

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 36

THURSDAY, DECEMBER 12 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. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

December 11 2002 - Message No. 24	Act No.
Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Bill 2002	42 of 2002
Conservation and Land Management Amendment Bill 2002	43 of 2002

3. Petition

Hon Paddy Embry presented a petition, by delivery to the Clerk, [SO 130], from 36 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 638).

4. Papers

The following Papers were laid on the Table by -

Leader of the House

Annual Reports -

Landcare Trust, Western Australia (2001-2002) (Date received 11/12/2002)	631
Perth Market Authority (2001-2002) (Date received 11/12/2002)	632
Potato Growing Industry Trust Fund Advisory Committee, The (2001-2002) (Date received 11/12/2002)	633
Rural Business Development Corporation (2001-2002) (Date received 11/12/2002)	634
Wheatbelt Development Commission (2001-2002) (Date received 11/12/2002)	635

Minister for Racing and Gaming*Annual Reports -*

Gold Corporation (2001-2002) (Date received 11/12/2002)..... 636

Parliamentary Secretary to the Minister for Health*Annual Reports -*

Disability Services Commission (2001-2002) (Date received 11/12/2002)..... 637

5. Suspension of Standing Orders - Terrorism (Commonwealth Powers) Bill 2002

The Leader of the House moved, without notice -

That Standing Orders be suspended so far as will enable -

- (a) debate on the question for the second reading of the *Terrorism (Commonwealth Powers) Bill 2002* to be resumed; and
- (b) the Bill to pass through any or all of its stages,
at this day's sitting.

Debate ensued.

The Leader of the House, by leave, withdrew the motion standing in his name.

6. Standing Committee on Uniform Legislation and General Purposes - Sixth Report - Terrorism (Commonwealth Powers) Bill 2002

Hon Simon O'Brien presented the Sixth Report of the Standing Committee on Uniform Legislation and General Purposes in relation to the *Terrorism (Commonwealth Powers) Bill 2002*. (Tabled paper 639).

Hon Simon O'Brien moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Implications of Regional Planning on Industrial Development - Karratha and Barrow Island

Motion No. 7 having been called.

Debate resumed on the motion of Hon Robin Chapple as follows -

That the House notes the serious implications of the lack of coordinated regional planning covering the proposed industrial development in the regions of Karratha and Barrow Island. Particularly the ad hoc manner in which the Government is attempting to allocate industry to various sites without providing strategic options for that industry and placing such industry against the wishes of the local and wider community.

Interruption of Debate [SO 195].

8. Suspension of Standing Orders - Terrorism (Commonwealth Powers) Bill 2002

The Leader of the House moved, without notice -

That Standing Orders be suspended so far as will enable -

- (a) debate on the question for the second reading of the *Terrorism (Commonwealth Powers) Bill 2002* to be resumed; and
- (b) the Bill to pass through any or all of its stages,
at this day's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

There being a dissentient voice the President ordered the House to divide.

Ayes (24)

Hon Alan Cadby
Hon George Cash
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Adele Farina
Hon John Fischer
Hon Jon Ford
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 Ljiljanna Ravlich
Hon Barbara Scott
Hon Bill 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*)

The concurrence of an absolute majority of the whole number of Members being met Standing Orders suspended.

9. 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 George Cash in the Chair)

Standing Committee on Environment and Public Affairs - Third Report - Petition Opposing the Gnarabup Waste Water Treatment Plant

Debate resumed on the motion of Hon Bruce Donaldson, That the Report be noted.

Question - put and passed.

Joint Standing Committee on the Anti-Corruption Commission - First Report - Annual Report (2001-2002)

Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Report be noted.

Question - put and passed.

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 moved, That the Report be noted.

Question - put and passed.

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

Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, To postpone consideration of the report until after Order of the Day No. 51 item (6), *Standing Committee on Environment and Public Affairs - Fifth Report - Gene Technology Bill 2001 and Gene Technology Amendment Bill 2001 - Proposal to Travel*.

Question - put and passed.

Joint Standing Committee on Delegated Legislation - Fifth Report - City of Melville Local Law Relating to Signs, Hoardings and Billposting

Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, That the Report be noted.

Question - put and passed.

Standing Committee on Environment and Public Affairs - Fifth Report - Gene Technology Bill 2001 and the Gene Technology Amendment Bill 2001 - Proposal to Travel

The Minister for Racing and Gaming moved, To postpone consideration of the report until the next day's sitting.

Question - put and passed.

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

The Minister for Racing and Gaming moved, To postpone consideration of the report until the next day's sitting.

Question - put and passed.

The President resumed the Chair.

The Chairman of Committees reported that the Committee of the Whole House had considered the -

- (1) Standing Committee on Environment and Public Affairs - Third Report - Petition Opposing the Gnarabup Waste Water Treatment Plant and had noted same.
- (2) Joint Standing Committee on the Anti-Corruption Commission - First Report - Annual Report (2001-2002) and had noted same.
- (3) 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 and had noted same.
- (4) Standing Committee on Procedure and Privileges - Fifth Report - Standing Order No. 73 - Time Limits on Speeches and had postponed consideration of the report to the next sitting.
- (5) Joint Standing Committee on Delegated Legislation - Fifth Report - City of Melville Local Law Relating to Signs, Hoardings and Billposting and had noted same.
- (6) Standing Committee on Environment and Public Affairs - Fifth Report - Gene Technology Bill 2001 and the Gene Technology Amendment Bill 2001 - Proposal to Travel and had postponed consideration of the report to the next sitting.

Reports adopted.

10. 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.

On the motion of Hon Derrick Tomlinson the debate was adjourned to the next sitting.

11. Order of Business

Ordered - That Order of the Day No. 122 be taken before Order of the Day No. 116. (Parliamentary Secretary to the Minister for State Development).

12. Terrorism (Commonwealth Powers) 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.

The House divided.

Ayes (25)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
Hon Adele Farina
Hon John Fischer
Hon Jon Ford
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 Ljiljanna Ravlich
Hon Barbara Scott
Hon Christine Sharp
Hon Bill 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 second time.

13. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Education, by leave, incorporated into *Hansard* and tabled his response regarding a list of rural primary schools which received funding out of the 54 schools in 15 educational districts in the 2002-03 Budget in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 640)

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to a Deed of Covenant between the State of Western Australia and Golf Resort Pty Ltd regarding the Port Kennedy Development, dated August 6 2002 in response to a question without notice asked by Hon Jim Scott. (Tabled paper 641).

The Parliamentary Secretary representing the Minister for State Development tabled documents in relation to a list prepared by the Department of Minerals and Energy of Leases for Temporary Reserves in existence, for the purpose of uranium related activity in response to question on notice No. 320 asked by Hon Robin Chapple. (Tabled paper 642).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), provided a response to question on notice No. 298 asked by Hon Norman Moore.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to a map from Department of Land Administration (DOLA), for the proposed Kalgoorlie-Boulder Tourist Railway Loopline in response to question on notice No. 266 asked by Hon Robin Chapple. (Tabled paper 643).

14. Terrorism (Commonwealth Powers) Bill 2002

The Order of the Day having been read. (cf item 12 above).

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

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

Question - put and passed.

Bill read a third time and passed.

15. Acts Amendment (Student Guilds and Associations) Bill 2002

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

Debate resumed.

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

16. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 5.50pm until Tuesday, December 17 2002 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Murray Criddle and Hon Peter Foss.

Member granted leave: Hon Christine Sharp.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council