

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 13

TUESDAY, SEPTEMBER 24 2002

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. Petition

Hon Robin Chapple presented a petition from 30 residents of Western Australia requesting the Legislative Council consider the health and welfare of residents affected by the Kalgoorlie Cement Works. (Table paper 237).

3. Ministerial Statement - Government Information Technology Contracting and Purchasing , Compliance Reviews

The Minister for Housing and Works made a Ministerial Statement with respect to the State Supply Commission Compliance Reviews of Public Authorities Procurement Activities Health Check No. 4 on Government Information Technology contracting and purchasing.

The Minister for Housing and Works tabled the report on Information Technology Purchasing and Contracting in the Public Sector. (Tabled paper 238).

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

4. Ministerial Statement - Burswood Property Trust Agreement

The Minister for Racing and Gaming made a Ministerial Statement with respect to the Burswood Property Trust Agreement.

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. 1028/33 - South East Districts Omnibus (No. 5)

The Parliamentary Secretary representing the Minister for Planning and Infrastructure made a Ministerial Statement with respect to 40 generally small scale proposals in the Cities of Armadale, Belmont, Canning and Gosnells, the Town of Victoria Park and the Shire of Serpentine-Jarrahdale.

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. 1038/33 - Thomsons Lake Regional Centre

The Parliamentary Secretary representing the Minister for Planning and Infrastructure made a Ministerial Statement with respect to Thomsons Lake Regional Centre.

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

7. Ministerial Statement - Pine Plantations, Resource Plans - Wesbeam Agreement

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to Pine Plantations, Resource Plans - Wesbeam Agreement.

The Leader of the House tabled documents in relation to Pinetec - LVL Resource Plans. (Tabled paper 239).

8. Papers

The following Papers were laid on the Table by -

Leader of the House

Local Laws -

Local Government Act 1995 (City of Nedlands - Amendment to Parking and Parking Facilities
Local Law 2002 G.G. 20/09/2002) 226

Regulations -

Wildlife Conservation Act 1950 (Wildlife Conservation (Reptiles and Amphibians) Regulations
2002 G.G. 20/09/2002) 227

Minister for Racing and Gaming

By-laws -

Western Australian Turf Club Act 1892, The (Prvt Act) (The Western Australian Turf Club
Amendment of By-Laws G.G. 17/09/2002) 228

Regulations -

Betting Control Act 1954 (Betting Control Amendment Regulations 2002 G.G. 20/09/2002) 229

Rules -

Supreme Court Act 1935 (Rule of Court - Sittings and Winter Vacation for 2003 G.G. 17/09/2002) 230

Western Australian Trotting Association Act 1946 (Rules of Harness Racing 1999 - Notice of
Amendment G.G. 20/09/2002)..... 231

Parliamentary Secretary to the Minister for Health

Rules -

Adoption Act 1994 (Adoption Amendment Rules 2002 G.G. 17/09/2002) 232

Parliamentary Secretary to the Minister for Planning and Infrastructure

Plans -

Metropolitan Region Scheme Amendment No. 1038/33 - Thomsons Lake Regional
Centre Plan No. 3.1454/1 233

Metropolitan Region Scheme Amendment No. 1028/33 - South East Districts
Omnibus (No. 5) Plan Nos. 1.5010/1, 1.5011/1, 1.5012/1, 1.5013
and 1.5014234A-E

Reports -

Metropolitan Region Scheme Amendment No. 1038/33 - Thomsons Lake Regional
Centre (Volumes 1, 2 and 3) 235

Metropolitan Region Scheme Amendment No. 1028/33 - South East Districts
Omnibus (No. 5) (Volumes 1, 2 and 3)236A-B

9. Matter of Urgency - State Government offer to US Navy

The President read the following letter -

Dear Mr President

At today's sitting it is my intention to move under SO 72 that the Council consider, as a matter of urgency the impacts on the people of Western Australia as a consequence of the State Government offering Fremantle to the US Navy as a de-facto Indian Ocean naval base (for "Sea-Swaps"), the current intensified military action around Lancelin and the implications for offering such support to the US military at this time.

Yours sincerely

Hon Dee Margetts

Member for Agricultural Region

Four members having risen in support.

Hon Dee Margetts moved the motion.

Debate ensued.

Hon Dee Margetts, pursuant to SO 48, tabled documents in relation to correspondence by P and A Snow regarding a complaint of the Lancelin Defence Training Area. (Tabled paper 240).

Debate ensued.

Interruption of Debate [SO 195].

10. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled documents in relation to the listings of publicly accessible documents covering the research of farm forestry practices in response to question on notice No. 43 asked by Hon Christine Sharp. (Tabled paper 241).

The Minister for Housing and Works tabled documents in relation to the Department of Environmental Protection media statement concerning the Rose Valley Cheese Company in response to question on notice No. 64 asked by Hon Robin Chapple. (Tabled paper 242).

The Minister for Racing and Gaming tabled documents in relation to sentences imposed less than or equal to 731 days (two years) in response to question on notice No. 95 asked by Hon Norman Moore. (Tabled paper 243).

The Minister for Racing and Gaming tabled documents in relation to the license for the sewage outfall from the Subiaco Waste Treatment Plant at the northern end of Swanbourne Beach in response to question on notice No. 96 asked by Hon Giz Watson. (Tabled paper 244).

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. Fire and Emergency Services Legislation 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 and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

The Minister for Racing and Gaming moved -

Page 4, after line 13 - To insert the following definition -

“

“FESA Unit” means a group of persons approved by the Authority under section 18M;

”.

Amendment - put and passed.

Debate ensued.

Clause, as amended, agreed to.

Clauses 5.

Debate ensued.

Clause agreed to.

Clauses 6 to 8 agreed to.

Clause 9.

The Minister for Racing and Gaming moved -

That consideration of Clause 9 be postponed until after consideration of Clause 74.

Question - put and passed.

Clauses 10 to 12 agreed to.

Clause 13.

That consideration of Clause 13 be postponed until after consideration of Clause 9.

Question - put and passed.

Clauses 14 to 17 agreed to.

Clause 18.

The Minister for Racing and Gaming moved -

Page 24, line 19 - To insert after “CALM” -

“ Act ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 19 to 23 agreed to.

Clause 24.

Debate ensued.

Interruption of Debate [SO 61(c)].

13. Statement by President - Voluntary Euthanasia Bill 2002 - Release of Bills

The President made the following Statement -

Members would be aware that last week the Leader of the Opposition asked whether the *Voluntary Euthanasia Bill 2002* was in order; that is, was the Bill properly before the House given that a copy of the Bill had not been circulated when the motion for the second reading was moved. There is no requirement under Standing Order No. 229 for Bills to be circulated after the first reading. Standing Order No. 229(b) states -

“Copies of the Bill may be distributed to Members and otherwise published after the first reading.”

Members may be aware that until the 1980s, Standing Orders required that copies of a Bill not be released until the second reading stage. Having not seen the Bill at the time the question was raised, I have further satisfied myself that the Bill is not out of order by virtue of section 46 of the *Constitution Acts Amendment Act 1899*.

14. Railway (Jandakot to Perth) Bill 2002

The President reported the receipt of Message No. 9 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a map pursuant to Section 96 of the *Public Works Act 1902*. (Tabled paper 245).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled a report pursuant to Section 18A of the *Transport Co-ordination Act 1966*. (Tabled paper 246).

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

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

15. Criminal Law (Procedure) Amendment Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 10

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Criminal Law (Procedure) Amendment Bill 2002*.

Fred Riebeling
Speaker

Legislative Assembly Chamber
Perth, 20 September 2002

16. Insurance Commission of Western Australia Amendment Bill 2002

The President reported the receipt of Message No. 11 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.

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

17. Yallingup Foreshore Land Bill 2002, Home Building Contracts Amendment Bill 2002 and Volunteers (Protection from Liability) Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 12

In response to Legislative Council Message No. 8, regarding the -

Yallingup Foreshore Land Bill 2002;

Volunteers (Protection from Liability) Bill 2002; and

Home Building Contracts Amendment Bill 2002,

the Legislative Assembly advises that it has passed the Bills.

Dianne Guise
Deputy Speaker

Legislative Assembly Chamber
Perth, 24 September 2002

Point of Order

Hon Barry House raised the following Point of Order -

This Bill was one of the contentious Bills in the way its passage between the Houses had been completed. To my knowledge, we have received no information that that situation has been resolved. How can it be introduced?

President's Ruling

The President ruled as follows -

We have just received a Message from Legislative Assembly saying that it passed it in the normal manner. We accept at face value advice from the Assembly that it has passed a Bill. It is up to Members in this Chamber to oppose that, but we always take at face value a Message from the Legislative Assembly indicating it has passed a Bill. We have now received that Message, eventually.

The Leader of the House moved -

That the Clerk of the Legislative Council provide the *Yallingup Foreshore Land Bill 2002*, *Volunteers (Protection from Liability) Bill 2002* and *Home Building Contracts Amendment Bill 2002* to the House.

Question - put and passed.

Yallingup Foreshore Land Bill 2002

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

Debate ensued.

Question - put and passed.

Bill read a first time.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

Home Building Contracts Amendment Bill 2002

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

Debate ensued.

Question - put and passed.

Bill read a first time.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

Volunteers (Protection from Liability) Bill 2002

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

Debate ensued.

Question - put and passed.

Bill read a first time.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

18. Workers' Compensation and Rehabilitation (Acts of Terrorism) Amendment Bill 2002

The President reported the receipt of Message No. 13 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.

Ordered - That the second reading of the Bill be made an Order of the Day for the next sitting.

19. Adjournment

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

Debate ensued.

Hon Giz Watson, by leave, tabled a document in relation to National Maternity Action Plan. (Tabled paper 247).

Question - put and passed.

The House adjourned at 10.48pm until Wednesday, September 25 2002 at 4.00pm.

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