

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 81

WEDNESDAY, SEPTEMBER 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. Petition

Hon Adele Farina presented a petition from 28 residents of Western Australia requesting that the Legislative Council inquire into the pedestrian crossing on the Mandurah Bypass Road, Coodanup. (Tabled paper 1405).

3. Papers

The following Papers were laid on the Table by -

The Leader of the House on behalf of the Minister for Housing and Works

Annual Reports -

WorkCover Western Australia (2002-2003) (Date received 09/09/2003) 1403

Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports -

Technology and Industry Advisory Council (2002-2003) (Date received 09/09/2003) 1404

4. Submission No. 10 of 2003 - Proposal of Amendment of Class "A" Reserve 1736 - Disallowance

Hon Dee Margetts: To move on the next day of sitting -

That Submission No. 10 of 2003 - Proposal for Amendment of Class "A" Reserve 1736 tabled in the Legislative Council on September 9 2003 under section 42(4)(c) of the *Land Administration Act 1997*, be and is hereby disallowed.

5. Ministerial Statement - Marketing of Potatoes Act 1946

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to National Competition Policy review of the *Marketing of Potatoes Act 1946*.

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

6. Leave of Absence - Hon George Cash

Hon Bruce Donaldson moved, without notice -

That leave be granted to Hon George Cash for seven sitting days due to ill health.

Question - put and passed.

7. Leave of Absence - Hon John Fischer

Hon Frank Hough moved, without notice -

That leave be granted to Hon John Fischer for four sitting days due to urgent parliamentary business.

Question - put and passed.

8. Cannabis Control Bill 2003

The Order of the Day for the further consideration of this Bill, in Committee, having been read.

The President left the Chair.

In Committee

(Hon Adele Farina in the Chair)

Clause 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clauses 24 to 26 agreed to.

Clause 27.

Hon Christine Sharp moved -

Page 13, after line 5 - To insert -

“

(1) Section 5(1)(b) is amended by inserting after “prohibited drug or prohibited plant” —

“ other than cannabis ”.

”.

Debate ensued.

Amendment - put and negatived.

Question - That the Clause stand as printed - put and passed.

Clause 28.

Debate ensued.

Hon Christine Sharp moved -

Page 13, lines 15 and 16 - To delete “, or reasonably ought to know,”.

Debate ensued.

Amendment - put and passed.

Hon Simon O'Brien on behalf of Hon Peter Foss moved -

Page 13, after line 28 - To insert -

“

- (4) Where the Police Service comes into possession of any thing that may be used to cultivate a prohibited plant contrary to section 7(1)(a) or (2) by any means it shall not sell or dispose of that thing and shall, as soon as it is no longer required for the purpose of any judicial proceedings, cause it to be destroyed.

”

Debate ensued.

Amendment - put and negatived.

Clause, as amended, agreed to.

Clauses 29 to 31 agreed to.

Postponed Clauses 3 and 4 agreed to.

New Clause 9.

The Parliamentary Secretary representing the Minister for Health moved -

Page 5, after line 24 - To insert the following new Clause -

“

9. Option to pay a modified penalty not available in certain circumstances

- (1) This section applies to a CIN issued for an alleged offence (the “**new offence**”) if, within 3 years before the new offence was allegedly committed, the alleged offender has been given a CIN for each of 2 or more offences, at least 2 of which are alleged to have been committed on separate days previous to the day on which the new offence is alleged to have been committed.
- (2) For the purposes of subsection (1), a CIN is taken to have not been given in relation to an alleged offence if the CIN has been withdrawn.
- (3) A CIN to which this section applies is to —
- (a) advise that if the alleged offender does not wish to have a complaint of the alleged offence heard and determined by a court, the alleged offender may, within a period of 28 days after the giving of the CIN, complete a CES; and
- (b) inform the alleged offender as to how the alleged offender may arrange to complete a CES.
- (4) Despite section 19, Part 3 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* does not apply to a CIN to which this section applies.

”

Debate ensued.

Interruption pursuant to Sessional Order 5(5)

The Deputy President resumed the Chair.

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

Ordered - That the Committee have leave to sit again.

9. Order of Business

Ordered - That Motion No. 15 be taken before Motion No. 21. (Leader of the House).

10. Standing Committee on Environment and Public Affairs - Order of Reference

Hon Robin Chapple pursuant to notice, moved -

That in relation to the use of 245T and related toxins (the “chemicals”) by the Agriculture Protection Board (the “APB”), the Standing Committee on Environment and Public Affairs inquire into and report to the House on the following -

- (a) the sources of supply, and the terms and conditions under which the chemicals were supplied to or acquired by the APB;
- (b) the purpose and extent of the use of the chemicals by the APB;
- (c) the form and content of the regulatory regime, and the physical conditions, under which the chemicals were supplied, stored, transported, handled, and disposed of by the APB;
- (d) the extent to which, and the means by which, the APB knew, or could reasonably be expected to know, of the dangers to human health associated with exposure to, or the use of the chemicals, and the degree of diligence exercised by the APB so as to ensure the currency of its knowledge;
- (e) the measures taken by the APB from time to time to protect its employees or contractors from unnecessary or potentially harmful exposure to the chemicals, and the criteria adopted by the APB in developing appropriate safety standards;
- (f) the response of the APB to health-related complaints from former employees or contractors allegedly caused by their exposure to or use of the chemicals; and
- (g) any other matter relevant to the matters contained in the preceding paragraphs.

Debate ensued.

Hon Jim Scott moved -

To insert, after the words “(the “chemicals”)” the following -

“ 1970 to 1985 “.

To delete all words after “on the following” and substitute the following -

“

- (a) the sources of supply, the terms and conditions under which the chemicals were supplied to or acquired by the APB and the destinations of the chemicals;
- (b) the purchasing arrangements and sources of chemicals supplied to the APB and if material sourced from overseas was supplied to and/or included in material provided by chemical companies to the APB; and
- (c) what accounting systems were used by the APB to track the quantities and location of chemicals and how those systems might be improved to ensure accurate information is readily available and so that better information is available for protecting worker and community health.

”;

Debate ensued.

On the motion of Hon Alan Cadby the debate was adjourned to the next sitting.

11. Order of Business

Ordered - That Order of the Day No. 22 be taken forthwith. (Leader of the House).

12. Management of the Fremantle Cemetery to the Metropolitan Cemeteries Board

Hon Simon O'Brien pursuant to notice, moved -

- (1) That the Standing Committee on Public Administration and Finance be directed to inquire into and report on the transfer from July 1 2003 of management of the Fremantle Cemetery to the Metropolitan Cemeteries Board, with particular reference to -
 - (a) the history of the Fremantle Cemetery Board;
 - (b) the respective financial positions of each authority at the time of the decision to transfer management of the Fremantle Cemetery;
 - (c) the processes of consultation and decision-making that gave rise to the decision;
 - (d) testing the claims of improved efficiency and elimination of duplication asserted by the Minister for the Local Government in support of the decision to transfer management of the Fremantle Cemetery to the Metropolitan Cemeteries Board, against counter-claims of reduced competition and increased costs; and
 - (e) the impacts upon the community served by the Fremantle Cemetery if the transfer of management proceeds.
- (2) That the Committee do report not later than August 31 2003.

Debate ensued.

Interruption pursuant to Sessional Order.

13. Questions Without Notice

Questions without notice were taken.

The Minister for Housing and Works tabled documents being the outcome of each apprehension under the Northbridge curfew policy in response to question on notice No. 1064 asked by Hon Peter Foss. (Tabled paper 1406).

The Minister for Local Government and Regional Development tabled a letter received by the Minister for the Environment from Cable Sands in response to a question without notice asked by Hon Christine Sharp. (Tabled paper 1407).

The Minister for Local Government and Regional Development in accordance with Standing Order No 138(d), advised that the answer to question on notice No 971 asked by Hon Robin Chapple will be provided in the near future.

14. Member's Statements

Statements were taken.

15. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 6.08pm until Thursday, September 11 2003 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Murray Criddle, Hon Jon Ford, Hon Peter Foss, Hon Norman Moore and Hon Ljiljana Ravlich.

Members granted leave: Hon George Cash and Hon John Fischer.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council