G.G. 31/12/2007, Dangerous Goods Safety (General) Regulations 2007 G.G. 31/12/2007, Dangerous Goods Safety (Goods in Ports) Regulations 2007 G.G. 31/12/2007, Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 G.G. 31/12/2007, Dangerous Goods Safety (Road and Rail Transport of Non-explosives) Regulations 2007 G.G. 31/12/2007, Dangerous Goods Safety (Security Risk Substances) Regulations 2007 G.G. 31/12/2007, and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 G.G. 31/12/2007).....	3672
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Parliamentary Secretary representing the Minister for Planning and Infrastructure

Regulations -

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Fair Trading Act 1987 (Fair Trading (Fitness Industry Code of Practice) Regulations 2007 G.G. 28/12/2007).....	3681
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4. Broadband Internet - Use of Future Fund

Motion No. 56 having been called, debate resumed on the motion of Hon Vincent Catania as follows -

That this House urges the Federal Government to support the use of the Future Fund in order to provide the necessary public investment in broadband internet access throughout Australia.

In particular, this House urges the Federal Government to acknowledge that -

- (a) the urban broadband network is inadequate to meet current or future demands;
- (b) Western Australia's mining companies, pastoralists, farmers and communities function in regions that are as remote from administrative centres as any in the world;
- (c) Tele-health capacity would enable quality health services to be delivered via a broadband network to areas where such services are currently impossible; and
- (d) the use of the Future Fund to enable public investment in the national broadband network is a valid and essential means of achieving the aims of the Fund by investing in Australia's future in commerce, education and health.

The President ordered that the motion be divided into three parts.

Question, That the following words be agreed to - put.

“That this House urges the Federal Government to support the use of the Future Fund in order to provide the necessary public investment in broadband internet access throughout Australia.”.

The House divided.

Ayes (14)

Hon Shelley Archer
Hon Vincent Catania
Hon Kim Chance
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Graham Giffard

Hon Paul Llewellyn
Hon Sheila Mills
Hon Batong Pham
Hon Sally Talbot
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (13)

Hon Ken Baston
Hon George Cash
Hon Peter Collier
Hon Wendy Duncan
Hon Brian Ellis
Hon Anthony Fels
Hon Nigel Hallett

Hon Ray Halligan
Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Simon O'Brien
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Question, That the following words be agreed to -

“In particular, this House urges the Federal Government to acknowledge that -

- (a) the urban broadband network is inadequate to meet current or future demands;
- (b) Western Australia's mining companies, pastoralists, farmers and communities function in regions that are as remote from administrative centres as any in the world;
- (c) Tele-health capacity would enable quality health services to be delivered via a broadband network to areas where such services are currently impossible; and”.

Question - put and passed.

Question, That the following words be agreed to -

- “(d) the use of the Future Fund to enable public investment in the national broadband network is a valid and essential means of achieving the aims of the Fund by investing in Australia's future in commerce, education and health.”.

Question - put and passed.

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

5. Order of Business

Ordered - That Motion No. 57, *Aboriginal Child Health Survey*, be taken after Motion No. 61, *Fair Employment Advocate - Helen Creed*. (Leader of the House).

6. Fair Employment Advocate - Helen Creed

Motion No. 61 having been called, Hon Norman Moore moved as follows -

- (1) That the Minister for Child Protection representing the Minister for Employment Protection table, within three days of this order, the following documents in relation to the appointment of Ms Helen Creed as Fair Employment Advocate -
 - (a) advice provided by the Department of Consumer and Employment Protection to the Director General of the Department of Premier and Cabinet; and
 - (b) the recommendation of the Director General of the Department of Premier and Cabinet to the Minister for Public Sector Management.

- (2) If the House is not in session and sitting when the documents the subject of the order are due to be tabled, the Minister for Child Protection is to transmit the documents to the Clerk of the Legislative Council and the documents are to be taken to have been laid before the House.

Interruption of Debate [SO 195].

7. Consideration of Committee Reports

Pursuant to Standing Orders for the consideration of Committee Reports.

In Committee

(Hon Graham Giffard in the Chair)

Joint Standing Committee on the Corruption and Crime Commission - Report No. 22 - Public Hearing with the Corruption and Crime Commission on 21 March 2007 - Committee Report

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

Question - put and passed.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 23 - Examination of the 2005-2006 Annual Report of the Corruption and Crime Commission - Committee Report

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

Question - put and passed.

Standing Committee on Uniform Legislation and Statutes Review - Report No. 17 - Annual Report 2006 - Committee Report

The Order of the Day called.

Standing Committee on Public Administration - Report No. 4 - A Matter Arising from the Committee's Annual Report 2006 - Management of Asbestos Containing Materials in Western Australian Schools - Committee Report

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

Question - put and passed.

Standing Committee on Estimates and Financial Operations - Report No. 7 - Annual Report 2006 - Committee Report

The Order of the Day called.

Joint Standing Committee on the Corruption and Crime Commission - Report No. 24 - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - A Public Interest Monitor - Committee Report

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

Interruption of Debate [SO 61A].

The Acting President resumed the Chair.

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

- (1) Joint Standing Committee on the Corruption and Crime Commission - Report No. 22 - Public Hearing with the Corruption and Crime Commission on 21 March 2007 - Committee Report and had noted same.
- (2) Joint Standing Committee on the Corruption and Crime Commission - Report No. 23 - Examination of the 2005-2006 Annual Report of the Corruption and Crime Commission - Committee Report and had noted same.

- (3) Standing Committee on Public Administration - Report No. 4 - A Matter Arising from the Committee's Annual Report 2006 - Management of Asbestos Containing Materials in Western Australian Schools - Committee Report and had noted same.
- (4) Joint Standing Committee on the Corruption and Crime Commission - Report No. 24 - Interim Report on Amendments to the Corruption and Crime Commission Act 2003 - A Public Interest Monitor - Committee Report, made progress, and asked leave to sit again.

Report adopted.

8. Town of Claremont Standing Orders Local Law 2007 - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Ray Halligan -

That the *Town of Claremont Standing Orders Local Law 2007* published in the *Gazette* on 23 August 2007 and tabled in the Legislative Council on 5 September 2007 under the *Local Government Act 1995*, be and is hereby disallowed. (Tabled paper 3095).

Debate ensued.

Question - put and passed.

9. Order of Business

Ordered - That Orders of the Day Nos 544, *West Coast Demersal Scalefish (Interim) Management Plan 2007 - Disallowance*, and 547, *Prohibition on Commercial Fishing (Metropolitan Waters) Order 2007 - Disallowance*, be taken after Order of the Day No. 469, *Eastern Goldfields Transport Board Repeal Bill 2007*. (Leader of the House).

10. Criminal Law and Evidence Amendment Bill 2006

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

The Minister for Child Protection moved, That the Bill be now read a third time.

The Deputy 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.

Point of Order

The Leader of the House raised the following Point of Order -

I am struggling to find the relevance of the line being pursued by the honourable Member, which seems to be something to do with the Premier. The Premier is not a part of Order of the Day 346.

Deputy President's Ruling

The Deputy President ruled as follows -

The Leader of the House raised a point of order and indicated to the Chair that he had some difficulty in following the line of reasoning that was being proposed. That is probably because the speaker had not had time to develop her particular reasoning; she had only just started to raise issues. The fact is we are dealing with the *Criminal Law and Evidence Amendment Bill 2006* as it came out of the Committee of the Whole and reported. Hon Donna Faragher will no doubt address that during her third reading contribution. From what I could glean from the comments made so far, I understood that Hon Donna Faragher was about to, or had just started to, raise procedural matters. Therefore, the comments are within the scope of a third reading contribution. However, Hon Donna Faragher knows the rules and I am sure she will abide by them.

Debate ensued.

Point of Order

The Leader of the House raised the following Point of Order -

The rules governing the third reading debate are extremely narrow. I am yet to hear a single reference to a matter relevant to the third reading of the Bill. We have heard a narration of unrelated matters about the priority of Bills before the House, but not related to this Bill, except incidentally. It is not a procedural matter about the Bill. Certainly, it is a procedural matter, but we are listening to a procedural matter about the management of the House, not this Bill. I reiterate my concern that the debate that is allowed at the third reading stage of a Bill, as distinct from the second reading stage, is very narrow.

Deputy President's Ruling

The Deputy President ruled as follows -

The Leader of the House is correct when he says that the third reading is a narrow debate. However, Members are entitled to explain to the House why they believe the Bill should or should not get a third reading. As I understand it, Hon Donna Faragher is saying that the Bill should be given a third reading, but that before it is agreed to the House should take note of certain comments that have been made outside this place about the progress of this Bill.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

11. Acts Amendment (Justice) Bill 2007

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

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Postponed Clause 71.

Debate ensued.

Hon Simon O'Brien moved -

Page 39, lines 10 and 11 — To delete “is satisfied there is a good reason to do so, it may” and insert instead —

“ , unless it has good reason not to do so, shall ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Postponed Clause 72 agreed to.

Title agreed to.

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.

12. Bail Amendment Bill 2007

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

Debate resumed.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Child Protection representing the Minister for Health tabled documents in relation to communications and dealings between ministerial office staff and employees of the Minister for Health's portfolio agencies, in response to a question without notice asked by Hon Norman Moore. (Tabled paper 3688).

The Minister for Child Protection representing the Minister for Health tabled, and by leave incorporated into Hansard, an answer in relation to details of children under the age of fourteen years who are currently in the Bentley Mental Health Inpatient Unit for young people, in response to a question without notice asked by Hon Helen Morton. (Tabled paper 3689).

The Minister for Child Protection on behalf of the Parliamentary Secretary representing the Minister for State Development tabled, and by leave incorporated into Hansard, an answer in relation to estimated export production value, in Australian dollars, of the resources operations located within the Mining and Pastoral region for the years 2006-2007, 2005-2006 and 2004-2005, in response to a question without notice asked by Hon Shelley Archer. (Tabled paper 3690).

14. Bail Amendment Bill 2007

Debate resumed on the second reading of this Bill (cf item 12 above).

Question - put and passed.

Bill read a second time.

The Leader of the House moved, That consideration in committee of the Bill be made an Order of the Day for the next day's sitting.

Question - put and passed.

15. Adjournment

The Leader of the House moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 5.12pm until Tuesday, 26 February 2008 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust and Hon Barbara Scott.

MALCOLM PEACOCK
Clerk of the Legislative Council

HON NICK GRIFFITHS
President of the Legislative Council