

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 40

TUESDAY, MARCH 4 2003

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

### 2. Address-in-Reply - Presentation

The President announced that, in company with several Members, he waited on His Excellency the Governor, and presented the Address-in-Reply to His Excellency's speech and that His Excellency had been pleased to make the following reply -

Government House

Perth

*Mr President and Members of the Legislative Council*

I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen and for your Address-in-Reply to my speech to Parliament on the occasion of the Opening of the Second Session of the Thirty-Sixth Parliament.

I have noted the view expressed in the Address-in-Reply and am aware that this view is already known to my Ministers, upon whose advice I would act.

John Sanderson

GOVERNOR

February 26 2003

### 3. Statement by President - Use of Chamber

The President made the following Statement -

I indicate to Members for their information that we are still in the Chamber! The library accommodation - our alternative premises - will be available in three weeks, at the end of the first sitting period. This will allow Members a period of reflection in which to decide whether they want - or indeed need - to transfer to a higher plane. That is something for consideration over the next three weeks.

#### **4. Messages from His Excellency the Governor and the Lieutenant Governor and Deputy of the Governor - Assent to Bills**

The President reported the receipt of Messages from His Excellency the Governor and the Lieutenant Governor and Deputy of the Governor assenting to the following Bills -

<b>January 3 2003 - Message No. 25</b>	<b>Act No.</b>
Acts Amendment (Student Guilds and Associations) Bill 2002	44 of 2002
Occupational Safety and Health Amendment Bill 2002	54 of 2002
<b>January 14 2003 - Message No. 26</b>	<b>Act No.</b>
Terrorism (Commonwealth Powers) Bill 2002	53 of 2002

#### **5. Petitions**

Hon Ed Dermer presented a petition, by delivery to the Clerk, [SO 130], from 16 residents of Western Australia for increased State funding of Catholic and other Non-Government school children. (Tabled paper 782).

Hon Simon O'Brien presented a petition from 184 residents of Western Australia requesting the support of the Legislative Council for the Kimberley Pipeline Project. (Tabled paper 783).

#### **6. Ministerial Statement - Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian Police Officers - Interim Report**

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian Police Officers - Interim Report.

The Minister for Agriculture, Forestry and Fisheries, by leave, tabled a interim report in relation to Royal Commission into whether there has been any corruption or criminal conduct by Western Australian Police Officers - Interim Report, December 2002. (Table paper 784).

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

#### **7. Ministerial Statement - Patronage Modelling for Fast Track Route, Jandakot to Perth Railway**

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Planning and Infrastructure made a Ministerial Statement with respect to the Patronage Modelling for Fast Track Route, Jandakot to Perth Railway.

The Leader of the House on behalf of the Parliamentary Secretary to the Minister for Planning and Infrastructure, by leave, tabled a report entitled Strategic Transport Evaluation Travel Demand Model - A technical report on the model description calibration and validation of Spectre 2.0. (Table paper 785).

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

#### **8. Minister for Housing and Works - Personal Explanation - Mr David Eiszele's Contract of Employment**

Minister for Housing and Works, by leave, made a personal explanation [SO 85] regarding inaccurate information supplied by Western Power for an answer to question without notice No. 504 of December 10 2002 in relation to Mr David Eiszele's Contract of Employment.

## 9. Ministerial Statement - Standing Committee on Environment and Public Affairs Report - Isolation Fencing for Swimming Pools

The Minister for Housing and Works made a Ministerial Statement to acknowledge the work of the Standing Committee on Environment and Public Affairs in regard to the report into Isolation Fencing for Swimming Pools.

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

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## 11. Matter of Urgency - Fremantle Eastern Bypass

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the Government's reckless pursuit of its policy to delete the Fremantle Eastern Bypass without alternative plans and its failure to respect community concerns arising from this position.

Yours sincerely

Hon Simon O'Brien

Member for South Metropolitan Region

Four members having risen in support.

Hon Simon O'Brien moved the motion.

Debate ensued.

*Interruption of Debate* [SO 195].

## 12. Stamp Amendment Bill 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 45

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Stamp Amendment Bill 2001*.

Hon Fred Riebeling

Speaker

Legislative Assembly Chamber

Perth, 26 February 2003

**13. Taxation Administration Bill 2001**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 46

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Taxation Administration Bill 2001*.

Tony Dean

Acting Speaker

Legislative Assembly Chamber

Perth, 27 February 2003

**14. Unclaimed Money (Superannuation and RSA Providers) Bill 2002**

The President reported the receipt of Message No. 47 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

Debate stands adjourned.

**15. Questions Without Notice**

Questions without notice were taken.

**16. Environmental Protection Amendment Bill 2002**

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

Hon Barry House moved, without notice -

That the Order of the Day No. 108 be discharged and the Bill be referred to the *Standing Committee on Public Administration and Finance*.

Debate ensued.

Question - put.

The House divided.

**Ayes (14)**

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Frank Hough

Hon Barry House  
Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Bill Stretch  
Hon Bruce Donaldson (*Teller*)

**Noes (15)**

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Sue Ellery  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Dee Margetts  
 Hon Louise Pratt

Hon Ljiljanna Ravlich  
 Hon Jim Scott  
 Hon Christine Sharp  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Question thus negatived.

Debate resumed on the second reading of this Bill.

*Extension of Time* - Leave granted to Hon Christine Sharp to extend her speaking time.

*Interruption of Debate* [SO 61(b)].

**17. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.17pm until Wednesday, March 5 2003 at 4.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members.

**L B MARQUET**  
 Clerk of the Legislative Council

**HON JOHN COWDELL**  
 President of the Legislative Council