

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 37

TUESDAY, DECEMBER 17 2002

1. Meeting of Council

The Council assembled at 3.00pm pursuant to order.

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

2. Petitions

Hon Simon O'Brien presented a petition, by delivery to the Clerk, [SO 130], from 28 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 668).

Hon Murray Criddle presented a petition, by delivery to the Clerk, [SO 130], from 22 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 669).

Hon Bruce Donaldson presented a petition, by delivery to the Clerk, [SO 130], from 27 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 670).

Hon Dee Margetts presented a petition from 283 residents of Western Australia requesting the Legislative Council to consult with the electorate and inquire into all aspects of the 'Sea Swap' program arranged with the US Navy. (Tabled paper 671).

Hon Bill Stretch presented a petition from 20 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 672).

3. Ministerial Statement - Tabling a Report on a Review of the Agricultural Practices (Disputes) Act 1995

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the Tabling of a Report on a Review of the *Agricultural Practices (Disputes) Act 1995*.

The Minister for Agriculture, Forestry and Fisheries, by leave, tabled a report on the Review of the *Agricultural Practices (Disputes) Act 1995* and the Agricultural Practices Board. (Tabled paper 673).

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 -

Leader of the House

Annual Reports -

Poultry Industry Trust Fund Committee, The (2001-2002) (Date received 17/12/2002)..... 645

Regulations -

Agriculture and Related Resources Protection Act 1976 (Noxious Weeds Repeal Regulations 2002 G.G. 10/12/2002) 646

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations (No. 14) 2002 G.G. 13/12/2002) 647

Stock Diseases (Regulations) Act 1968 (Enzootic Diseases Amendment Regulations (No. 3) 2002 G.G. 10/12/2002) 648

Veterinary Surgeons Act 1960 (Veterinary Surgeons Amendment Regulations 2002 G.G. 13/12/2002)..... 649

Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations 2002 G.G. 13/12/2002)..... 650

Minister for Housing and Works

Annual Reports -

National Trust of Australia (W.A.), The (2001-2002) (Date received 17/12/2002)..... 651

Water and Rivers Commission (2001-2002) (Date received 12/12/2002) 652

Local Laws -

Cemeteries Act 1986 (Shire of Esperance - Cemeteries Local Law 2002 G.G. 13/12/2002) 653

Dog Act 1976 (City of Geraldton Dogs Local Law (Amendment No. 1) 2002 G.G. 13/12/2002) 654

Local Government Act 1995 (Shire of Dalwallinu - Local Law Relating to Activities on Thoroughfares and Trading in Public Places G.G. 10/12/2002 & Municipality of the Shire of Exmouth - Amendment to Shire of Exmouth Local Government Property Local Law 2002 G.G. 13/12/2002)..... 655

Minister for Racing and Gaming

Annual Reports -

Real Estate and Business Agents Supervisory Board (2001-2002) (Date received 12/12/2002) 656

Settlements Agents Supervisory Board (2001-2002) (Date received 12/12/2002) 657

Parliamentary Secretary to the Minister for State Development

Annual Reports -

Minerals and Energy Research Institute of Western Australia [MERIWA] (2001-2002) (Date received 12/12/2002)..... 658

Regulations -

Mining Act 1978 (Mining Amendment Regulations (No. 7) 2002 G.G. 13/12/2002) 659

Reviews

Review of the Coal Miners' Welfare Board Of Western Australia and the Coal Miners Welfare Act 1947 (October 2002)..... 660

Parliamentary Secretary to the Minister for Health

Annual Reports -

Museum, The Western Australian (2001-2002) (Date received 17/12/2002) 662

Perth Theatre Trust (2001-2002) (Date received 12/12/2002) 663

Queen Elizabeth II Medical Centre Trust (2001-2002) (Date received 17/12/2002) 664

Annual Reports - Hospitals -

Hawthorn Hospital (2001-2002) (Date received 17/12/2002) 661

Local Laws -

Health Act 1911 (Shire of Esperance Health (Eating Houses) Local Laws 2002 G.G. 13/12/2002) 665

Regulations -

Adoption Act 1994 (Adoption Amendment Regulations (No. 2) 2002 G.G. 10/12/2002) 666

Parliamentary Secretary to the Minister for Planning and Infrastructure

Regulations -

Road Traffic Act 1974 (Road Traffic Code Amendment Regulations (No. 2) 2002 G.G. 11/12/2002) 667

5. Standing Committee on Environment and Public Affairs - Fourth Report - The Petition Objecting to the Proposal to Establish a Sewage Pumping Station in Heseltine Park, Glenleigh Road, Busselton

Hon Kate Doust presented the Fourth Report of the Standing Committee on Environment and Public Affairs in relation to the Petition Objecting to the Proposal to Establish a Sewage Pumping Station in Heseltine Park, Glenleigh Road, Busselton. (Tabled paper 674).

Hon Kate Doust moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

6. Standing Committee on Environment and Public Affairs - Sixth Report - Swimming Pool Fencing

Hon Kate Doust presented the Sixth Report of the Standing Committee on Environment and Public Affairs in relation to Swimming Pool Fencing. (Tabled paper 675).

Hon Kate Doust moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Matter of Urgency - Comments by Attorney General Regarding the Legislative Council

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 disparaging remarks made by the Attorney General in respect to the Legislative Council and the defence of the Chamber by the Leader of the House.

Yours sincerely

Hon Norman Moore

Member for Mining and Pastoral Region

Four members having risen in support.

Hon Norman Moore moved the motion.

Debate ensued.

Motion lapsed.

8. 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.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.
A quorum being formed, the debate continued.

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On the motion of Hon Simon O'Brien the debate was adjourned to the next sitting.

9. Questions Without Notice

Questions without notice were taken.

The Minister for Racing and Gaming tabled documents in relation to the decisions regarding national competition policy (NCP) from COAG Communique in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 676).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to members of the Local Impacts Committee in response to a question without notice asked by Hon Simon O'Brien. (Tabled paper 677).

10. 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.

Want of Quorum

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.
A quorum being formed, the debate continued.

Point of Order

The Leader of the House raised the following Point of Order -

Hon Bruce Donaldson has accused a Minister of the Crown and Member of another place of a criminal action. This is an extremely serious matter. I ask, at least, that evidence of such criminal behaviour be given to the House, because, as a public officer, Hon Bruce Donaldson is required to provide that evidence.

Deputy President's Ruling

The Deputy President ruled as follows -

I have sought advice on this point of order; it is valid on a couple of grounds. I advise Hon Bruce Donaldson of two things. Firstly, I do not know that he has made an allegation of criminality against a Minister of the Crown with an intention for that to be pursued. In any case, that can be done only by way of a motion of which notice has been given. Whether he intends to conduct a substantive debate or not, he cannot do that now. Secondly, as the Honourable Member will have realised, his remarks were a reflection on a Member of another place. His course of action should be to withdraw the allegation.

Hon Bruce Donaldson withdrew his remarks.

Debate resumed.

Interruption of Debate [SO 61(b)].

11. Adjournment

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

Question - put and passed.

The House adjourned at 11.00pm until Wednesday, December 18 2002 at 3.30pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Paddy Embry.

Member granted leave: Hon Christine Sharp.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council