

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 15

THURSDAY, SEPTEMBER 26 2002

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**1. Meeting of Council**

The Council assembled at 11.00am pursuant to order.

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

**2. Message from the Lieutenant Governor and Deputy of the Governor - Assent to Bills**

The President reported the receipt of a Message from the Lieutenant Governor and Deputy of the Governor assenting to the following Bills -

<b>September 25 2002 - Message No. 14</b>	<b>Act No.</b>
Family Court Amendment Bill 2002	25 of 2002
<b>September 25 2002 - Message No. 15</b>	<b>Act No.</b>
Criminal Law (Procedure) Amendment Bill 2002	27 of 2002

**3. Ministerial Statement - Kimberley Chemical Use Review - Release of Report**

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the Kimberley Chemical Use Review, Release of Report.

The Minister for Agriculture, Forestry and Fisheries tabled a report on the response of the Western Australian Government to the conclusions and recommendations of the Review of Concerns of Former Agriculture Protection Board Employees involved in Chemical Spraying in the Kimberley Region between 1975 and 1985. (Tabled paper 268).

The Minister for Agriculture, Forestry and Fisheries tabled a report on the Kimberley Chemical Use Review of concerns of former Agriculture Protection Board employees involved in herbicide spraying in the Kimberley Region between 1975 and 1985. (Tabled paper 269).

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

**4. Papers**

The following Papers were laid on the Table by -

**Minister for Housing and Works**

*Reports -*

State Supply Commission Health Check 4 Corrected Version - Report on Information  
Technology purchasing and contracting in the Public Sector (September 2002).... 270

## Minister for Racing and Gaming

### *Annual Reports -*

Royal Commission into whether there has been any corrupt or criminal conduct by Western Australian Police Officers for the period 21 January to 30 June 2002 (Date received 25/09/2002) .....	266
WorkCover Western Australia (2001-2002) (Date received 25/09/2002) .....	267

### **5. Regulation 29 of the Perth (Passenger) Transport Regulations 2002 - Disallowance - Discharge from Notice Paper**

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 50, *Regulation 29 of the Perth (Passenger) Transport Regulations 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### **6. Kimberley Prawn Fishery Management Plan Amendment 2002 - Disallowance - Discharge from Notice Paper**

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 65, *Kimberley Prawn Fishery Management Plan Amendment 2002 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

### **7. Select Committee into the Fremantle Eastern Bypass - Establishment**

Motion No. 5 having been called.

Debate resumed on the motion of Hon Simon O'Brien as follows -

- (1) That a Select Committee of five Members is appointed, any three of whom constitute a quorum, to inquire and report on the history of that part of the Metropolitan Region Scheme known as the Fremantle Eastern Bypass and related road infrastructure including -
  - (a) initial inclusion of the bypass in the Metropolitan Region Scheme;
  - (b) subsequent modifications to the Metropolitan Region Scheme in respect of the bypass;
  - (c) the decision making process and advice given to Government by relevant Government agencies including agencies responsible for Main Roads, Planning, Transport and Environment;
  - (d) directions given by Government to agencies with responsibility for decision making; and
  - (e) other matters pertaining to the history and possible future of the Fremantle Eastern Bypass that the Committee may consider useful to bring to the attention of the House.
- (2) The Committee have power to send for persons, papers and records and to travel from place to place.
- (3) Standing Orders 322, 323, 330 and 331 apply to the proceedings of the Committee and any contrary or inconsistent provision of Chapter XXIII is modified accordingly.
- (4) The Committee may present interim reports without a requirement for leave is to report finally not later than November 30 2002.

Debate ensued.

*Interruption of Debate* [SO 195].

Hon Simon O'Brien made an explanation concerning a matter on which he claimed to have been misrepresented [SO 87].

Hon Barbara Scott made an explanation concerning a matter on which she claimed to have been misrepresented [SO 87].

### **8. Joint Standing Committee on Delegated Legislation - Fourth Report - City of Perth Code of Conduct Local Law**

Hon Ray Halligan presented the Fourth Report of the Joint Standing Committee on Delegated Legislation in relation to the City of Perth Code of Conduct Local Law. (Tabled paper 271).

Hon Ray Halligan moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### **9. Order of Business**

Ordered - That Order of the Day No. 66 be taken before Order of the Day No. 1. (Leader of the House).

### **10. Clause 5 of the Fish Management Amendment Regulations (No. 8) 2002 - Disallowance**

The Order of the Day having been read.

The Leader of the House, by leave, made a Ministerial Statement in relation to correspondence relating to the Fishing Boat Licence Fees (Regulations). (Tabled paper 272).

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Bruce Donaldson -

That Clause 5 of the *Fish Management Amendment Regulations (No. 8) 2002* published in the *Gazette* on September 10 2002 and tabled in the Legislative Council on September 17 2002 under the *Fish Resources Management Act 1994*, be and is hereby disallowed.

*Statement by Deputy President*

The Deputy President made the following Statement -

I indicate that earlier today Hon Ray Halligan sought the leave of the House to withdraw two disallowance motions and gave short explanations as to why the House should agree. In this case, when the President called the Order of the Day, the Leader of the House sought leave to make a short statement. I take his statement to be an explanation to the House of why this motion should be defeated. Hon Bruce Donaldson then spoke on the motion that the disallowance be agreed to. In due course, the House will have to vote against it if it wishes not to carry the disallowance motion. I explain this because the House has gone into considerable debate on the issue and it is not in a position to withdraw. I want to make the House aware of the way it should vote.

Debate resumed.

Question - put and negatived.

### **11. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

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

### **12. Wood Processing (Wesbeam) Agreement Bill 2002**

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

Debate resumed.

### 13. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to the escalating cost of the Southern Rail Link in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 273).

The Leader of the House tabled documents in relation to Gene Technology Interdepartmental Committee (GTIDC) Terms of Reference as agreed at the GTIDC meeting held on June 19 2002 in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 274).

The Minister for Racing and Gaming tabled documents in relation to the tender document for welding repairs to the Great Southern Towns Water Supply Pipeline in response to a question without notice asked by Hon Murray Criddle. (Tabled paper 275).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to the agreement between the then Honourable Kennon Richard Lewis, JP MLA, the Minister for Lands and Coral Coast Marina Development Pty Ltd (August 1994) in response to question on notice No. 60 asked by Hon Robin Chapple. (Tabled paper 276).

### 14. Standing Committee on Public Administration and Finance - Second Report - A Sessional Overview of the Committee's Operations: First Session of the Thirty-Sixth Parliament - May 2001 to August 2002

Hon Barry House presented the Second Report of the Standing Committee on Public Administration and Finance in relation to a Sessional Overview of the Committee's Operations: First Session of the Thirty-Sixth Parliament - May 2001 to August 2002. (Tabled paper 277).

Hon Barry House moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

### 15. Gene Technology Bill 2001 and Gene Technology Amendment Bill 2001 - Instruction to Standing Committee on Environment and Public Affairs

The Leader of the House moved, without notice -

That it be an instruction to the Standing Committee on Environment and Public Affairs in relation to its consideration of the *Gene Technology Bill 2001* and the *Gene Technology Amendment Bill 2001* that, where it is of the opinion -

- (a) that Clause 21 of the *Gene Technology Bill 2001* requires a more extensive examination than might otherwise be permitted by the Clause as drafted, of the State's ability to designate areas of the State with the intent of identifying and maintaining GM crops; or non-GM crops, for the purpose of marketing;
- (b) that collateral issues relating to the introduction into the State, and the subsequent regulation of GMO's have relevance in assessing the suitability of the regime provided for in the Bill(s),

the Committee have power to include the matters referred to in paragraphs (a) and (b) within the scope and purpose of its inquiry and report on them in its report on the Bills or separately, whether before or after the date on which it is to report the Bills to the House.

Question - put and passed.

### 16. Wood Processing (Wesbeam) Agreement Bill 2002

Debate resumed on the second reading of this Bill (cf item 14 above).

Question - put.

The House divided.

**Ayes (26)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Murray Criddle  
 Hon Kate Doust  
 Hon Sue Ellery  
 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 Barry House  
 Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Louise Pratt  
 Hon Ljiljana Ravlich  
 Hon Barbara Scott  
 Hon Bill 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.

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

The Parliamentary Secretary representing the Minister for State Development moved, That the Bill be now read a third time.

Debate ensued.

Question - put and passed.

Bill read a third time and passed.

**17. Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches**

Hon George Cash presented the Fifth Report of the Standing Committee on Procedure and Privileges in relation to the Standing Order No. 73 - Time Limits on Speeches. (Table paper 278).

Hon George Cash moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

**18. Grain Marketing Bill 2002**

The President reported the receipt of Message No. 14 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

On the motion of Hon Barry House the debate was adjourned to the next sitting.

**19. Bulk Handling Amendment Bill 2002**

The President reported the receipt of Message No. 15 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Minister for Agriculture, Forestry and Fisheries moved, That the Bill be now read a second time.

On the motion of Hon Alan Cadby the debate was adjourned to the next sitting.

**20. Special Adjournment**

The Leader of the House moved, without notice -

That the House at its rising adjourn until Tuesday, October 15 2002.

Question - put and passed.

**21. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.48pm until Tuesday, October 15 2002 at 3.30pm.

**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