

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 43

TUESDAY, MARCH 11 2003

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. Papers

The following Papers were laid on the Table by -

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (Shark Bay Scallop Fishery Management Plan Amendment 2003 G.G. 28/02/2003, Shark Bay Prawn Fishery Management Plan Amendment 2003 G.G. 28/02/2003 & Exmouth Gulf Prawn Fishery Management Plan Amendment 2003 G.G. 28/02/2003)..... 796

Orders -

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Plant Diseases Act 1914 (Plant Diseases Amendment Regulations (No. 2) 2003 G.G. 11/02/2003 & Plant Diseases Amendment Regulations (No. 4) 2003 G.G. 11/02/2003) 801

Minister for Housing and Works*Annual Reports -*

National Environment Protection Council 2001-2002 (Date received 10/03/2003)	802
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Local Laws -

Local Government Act 1995 (Town of Claremont - Parking and Parking Facilities Local Law G.G. 21/02/2003).....	803
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Orders -

Environmental Protection Act 1986 (Environmental Protection (Western Swamp Tortoise Habitat) Policy Approval Order 2002 G.G. 18/02/2003)	804
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Chattel Securities Act 1987 (Chattel Securities Amendment Regulations 2002 G.G. 14/02/2003)	805
Liquor Licensing Act 1988 (Liquor Licensing Amendment Regulations 2003 G.G. 28/02/2003)	806
Prisons Act 1981 (Prisons Amendment Regulations 2002 G.G. 11/02/2003)	807
Totalisator Agency Board Betting Act 1960 (Totalisator Agency Board (Betting) Amendment Regulations (No. 4) 2002 G.G. 11/02/2003).....	808

Parliamentary Secretary to the Minister for State Development*Regulations -*

Mines Safety and Inspection Act 1994 (Mines Safety and Inspection Amendment Regulations 2003 G.G. 28/02/2003)	809
Petroleum Act 1967 (Petroleum Amendment Regulations 2003 G.G. 28/02/2003).....	810
Petroleum Pipelines Act 1969 (Petroleum Pipelines Amendment Regulations 2003 G.G. 28/02/2003).....	811
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Petroleum (Submerged Lands) Act 1982 (Petroleum (Submerged Lands) Amendment Regulations 2003 G.G. 28/02/2003).....	813
Petroleum (Submerged Lands) Registration Fees Act 1982 (Petroleum (Submerged Lands) Registration Fees Amendment Regulations 2003 G.G. 28/02/2003)	814

**Parliamentary Secretary to the Minister for State Development on behalf of the
Parliamentary Secretary to the Minister for Health***Local Laws -*

Health Act 1911 (Shire of Northam Health Local Laws 2003 G.G. 20/02/2003).....	815
Health Act 1911 (Shire of Irwin Health Local Laws 2002 G.G. 28/02/2003)	816

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Health Act 1911 (Health (Meat Hygiene) Amendment Regulations 2003 G.G. 14/02/2003).....	817
Hospitals and Health Services Act 1927 (Hospitals (Services Charges) Amendment Regulations 2003 G.G. 28/02/2003)	818

Parliamentary Secretary to the Minister for Planning and Infrastructure

By-laws -

University of Western Australia Act 1911 (University of Western Australia - Amendment of Lands By-laws G.G. 14/02/2003)	819
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Regulations -

Midland Redevelopment Act 1999 (Midland Redevelopment (Amendment of Redevelopment Area) Regulations 2003 G.G. 14/02/2003).....	820
Perth Parking Management Act 1999 (Perth Parking Management Amendment Regulations 2003 G.G. 28/02/2003).....	821
Road Traffic Act 1974 (Road Traffic (Infringements) Amendment Regulations 2003 G.G. 28/02/2003 & Road Traffic (Wardens) Amendment Regulations 2003 G.G. 28/02/2003).....	822
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Statutes -

Edith Cowan University Act 1984 (Edith Cowan University - Amending Statute No. 1 of 2002 G.G. 11/02/2003, Edith Cowan University - Amending Statute No. 3 of 2002 G.G. 11/02/2003 & Edith Cowan University - Statute No. 17 Edith Cowan University Foundation G.G. 11/02/2003).....	826
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3. Gas Pipelines Access (Western Australia) (Reviews) Amendment Bill 2003

The Minister for Housing and Works: To move on the next day of sitting -

That a Bill for “An Act to amend the *Gas Pipelines Access (Western Australia) Act 1998*” be introduced and read a first time.

4. Matter of Urgency - Opposition to the proposed war on Iraq

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 that the Legislative Council record its opposition to the proposed war on Iraq and its desire to withdraw our troops from the Middle East immediately on the basis that:

- (a) there is no clear evidence that Iraq poses an immediate threat to Australia or our allies;
- (b) it sets a precedent for pre-emptive military actions throughout the world;
- (c) it serves the interests of the promoters and organisers of global terrorism;
- (d) it represents the abandonment of fifty years commitment to the rule of law at an international level;
- (e) it is likely to further destabilise the Middle East;
- (f) it will damage Australia’s relations with our immediate region;
- (g) it will result in the death and injury of civilians;
- (h) it will devastate the natural environment; and
- (i) it will directly and indirectly impact on the health and well being of the Western Australian community.

Yours sincerely
 Hon Dee Margetts
 Member for Agricultural Region

Four members having risen in support.

Hon Dee Margetts moved the motion.

Debate ensued.

Hon Robin Chapple, by leave, tabled documents in relation to the war on Iraq. (Tabled paper 827).

Interruption of Debate [SO 195].

5. Public Interest Disclosure Bill 2002

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

Debate resumed.

6. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled documents in relation to advice relating to the Maud's Landing proposal in response to a question without notice asked by Hon Norman Moore. (Tabled paper 828).

The Minister for Racing and Gaming tabled documents in relation to Breach Decision-Making of Administrative Instructions issued in November 2001 for application by the Department of Justice with relation to early release orders in response to a question without notice asked by Hon Peter Foss. (Tabled paper 829).

7. Public Interest Disclosure Bill 2002

Debate resumed on the second reading of this Bill (cf item 5 above).

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clause 2.

Debate ensued.

Clause agreed to.

Clause 3.

Debate ensued.

The Minister for Racing and Gaming moved -

That consideration of Clause 3 be postponed until after consideration of Clause 28.

Question - put and passed.

Clause 4 agreed to.

Clause 5.

Debate ensued.

Hon Peter Foss moved -

Page 8, after line 23 - To insert -

“

- (4) Where a public interest disclosure falls within 2 or more paragraphs of subclause (3), then it is made to a proper authority if made to any or all of the authorities contemplated by the applicable paragraphs.

”.

Debate ensued.

Hon Peter Foss, by leave, amended his amendment by deleting the word “subclause” and inserting instead “subsection”.

Amendment, as amended, agreed to.

Debate ensued.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7.

Debate ensued.

Hon Peter Foss moved -

That consideration of Clause 7 be postponed until after consideration of New Clause 11.

Question - put and passed.

Clause 8.

Debate ensued.

The Minister for Racing and Gaming moved -

Page 9, line 26 - To delete the words “or frivolous”.

Page 9, line 27 - To delete the words “made vexatiously” and insert instead -

“ vexatious or frivolous ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

The Minister for Racing and Gaming moved -

That consideration of Clause 10 and Clause 11 be postponed until after consideration of Clause 7.

Question - put and passed.

Clauses 12 to 16 agreed to.

Clause 17.

Hon Peter Foss moved -

Page 17, after line 32 - To insert -

“

- (2) Where a Court is considering whether a person has pursuant to subsection (1) forfeited the protection of section 13 and forms the view that the failure or disclosure —

- (a) has not materially prejudiced the public interest served by the appropriate disclosure; and
- (b) is of a minor nature,

it may make an order relieving the person in whole or part from the forfeiture and may also make such consequential orders necessary to give effect to the order for relief.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 18 to 28 agreed to.

Postponed Clause 3.

Debate ensued.

Interruption of Debate [SO 61(c)].

8. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.06pm until Wednesday, March 12 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