

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 75

WEDNESDAY, APRIL 10 2002

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### 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. Petition

Hon Giz Watson presented a petition from 7 515 residents of Western Australia requesting that the lower part of the Heathcote site be reserved for public use and access in perpetuity. (Table paper 1353).

### 3. Papers

The following Papers were laid on the Table by -

#### **Leader of the House**

##### *Regulations -*

Public Sector Management Act 1994 (Public Sector Management (General) Amendment Regulations 2002 G.G. 5/04/02).....	1342
Salaries and Allowances Act 1975 (Salaries and Allowances Amendment Regulations (No. 2) 2002 G.G. 28/03/02).....	1343

#### **Minister for Local Government and Regional Development**

##### *Local Laws -*

Local Government Act 1995 (Shire of Cunderdin - Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law G.G. 26/03/02, Shire of Cunderdin - Local Law (Standing Orders) 2001 G.G. 26/03/02, Shire of Cunderdin - Local Government Property Local Law G.G. 26/03/02, City of Armadale Local Government Property Local Law G.G. 3/04/02, Shire of Kalamunda, Local Laws Relating to Dogs G.G. 5/04/02, City of Fremantle - Local Law Relating to the Repeal of Defunct and Obsolete Local Laws made under the Local Government Act 1960 and Earlier Legislation G.G. 5/04/02 & Shire of Derby-West Kimberley - Extractive Industries (Amendment) Local Law G.G. 5/04/02).....	1344
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##### *Regulations -*

Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations 2002 G.G. 5/04/02) .....	1345
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**Minister for Racing and Gaming***Budget Papers and Related Papers -*

Consolidated Financial Statements 2000-2001 ..... 1346

*Regulations -*

Employers' Indemnity Supplementation Fund Act 1980 (Employers' Indemnity  
Supplementation Fund Amendment Regulations 2002 G.G. 5/04/02) ..... 1347

Fair Trading Act 1987 (Fair Trading (Retirement Villages Interim Code) Regulations 2002 G.G.  
26/03/02 & Fair Trading (Product Safety Standard) Amendment Regulations 2002 G.G.  
26/03/02) ..... 1348

State Enterprises (Commonwealth Tax Equivalents) Act 1996 (State Enterprises  
(Commonwealth Tax Equivalents) (Application) Amendment Regulations 2002 G.G. 28/03/02).. 1349

*Rules -*

Lotteries Commission Act 1990 (Lotteries Commission (Oz Lotto) Amendment Rules 2002 G.G.  
28/03/02, Lotteries Commission (Powerball Lotto) Amendment Rules 2002 G.G. 28/03/02,  
Lotteries Commission (Saturday Lotto) Amendment Rules 2002 G.G. 28/03/02 & Lotteries  
Commission (Super 66) Amendment Rules 2002 G.G. 28/03/02) ..... 1350

**Parliamentary Secretary to the Minister for Health***Local Laws -*

Health Act 1911 (City of Kalgoorlie-Boulder Health Amendment Local Laws 2001 G.G. 26/03/02)..... 1351

*Regulations -*

Radiation Safety Act 1975 (Radiation Safety (Transport of Radioactive Substances) Regulations  
2002 G.G. 26/03/02 & Radiation Safety (General) Amendment Regulations 2002 G.G.  
26/03/02) ..... 1352

**4. Standing Committee on Legislation - Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001 - Extension of Reporting Time**

Hon Jon Ford presented a Report of the Standing Committee on Legislation in relation to the *Criminal Investigation (Exceptional Powers) and Fortification Removal Bill 2001* seeking an extension of time from April 18 2002 to May 9 2002. (Table paper 1354).

Hon Jon Ford moved, That the Report do lie upon the Table and be adopted and agreed to.

Question - put and passed.

**5. Funding, Management and Provision of Primary Health Services by Aboriginal Health Services - Appointment of Select Committee**

Motion No. 26 having been called.

Debate resumed on the motion of Hon Derrick Tomlinson as follows -

That a Select Committee of three Members be appointed to enquire into and report on -

(1) The funding, management and provision of primary health services by the following Aboriginal Health Services in Western Australia -

- Bega Garnbirringu Health Service;
- Carnarvon Aboriginal Medical Service;
- Derbarl Yerrigan Health Service;
- East Kimberley Aboriginal Medical Service;
- Geraldton Regional Aboriginal Medical Service;
- Kimberley Aboriginal Medical Service Council;

- Mawarnkarra Health Service;
  - Ngaanyatjarra Health Service;
  - Ngangganawili Aboriginal Health Service;
  - Nindilingarri Aboriginal Health Service;
  - Puntunkurnu Aboriginal Medical Service;
  - South West Aboriginal Medical Service; and
  - Wirraka Maya Aboriginal Health Service.
- (2) In particular, the Committee is to enquire into and report upon -
- (a) the organisational and contractual relationships between the Aboriginal Health Services and the Department of Health;
  - (b) the adequacy of core funding provided from Commonwealth and State sources for primary health services currently being delivered and required to meet future community needs;
  - (c) the effectiveness of the primary health services currently being delivered;
  - (d) whether there is duplication, overlap or unmet need in the delivery of primary health services;
  - (e) future directions for the delivery of primary health services to Aboriginal communities; and
  - (f) any further matters relating to Aboriginal Health Services arising from the inquiry.
- (3) The Committee have power to send for persons, papers and records and to travel from place to place.
- (4) The Committee report to the House not later than September 26 2002 and if the House do then stand adjourned, the Committee to deliver its report to the President who shall cause the same to be printed by authority of this Order.

Debate ensued.

## **6. Questions Without Notice**

Questions without notice were asked by Hon Norman Moore, Hon Peter Foss, Hon Barry House, Hon Robin Chapple, Hon Murray Criddle, Hon John Fischer, Hon George Cash, Hon Dee Margetts, Hon Barbara Scott, Hon Giz Watson, Hon Derrick Tomlinson and Hon Adele Farina.

The Minister for Government Enterprises tabled documents in relation to water supply levels in response to a question without notice asked by Hon Norman Moore. (Tabled paper 1355).

The Minister for Housing and Works tabled documents in relation to heritage listed properties and insurance cover in response to a question without notice asked by Hon John Fischer. (Tabled paper 1356).

The Minister for Housing and Works, pursuant to SO 47, tabled a letter in relation to the Shire of Busselton and Mr Ross Bromell in response to a question without notice asked by Hon Barry House. (Tabled paper 1357).

The Minister for Housing and Works tabled documents in relation to Tiwest dry minerals sands plant in response to question on notice No. 477 asked by Hon Jim Scott. (Tabled paper 1358).

The Minister for Housing and Works tabled documents in relation to the total cost to HomesWest for the period ending December 2001 for new living projects in response to question on notice No. 500 asked by Hon Ray Halligan. (Tabled paper 1359).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to the Port Catherine Project Agreement No. 2 and the Port Catherine Development Plan in response to question on notice No. 466 asked by Hon Jim Scott. (Tabled paper 1360).

**7. Funding, Management and Provision of Primary Health Services by Aboriginal Health Services - Appointment of Select Committee**

Debate resumed on the motion of Hon Derrick Tomlinson (cf item 5 above).

*Interruption of Debate* [SO 195].

**8. City of Stirling General Local Laws - Part V - Disallowance and Electricity (Supply Standards and System Safety) Regulations 2001 - Disallowance - Discharge from Notice Paper**

Hon Ray Halligan, moved, without notice -

That Order of the Day No. 164, *City of Stirling General Local Laws - Part V - Disallowance* and Order of the Day No. 166, *Electricity (Supply Standards and System Safety) Regulations 2001 - Disallowance*, be discharged from the Notice Paper.

Question - put and passed.

**9. Criminal Investigation (Identifying People) Bill 2001**

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 George Cash in the Chair)

Clauses 18 to 21 agreed to.

Clause 22.

Debate ensued.

Hon Derrick Tomlinson moved -

That further consideration of Clause 22 be postponed until a later stage.

Question - put.

The Committee divided.

**Ayes (18)**

Hon Alan Cadby  
Hon George Cash  
Hon Robin Chapple  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

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

**Noes (9)**

Hon Kim Chance  
Hon Sue Ellery  
Hon Adele Farina  
Hon Nick Griffiths  
Hon Louise Pratt

Hon Ljiljanna Ravlich  
Hon Tom Stephens  
Hon Ken Travers  
Hon Kate Doust (*Teller*)

Question thus passed.

Clause postponed.

Clause 23.

The Minister for Racing and Gaming moved -

Page 24, line 11 - To insert before "including" -

" but not ".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 24 to 32 agreed to.

Clause 33.

The Minister for Racing and Gaming moved -

Page 33, after line 24 - To insert -

"

(6) An IP warrant (involved protected person) must be in the prescribed form.

".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 34.

The Minister for Racing and Gaming moved -

Page 35, line 18 - To delete "for the offence".

Amendment - put and passed.

On the question, That the Clause, as amended, be agreed to.

Debate ensued.

Question - put and passed.

Clause, as amended, agreed to.

Clauses 35 to 38 agreed to.

Clause 39.

Debate ensued.

Clause agreed to.

Clauses 40 to 44 agreed to.

Clause 45.

The Minister for Racing and Gaming moved -

Page 43, line 8 - To delete "serious".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 46.

The Minister for Racing and Gaming moved -

Page 44, line 19 - To insert after "will" -

" or against the responsible person's will, as the case requires ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 47 to 66 agreed to.

Clause 67.

The Minister for Racing and Gaming moved -

Page 58, line 27 - To delete “particulars” and insert instead -

“ information of a charged suspect (within the meaning of Part 7) ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 68 agreed to.

Clause 69.

Debate ensued.

Hon Derrick Tomlinson moved -

Page 60, line 2 - To insert after the second occurrence of the word “of” -

“ identifying particulars and ”.

Debate ensued.

Amendment - put and passed.

On the question, That the Clause, as amended, be agreed to.

Debate ensued.

Hon Derrick Tomlinson, by leave, moved -

Page 60, lines 5, 8 and 11 - To insert before “identifying information” -

“ identifying particulars and ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 70 to 72 agreed to.

Clause 73.

The Minister for Racing and Gaming moved -

Page 63, line 2 - To insert after “information” -

“ obtained under this Act ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 74 to 79 agreed to.

Clause 80.

Debate ensued.

Hon Derrick Tomlinson moved -

Page 70, line 16 - To delete “may” and insert -

“ shall ”.

Debate ensued.

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

Amendment - put.

The Committee divided.

**Ayes (18)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Robin Chapple  
 Hon Murray Criddle  
 Hon Paddy Embry  
 Hon John Fischer  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

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

**Noes (9)**

Hon Kim Chance  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Nick Griffiths  
 Hon Louise Pratt

Hon Ljiljanna Ravlich  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Kate Doust (*Teller*)

Amendment thus passed.

Question - That the word to be inserted be inserted - put and passed.

Clause, as amended, agreed to.

Clauses 81 to 87 agreed to.

Clause 88.

The Minister for Racing and Gaming moved -

Page 77, line 1 - To insert before "any" -

" prescribe ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 89 to 92 agreed to.

Clause 93.

Hon Derrick Tomlinson moved -

Page 79, lines 18 to 22 - To delete subclause (2).

Debate ensued.

Amendment - put.

The Committee divided.

**Ayes (18)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Robin Chapple  
 Hon Murray Criddle  
 Hon Paddy Embry  
 Hon John Fischer  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Dee Margetts  
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 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Kate Doust (*Teller*)

Amendment thus passed.

Clause, as amended, agreed to.

Clauses 94 to 96 agreed to.

Postponed Clause 22.

Hon Derrick Tomlinson moved -

Page 23, line 3 - To delete "may" and insert -  
 " shall ".

Page 23, line 4 - To delete "Part I, III or IIIA of".

Amendments - put.

The Committee divided.

**Ayes (18)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Robin Chapple  
 Hon Murray Criddle  
 Hon Paddy Embry  
 Hon John Fischer  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Dee Margetts  
 Hon N F Moore  
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 Hon Nick Griffiths  
 Hon Louise Pratt

Hon Ljiljanna Ravlich  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Kate Doust (*Teller*)

Amendments thus passed.

Clause, as amended, agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

The President resumed the Chair.

Bill reported with amendments.

Hon Derrick Tomlinson moved -

That the Bill be recommitted for the purpose of reconsidering Clauses 70, 71 and 72.

Question - put and passed.



The President left the Chair.

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**In Committee**

(Hon George Cash in the Chair)

Clause 70.

Hon Derrick Tomlinson moved -

Page 60, lines 16, 20, 21, 22, 23, 24 and 26 - To insert before "identifying information" -  
" identifying particulars and ".

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 71 agreed to.

Clause 72.

Hon Derrick Tomlinson moved -

Page 61, lines 13 and 21 - To insert before "identifying information" -  
" identifying particulars and ".

Amendment - put and passed.

Clause, as amended, agreed to.

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The President resumed the Chair.

Bill reported with further 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 President having reported that the 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.

**10. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.21pm until Thursday, April 11 2002 at 11.00am.

**Members present during the day's proceedings**

Attendance: Present all Members except Hon Graham Giffard and Hon Robyn McSweeney.

**L B MARQUET**  
Clerk of the Legislative Council

**HON JOHN COWDELL**  
President of the Legislative Council