

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 64

TUESDAY, JUNE 10 2003

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Messages from His Excellency the Governor - Assent to Bills

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

May 16 2003 - Message No. 36	Act No.
Juries Amendment Bill 2003	25 of 2003
Appropriation (Consolidated Fund) Bill (No. 3) 2002	26 of 2003
Appropriation (Consolidated Fund) Bill (No. 4) 2002	27 of 2003
May 22 2003 - Message No. 37	Act No.
Acts Amendment (Equality of Status) Bill 2002	28 of 2003
Public Interest Disclosure Bill 2002	29 of 2003
May 26 2003 - Message No. 38	Act No.
Censorship Amendment Bill 2002	30 of 2003
Public Transport Authority Bill 2003	31 of 2003

3. Petitions

Hon Dee Margetts presented a petition from 1 176 residents of Western Australia requesting the Legislative Council to consult with the electorate and inquire into all aspects of the Sea Swap Program with the US Navy. (Tabled paper 1112).

Hon Dee Margetts presented a petition from 83 residents of Western Australia requesting the Legislative Council to examine the environmental impact of urban development in Moore River. (Tabled paper 1113).

4. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Roebourne Regional Prison April 2002 (Report No. 14) (Date received 29/04/2003)..... 1073

Standing Committee on Legislation -

Environmental Protection Amendment Bill 2002 (Report 19) (Published 23/05/2003) (Pursuant to Standing Order 338) 1074

Sentencing Legislation Amendment and Repeal Bill 2002 and the Sentence Administration Bill 2002 (Report 18) (Published 23/05/2003) (Pursuant to Standing Order 338) 1075

Standing Committee on Public Administration and Finance -

Economic Regulation Authority Bill 2002 (Report 3) (Published 30/05/2003) (Pursuant to Standing Order 338) 1076

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (Northern Demersal Scalefish Fishery Management Plan Amendment 2003 G.G. 30/05/2003) 1077

Regulations -

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 6) 2003 G.G. 03/06/2003) 1078

Public Sector Management Act 1994 (Public Sector Management (Redeployment and Redundancy) Amendment Regulations 2003 G.G. 16/05/2003) 1079

Response to Reports -

Standing Committee on Uniform Legislation and General Purposes - Unclaimed Money (Superannuation and RSA Providers) Bill 2002 (Premier)..... 1080

Minister for Housing and Works

Leases -

CALM Lease No. 2095/97 - A small portion of State Forest No. 65 - For the purpose of construction and maintenance of an entrance statement - Between CALM and Yanchev Sun City Pty. Ltd. 1081

Local Laws -

Cemeteries Act 1986 (Shire of Busselton - Busselton Cemeteries Local Law 1994 G.G. 16/05/2003) ... 1082

Local Government Act 1995 (City of Melville Standing Orders Local Law 2003 G.G. 12/05/2003 & Shire of Esperance Private Property Local Law 2003 G.G. 13/05/2003)..... 1083

Local Government Act 1995 (City of Kalgoorlie Boulder Standing Orders Local Law 2002 G.G. 23/05/2003)..... 1084

Local Government Act 1995 (Town of Claremont - Amendments to Activities on Thoroughfares and Public Places Local Law G.G. 27/05/2003) 1085

Local Government Act 1995 (City of Stirling Parking Local Law 2003 G.G. 05/06/2003, Shire of Donnybrook/Balingup-Eating Areas in Streets and Other Public Places (Amendment) Local Law 2002 G.G. 06/06/2003 & Shire of Carnarvon Local Government Act - Local Laws G.G. 06/06/2003).....	1086
--	------

Minister for Racing and Gaming

By-laws -

The Western Australian Turf Club Act 1892 (Western Australian Turf Club - Amendment of By-laws G.G. 13/05/2003)	1087
Western Australian Trotting Association Act 1946 (By-laws of the Western Australian Trotting Association - Notice of Amendment G.G. 13/05/2003)	1088

Regulations -

Associations Incorporation Act 1987 (Associations Incorporation Amendment Regulations 2003 G.G. 03/06/2003).....	1089
Corporations (Ancillary Provisions) Act 2001 (Corporations (Consequential Amendments) Regulations 2003 G.G. 06/06/2003)	1090
Corporations (Consequential Amendments) Act (No. 3) 2003 (Corporations (Consequential Amendments) (FSR) Regulations 2003 G.G. 06/06/2003).....	1091
Fire and Emergency Services Authority of Western Australia Act 1998 (Fire and Emergency Services Authority of Western Australia Amendment Regulations (No. 2) 2003 G.G. 16/05/2003).....	1092
Fire Brigades Act 1942 (Fire Brigades Amendment Regulations 2003 G.G. 16/05/2003)	1093
Petroleum Products Pricing Act 1983 (Petroleum Products Pricing Amendment Regulations 2003 G.G. 13/05/2003).....	1094
Totalisator Agency Board Betting Act 1960 (Totalisator Agency Board (Betting) Amendment Regulations (No. 3) 2002 G.G. 20/05/2003).....	1095

Response to Reports -

Standing Committee on Legislation - Sentencing Legislation Amendment and Repeal Bill 2002 and Sentence Administration Bill 2002 (Attorney General).....	1096
---	------

Parliamentary Secretary to the Minister for State Development

By-laws -

Iron Ore (Robe River) Agreement Act 1964 (Iron Ore (Robe River) Cape Lambert Ore and Service Wharves Amendment By-laws 2002 G.G. 13/05/2003).....	1097
---	------

Regulations -

Coal Industry Superannuation Act 1989 (Coal Industry Superannuation Amendment Regulations 2003 G.G. 23/05/2003)	1098
---	------

Parliamentary Secretary to the Minister for State Development on behalf of Parliamentary Secretary to the Minister for Health

Local Laws -

Health Act 1911 (Shire of Coolgardie Health Amendment Local Laws 2002 G.G. 30/05/2003, Shire of East Pilbara Health Amendment Local Laws 2003 G.G. 30/05/2003 & Shire of Mundaring Health Local Laws 2002 G.G. 30/05/2003).....	1099
---	------

Regulations -

Adoption Act 1994 (Adoption Amendment Regulations 2003 G.G. 20/05/2003)	1100
---	------

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

University of Western Australia (Year ending 31 December 2002) (Date received 10/06/2003).....	1101
West Coast College of TAFE (Year ending 31 December 2002) (Date received 03/06/2003).....	1102

Ministerial Approvals -

East Perth Redevelopment Act 1991 - Subdivision Application 00/02 - Survey Plan 36150, Northbridge	1103
East Perth Redevelopment Act 1991 - Sale of Land, Northbridge.....	1104
Subiaco Redevelopment Act 1994 - Subdivision of SU 17 - Lots 101 to 105 Vickers Lane, Portion Sector 13, Subiaco	1105
Western Australian Land Authority Act 1992 - Sale of Lots 10, 11, 12 and 13 Roscoe Street and Lots 15, 16, 17, 18, 19 and 20 Success Way, Henderson.....	1106
Western Australian Land Authority Act 1992 - Mandurah Ocean Marina Pedestrian Bridge, Mandurah Ocean Marina Chalet Park and Kalgoorlie North West Sector Civil Works	1107

Regulations -

Motor Vehicle Drivers Instructors Act 1963 (Motor Vehicle Drivers Instructors Amendment Regulations (No. 2) 2003 G.G. 20/05/2003).....	1108
Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations (No. 2) 2003 G.G. 16/05/2003)	1109
Road Traffic Act 1974 (Road Traffic (Drivers' Licences) Amendment Regulations (No. 4) 2003 G.G. 20/05/2003, Road Traffic (Licensing) Amendment Regulations (No. 3) 2003 G.G. 20/05/2003, Road Traffic (Fees for Vehicle Licences) Regulations 2003 G.G. 20/05/2003 & Road Traffic (Vehicle Standards) Amendment Regulations 2003 G.G. 20/05/2003).....	1110

Rules -

Town Planning and Development Act 1928 (Town Planning Appeal Tribunal Rules 2003 G.G. 16/05/2003).....	1111
---	------

5. Standing Committee on Uniform Legislation and General Purposes - Tenth Report - Acts Amendment and Repeal (Competition Policy) Bill 2002

Hon Adele Farina presented the Tenth Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *Acts Amendment and Repeal (Competition Policy) Bill 2002*. (Tabled paper 1114).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Standing Committee on Legislation - Twentieth Report - Statutes (Repeals and Minor Amendments) Bill 2001

Hon Giz Watson presented the Twentieth Report of the Standing Committee on Legislation in relation to the *Statutes (Repeals and Minor Amendments) Bill 2001*. (Tabled paper 1115).

Hon Giz Watson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Reserves (Reserve 43131) Bill 2003 - Referral to Legislation Committee

Hon Jim Scott: To move on the next day of sitting -

That the Legislation Committee inquire into and report to this House the basis or grounds on which the Government introduced the *Reserves (Reserve 43131) Bill 2003* and the reasons underlying its passage through both Houses at such short notice.

8. Local Government Rating System and Distribution of Funds - Referral to Standing Committee on Public Administration and Finance

Hon Norman Moore: To move on the next day of sitting -

That the Standing Committee on Public Administration and Finance be required to inquire into

- (a) The rationale behind the Local Government rating system that has been applied in the past through State Agreement Acts; and
- (b) The distribution of State funding support to the State's regions (including royalties and the grants to Local Government)

with a view to determining whether changes are required to create greater equity in respect to the distribution and level of State financial support available to regional Western Australia.

9. Ministerial Statement - Water Corporation Dividend Payments

The Minister for Government Enterprises made a Ministerial Statement with respect to Water Corporation Dividend Payments.

The Minister for Government Enterprises tabled a letter dated June 4 2003 from the Managing Director of the Water Corporation to the Minister for Government Enterprises. (Tabled paper 1116).

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

10. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2003-2004

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Racing and Gaming, That the Consolidated Fund Estimates 2003-2004 be noted.

Debate resumed.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

11. Corruption and Crime Commission Bill 2003

The President reported the receipt of Message No. 78 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.

12. Reserves (Reserve 43131) Bill 2003

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 77

The Legislative Assembly acquaints the Legislative Council that it has considered the amendments made by the Legislative Council in the *Reserves (Reserve 43131) Bill 2003*, has disagreed to Amendment No. 1 and substituted a new amendment in its place, as set forth in the Schedule annexed, and has disagreed to Amendment Nos 2 to 13.

Jamie Edwards

Acting Speaker

Legislative Assembly Chamber

Perth, 3 June 2003

Schedule showing the amendment substituted by the Legislative Assembly for amendment No. 1 made by the Legislative Council in the Reserves (Reserve 43131) Bill 2003.

No. 1

New clause.

Page 7, after line 5 – To insert the following new clause -

“

13. Expiry of Act

This Act expires on the second anniversary of the day on which it comes into operation.

”.

Clerk of the Legislative Assembly

3 June 2003

Upon consideration of Message No 77.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

The Leader of the House moved, That the Council -

- (a) not insist on its amendments Nos 2 to 13; and
- (b) agree to the amendment proposed by the Legislative Assembly in substitution for the Council's amendment No. 1.

Debate ensued.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works tabled a Department of Environmental Protection (DEP) example checksheet for Facility Reports, by the National Pollutant Inventory (NPI) in response to question on notice No. 704 asked by Hon Robin Chapple. (Tabled paper 1117).

14. Statement by President - Ian Allnut

The President made the following Statement -

I note that in the Queen's Birthday honours list Ian Allnut has been awarded a Public Service Medal for his services to this Parliament over a period of 36 years. I am sure all members will join with me in congratulating Ian on this honour.

15. Reserves (Reserve 43131) Bill 2003

The Order of the Day having been read for the further consideration, in Committee, of the Message No. 77 from the Legislative Assembly (cf item 12 above).

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Debate resumed on the motion of the Leader of the House, That the Council -

- (a) not insist on its amendments Nos 2 to 13; and
- (b) agree to the amendment proposed by the Legislative Assembly in substitution for the Council's amendment No. 1.

Hon Robin Chapple, by leave, tabled a copy of a letter from the Chairperson of Perth Noongar Regional Council, Aboriginal and Torres Straight Islander Commission (ATSIC) to the Director General of Department of Indigenous Affairs (DIA), concerning the indigenous urban settlements project. (Tabled paper 1118).

Debate resumed.

The Leader of the House moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The Deputy President resumed the Chair.

The Chairman reported, That the Committee had considered Message No. 77 from the Legislative Assembly, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

16. Extension of Sitting Time

The Leader of the House moved, without notice -

That so much of Sessional Orders be suspended to enable the House to sit beyond 10.00pm.

Debate ensued.

Question - put.

There being a dissentient voice the Deputy President ordered the House to divide.

Ayes (22)

Hon George Cash	Hon Frank Hough
Hon Kim Chance	Hon Robyn McSweeney
Hon Bruce Donaldson	Hon Norman Moore
Hon Kate Doust	Hon Simon O'Brien
Hon Sue Ellery	Hon Louise Pratt
Hon Paddy Embry	Hon Ljiljana Ravlich
Hon Adele Farina	Hon Barbara Scott
Hon John Fischer	Hon Tom Stephens
Hon Peter Foss	Hon Bill Stretch
Hon Graham Giffard	Hon Derrick Tomlinson
Hon Nick Griffiths	Hon Ed Dermer (<i>Teller</i>)

Noes (5)

Hon Dee Margetts	Hon Giz Watson
Hon Jim Scott	Hon Robin Chapple (<i>Teller</i>)
Hon Christine Sharp	

The concurrence of an absolute majority of the whole number of Members being met Sessional Orders suspended.

17. Order of Business

Ordered - That Order of the Day for the further consideration in Committee of Message No. 77 be now taken. (Leader of the House).

18. Reserves (Reserve 43131) Bill 2003

Pursuant to the Order of the House.

Upon further consideration of Message No. 77

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Debate resumed on the motion of the Leader of the House, That the Council -

- (a) not insist on its amendments Nos 2 to 13; and
- (b) agree to the amendment proposed by the Legislative Assembly in substitution for the Council's amendment No. 1.

Question - put.

The House divided.

Ayes (19)

Hon George Cash
 Hon Kim Chance
 Hon Bruce Donaldson
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon John Fischer
 Hon Graham Giffard
 Hon Nick Griffiths
 Hon Frank Hough

Hon Robyn McSweeney
 Hon Norman Moore
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljana Ravlich
 Hon Barbara Scott
 Hon Tom Stephens
 Hon Bill Stretch
 Hon Ed Dermer (*Teller*)

Noes (8)

Hon Paddy Embry
 Hon Peter Foss
 Hon Dee Margetts
 Hon Jim Scott

Hon Christine Sharp
 Hon Derrick Tomlinson
 Hon Giz Watson
 Hon Robin Chapple (*Teller*)

Question thus passed.

The Deputy President resumed the Chair.

The Chairman reported, That the Committee had considered Message No. 77 from the Legislative Assembly, and had agreed to -

- (a) not insist on its amendments Nos 2 to 13; and
- (b) agree to the amendment proposed by the Legislative Assembly in substitution for the Council's amendment No. 1.

Report adopted.

Legislative Assembly acquainted accordingly.

19. Hon Derrick Tomlinson - Personal Explanation - Swan Valley Nyungah Community Files

Hon Derrick Tomlinson, by leave, made a personal explanation [SO 85] regarding the debate on the Swan Valley Nyungah Community.

20. Adjournment

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

Question - put and passed.

The House adjourned at 10.25pm until Wednesday, June 11 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alan Cadby, Hon Jon Ford, Hon Barry House and Hon Ken Travers.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council