WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 35

THURSDAY, SEPTEMBER 1 2005

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. Papers

The following Papers were laid on the Table by -

Minister for Education and Training on behalf of the Minister for Fisheries

Annual Reports -

Local Government Advisory Board (2004-2005) (Date received 31/08/2005)..... 672

Metropolitan Cemeteries Board (2004-2005) (Date received 31/08/2005)..... 673

3. Workers Compensation Legislation Amendment Bill 2005

The President reported the receipt of Message No. 44 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.

4. Trade Measurement Administration Bill 2005

The President reported the receipt of Message No. 45 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 and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

5. Trade Measurement Bill 2005

The President reported the receipt of Message No. 46 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 and the Bill referred to Standing Committee on Uniform Legislation and Statutes Review.

6. Industrial Relations Amendment Bill 2005

The President reported the receipt of Message No. 47 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.

7. Electricity Corporations Bill 2005

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

The President left the Chair.

In Committee

(Hon Ray Halligan in the Chair)

Clause 41.

Debate resumed on the amendment of Hon Paul Llewellyn as follows -

Page 22, after line 26 - To insert -

"

(d) to provide services that improve the efficiency of electricity supply and the management of demand on electricity transmission and distribution systems;

".

Amendment - put and passed.

Debate ensued.

Hon Murray Criddle moved -

That consideration of Clause 41 be postponed until after Clause 192.

Question - put and passed.

Clauses 42 and 43 agreed to.

Clause 44.

Hon Paul Llewellyn moved -

Page 24, line 14 - To insert after "consumers" -

"

and services which improve the efficiency of electricity supply and the management of demand.

".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 45 and 46 agreed to.

Clause 47.

Debate ensued.

Clause agreed to.

Clauses 48 and 49 agreed to.

Clause 50.

Hon Paul Llewellyn moved -

Page 27, line 5 - To insert after "electricity" -

" from sources of energy including renewable sources ".

Amendment - put and passed.

Hon George Cash moved -

Page 27, after line 9 - To insert -

"

(c) to do anything that it is authorised or required to do by the *Electricity Industry Act 2004* Part 8 (which relates to network access) and regulations and Code made under that Part;

".

Amendment - put and passed.

Debate ensued.

Hon Paul Llewellyn moved -

Page 27, line 10- To insert after "consumers" -

"

and services which improve the efficiency of electricity supply and the management of demand.

".

Amendment - put and passed.

Hon Paul Llewellyn moved -

Page 27, after line 13 - To insert -

"

(e) to acquire, develop, operate and supply energy efficient technologies;

".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 51.

Hon George Cash moved -

Page 27, line 29 - To insert after "50" -

" other than the function under section 50(c) ".

Amendment - put and passed.

Hon George Cash

Page 28, line 2 - To insert after "50" -

" , other than the function under section 50(c), ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 52 agreed to.

Clause 53.

Hon Paul Llewellyn moved -

Page 29, line 22 - To insert after "modifications," -

" other than in relation to quality and reliability of supply, ".

Amendment - put and passed.

Hon Paul Llewellyn moved -

Page 29, after line 24 - To insert -

"

(7) Regulations referred to in subsection (6) cannot limit or otherwise affect community service obligations, as defined in section 99(1), to be performed by a corporation under this Act.

".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 54 and 55 agreed to.

Clause 56.

Debate ensued.

Question - put.

The Committee divided.

Ayes (23)

Hon Ken Baston	Hon Barry House
Hon Matt Benson-Lidholm	Hon Sheila Mills
Hon George Cash	Hon Norman Moore
Hon Kim Chance	Hon Helen Morton
Hon Peter Collier	Hon Simon O'Brien
Hon Murray Criddle	Hon Louise Pratt
Hon Kate Doust	Hon Ljiljanna Ravlich
Hon Sue Ellery	Hon Margaret Rowe
Hon Anthony Fels	Hon Donna Taylor
Hon Graham Giffard	Hon Ken Travers
Hon Nigel Hallett	Hon Ed Dermer *(Teller)*
Hon Ray Halligan	

Noes (2)

Hon Paul Llewellyn Hon Giz Watson *(Teller)*

Question thus passed.

Clause agreed to.

Clauses 57 to 59 agreed to.

Clause 60.

Hon Paul Llewellyn moved -

Page 35, after line 14 - To insert -

"

(5) A corporation is to give the Minister and the Minister responsible for the administration of the *Town Planning and Development Act 1928* written notice of a proposal to carry out works referred to in subsection (2) if those works will not comply with the provisions of an order or scheme referred to in subsection (3).

(6) A corporation is to include in its annual report under section 107 details of any works carried out by the corporation during the relevant financial year that did not comply with the provisions of an order or scheme referred to in subsection (3).

".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 61.

Debate ensued.

Hon Murray Criddle moved -

That further consideration of Clause 61 be postponed until after Clause 192.

Question - put and passed.

Clauses 62 to 89 agreed to.

Clause 90.

Hon Paul Llewellyn Moved -

Page 51, line 17 - To delete "on the Treasurer's recommendation." and insert instead -

" after consultation with the Treasurer. "

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 91 to 95 agreed to.

Clause 96.

Debate ensued.

Clause agreed to.

Clauses 97 and 98 agreed to.

Clause 99.

Hon Paul Llewellyn moved -

Page 54, line 26 - To insert after "functions" -

" or to meet performance targets ".

Amendment - put and passed.

Hon Paul Llewellyn moved -

Page 54, line 27 - To insert after "perform" -

" or to meet ".

Amendment - put and passed.

Hon Paul Llewellyn moved -

Page 55, lines 28 to 30 - To delete the lines.

Debate ensued.

Amendment - put and negatived.

Hon Paul Llewellyn moved -

Page 56, line 11 - To delete "on the Treasurer's recommendation." and insert instead -

" after consultation with the Treasurer. "

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 100 to 102 agreed to.

Clause 103.

Hon George Cash moved -

Page 58, after line 16 - To insert -

"

(5) Nothing in subsection (3) affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891*.

".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 104 to 108 agreed to.

Clause 109.

Hon George Cash moved -

Page 62, after line 3 - To insert -

"

(4) Nothing in this section affects, or is intended to affect, the operation of the *Parliamentary Privileges Act 1891* or the *Parliamentary Papers Act 1891*.

".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 110 to 192 agreed to.

Postponed Clause 41.

Debate resumed.

The Leader of the House moved -

That consideration of Clauses 41 and 61 be postponed until after consideration of Schedule 5.

Question - put and passed.

New Clause 28.

Hon George Cash moved -

Page 171, after Clause 27 - To insert the following new Clause -

"

28. Section 39A inserted

After section 39 the following section is inserted in Part 2 Division 7 —

"

39A. Review of code standards applying to Regional Power Corporation

(1) In this section —

"access arrangement" has the meaning given to that term in section 103;

"relevant day" means —

(a) for the first review, the day referred to in subsection (3); and

(b) for a subsequent review, the day referred to in subsection (4);

"RPC standards" means standards referred to in section 39(2)(d) that —

(a) are to be observed by the Regional Power Corporation; and

(b) are provided for in a code prepared and issued by the Minister under section 39;

"service standards" means standards relating to the quality and reliability of the supply of electricity that are provided for in an access arrangement.

(2) The Authority is to carry out reviews of the operation and effect of the RPC standards.

(3) The first review is to be carried out as soon as is practicable after the day on which the first access arrangement in respect of the South West interconnected system is approved under Part 8.

(4) Subsequent reviews are to be carried out as soon as is practicable after the day on which the period fixed under subsection (11) ends.

(5) The purpose of a review is to consider whether the RPC standards are appropriate for each of the transmission systems and distribution systems to which they apply when assessed against the service standards that apply to the South West interconnected system.

(6) When carrying out a review the Authority is to give members of the public an opportunity to comment on matters relevant to the review.

(7) The Authority is to give the Minister a report based on a review within —

(a) the period of 4 months after the relevant day; or

(b) any longer period allowed by the Minister under subsection (8).

(8) The Minister may, at the request of the Authority, extend the period referred to in subsection (7)(a) by not more than 28 days.

(9) A report may contain recommendations as to changes that should be made to the RPC standards.

(10) Within 28 days after the day on which a report is given to the Minister, the Authority is to —

(a) make the report available for public inspection in such manner as the Authority considers appropriate; and

(b) cause a notice giving details of where copies of the report can be obtained to be published —

(i) in a daily newspaper circulating throughout the State; and

(ii) on its internet website.

(11) The Minister, by order published in the *Gazette*, is to fix a period for subsequent reviews for the purposes of subsection (4).

(12) A period fixed under subsection (11) cannot be longer than 5 years after the day on which a notice in respect of the last preceding report under this section was published under subsection (10)(b)(i).

(13) The Minister, by order published in the *Gazette*, may —

(a) amend an order made under subsection (11); or

(b) revoke an order made under subsection (11) and replace it with another order.

”.

”.

Debate ensued.

Amendment - put and passed.

Schedules 1 to 4 agreed to.

Schedule 5.

Clause 27.

Hon George Cash moved -

Page 171, after line 1 - To insert -

“

(1) Section 39(2)(d) is amended by deleting “or distribution licences” and inserting instead —

“ , distribution licences or integrated regional licences ”.

”.

Amendment - put and passed.

Hon George Cash moved -

Page 171, after line 10 - To insert -

"

(3) Section 39(2c) is amended in the definition of "code matter" by deleting "or" after paragraph (c) and inserting instead —

"

(ca) the matter mentioned in subsection (2)(da); or

".

".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 36.

Hon George Cash moved -

Page 179, after line 9 - To insert -

"

(d) any service standards to be observed by the Regional Power Corporation; and

".

Amendment - put and passed.

Hon George Cash moved -

Page 179, after line 10 - To insert -

"

(4) In subsection (3)(d) —

"service standards" means standards referred to in section 39(2)(d) that are provided for in a code prepared and issued under section 39.

".

Debate ensued.

Amendment - put and passed.

Hon George Cash moved -

Page 181, line 9 - To delete "and (c)" and insert instead -

" , (c) and (d) ".

Amendment - put and passed.

Clause, as amended, agreed to.

Schedule 5, as amended, agreed to.

Interruption pursuant to Sessional Order.

The Acting President resumed the Chair.

The Deputy Chairman of Committees reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

8. Order of Business

Hon Norman Moore moved, without notice -

> That item No. 2, *Anniversary of the Duyfken's Voyage to Australian Waters*, be taken before item No. 1, *Rural and Regional Western Australia, Investment and Infrastructure Support*, in busines listed under Non-official business.

Question - put and passed.

9. Anniversary of the Duyfken's Voyage to Australian Waters

Pursuant to Sessional Order, Hon Simon O'Brien moved, without notice -

> That this House calls on the Government to provide assistance to the Duyfken Foundation to help enable it to appropriately celebrate the 400th anniversary of the original Duyfken's voyage to Australian waters in 1606.

Debate ensued.

Question - put.

The House divided.

Ayes (12)

Hon Ken Baston	Hon Norman Moore
Hon George Cash	Hon Helen Morton
Hon Peter Collier	Hon Simon O'Brien
Hon Anthony Fels	Hon Margaret Rowe
Hon Nigel Hallett	Hon Donna Taylor
Hon Ray Halligan	Hon Bruce Donaldson *(Teller)*

Noes (11)

Hon Matt Benson- Lidholm	Hon Louise Pratt
Hon Kim Chance	Hon Ljiljanna Ravlich
Hon Kate Doust	Hon Sally Talbot
Hon Sue Ellery	Hon Ken Travers
Hon Graham Giffard	Hon Ed Dermer *(Teller)*
Hon Sheila Mills	

Question thus passed.

10. Rural and Regional Western Australia, Investment and Infrastucture Support

Pursuant to Sessional Order, Hon Nigel Hallett moved, without notice -

> That this House notes with grave concern the Gallop Government's withholding and withdrawal of funds from rural and regional Western Australia.

Debate ensued.

The Leader of the House moved to amend the motion by deleting "Gallop" and inserting instead "Howard".

Debate ensued.

Debate adjourned pursuant to Sessional Order 7(2).

11. Questions Without Notice

Questions without notice were taken.

The Minister for Education and Training representing the Minister for the Environment tabled, and by leave incorporated into *Hansard*, an answer in relation to CALM implementation of recommendations from the Council of Australian Governments Inquiry into Bushfire Mitigation and management in response to a question without notice asked by Hon Paul Llewellyn. (Tabled paper 674).

The Parliamentary Secretary representing the Minister for Health on behalf fof the Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled, and by leave incorporated into *Hansard*, an answer in relation to safety concerns on the Northern railway system in response to a question without notice asked by Hon Ray Halligan. (Tabled paper 675).

12. Consideration of Committee Reports and Ministerial Statements

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

In Committee

(Hon George Cash in the Chair)

Perth Market Authority Redevelopment - Ministerial Statement

Debate resumed on the motion of Hon Bruce Donaldson, That the ministerial statement be noted.

Question - put and passed.

Standing Committee on Public Administration and Finance - Ninth Report - A Petition on Increases in Motor Vehicle Stamp Duty - Committee Report

The Order of the Day having been called.

Hon Barry House moved, That the Report be noted.

Debate ensued.

Question - put and passed.

Building and Construction Industry Careers Promotion Program - Ministerial Statement

The Order of the Day having been called.

Hon Barry House moved, That the ministerial statement be noted.

Interruption pursuant to Sessional Order.

The Deputy President resumed the Chair.

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

(1) Ministerial Statement - Perth Market Authority Redevelopment - Ministerial Statement and had noted same.

(2) Standing Committee on Public Administration and Finance - Ninth Report - A Petition on Increases in Motor Vehicle Stamp Duty - Committee Report and had noted same.

(3) Ministerial Statement - Building and Construction Industry Careers Promotion Program, made progress, and asked leave to sit again

Report adopted.

13. Members' Statements

Members' statements were taken.

14. Adjournment

The House adjourned at 6.17pm until Tuesday, September 13 2005 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Shelley Archer, Hon Vincent Catania and Hon Adele Farina.

Members granted leave: Hon Jon Ford and Hon Robyn McSweeney.

MALCOLM PEACOCK	**HON NICK GRIFFITHS**
Acting Clerk of the Legislative Council	President of the Legislative Council