

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 19

TUESDAY, OCTOBER 22 2002

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**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. Ministerial Statement - Country Trotting Clubs Ministerial Direction to Western Australian Trotting Association regarding Relocation of Race Meetings**

The Minister for Racing and Gaming made a Ministerial Statement with respect to the Ministerial Direction to Western Australian Trotting Association regarding Relocation of Country Club Race Meetings.

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

**3. Ministerial Statement - Iron Ore (Yandicoogina) Agreement Act 1996 - Variation to Agreement**

The Parliamentary Secretary to the Minister for State Development made a Ministerial Statement with respect to *Iron Ore (Yandicoogina) Agreement Act 1996 - Variation to Agreement*.

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

**4. Ministerial Statement - Visit to the Peoples Republic of China for the Merger Between Chongqing Hailian University and Amnet Limited**

The Parliamentary Secretary to the Minister for Education made a Ministerial Statement with respect to the Visit to the Peoples Republic of China for the Merger Between Chongqing Hailian University and Amnet Limited.

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

**5. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1016/33, Western Suburbs Omnibus Amendment No. 3**

The Parliamentary Secretary to the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1016/33, Western Suburbs Omnibus Amendment No. 3.

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

## 6. Ministerial Statement - Metropolitan Region Scheme Amendment No. 1037/33 - North West Districts Omnibus No. 5

The Parliamentary Secretary to the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Metropolitan Region Scheme Amendment No. 1037/33 - North West Districts Omnibus No. 5.

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

## 7. Papers

The following Papers were laid on the Table by -

### President

#### *Annual Reports -*

Inspector of Custodial Services, Office of the (2001-2002) (Date received 18/09/2002)..... 359

### Leader of the House

#### *Directions -*

Electricity Corporation Act 1994 (Western Power Corporation (Gas Supply) Amendment Direction 2002 G.G. 18/10/2002) ..... 360

#### *Local Laws -*

Local Government Act 1995 (Town of East Fremantle Local Government Property Local Law G.G. 16/10/2002, Town of East Fremantle Urban Environment and Nuisance Local Law G.G. 16/10/2002, Town of East Fremantle Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law G.G. 16/10/2002 & Town of East Fremantle Local Law Relating to the Repeal of Local Laws G.G. 16/10/2002)..... 361

#### *Regulations -*

Energy Coordination Act 1994 (Energy Coordination (Gas Tariffs) Amendment Regulations 2002 G.G. 18/10/2002)..... 362

### Minister for Racing and Gaming

#### *Annual Reports -*

Builders' Registration Board (BRB) (2001-2002) (Date received 21/10/2002) ..... 363

Fire and Emergency Services Authority of Western Australia (FESA) (2001-2002) (Date received 17/10/2002)..... 364

Gender Reassignment Board (2001-2002) (Date received 21/10/2002) ..... 365

Totalisator Agency Board (TAB) (2001-2002) (Date received 17/10/2002) ..... 366

#### *Regulations -*

Construction Industry Portable Paid Long Service Leave Act 1985 (Construction Industry Portable Paid Long Service Leave Amendment Regulations 2002 G.G. 18/10/2002)..... 367

### Parliamentary Secretary to the Minister for State Development

#### *Agreements -*

Iron Ore (Yandicoogina) Agreement Act 1996 - Variation Agreement between the Government and Hamersley Iron-Yandi Pty Ltd and Hamersley Iron Pty Ltd..... 370

## **Parliamentary Secretary to the Minister for Planning and Infrastructure**

### *Annual Reports -*

Geraldton Port Authority (2001-2002) (Date received 21/10/2002) ..... 371

### *Plans -*

Metropolitan Region Scheme Amendment No. 1016/33 - Western Suburbs Omnibus  
(No. 3) Plan No. 1.3966/3 ..... 372

Metropolitan Region Scheme Amendment No. 1037/33 - North West Districts  
Omnibus (No. 5) Plan Nos. 1.5149, 1.5150, 1.5151, 1.5152/1, 1.5153 and  
1.5154..... 373A-F

### *Reports -*

Metropolitan Region Scheme Amendment No. 1016/33 - Western Suburbs  
Omnibus (No. 3) (Volumes 1, 2 and 3).....374A-C

Metropolitan Region Scheme Amendment No. 1037/33 - North West Districts  
Omnibus (No. 5) (Volumes 1, 2 and 3).....375A-B

## **Parliamentary Secretary to the Minister for Health**

### *Annual Reports -*

Optometrists' Registration Board (2001-2002) (Date received 21/10/2002) ..... 368

Reproductive Technology Council (2001-2002) (Date received 21/10/2002) ..... 369

## **8. Standing Committee on Legislation - Seventeenth Report - Overview of the Committee's Operations - First Session of the Thirty-Sixth Parliament, May 1 2001 to August 9 2002**

Hon Jon Ford presented the Seventeenth Report of the Standing Committee on Legislation in relation to the Overview of the Committee's Operations - First Session of the Thirty-Sixth Parliament, May 1 2001 to August 9 2002. (Tabled paper 376).

Hon Jon Ford moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

## **9. Leave of Absence - Hon Giz Watson**

Hon Robin Chapple moved, without notice -

That leave be granted to Hon Giz Watson for six sitting days due to ill health.

Question - put and passed.

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

Motion No. 5 having been called.

Debate resumed on the amendment of Hon Norman Moore as follows -

That the words "That a Select Committee of five Members is appointed, any three of whom constitute a quorum" be deleted and the following words be substituted -

" That the Standing Committee on Public Administration and Finance be required "

to 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.

*Interruption of Debate [SO 195].*

### **11. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to a copy of the ABN-AMRO Bank - Bankers Guarantee in relation to the Port Kennedy Development in response to question on notice No. 120 asked by Hon Jim Scott. (Tabled paper 377).

The Leader of the House on behalf of the Minister for Housing and Works tabled documents in relation to a copy of Priority Sites Inspection Report (May 2002) by Department of Environment, Water and Catchment Protection, Environmental Regulation Division in response to question on notice No.143 asked by Hon Jim Scott. (Tabled paper 378).

### **12. 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.

### **13. Grain Marketing Bill 2002**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 18

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Grain Marketing Bill 2002*

Hon Tony McRae

Acting Speaker

Legislative Assembly Chamber

Perth, 22 October 2002

**14. Railway (Jandakot to Perth) Bill 2002**

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

***Referral of Railway (Jandakot to Perth) Bill 2002 to the Standing Committee on Public Administration and Finance***

Hon Simon O'Brien moved -

That the Order of the Day for the second reading of the Bill be discharged and the Bill be referred to the Standing Committee on Public Administration and Finance.

The Leader of the House moved, That the debate be adjourned to the next sitting.

***Point of Order***

Hon Norman Moore raised the following Point of Order -

Would agreement to this motion consign Hon Simon O'Brien's motion to an uncertain future, or must it automatically be resumed when this order of the day is next called?

***Deputy President's Ruling***

The Deputy President ruled as follows -

The purpose of the original motion is to refer the *Railway (Jandakot to Perth) Bill 2002* to a Committee. The House must dispose of that motion before the second reading debate on the Bill can commence. By adjourning the debate, the Leader of the House will cause the motion to be listed on tomorrow's Notice Paper. The priority that it is given is a matter for the Government. However, before we can deal with the second reading of the Bill, we must dispose of the referral question.

Question - put.

The House divided.

**Ayes (15)**

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
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 Ed Dermer (*Teller*)

**Noes (14)**

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Ray Halligan  
Hon Frank Hough

Hon Barry House  
Hon N F Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon W N Stretch  
Hon Derrick Tomlinson  
Hon Bruce Donaldson (*Teller*)

Question thus passed.

**15. Order of Business**

Ordered - That Order of the Day No. 76 be taken forthwith. (Leader of the House).

**16. Home Building Contracts Amendment Bill 2002**

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

Debate resumed.

*Interruption of Debate* [SO 61(b)].

**17. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.15pm until Wednesday, October 23 2002 at 4.00pm.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Peter Foss and Hon Tom Stephens.

Member granted leave: Hon Giz Watson

**L B MARQUET**

Clerk of the Legislative Council

**HON JOHN COWDELL**

President of the Legislative Council