

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 30

THURSDAY, NOVEMBER 28 2002

1. Meeting of Council

The Council assembled at 10.00am pursuant to order.

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

2. Ministerial Statement - Qantas Services from Melbourne to Broome

The Minister for Local Government and Regional Development made a Ministerial Statement with respect to the introduction by Qantas of a direct flight from Melbourne to Broome.

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

3. Papers

The following Papers were laid on the Table by -

President

Annual Reports -

Public Sector Standards Commissioner, Office of the [PSSC] Annual Compliance
Report (2001-2002) (Date received 27/11/2002) 537

Minister for Housing and Works

Annual Reports -

Keep Australia Beautiful Council (WA) (2001-2002) (Date received 27/11/2002) 538

Parliamentary Secretary to the Minister for Planning and Infrastructure

Ministerial Approvals -

Western Australian Land Authority Act 1992 - Lot 73 Hutchinson Avenue, Minim
Cove, Mosman Park 539

Reports -

Fremantle Port Authority - Statement of Corporate Intent (2001-2002)..... 540

4. Australian Involvement in Military Action in Iraq

Motion No. 6 having been called.

Debate resumed on the motion of Hon Dee Margetts as follows -

That this House notes -

- (1) The recent comments from the Prime Minister and Minister for Foreign Affairs regarding Australia's possible support for US military action in Iraq.
- (2) That these comments were made in the absence of any United Nations resolution or processes.
- (3) The threat to the livelihood of Western Australian agricultural producers and exporters in light of the Prime Minister's indication that any request for Australian assistance would be considered against the "national interest test".
- (4) The statements from Labour Leader Simon Crean that Mr Howard's and Mr Downer's statements are out of step with other international opinion.
- (5) The likely impact on the civilian population, particularly women and children.

Therefore, the Legislative Council informs the Federal Government that it does not support Australian involvement in military action in Iraq without UN backing.

Debate ensued.

Interruption of Debate [SO 195].

5. Consideration of Committee Reports

The Order of the Day having been read for the consideration of Committee reports.

The President left the Chair.

In Committee

(Hon John Cowdell in the Chair)

The Leader of the House moved -

That Order of the Day No. 51(2) be taken before Order of the Day No. 51(1).

Question - put and passed.

Standing Committee on Procedure and Privileges - Sixth Report - Standing Order 61A - Consideration of Committee Reports

Hon George Cash moved, That the recommendations contained in the Sixth Report of the Standing Committee on Procedure and Privileges be adopted and agreed to.

Debate ensued.

Question - put and passed.

The Deputy President resumed the Chair.

The President reported that the Committee of the Whole House had considered the -

Standing Committee on Procedure and Privileges - Sixth Report - Standing Order 61A - Consideration of Committee Reports and had adopted and agreed to same.

Report adopted.

6. Suspension of Standing Orders - Order of Business

The Leader of the House moved, without notice -

That Standing Orders be suspended to enable Orders of the Day No. 1, *Address-In-Reply* be taken forthwith.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

7. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Bruce Donaldson as follows -

That the following words be added to the end of the motion -

“

but regret to inform your Excellency that the Government is failing in its administration of the State of Western Australia.

”.

to the motion of Hon Sue Ellery as follows -

That the following address be presented to His Excellency -

To His Excellency, Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Debate resumed.

Extension of Time - Leave granted to Hon Paddy Embry to extend his speaking time.

On the motion of Hon Ray Halligan the debate was adjourned to the next sitting.

8. Child Support (Adoption of Laws) Amendment Bill 2001

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 Simon O'Brien in the Chair)

Debate ensued.

Clause 1 agreed to.

Clause 2.

The Minister for Racing and Gaming moved -

Page 2, line 2 - To delete “Except as otherwise specified in section 4,”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

The Minister for Racing and Gaming moved -

Page 3, lines 12 to 18 - To delete the lines and insert instead -

“

4. Sections 3 and 4 of the *Child Support (Adoption of Laws) Act 1990* amended

Sections 3(a) and 4(b) of the *Child Support (Adoption of Laws) Act 1990** are both amended by deleting “1 July 1999” and inserting instead —

“ 1 July 2002 ”.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day’s sitting.

The Minister for Racing and Gaming moved, That the report be adopted.

Question - put and passed.

The Minister for Racing and Gaming 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.

Question - put and passed.

Bill read a third time and passed.

9. Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Bill 2002

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Kate Doust in the Chair)

Clauses 1 to 5 agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clauses 7 to 14 agreed to.

Clause 15.

The Minister for Racing and Gaming moved -

Page 17, line 10 - To insert before “is” -

“ except as provided in the regulations, ”.

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 21, lines 21 to 31 - To delete the lines and insert instead -

“

36U. Local government may credit levy to municipal fund or trust fund

- (1) A local government may credit to its municipal fund or trust fund amounts of levy and levy interest paid to the local government.
- (2) Despite section 6.9(3) of the *Local Government Act 1995*, a local government may retain interest earned from investing amounts of levy and levy interest credited to its trust fund.

”.

Amendment - put and passed.

Debate ensued.

The Minister for Racing and Gaming moved -

Page 29, after line 33 - To insert -

“

Division 9 — ESL agreements

36ZI. Definitions

In this Division —

“**ESL agreement**” means an agreement entered into under section 36ZJ;

“**leviable land**” does not include leviable land in relation to which the Authority serves or gives a notice under section 36L(2) or 36N.

36ZJ. Authority may enter into agreements with local governments

- (1) The Authority may, with the approval of the Minister, enter into a written agreement with a local government that provides for the local government to pay to the Authority an amount equal to the total amount of levy payable for a levy year on all leviable land in the local government’s district.
- (2) An ESL agreement may provide for the amount that is to be paid to the Authority under the agreement to be paid by instalments.
- (3) If an amount (including an instalment) remains unpaid after it becomes due and payable under an ESL agreement, the Authority may recover the amount, and interest on the amount at the rate prescribed by the regulations, as well as any costs of proceedings for that recovery, in a court of competent jurisdiction.

36ZK. Modification of operation of Part 6A

If a local government enters into an ESL agreement this Part is to be read, for the purposes of the levy payable on leviable land in the local government's district for the levy year to which the agreement applies, as if the provisions mentioned in column 1 of Schedule 1A were amended or repealed as set out in column 2 of that Schedule.

”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 16 to 30 agreed to.

Clause 31.

The Minister for Racing and Gaming moved -

Page 36, line 25 - To delete “subsection is” and insert instead -

“ subsections are ”.

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 37, after line 5 - To insert -

“

(1c) Subsection (1b) does not apply to an amount to be reimbursed or paid to a local government in respect of which there is in force an ESL agreement entered into under section 36ZJ of the *Fire and Emergency Services Authority of Western Australia Act 1998*.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 32 and 35 agreed to.

New Clause 17.

The Minister for Racing and Gaming moved -

Page 31, after line 18 - To insert the following new Clause -

“

17. Schedule 1A inserted

After Schedule 1 the following Schedule is inserted —

“

Schedule 1A — Modification of operation of Part 6A

[s. 36ZK]

column 1: provision	column 2: amendment or repeal
s. 36P	Subsection (2) is repealed and the following subsection is inserted instead —
	“
	(2) The levy is payable to the local government for the district in which the

column 1: provision	column 2: amendment or repeal
	leviable land is located.
s. 36S(1)	“or the Authority, as the case requires,” is deleted.
s. 36T(3)	“or to the Authority” is deleted.
s. 36U	The section is repealed.
s. 36V	The section is repealed.
s. 36X	The section is repealed.
s. 36Z(1)	“or by the Authority” is deleted.
s. 36Z(2)	“or the Authority” is deleted.
s. 36Z	Subsection (3) is repealed and the following subsection is inserted instead — “ <div style="margin-left: 40px;">(3) In subsection (1) — <div style="margin-left: 40px;">“land” has the same meaning as “leviable land” has in Division 9.</div> </div>
s. 36ZB	The following definitions are inserted in the appropriate alphabetical positions — “ <div style="margin-left: 40px;">“land” has the same meaning as “leviable land” has in Division 9; “the local government”, in relation to land, means the local government for the district in which the land is located.</div>
s. 36ZC(1) and (2)	“Authority” is deleted in each place where it occurs and the following is inserted instead — “ local government ”.
s. 36ZD	“Authority” is deleted in both places where it occurs and the following is inserted instead — “ local government ”.
s. 36ZH(2)(b)	After “payable” the following is inserted — “ and to the local government ”.
	”
	”

Amendment - put and passed.

Schedule 1.

The Minister for Racing and Gaming moved -

Page 41, line 12 - To delete “subsection” and insert instead -

“ subsections ”.

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 41, line 15 - To delete “37.5%” and insert instead -

“ the specified percentage ”.

Debate ensued.

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 41, after line 17 - To insert -

“

(2aa) In subsection (2) —

“**the specified percentage**” means the percentage specified by the Minister by notice published in the *Gazette*.

”.

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 41, lines 23 and 24 - To delete “in 2 equal instalments not later than 1 July 2003 and 1 October 2003” and insert instead -

“

at the times, and in the instalments, specified by the Minister by notice published in the *Gazette*

”.

Amendment - put and passed.

Schedule, as amended, agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day’s sitting.

The Minister for Racing and Gaming moved, That the report be adopted.

Question - put and passed.

The Minister for Racing and Gaming 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.

Question - put and passed.

Bill read a third time and passed.

10. Order of Business

Ordered - That Order of the Day No. 2 and 82 before Order of the Day No. 23. (Leader of the House).

11. Trans-Tasman Mutual Recognition (Western Australia) Bill 2002

The Order of the Day having been read.

The Leader of the House moved, That the Bill be now read a second time.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 541).

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

12. Stamp Amendment Bill 2001

The Order of the Day having been read.

The Leader of the House on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a second time.

The Leader of the House on behalf of the Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 542).

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

13. Railway (Jandakot to Perth) Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 30

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Railway (Jandakot to Perth) Bill 2002*.

Hon Fred Riebeling
Speaker

Legislative Assembly Chamber
Perth, 27 November 2002

14. Conservation and Land Management Amendment Bill 2002

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clauses 1 to 3 agreed to.

Clause 4.

Debate ensued.

15. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for State Development tabled a map from the Department of Mineral and Petroleum Resources showing the proposed location of each project on the Burrup Peninsula in response to a question without notice asked by Hon Norman Moore. (Tabled paper 543).

16. Standing Committee on Uniform Legislation and General Purposes - Fifth Report - National Crime Authority (State Provisions) Amendment Bill 2002

Hon Adele Farina presented the Fifth Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *National Crime Authority (State Provisions) Amendment Bill 2002*. (Tabled paper 544).

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

Question - put and passed.

17. Conservation and Land Management Amendment Bill 2002

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 4.

Debate resumed.

Clause agreed to.

Clause 5.

Hon Robyn McSweeney moved -

Page 2, line 18 - To insert after "consultation" -

" through a mutually agreed process ".

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (13)

Hon Alan Cadby
Hon George Cash
Hon Paddy Embry
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Barry House

Hon Robyn McSweeney
Hon Norman Moore
Hon Simon O'Brien
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Noes (16)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
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*)

Amendment thus negated.

Clause agreed to.

Clause 6.

Hon Christine Sharp moved -

Page 2, line 23 - To insert before (2b) -

" subsections (2a), ".

Page 2, line 25 - To delete "and" and insert instead -

" subsection ".

Page 2, after line 25 - To insert -

“

(2) Section 60(2a) is repealed.

”.

Debate ensued.

Interruption of Debate [SO 61(c)].

18. Terrorism (Commonwealth Powers) Bill 2002

The President reported the receipt of Message No. 31 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 and the Bill referred to the Standing Committee on Uniform Legislation and General Purposes.

19. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 6.29pm until Tuesday, December 3 2002 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Murray Criddle and Hon Frank Hough.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council