

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 17

WEDNESDAY, OCTOBER 16 2002

1. Meeting of Council

The Council assembled at 4.00pm pursuant to order.

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

2. Message from His Excellency the Governor - Assent to Bill

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bill -

October 4 2002 - Message No. 16	Act No.
Wood Processing (Wesbeam) Agreement Bill 2002	28 of 2002

3. Suspension of Standing Orders - Matter of Urgency

The Leader of the House moved, without notice -

That Standing Orders be suspended so far as will enable a motion under Standing Order 72 to be moved at today's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

4. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

A Measure of Protection: Management and Effectiveness of Restraining Orders (Report No. 5) (October 2002)	279
List of Audit Opinions signed at 30 September 2002	280

Financial Statements -

Administration of the Legislative Assembly (2001-2002)	281
Administration of the Legislative Council (2001-2002)	282

Administration of the Parliamentary Services Department (Described as Joint House Committee) (2001-2002).....	283
Members of Parliament (Financial Interests) Act 1992 - Annual Returns (2001-2002)	284
<i>Reports</i>	
Inspector of Custodial Services - Report of an Announced Inspection of Nyandi Prison February 2002 (Report No. 10) (Date received 28/08/2002)	285
Leader of the House	
<i>Annual Reports -</i>	
Veterinary Surgeons' Board (2001-2002) (Date received 14/10/2002)	286
<i>Management Plans -</i>	
Fish Resources Management Act 1994 (Onslow Prawn Fishery Management Plan Amendment 2002 G.G. 08/10/2002)	287
<i>Orders -</i>	
Fish Resources Management Act 1994 (Fish Traps Prohibition Amendment Order 2002 G.G. 11/10/2002).....	288
Fish Resources Management Act 1994 (Prohibition on Commercial Fishing (Leschenault Estuary) Order 2002 G.G. 27/09/2002 & Lawful Nets (Leschenault Estuary) Repeal Order 2002 G.G. 27/09/2002).....	289
Minister for Housing and Works	
<i>Annual Reports -</i>	
Country Housing Authority (2001-2002) (Date received 04/10/2002)	290
<i>Local Laws -</i>	
Cemeteries Act 1986 (Shire of Halls Creek - Cemeteries Local Law 2002 G.G. 02/10/2002)	291
Cemeteries Act 1986 (Shire of Merredin - Cemeteries Local Law G.G. 07/10/2002).....	292
Dog Act 1976 (Shire of Esperance - Dogs Local Law G.G. 01/10/2002 & Shire of Halls Creek Dogs Local Law G.G. 02/10/2002).....	293
Dog Act 1976 (Shire of Merredin - Dogs Local Law G.G. 07/10/2002).....	294
Local Government Act 1995 (Geraldton Greenough Regional Council - Local Law Relating to the Operation of Meru Refuse and Recycling Facility G.G. 01/10/2002, Shire of Halls Creek Local Government Act Local Law 2002 G.G. 02/10/2002 & Shire of Manjimup - Sign Local Law 2000 G.G. 04/10/2002)	295
Local Government Act 1995 (Shire of Merredin Bee Keeping Local Law G.G. 07/10/2002, Shire of Merredin Local Government Property Local Law G.G. 07/10/2002, Shire of Merredin - Activities in Thoroughfares and Public Places and Trading Local Law G.G. 07/10/2002, Shire of Merredin - Standing Orders Local Law G.G. 07/10/2002, Shire of Merredin - Fencing Local Law G.G. 07/10/2002, Shire of Merredin - Parking & Parking Facilities Local Law G.G. 07/10/2002, Shire of Merredin - Extractive Industries Local Law G.G. 07/10/2002 & Town of Claremont - Parking and Parking Facilities Local Law G.G. 08/10/2002)	296
<i>Regulations -</i>	
Conservation and Land Management Act 1984 (Conservation and Land Management Amendment Regulations 2002 G.G. 04/10/2002)	297
Wildlife Conservation Act 1950 (Wildlife Conservation Amendment Regulations 2002 G.G. 24/09/2002).....	298

Minister for Racing and Gaming*Annual Reports -*

Acacia Prison Services Agreement (2001-2002) (September 2002) (Date received 08/10/2002)	299
Anti-Corruption Commission (2001-2002) - pursuant to the Surveillance Devices Act 1998 (Date received 08/10/2002)	300
Anti-Corruption Commission (2001-2002) - pursuant to the Telecommunications (Interception) Act 1979 (Date received 10/10/2002)	301
Court Security and Custodial Services Contract (2001-2002) (September 2002) (Date received 08/10/2002)	302
Director of Public Prosecutions, Office of the [DPP] (2001-2002) (Date received 08/10/2002)	303
Electoral Commission, Western Australian (2001-2002) (Date received 10/10/2002)	304
Guardianship and Administration Board, Western Australia (2001-2002) (Date received 10/10/2002)	305
Law Reform Commission of Western Australia (2001-2002) (Date received 14/10/2002)	306
Mentally Impaired Defendants Review Board (2001-2002) (Date received 10/10/2002)	307
Parole Board (2001-2002) (Date received 10/10/2002)	308
Police Service, Western Australia (2001-2002) (Date received 27/09/2002)	309
Public Advocate, Office of the (Date received 14/10/2002)	310
Racing, Gaming and Liquor, Department of (2001-2002) (Date received 04/10/2002)	311
State Training Board (2001-2002) (Date received 14/10/2002)	312
Supervised Release Review Board (2001-2002) (Date received 10/10/2002)	313
Training Accreditation Council (2001-2002) (Date received 14/10/2002)	314

Local Laws -

Bush Fires Act 1954 (Shire of Merredin - Bush Fire Brigades Local Law G.G. 07/10/2002)	315
Bush Fires Act 1954 (Shire of Wiluna Bush Fire Brigades Local Law G.G. 03/10/2002)	316

Regulations -

Corporations (Ancillary Provisions) Act 2001 (Corporations (Ancillary Provisions) Amendment Regulations 2002 G.G. 08/10/2002)	317
Fair Trading Act 1987 (Fair Trading (Retirement Villages Interim Code (No. 2)) Regulations 2002 G.G. 27/09/2002)	318
Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations (No. 2) 2002 G.G. 08/10/2002)	319

Rules -

Supreme Court Act 1935 (Supreme Court Amendment Rules (No. 2) 2002 G.G. 27/09/2002)	320
Western Australian Trotting Association Act 1946 (Rules of Harness Racing 1999 - Notice of Amendment G.G. 04/10/2002)	321

Parliamentary Secretary to the Minister for State Development*Annual Reports -*

Coal Industry Superannuation Board (2001-2002) (Date received 14/10/2002)	322
---	-----

Parliamentary Secretary to the Minister for Health

Annual Reports -

Community Development, Department for (2001-2002) (Date received 14/10/2002)	323
Council of Official Visitors (2001-2002) (Date received 10/10/2002)	324
Culture and the Arts, Department of (2001-2002) (Date received 08/10/2002)	325
State Records Commission (2001-2002) (Date received 15/10/2002).....	326

Local Laws -

Health Act 1911 (Shire of Carnarvon Health Amendment Local Laws 2002 G.G. 27/09/2002 & Shire of Gnowangerup Health Local Laws 2002 G.G. 27/09/2002)	327
Health Act 1911 (Shire of Halls Creek Health Local Laws 2002 G.G. 02/10/2002)	328

Regulations -

Cremation Act 1929 (Cremation Amendment Regulations 2002 G.G. 24/09/2002)	329
---	-----

Rules -

Adoption Act 1994 (Correction - Adoption Amendment Rules 2002 G.G. 01/10/2002).....	330
---	-----

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Bunbury Port Authority (2001-2002) (Date received 08/10/2002)	331
Education Services, Department of (2001-2002) (Date received 10/10/2002)	332
Esperance Port Authority (2001-2002) (Date received 10/10/2002).....	333

Ministerial Approvals -

Subiaco Redevelopment Act 1994 - Subdivision of SU13 - Portion 1 of sector 22, (former BOC leased land) corner of Price and Tighe Streets, Subiaco.....	334
Western Australian Land Authority Act 1992 - Mandurah Ocean Marina - Stage 2 - Civil Works	335
Western Australian Land Authority Act 1992 - Pilbara-Burrup Peninsula Industrial Service Corridor Lease and Lot 75 Hutchinson Avenue, Minim Cove, Mosman Park.....	336

Proposals

Land Administration Act 1997 - Submission No. 19/2002 - Cancelling of the Class 'A' classification for Reserve 27834.....	337
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5. Standing Committee on Legislation - Sixteenth Report - Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001

Hon Jon Ford presented the Sixteenth Report of the Standing Committee on Legislation in relation to the *Taxation Administration Bill 2001*, *Taxation Administration (Consequential Provisions) Bill 2001* and *Taxation Administration (Consequential Provisions) (Taxing) Bill 2001*. (Tabled paper 338).

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

Question - put and passed.

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

Hon Christine Sharp presented the Third Report of the Standing Committee on Environment and Public Affairs in relation to the Petition Opposing the Gnarabup Waste Water Treatment Plant. (Tabled paper 339).

Hon Christine Sharp moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

7. Regulations 219(2) and (3) of the State Superannuation Amendment Regulations (No. 2) 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That Regulations 219(2) and (3) of the *State Superannuation Amendment Regulations (No. 2) 2002* published in the *Gazette* on June 28 2002 and tabled in the Legislative Council on August 15 2002, under the *State Superannuation Act 2000*, be and are hereby disallowed.

8. City of Melville Local Law Relating to Signs, Hoardings and Billposting - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *City of Melville Local Law Relating to Signs, Hoardings and Billposting* published in the *Gazette* on July 12 2002 and tabled in the Legislative Council on August 21 2002, under the *Local Government Act 1995*, be and is hereby disallowed.

9. Road Traffic (Vehicle Standards) Regulations 2002 - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Road Traffic (Vehicle Standards) Regulations 2002* published in the *Gazette* on August 9 2002 and tabled in the Legislative Council on August 21 2002, under the *Road Traffic Act 1974*, be and are hereby disallowed.

10. Shire of Donnybrook-Balingup Local Law - Eating Areas in Streets and Other Public Places - Disallowance

Hon Ray Halligan: To move on the next day of sitting -

That the *Shire of Donnybrook-Balingup Local Law - Eating Areas in Streets and Other Public Places* published in the *Gazette* on August 13 2002 and tabled in the Legislative Council on August 22 2002, under the *Local Government Act 1995*, be and is hereby disallowed.

11. Matter of Urgency - Supreme Court Decision in regard to Electoral Amendment Bill 2001 and Electoral Distribution Repeal Bill 2001

Standing Orders having been suspended.

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 that the House debate -

- (a) the disgraceful waste of taxpayers' money by the Premier and Attorney General in pursuing a hopeless quest for personal vindication of their 1995 loss in the High Court when they cost their colleagues thousands of dollars each in legal costs;

- (b) the cowardly and unconstitutional manner in which the Attorney General is seeking to blame the Solicitor General for the Attorney General's own political decision;
- (c) whether the House should call on the Government to table the opinion of the Solicitor General in order that the people of Western Australia can ascertain the strength of advice upon which the Attorney General acted;
- (d) the failure of the Government to accept the view of the Supreme Court that this area of the Constitution is one that should remain stable;
- (e) the continued determination of the Government to act in an underhand manner;
- (f) the deception it practised on the people of Western Australia when it misrepresented its intentions on voting laws at the last elections; and
- (g) the general lack of integrity of the Gallop Government in its dealings.

Yours sincerely

Hon Peter Foss

Member for East Metropolitan Region

Four members having risen in support.

Hon Peter Foss moved the motion.

Debate ensued.

12. Questions Without Notice

Questions without notice were taken.

The Leader of the House tabled documents in relation to the official visit to the People's Republic of China (September 2002) Report by Hon Dr Geoff Gallop, Premier of Western Australia in response to a question without notice asked by Hon Norman Moore. (Tabled paper 340).

The Minister for Agriculture, Forestry and Fisheries tabled documents in relation to the documentation demonstrating compliance for the allocation of timber resources to the Nannup and Greenbushes timber mills in response to question on notice No. 104 asked by Hon Christine Sharp. (Tabled paper 341).

The Minister for Agriculture, Forestry and Fisheries tabled documents in relation to the Report provided to the United States military to promote the capabilities of the Australian Marine complex at Cockburn Sound in response to question on notice No. 141 asked by Hon Dee Margetts. (Tabled paper 342).

The Minister for Housing and Works tabled documents in relation to details of wildlife interaction licences/permits in operation under the requirement of the Wildlife Conservation Regulations in response to question on notice No. 112 asked by Hon Giz Watson. (Tabled paper 343).

The Minister for Housing and Works tabled documents in relation to details of patrols conducted by the City of Rockingham and Department of Conservation and Land Management (CALM) at Port Kennedy Resort Development site in response to question on notice No. 116 asked by Hon Jim Scott. (Tabled paper 344).

The Minister for Housing and Works tabled documents in relation to details of the licence conditions for the Shale Road Class 3 Landfill in Cardup and the results from the Department of Environmental Protection (DEP) on the monitoring bore tests for the past two years and test results for contaminants in the leachate in response to question on notice No. 137 asked by Hon Jim Scott. (Tabled paper 345).

The Minister for Housing and Works tabled documents in relation to the approval letter and assessment from the Department of Environmental Protection (DEP) for the use of flocculant at the Cable Sands Jangardup mineral sands mine in response to question on notice No. 144 asked by Hon Jim Scott. (Tabled paper 346).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to the Department of Land Administration (DOLA) Plans 194089, 194090 and 194091 in response to question on notice No. 89 asked by Hon Robin Chapple. (Tabled paper 347).

The Minister for Agriculture, Forestry and Fisheries in accordance with Standing Order No 138(d) provided a response as to when question on notice No. 130 asked by Hon Christine Sharp would be answered.

13. Matter of Urgency - Supreme Court Decision in regard to Electoral Amendment Bill 2001 and Electoral Distribution Repeal Bill 2001

Debate resumed on the Urgency Motion of Hon Peter Foss (cf item 11 above).

Interruption of Debate [SO 195].

14. Extension of Sitting Hours

The Leader of the House moved, without notice -

That the House continue to sit until 11.00pm on Wednesday, October 16 2002 and 6.00pm on Thursday, October 17 2002.

Question - put and passed.

15. 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.

16. Cognate Debate - Grain Marketing Bill 2002 and Bulk Handling Amendment Bill 2002

The Minister for Agriculture, Forestry and Fisheries sought leave of the House to debate Order of the Day No. 80, *Grain Marketing Bill 2002* and Order of the Day No. 81, *Bulk Handling Amendment Bill 2002* cognately [SO 228].

Leave granted.

17. Grain Marketing Bill 2002 and Bulk Handling Amendment Bill 2002

The Order of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

Question - put and passed.

Bills read a second time.

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Grain Marketing Bill 2002

Clause 1.

Debate ensued.

Hon Dee Margetts moved, That progress be reported and leave asked to sit again.

Question - put and passed.

The President resumed the Chair.

The Chairman reported, That the Committee had considered these Bills, made progress, and asked leave to sit again.

Ordered - That the Committee have leave to sit again.

18. Volunteers (Protection from Liability) Bill 2002

The Order of the Day having been read.

The Parliamentary Secretary to the Minister for Health 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.

19. Home Building Contracts Amendment Bill 2002

The Order of the Day having been read.

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.

20. Stamp Amendment Bill 2001

The President reported the receipt of Message No. 16 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.

21. Plant Pests and Diseases (Eradication Funds) Amendment Bill 2002

The President reported the receipt of Message No. 17 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.

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

22. Adjournment

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

Debate ensued.

Hon Robin Chapple, by leave, tabled a video in relation to Kalgoorlie Cement Works 2002. (Tabled paper 348)

Hon Robin Chapple, by leave, tabled a further document in relation to Kalgoorlie Cement Works 2002. (Tabled paper 349)

Question - put and passed.

The House adjourned at 11.10pm until Thursday, October 17 2002 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Giz Watson.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council