

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 55

THURSDAY, APRIL 10 2003

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. 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 -

April 9 2003 - Message No. 32

Act No.

Nurses Amendment Bill 2002

9 of 2003

3. Papers

The following Papers were laid on the Table by -

Minister for Racing and Gaming

Agreements -

Acacia Prison Services Agreement - Deed of Variation 951

Annual Reports -

Anzac Day Trust (Year ending 31 December 2002) (Date received 09/04/2003) 952

Reports -

Guidelines for the Classification of Films and Computer Games 2003 953

Parliamentary Secretary to the Minister for Health

Annual Reports -

Dongara Eneabba Mingenew Health Service (2001-2002) (Date received 09/04/2003) 954

Geraldton Health Service (2001-2002) (Date received 09/04/2003) 955

Morawa and Districts Health Service (2001-2002) (Date received 09/04/2003) 956

Mullewa Health Service (2001-2002) (Date received 09/04/2003) 957

Northampton Kalbarri Health Services (2001-2002) (Date received 09/04/2003) 958

North Midlands Health Service (2001-2002) (Date received 09/04/2003) 959

Yalgoo Health Service (2001-2002) (Date received 09/04/2003) 960

4. Standing Committee on Uniform Legislation and General Purposes - Eighth Report - Gas Pipelines Access (Western Australia) (Reviews) Amendment Bill 2003

Hon Adele Farina presented the Eighth Report of the Standing Committee on Uniform Legislation and general Purposes in relation to the *Gas Pipelines Access (Western Australia) (Reviews) Amendment Bill 2003*. (Tabled paper 961).

Hon Adele Farina moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Ministerial Statement - Report of the Inquiry into the City of Belmont

The Minister for Housing and Works made a Ministerial Statement with respect to the Inquiry into the City of Belmont.

The Minister for Housing and Works, by leave, presented a report in relation to the Inquiry into the City of Belmont. (Table paper 962).

The Minister for Housing and Works moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

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

6. Corporations (Consequential Amendments) Bill (No. 2) 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 62

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Corporations (Consequential Amendments) Bill (No. 2) 2001*.

Jamie Edwards

Acting Speaker

Legislative Assembly Chamber

Perth, 9 April 2003

7. Corporations (Consequential Amendments) Bill (No. 3) 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 63

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Corporations (Consequential Amendments) Bill (No. 3) 2001*.

Jamie Edwards

Acting Speaker

Legislative Assembly Chamber

Perth, 9 April 2003

8. Prisons Amendment Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 64

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendment made by the Legislative Council in the *Prisons Amendment Bill 2002*.

Jamie Edwards

Acting Speaker

Legislative Assembly Chamber

Perth, 9 April 2003

9. Juries Amendment Bill 2003

The President reported the receipt of Message No. 61 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.

Debate stands adjourned.

10. Economic Regulation Authority Bill 2002

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

The Minister for Racing and Gaming moved, without notice -

That the *Economic Regulation Authority Bill 2002* be discharged and referred to the Standing Committee on Public Administration and Finance and is to report to the House not later than May 16 2003.

Debate ensued.

Question - put and passed.

11. Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) 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 and passed.

Bill read a second time.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 4 agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Bill read a third time and passed.

12. Censorship Amendment 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 and passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Jon Ford in the Chair)

Statement by Deputy Chairman

The Deputy Chairman made the following Statement -

As amendments to the Bill were recommended by the Standing Committee on Uniform Legislation and General Purposes in Report No. 3, I note that Standing Order 234A(2) applies. I therefore put the question -

That the amendments recommended by the Standing Committee on Uniform Legislation and General Purposes be read into and deemed part of this Bill.

[For text of amendments see Uniform Legislation and General Purposes Committee Report 3]

Debate ensued.

Question - put and negatived.

Clause 1 agreed to.

Clauses 2 to 6 agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clauses 8 to 13 agreed to.

Clause 14.

The Minister for Racing and Gaming moved -

Page 16, after line 10 - To insert the following new subclause -

“

(1) Section 88(2) is amended by deleting “subsection (2)” and inserting instead —

“subsection (1)”

”.

Page 16, line 11 - To insert before “After” the following -

“ (2) ”.

Amendments - put and passed.

Clause, as amended, agreed to.

Clauses 15 to 49 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Bill reported with amendments.

Leave was granted to proceed forthwith through all remaining stages of the Bill at this day's sitting.

The Minister for Racing and Gaming moved, That the report be adopted.

Question - put and passed.

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

The Deputy President having reported that the Deputy Chairman of Committees had certified that the fair print of the Bill was in accordance with the Bill as agreed to in Committee, and reported.

Question - put and passed.

Bill read a third time and passed.

13. Water Boards Amendment 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 and passed.

Bill read a second time.

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.

14. Public Transport Authority Bill 2003

The Deputy President reported the receipt of Message No. 58 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.

Second reading speech interrupted pursuant to Sessional Order.

15. Policies and Legislative Approach by the Federal Government

Pursuant to Sessional Orders, Hon Kate Doust moved, without notice -

That this House condemns the Howard Government's policy and legislative approach, in a range of portfolio areas, which undermines the capacity and scope of the Western Australian Government to govern in accordance with the needs and interests of the people of Western Australia.

Debate ensued.

Interruption pursuant to Sessional Order.

16. Questions Without Notice

Questions without notice were taken.

The Minister for Racing and Gaming on behalf of the Minister for Housing and Works tabled documents in relation to Letter from Commonwealth Environment Minister Dr David Kemp, relating to potential World Heritage nominations for parts of Murujuga, the Burrup Peninsula in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 963).

The Parliamentary Secretary to the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that the answer to question on notice No. 540 asked by Hon George Cash should be provided by May 6 2003.

The Minister for Racing and Gaming on behalf of Minister for Housing and Works tabled documents in relation to Copy of newspaper article from 'The West Australian' concerning delays in appeals lodged with the Department of Local Government in response to question on notice No. 558 asked by Hon Ray Halligan. (Tabled paper 964).

The Minister for Racing and Gaming on behalf of Minister for Housing and Works tabled documents in relation to the storage of hazardous wastes at the Brookdale Liquid Waste Treatment Facility in response to question on notice No.554 asked by Hon Jim Scott. (Tabled paper 965).

17. Public Transport Authority Bill 2003

Second reading speech resumed on this Bill (cf item 14 above).

Debate stands adjourned.

18. Suspension of Sessional Orders

The Minister for Racing and Gaming moved, without notice -

That so much of Sessional Orders be suspended so far as will enable Messages from the Legislative Assembly to be read in up to and including the second reading speech at today's sitting.

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.

19. Business Tax Review (Assessment) Bill 2003

The President reported the receipt of Message No. 59 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.

Debate stands adjourned.

20. Special Adjournment

The Minister for Racing and Gaming moved, without notice -

That the House at its rising adjourn until Tuesday, May 6 2003 at 3.00pm.

Debate ensued.

Question - put.

The House divided.

Ayes (23)

Hon Murray Criddle
Hon Bruce Donaldson
Hon Kate Doust
Hon Sue Ellery
Hon Paddy Embry
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 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 (5)

Hon Dee Margetts
Hon Jim Scott
Hon Christine Sharp

Hon Giz Watson
Hon Robin Chapple (*Teller*)

Question thus passed.

21. Business Tax Review (Taxing) Bill 2003

The President reported the receipt of Message No. 60 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.

The Minister for Racing and Gaming tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 967).

Debate stands adjourned.

22. Member's Statements

Statements were taken.

23. Acts Amendment and Repeal (Competition Policy) Bill 2002

The President reported the receipt of Message No. 65 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.

Debate stands adjourned and the Bill referred to Standing Committee on Uniform Legislation and General Purposes.

24. Contaminated Sites Bill 2002

The President reported the receipt of Message No. 66 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.

Debate stands adjourned.

25. Adjournment

The House adjourned at 6.25pm until Tuesday, May 6 2003 at 3.00pm.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kim Chance.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council