

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 51

THURSDAY, APRIL 3 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 1 2003 - Message No. 31

Act No.

Adoption Amendment Bill (No. 2) 2002

8 of 2003

3. Papers

The following Papers were laid on the Table by -

President

Auditor General's Papers -

Customer Calling - Call Centres and the Delivery of Customer Benefits

(Report No. 1) (April 2003) 914

Leader of the House

Reports -

Salaries and Allowances Tribunal Report on the Remuneration of Judges of the
Supreme Court, Masters of the Supreme Court, Judges of the District Court
and Stipendiary Magistrates (26 March 2003)

915

Parliamentary Secretary to the Minister for Health

Annual Reports -

Radiological Council Of Western Australia (Year ending 31 December 2002)

(Date received 02/04/2003) 916

4. Joint Standing Committee on the Anti-Corruption Commission - Third Report - Integrity Within the Public Sector

Hon Derrick Tomlinson presented the Third Report of the Joint Standing Committee on the Anti-Corruption Commission in relation to the Integrity Within the Public Sector. (Tabled paper 917).

Hon Derrick Tomlinson moved, That the Report do lie upon the Table and be printed.

Question - put and passed.

5. Carbon Rights Bill 2002, Tree Plantation Agreements Bill 2002 and Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002

The Order of the Day for the further consideration of these Bills, in Committee, having been read, The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002

Clause 9.

Debate resumed.

Hon Christine Sharp moved -

Page 7, lines 13 to 16 - To delete all words after “created” and insert instead -

“ or transferred ”.

Debate ensued.

The Chairman left the Chair at 11.10am

The Chairman resumed the Chair at 11.18am

Hon Christine Sharp, by leave, withdrew the amendment standing in her name.

Hon Christine Sharp moved -

Page 7, lines 13 to 16 - To delete all words after “created” and insert instead -

“ or an agreement under which the *profit à prendre* is transferred ”.

On the question, That the words to be deleted be deleted.

Question - put and passed.

On the question, That the words to be inserted be inserted.

The Committee divided.

Ayes (17)

Hon Alan Cadby
Hon George Cash
Hon Robin Chapple
Hon Murray Criddle
Hon Paddy Embry
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough
Hon Robyn McSweeney

Hon Dee Margetts
Hon Norman Moore
Hon Simon O'Brien
Hon Jim Scott
Hon Christine Sharp
Hon Derrick Tomlinson
Hon Giz Watson
Hon Bruce Donaldson (*Teller*)

Noes (8)

Hon Kim Chance
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard

Hon Nick Griffiths
 Hon Ljiljanna Ravlich
 Hon Ken Travers
 Hon Ed Dermer (*Teller*)

Amendment thus passed.

Hon Christine Sharp moved -

Page 7, lines 19 to 22 - To delete all words after “created” and insert instead -

“ or an agreement under which the plantation interest is transferred ”.

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 10 to 21 agreed to.

Title agreed to.

The Deputy President resumed the Chair.

Carbon Rights Bill 2002 and *Tree Plantation Agreements Bill 2002* reported without amendments.

Acts Amendment (Carbon Rights and Tree Plantation Agreements) Bill 2002 reported with amendments

Leave was granted to proceed forthwith through all remaining stages of the Bills 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 Bills be now read a third time.

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

Question - put and passed.

Bills read a third time and passed.

6. Consumer Credit (Western Australia) Amendment Bill 2002

The President reported the receipt of Message No. 52 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 918).

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

7. Prisons Amendment Bill 2002

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

Debate resumed.

On the motion of the Minister for Racing and Gaming the debate was adjourned to the next sitting.

8. Coroners Amendment Bill 2001

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

Debate resumed.

Interruption pursuant to Sessional Order.

9. Expressing Deep Concern Regarding Education and Training

Pursuant to Sessional Order 7, Hon Alan Cadby moved, without notice -

That this House -

- (1) Expresses deep concern at the apparent inability of the Minister for Education and Training to recognise the critical issues pertaining to education and training.
- (2) Notes the Minister's demonstrable failure to plan and act strategically, particularly in those areas of known systemic weaknesses and failures.
- (3) Regrets that the Minister has adopted a "never admit, never accept, it's someone else's fault" attitude to his critics with the result that his planning and strategic skills have come under serious question.

Debate ensued.

Debate stands adjourned under Sessional Order 7(2).

10. Questions Without Notice

Questions without notice were taken.

The Minister for Racing and Gaming tabled documents in relation to Department of Racing, Gaming and Liquor Intellectual Property Register Computer Programs in response to question on notice No.418 asked by Hon George Cash. (Tabled paper 919).

The Minister for Racing and Gaming on behalf of the Parliamentary Secretary to the Minister for State Development tabled documents in relation to Lotteries Commission Intellectual Property Register in response to question on notice No.419 asked by Hon George Cash. (Tabled paper 922).

The Parliamentary Secretary to the Minister for Health tabled documents in relation to Office of Health Review Intellectual Property Register in response to question on notice No.446 asked by Hon George Cash. (Tabled paper 924).

The Minister for Racing and Gaming tabled documents in relation to Fire and Emergency Services Authority Intellectual Property Asset Register and Intellectual Property Policy in response to question on notice No.435 asked by Hon George Cash. (Tabled paper 920).

Personal Explanation

The Minister for Racing and Gaming, by leave, made a personal explanation in relation to an answer given by the Treasurer to a question without notice asked by Hon Norman Moore.

The Minister for Agriculture, Forestry and Fisheries in accordance with Standing Order No 138(d), provided a response to question on notice Nos 421, 422, 423, 425 and 426 asked by Hon George Cash.

The Leader of the House tabled documents in relation to Fisheries Western Australia Registers of Public Property - Intellectual Property Register in response to question on notice No.413 asked by Hon George Cash. (Tabled paper 921).

The Parliamentary Secretary to the Minister for State Development tabled documents in relation to Ningaloo Reef Presentation Document in response to question on notice No.475 asked by Hon Norman Moore. (Tabled paper 923).

The Parliamentary Secretary to the Minister for State Development in accordance with Standing Order No 138(d), provided a response to question on notice Nos 440, 441 and 442 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), provided a response to question on notice No 438 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for Planning and Infrastructure tabled documents in relation to Report of an Assessment of Risk for Various Railway Route Options through the Perth CBD (December 2001 to May 2002) in response to question on notice No.405 asked by Hon Peter Foss. (Tabled paper 925).

11. Coroners Amendment Bill 2001

Debate resumed on the second reading of this Bill pursuant to Sessional Order (cf item 8 above).
Question - put and passed.

Bill read a second time.

Ordered - That consideration of the Bill, in Committee, be made an Order of the Day for the next sitting.

12. First Home Owner Grant Amendment Bill 2002

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 56

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

Hon Tony McRae

Acting Speaker

Legislative Assembly Chamber

Perth, 3 April 2003

13. Offshore Minerals Bill 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 57

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Offshore Minerals Bill 2001*.

Dianne Guise

Deputy Speaker

Legislative Assembly Chamber

Perth, 3 April 2003

14. Order of Business

The Leader of the House moved, without notice -

That Members' Statements be taken until 6.10pm.

Debate ensued.

Question - put and passed.

15. Members' Statements

Members' Statements were taken.

16. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 6.05pm until Friday, April 4 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Jon Ford, Hon Barbara Scott and Hon Bill Stretch.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council