

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 46

THURSDAY, NOVEMBER 15 2001

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 - Review of the Buy Local Policy

The Minister for Housing and Works made a Ministerial Statement with respect to the review of the Buy Local Policy.

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

The Minister for Housing and Works tabled a State Supply Commission Report dated October 2001 in relation to Health Check 3 - Report on Buy Local Policy Compliance. (Tabled paper 899).

3. Repudiation of Nuclear Missile Reduction Treaties by the United States of America

Motion No. 6 having been called.

Hon Giz Watson continued her introductory remarks in moving the following motion -

That this House, noting -

- (a) President Bush's repudiation of longstanding nuclear missile reduction treaties to which the United States is a signatory;
- (b) the likely consequences of the President's decision will trigger a new nuclear arms race and increase Australia's being attacked because of the strategic importance of the joint facilities located in various parts of the country,

calls upon the Commonwealth Government to bar port visits by United States warships and discontinue the use of US-Australian joint facilities for the deployment of nuclear missiles.

Debate ensued.

Hon Ed Dermer moved -

That all words following the word "noting" be deleted and that the following words be inserted -

- (a) George Bush's intention to press ahead with the deployment of a National Missile Defence System;
- (b) widespread international concern that abandonment of the 1972 Anti-Ballistic Missile Treaty would fuel a new nuclear arms race;

- (c) the proliferation of weapons of mass destruction - nuclear, chemical and biological weapons - is one of the most serious threats to international security and to Australian national security,

calls upon the Commonwealth Government to take all appropriate steps to advance the progress of multi-lateral nuclear disarmament and counter the proliferation of weapons of mass destruction.

Debate ensued.

Interruption of Debate [SO 195].

4. Acts Amendment (Federal Courts and Tribunals) Bill 2001

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

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

The Minister for Racing and Gaming moved -

That the amendments recommended by the Standing Committee on Legislation be read into and deemed part of the Bill.

[For text of amendments see Legislation Committee Report 4]

Debate ensued.

Question - put and passed.

Title agreed to.

The 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 President having reported that the 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.

5. Criminal Law Amendment Bill 2001

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

Debate resumed.

Question - put.

The House divided.

Ayes (24)

Hon Alan Cadby
 Hon George Cash
 Hon Bruce Donaldson
 Hon Kate Doust
 Hon Paddy Embry
 Hon Adele Farina
 Hon John Fischer
 Hon Jon Ford
 Hon Peter Foss
 Hon Graham Giffard
 Hon Nick Griffiths
 Hon Ray Halligan

Hon Frank Hough
 Hon Robyn McSweeney
 Hon N F Moore
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljana Ravlich
 Hon Barbara Scott
 Hon Tom Stephens
 Hon W N Stretch
 Hon Derrick Tomlinson
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (5)

Hon Dee Margetts
 Hon Jim Scott
 Hon Christine Sharp

Hon Giz Watson
 Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clauses 1 to 12 agreed to.

New Clause 12.

Hon Peter Foss moved -

Page 9, after line 27 - To insert the following new Clause 12 -

“

12. Minimum Sentence to be imposed

- (1) If a person who is not of or over the age of 60 years is convicted of an offence against section 291, 301, 317, 317A, 392 or 393 committed in respect of a person who at the time of the offence is of or over the age of 60 years the court sentencing the person shall sentence that offender to a term of imprisonment which is 12 months greater than the sentence that the Court would have imposed had that circumstance not existed and in any event shall sentence the offender —
- (a) to at least 12 months imprisonment notwithstanding any other written law; or
- (b) if the offender is a young person (as defined in the *Young Offenders Act 1994*) either to at least 12 months imprisonment or to a term of at least 12 months detention (as defined in that Act), as the court thinks fit, notwithstanding section 46(5a) of that Act.

- (2) A court shall not suspend a term of imprisonment imposed under subsection (1).
- (3) Subsection (1)(b) does not prevent a court from making a direction under section 118(4) of the *Young Offenders Act 1994* or a special order under Division 9 of Part 7 of that Act.

”.

Hon Peter Foss, by leave, amended his amendment by deleting the figure “291” and inserting instead “297”.

Debate continued.

New Clause - put.

The Committee divided.

Ayes (11)

Hon George Cash
 Hon Paddy Embry
 Hon John Fischer
 Hon Peter Foss
 Hon Ray Halligan
 Hon Robyn McSweeney

Hon N F Moore
 Hon Simon O’Brien
 Hon W N Stretch
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Noes (13)

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

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

New Clause thus negatived.

Title agreed to.

The President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The President having reported that the 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.

The House divided.

Ayes (21)

Hon Alan Cadby
 Hon George Cash
 Hon Bruce Donaldson
 Hon Sue Ellery
 Hon Paddy Embry
 Hon John Fischer
 Hon Jon Ford
 Hon Peter Foss
 Hon Graham Giffard
 Hon Nick Griffiths
 Hon Ray Halligan

Hon Robyn McSweeney
 Hon N F Moore
 Hon Simon O'Brien
 Hon Louise Pratt
 Hon Ljiljana Ravlich
 Hon Tom Stephens
 Hon W N Stretch
 Hon Derrick Tomlinson
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Noes (4)

Hon Dee Margetts
 Hon Jim Scott

Hon Giz Watson
 Hon Robin Chapple (*Teller*)

Question thus passed.

Bill read a third time and passed.

6. Armadale Redevelopment Bill 2001

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

7. Zoological Parks Authority Bill 2001

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.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Minister for Housing and Works moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

8. Appropriation (Consolidated Fund) Bill (No. 2) 2001

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

Debate resumed.

9. Questions Without Notice

Questions without notice were asked by Hon Norman Moore, Hon Simon O'Brien, Hon Derrick Tomlinson, Hon Jim Scott, Hon Ray Halligan, Hon Giz Watson, Hon Bruce Donaldson and Hon Alan Cadby.

The Parliamentary Secretary representing the Minister for State Development in accordance with Standing Order No. 138(d) provided a response to questions on notice Nos. 236, 238, 239, 240, 241 and 242 asked by Hon Robin Chapple.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a response to question on notice No. 245 asked by Hon Jim Scott in relation to the Fremantle-Rockingham Controlled Access Highway Reservation. (Tabled paper 900).

10. Ministerial Statement - Adequacy of Water Corporation Resource Planning

The Minister for Racing and Gaming, by leave, made a Ministerial Statement with respect to the Strategy put in place by the Water Corporation as a result of the serious situation facing the scheme water supply.

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

11. Appropriation (Consolidated Fund) Bill (No. 2) 2001

Debate resumed on the second reading of this Bill (cf item 8 above).

Leave was granted to Hon Norman Moore to continue his remarks at the next sitting.

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

12. Special Adjournment

The Minister for Housing and Works moved, without notice -

That the House at its rising adjourn until Tuesday, November 27 2001.

Question - put and passed.

13. Adjournment

The Minister for Housing and Works moved, That the House do now adjourn.

Debate ensued.

Question - put and passed.

The House adjourned at 6.24pm until Tuesday, November 27 2001 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kim Chance and Hon Murray Criddle.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council