

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 38

WEDNESDAY, DECEMBER 18 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. Petitions

Hon Murray Criddle presented a petition, by delivery to the Clerk, [SO 130], from 183 residents of Western Australia requesting the Legislative Council to urgently approach the Steering Committee of the Geraldton Primary North-South Road Alignment Study to reconsider the options. (Tabled paper 683).

Hon Peter Foss presented a petition from 52 residents of Western Australia requesting an increase to State funding of Catholic and other non-Government school children. (Tabled paper 684).

3. Papers

The following Papers were laid on the Table by -

Minister for Housing and Works

Annual Reports -

Botanic Gardens and Parks Authority (2001-2002) (Date received 18/12/2002) 678

Heritage Council of Western Australia (2001-2002) (Date received 18/12/2002)..... 679

Pilbara Development Commission (2001-2002) (Date received 18/12/2002) 680

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Coastal Shipping Commission, Western Australian [STATESHIPS] (2001-2002)
(Date received 18/12/2002) 681

Midland Redevelopment Authority (2001-2002) (Date received 18/12/2002) 682

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

Motion No. 7 having been called.

Hon Robin Chapple, continued his introductory remarks in moving the following motion -

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.

Hon Robin Chapple, by leave, tabled documents in relation to the Maitland Heavy Industrial Estate - Assessment and Comparison with the Burrup Peninsula Industrial Estate. (Tabled paper 685).

Debate resumed.

Point of Order

Hon Ken Travers raised the following Point of Order -

The Member is referring to matters currently before the National Native Title Tribunal, and I would argue that that breaches the sub judice rules. I have listened to the Member for some considerable time, and I also raise the issue of relevance. While I accept that some of the elements of the issues the Member has been raising are covered by the motion, he seems to be spending his whole time debating native title, not the regional planning of the industrial development of Karratha and Barrow Island.

President's Ruling

The President ruled as follows -

I will listen to what the Member has to say. It appeared to me that the argument was pertinent initially in this regard. With respect to sub judice, I will listen carefully. I would be surprised if a speech here at this stage had an impact on something going on in the National Native Title Tribunal.

Point of Order

Hon Peter Foss raised the following Point of Order -

Further to the point, I draw to the attention of the House the fact that the National Native Title Tribunal is not a court. That has been one of its problems, arising out of the fact that the Commonwealth can only invest judicial power in courts. The tribunal itself is not a court; it is an administrative body, and, no matter how much we reflect on it or interfere with it, I find it very difficult to believe that it could ever be subject to sub judice rules.

President's Ruling

The President ruled as follows -

Indeed; as I was saying, I did not believe that those rules had been impinged upon, because an effect would have to be established as well. Therefore, I will listen carefully to the content, but it is certainly not sub judice.

Debate resumed.

Interruption of Debate [SO 195].

5. 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.

6. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works, by leave, incorporated into *Hansard* and tabled his response regarding the *Wood Processing (Wesbeam) Agreement Act 2002* - Gnangara pine plantation in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 686)

7. Address-In-Reply

Debate resumed on the amendment of Hon Bruce Donaldson to the Address-in-Reply (cf item 5 above).

Amendment - put.

The House divided.

Ayes (16)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Barry House

Hon Robyn McSweeney
Hon Dee Margetts
Hon Norman Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Noes (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 Louise Pratt
Hon Ljiljanna Ravlich
Hon Jim Scott
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Amendment thus passed.

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

8. Metropolitan Region Scheme Amendment No. 1028/33 - South East Districts Omnibus (No. 5) - Disallowance

Pursuant to SO 152(b) the following motion was moved *pro forma* by Hon Jim Scott -

That the *Metropolitan Region Scheme Amendment No. 1028/33 - South East Districts Omnibus (No. 5)* published in the *Gazette* on September 20 2002 and tabled in the Legislative Council on September 24 2002, under the *Metropolitan Region Scheme Town Planning Scheme 1959*, be and is hereby disallowed.

Debate ensued.

Question - put.

The House divided.

Ayes (4)

Hon Dee Margetts
Hon Jim Scott

Hon Giz Watson
Hon Robin Chapple (*Teller*)

Noes (26)

Hon Alan Cadby
Hon George Cash
Hon Kim Chance
Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon John Fischer
Hon Jon Ford
Hon Peter Foss
Hon Graham Giffard
Hon Nick Griffiths

Hon Ray Halligan
Hon Frank Hough
Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Barbara Scott
Hon Tom Stephens
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Ed Dermer (*Teller*)

Question thus negatived.

9. 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.

Question - put.

The House divided.

Ayes (16)

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 Ljiljanna Ravlich
Hon Jim Scott
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Noes (14)

Hon Alan Cadby
 Hon George Cash
 Hon Murray Criddle
 Hon John Fischer
 Hon Peter Foss
 Hon Ray Halligan
 Hon Frank Hough

Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Barbara Scott
 Hon Bill Stretch
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a second time.

Interruption of Debate [SO 61(b)].

10. Adjournment

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

Debate ensued.

Hon Jim Scott, by leave, tabled maps in relation to the Metropolitan Region Scheme Amendment No. 1028/33 - South East Districts Omnibus (No. 5). (Tabled paper 687).

Question - put and passed.

The House adjourned at 11.40pm until Thursday, December 19 2002 at 10.00am.

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