WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

# MINUTES OF PROCEEDINGS

## No. 145

## THURSDAY, JULY 1 2004

### 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 Lieutenant Governor and Administrator - Assent to Bills

The President reported the receipt of a Message from Lieutenant Governor and Administrator assenting to the following Bills -

| **June 29 2004 - Message No. 29** | **Act No.** |
|---|---|
| Revenue Laws Amendment Bill 2004 | 11 of 2004 |
| Revenue Laws Amendment and Repeal Bill 2004 | 12 of 2004 |

### 3. Papers

The following Papers were laid on the Table by -

**President**

*Auditor General's Papers* -

Administration of Superannuation (Report No. 3) (June 2004) ..... 2341

Second Public Sector Performance Report 2004 (Report No. 4) (June 2004) ..... 2342

Developing the State: The Management of State Agreement Acts (Report No. 5) (June 2004) ..... 2343

**Parliamentary Secretary to the Minister for Planning and Infrastructure**

*Proposals* -

Land Administration Act 1997 - Submission No. 1/2004 - Amendment to Class 'A' Reserve 18527 ..... 2344

Land Administration Act 1997 - Submission No. 2/2004 - Amendment to Class 'A' Reserve 22624 ..... 2345

Land Administration Act 1997 - Submission No. 4/2004 - Amendment to Class 'A' Reserve 10459 ..... 2346

Hon Dee Margetts moved, without notice -

That Tabled Paper 2343 be made an Order of the Day for next sitting day.

Question - put and passed.

**4. Standing Committee on Uniform Legislation and General Purposes - Tabling of Letter from Minister for Police and Emergency Services - Australian Crime Commission (Western Australia) Bill 2003**

Hon Adele Farina tabled a letter from Hon Michelle Roberts, Minister for Police and Emergency Services in relation to *Australian Crime Commission (Western Australia) Bill 2003*. (Tabled paper 2347).

**5. Ministerial Statement - Marketing of Potatoes Act 1946**

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

The Minister for Agriculture, Forestry and Fisheries tabled the review of *Marketing of Potatoes Act 1946* and *Marketing of Potatoes Regulations 1987* (June 2004). (Tabled paper 2348).

Ordered - That the Ministerial Statement and Tabled paper 2348 be made an Order of the Day for next sitting.

**6. Suspension of Sessional and Standing Orders**

The Parliamentary Secretary to the Minister for Health moved, without notice -

That Standing and Sessional Orders be suspended so far as will enable the -

- *Human Reproductive Technology Amendment Bill 2003*; and the
- *Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003*,

to pass their remaining stages at this day's sitting.

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

There being a dissentient voice the President ordered the House to divide.

**Ayes (22)**

| | |
|---|---|
| Hon Alan Cadby | Hon Dee Margetts |
| Hon George Cash | Hon Norman Moore |
| Hon Robin Chapple | Hon Simon O'Brien |
| Hon Sue Ellery | Hon Louise Pratt |
| Hon Adele Farina | Hon Ljiljanna Ravlich |
| Hon John Fischer | Hon Jim Scott |
| Hon Jon Ford | Hon Bill Stretch |
| Hon Ray Halligan | Hon Derrick Tomlinson |
| Hon Frank Hough | Hon Ken Travers |
| Hon Barry House | Hon Giz Watson |
| Hon Robyn McSweeney | Hon Bruce Donaldson *(Teller)* |

**Noes (6)**

| | |
|---|---|
| Hon Kate Doust | Hon Barbara Scott |
| Hon Paddy Embry | Hon Tom Stephens |
| Hon Peter Foss | Hon Ed Dermer *(Teller)* |

The concurrence of an absolute majority of the whole number of Members being met Standing Orders and Sessional Orders suspended.

## 7. Construction Contracts Bill 2004

The following Message from the Legislative Assembly was reported -

Mr President Message No. 205

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Construction Contracts Bill 2004*.

Hon F. Riebeling
Speaker

Legislative Assembly Chamber
Perth, June 30 2004

## 8. Human Reproductive Technology Amendment Bill 2003

The Order of the Day for the consideration of the Committee's report upon this Bill having been read.

The Parliamentary Secretary to the Minister for Health moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary to the Minister for Health 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.

The House divided.

**Ayes (20)**

| | |
|---|---|
| Hon Alan Cadby | Hon Dee Margetts |
| Hon George Cash | Hon Norman Moore |
| Hon Robin Chapple | Hon Louise Pratt |
| Hon Sue Ellery | Hon Ljiljanna Ravlich |
| Hon Adele Farina | Hon Jim Scott |
| Hon John Fischer | Hon Bill Stretch |
| Hon Ray Halligan | Hon Derrick Tomlinson |
| Hon Frank Hough | Hon Ken Travers |
| Hon Barry House | Hon Giz Watson |
| Hon Robyn McSweeney | Hon Bruce Donaldson *(Teller)* |

**Noes (8)**

| | |
|---|---|
| Hon Kate Doust | Hon Simon O'Brien |
| Hon Paddy Embry | Hon Barbara Scott |
| Hon Jon Ford | Hon Tom Stephens |
| Hon Peter Foss | Hon Ed Dermer *(Teller)* |

Question thus passed.

Bill read a third time.

## 9. Human Reproductive Technology Amendment (Prohibition of Human Cloning) Bill 2003

The Order of the Day for the consideration of the Committee's report upon this Bill having been read.

The Parliamentary Secretary to the Minister for Health moved, That the report be adopted.

Question - put and passed.

The Parliamentary Secretary to the Minister for Health 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. Local Government Amendment Bill 2003

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 Jon Ford in the Chair)

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clause 5.

Debate ensued.

Clause agreed to.

Clause 6.

Debate ensued.

Clause agreed to.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Clause agreed to.

Clause 9.

Debate ensued.

Clause agreed to.

Clause 10.

Debate ensued.

Clause agreed to.

Clauses 11 to 14 agreed to.

Clause 15.

Debate ensued.

The Minister for Local Government and Regional Development moved -

Page 10, line 6 - To delete "endeavour" and insert instead -

" use its best endeavours ".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 16.

Debate ensued.

Question - put and negatived.

Clause 17.

The Minister for Local Government and Regional Development moved -

Page 11, line 10 - To delete the line.

Amendment - put and passed.

The Minister for Local Government and Regional Development moved -

Page 11, line 20, in the Table - To delete "s. 2.11(2)".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clause 18.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (13)**

| | |
|---|---|
| Hon Robin Chapple | Hon Ljiljanna Ravlich |
| Hon Kate Doust | Hon Jim Scott |
| Hon Sue Ellery | Hon Tom Stephens |
| Hon Adele Farina | Hon Ken Travers |
| Hon Jon Ford | Hon Giz Watson |
| Hon Dee Margetts | Hon Ed Dermer *(Teller)* |
| Hon Louise Pratt | |

**Noes (12)**

| | |
|---|---|
| Hon George Cash | Hon Norman Moore |
| Hon Paddy Embry | Hon Simon O'Brien |
| Hon Peter Foss | Hon Barbara Scott |
| Hon Ray Halligan | Hon Bill Stretch |
| Hon Frank Hough | Hon Derrick Tomlinson |
| Hon Barry House | Hon Bruce Donaldson *(Teller)* |

Question thus passed.

Clause agreed to.

Clause 19 agreed to.

Clause 20.

Debate ensued.

The Minister for Local Government and Regional Development moved -

Page 15, lines 5 to 16 - To delete the lines.

*Interruption pursuant to Sessional Orders*.

## 11. Minister for Local Government and Regional Development and the Ministerial Code of Conduct

Hon Norman Moore moved, without notice -

That this House lacks confidence in the Minister for Local Government and Regional Development to carry out his Ministerial duties in accordance with the highest standards of probity, accountability, honesty, integrity and diligence as set out in the Premier's Ministerial Code of Conduct and in particular refers to -

(1) his recent outrageous slur on the Councillors and Staff of the Town of Port Hedland during a radio interview; and

(2) his cavalier attitude in the exercise of his Ministerial duties and responsibilities in the Parliament.

Debate ensued.

*Interruption pursuant to Sessional Orders*.

## 12. Questions Without Notice

Questions without notice were taken.

The Leader of the House on behalf of the Minister for Housing and Works tabled, and by leave incorporated into *Hansard*, documents in relation to the *Equal Opportunity Act 1984* in response to a question without notice asked by Hon George Cash. (Tabled paper 2349).

The Minister for Agriculture, Forestry and Fisheries tabled, and by leave incorporated into *Hansard*, documents in relation to the centralisation/amalgamation of agricultural research and study facilities in Western Australia in response to a question without notice asked by Hon Bill Stretch. (Tabled paper 2350).

The Parliamentary Secretary representing the Minister for Health tabled documents in relation to child abuse in Aboriginal communities in response to a question without notice asked by Hon Robyn McSweeney. (Tabled paper 2351).

The Leader of the House tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (December 2002) in response to question on notice No. 2045 asked by Hon Norman Moore. (Tabled paper 2352).

The Leader of the House tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (April 2002) in response to question on notice No. 2046 asked by Hon Norman Moore. (Tabled paper 2353).

The Leader of the House tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (April 2002) in response to question on notice No. 2049 asked by member for Moore. (Tabled paper 2354).

The Minister for Agriculture, Forestry and Fisheries tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (August 2002) in response to question on notice No. 2355 asked by Hon Norman Moore. (Tabled paper 2355).

The Minister for Agriculture, Forestry and Fisheries tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (August 2002) in response to question on notice No. 2052 asked by Hon Norman Moore. (Tabled paper 2356).

The Minister for Agriculture, Forestry and Fisheries tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (October 2002) in response to question on notice No. 2053 asked by Hon Norman Moore. (Tabled paper 2357).

The Leader of the House on behalf of the Minister for Housing and Works in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 2028 asked by Hon Ray Halligan should be provided by Friday, July 2 2004.

The Leader of the House on behalf of the Minister for Housing and Works tabled documents in relation to details of transactions made using taxpayer funded Corporate Credit Card (April 2002) in response to question on notice No. 2056 asked by Hon Norman Moore. (Tabled paper 2358).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that an answer to question on notice No. 2030 asked by Hon Alan Cadby should be provided by Friday, July 2 2004.

The Minister for Local Government and Regional Development tabled documents in relation to the Kalgoorlie Consolidated Gold Mines (KCGM) Fimiston open pit operations blast monitoring report (July 2001 to March 2004) in response to question on notice No. 2023 asked by Hon Robin Chapple. (Tabled paper 2359).

## 13. Local Government Amendment Bill 2003

The President left the Chair (cf item 10 above).

**In Committee**

(Hon George Cash in the Chair)

Clause 20.

Debate resumed on the amendment by the Minister for Local Government and Regional Development as follows -

Page 15, lines 5 to 16 - To delete the lines.

Amendment - put and passed.

The Minister for Local Government and Regional Development moved -

Page 15, lines 22 to 24 - To delete all words after “by” and insert instead -

“

inserting before “is disqualified” —

“ , or throughout all ordinary meetings of the council for a period of 2 months, ”.

”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 21 to 27 agreed to.

Clause 28.

Hon Robin Chapple moved -

Page 20, line 16 to page 21, line 11 - To delete the lines and insert instead -

"

**28. Section 3.58 amended**

Section 3.58(3)(a) is amended by deleting "Statewide" and inserting instead —

" local ".

".

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 29 to 33 agreed to.

Clause 34.

Debate ensued.

*Interruption of Debate* [SO 61(c)].

---

The Acting President resumed the Chair.

The Chairman of Committees 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.

## 14. Member's Statements

Statements were taken.

## 15. Adjournment

Pursuant to Sessional Order 2(2) the House adjourned at 6.08pm until Friday, July 2 2004 at 10.00am.

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

Attendance: Present all Members except Hon Graham Giffard and Hon Nick Griffiths.

| | |
|---|---|
| **L B MARQUET** | **HON JOHN COWDELL** |
| Clerk of the Legislative Council | President of the Legislative Council |