

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

---

---

## MINUTES OF PROCEEDINGS

No. 4

TUESDAY, MAY 22 2001

---

---

**1. Meeting of Council**

The Council assembled at 11.00am pursuant to order.

**2. The Deputy of the Governor**

The Deputy of the Governor, the Honourable Mr Justice G A Kennedy AO, appointed to administer the Oath or Affirmation to Members of the Legislative Council, was escorted to the Chamber by the Usher of the Black Rod and taken to the President's Chair.

**3. Return of Writ**

The Clerk produced and Tabled the Writ returned following the General Election of February 10 2001, showing those elected to represent the Regions named. (Table paper 199).

*North Metropolitan Region*

Samuel George Ernest CASH  
Edmund Rupert Joseph DERMER  
Raymond James HALLIGAN  
Kenneth Dunstan Elder TRAVERS  
Alan Alfred CADBY  
Giz WATSON  
Graham Thomas GIFFARD

*South West Region*

Barry John HOUSE  
John Alexander COWDELL  
Patrick EMBRY  
William Noel STRETCH  
Adele FARINA  
Robyn Mary McSWEENEY  
Christine SHARP

*South Metropolitan Region*

Suzanne Mary ELLERY  
Barbara Mary SCOTT  
Catherine Esther DOUST  
Simon McDonnell O'BRIEN  
James Alan SCOTT

*East Metropolitan Region*

Nicholas David GRIFFITHS  
 Peter Gilbert Da Conceicao FOSS  
 Ljiljanna Maria RAVLICH  
 Louise Clare PRATT  
 Derrick Gordon TOMLINSON

*Agricultural Region*

Bruce Kirwan DONALDSON  
 Francis Carson HOUGH  
 Kimberley Maurice CHANCE  
 Murray John CRIDDLE  
 Diane Elizabeth MARGETTS

*Mining and Pastoral Region*

Thomas Gregory STEPHENS  
 Norman Frederick MOORE  
 Jonathan Robert FORD  
 John FISCHER  
 Robin Howard CHAPPLE

**4. Administration of Oath or Affirmation**

All the Members took and subscribed the Oath or Affirmation of Allegiance before the Deputy of the Governor.

The Deputy of the Governor then retired.

**5. Election of President**

The Clerk announced that in accordance with the provisions of the *Constitution Acts Amendment Act 1899* and Standing Order No. 19 the Office of the President was vacant; whereupon Hon John Cowdell, addressing the Clerk, moved, That Hon George Cash do take the Chair in the Council as President.

Hon Ken Travers seconded the motion.

Hon George Cash declined the nomination.

The Leader of the House, Hon Kim Chance, addressing the Clerk, moved, That Hon John Cowdell do take the Chair in the Council as President.

Hon Norman Moore seconded the motion.

No other Member being proposed, Hon John Cowdell was conducted to the Chair by his proposer and seconder and having made acknowledgment, received the congratulations of the Council.

**6. The Deputy of the Governor**

The Deputy of the Governor, the Honourable Mr Justice G A Kennedy AO was announced by the Usher of the Black Rod and escorted to the President's Dais.

The President presented himself to the Deputy of the Governor; and His Honour had been pleased to express satisfaction of the choice of the Legislative Council in the following terms -

GOVERNMENT HOUSE  
 PERTH

22 May 2001

The Hon John Cowdell, MLC  
 President of the Legislative Council  
 Parliament House  
 PERTH WA 6000

Dear Mr President

It is with much pleasure that I learn you have been elected by the Members of the Legislative Council to the high and honourable office of President of the House.

I congratulate you upon your election and have every confidence you will fill the office in a worthy and dignified manner. I recognise and I shall respect the Legislative Council's undoubted rights and privileges.

Yours sincerely

G A Kennedy

**DEPUTY OF THE GOVERNOR**

**7. President's Commission to Administer Oath or Affirmation**

The President received a Commission from the Deputy of the Governor, the Honourable Mr Justice G A Kennedy AO, and was read by the Clerk of the Parliaments -

**Commission**

authorizing

**THE HONOURABLE JOHN ALEXANDER COWDELL**

President of the Legislative Council  
to administer the oath or affirmation of allegiance  
to Members of the Legislative Council

Western Australia

By the Honourable Geoffrey Alexander Kennedy,  
Officer of the Order of Australia, deputy of the  
Governor of the State of Western Australia.

G A Kennedy

Deputy of the Governor

To: **The Honourable John Alexander Cowdell,  
President of the Legislative Council**

I, the deputy of the Governor, acting under section 22 of the *Constitution Act 1889*, authorise you, the Honourable John Alexander Cowdell, while you are the President of the Legislative Council, to administer the oath or affirmation of allegiance in Schedule E to that Act to members of the Legislative Council.

GIVEN under my hand and the Public Seal of the State at Perth on 22 May 2001.

GOD SAVE THE QUEEN!

**8. Suspension of Sitting**

At 11.50am the sitting was suspended.

**9. Resumption of Sitting**

The President resumed the Chair at 3.30pm.

**10. Chairman of Committees - Election**

The President announced that the Office of Chairman of Committees was vacant.

Hon Norman Moore moved -

That Hon George Cash be elected Chairman of Committees.

Hon Bill Stretch seconded the motion.

Question - put and passed.

Hon George Cash thanked the Members for their support.

## 11. Papers

The following Papers were laid on the Table by -

### **Leader of the House**

#### *Annual Reports - 2000-2001 -*

Dairy Industry Authority of Western Australia (July 1 to July 13 2000) (Date received 14/5/2001) ..... 182

#### *Reports -*

Salaries and Allowances Tribunal Report varying the travelling accommodation allowances for Members of the Judiciary (April 3 2001)..... 183

### **Minister for Racing and Gaming**

#### *Annual Reports - 1999-2000 -*

Finance Brokers Supervisory Board (Date received 8/5/2001) ..... 184

#### *Annual Reports - 2000-2001 -*

Builders' Registration Board (Year ending December 31 2000) (Date received 4/5/2001)..... 185

Central West College of TAFE (Year ending December 31 2000) (Date received 14/5/2001) ..... 186

Challenger TAFE (Year ending December 31 2000) (Date received 10/5/2001)..... 187

Criminal Injuries Compensation - Chief Assessor's Annual Report (Year ending December 31 2000) (Date received 16/5/2001) ..... 188

Great Southern TAFE (Year ending December 31 2000) (Date received 10/5/2001)..... 189

Painters' Registration Board (Year ending December 31 2000) (Date received 4/5/2001) ..... 190

South West Regional College of TAFE (Year ending December 31 2000) (Date received 10/5/2001) ..... 191

West Coast College of TAFE (Year ending December 31 2000) (Date received 21/5/2001) ..... 192

West Pilbara College of TAFE (Year ending December 31 2000) (Date received 16/5/2001) ..... 193

#### *Financial Statements -*

Legal Contribution Trust for the six months ended December 31 2000 ..... 194

#### *Reports -*

Western Australian Treasury Corporation for the quarter ended March 31 2000 ..... 195

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

#### *Ministerial Approvals -*

East Perth Redevelopment Act 1991 - Development Application 00/104 - Parry Street upgrade, Northbridge - Stage 1B Works ..... 196

Western Australian Land Authority Act 1992 - Lot 51 Kavanagh Mews Minim Cove - Mosman Park..... 197

#### *Response to Reports -*

Standing Committee on Estimates & Financial Operations - Environmental Health in Aboriginal Communities in the Kimberley Region, Provision of Health Services in the Kimberley Region - Dental Health & Aboriginal Health Workers in the Kimberley Region (Minister for Education)..... 198

**12. Corporations (Commonwealth Powers) Bill 2001**

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for “An Act to refer certain matters relating to corporations and financial products and services to the Parliament of the Commonwealth for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth, and for related purposes” be introduced and read a first time.

**13. Co-operative Schemes (Administrative Actions) Bill 2001**

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for “An Act relating to administrative actions by Commonwealth authorities or officers of the Commonwealth under the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995* and other State co-operative scheme laws, and for other purposes” be introduced and read a first time.

**14. Agricultural and Veterinary Chemicals (Western Australia) Amendment Bill 2001**

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for “An Act to amend the *Agricultural and Veterinary Chemicals (Western Australia) Act 1995* with respect to the functions and powers of certain Commonwealth authorities and officers of the Commonwealth, and for other purposes” be introduced and read a first time.

**15. Corporations (Ancillary Provisions) Bill 2001**

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for “An Act to enact ancillary provisions, including transitional provisions, relating to the enactment by the Parliament of the Commonwealth of new corporations legislation and new ASIC legislation under its legislative powers, including powers with respect to matters referred to that Parliament for the purposes of section 51 (xxxvii) of the Constitution of the Commonwealth, and to amend certain Acts, and for other purposes” be introduced and read a first time.

**16. Corporations (Administrative Actions) Bill 2001**

The Minister for Racing and Gaming: To move on the next day of sitting -

That a Bill for “An Act relating to administrative actions taken by Commonwealth authorities or officers of the Commonwealth under certain State laws relating to corporations” be introduced and read a first time.

**17. Nuclear Activities (Prohibition) Bill 2001**

Hon Giz Watson: To move on the next day of sitting -

That a Bill for “An Act to prohibit in Western Australia certain activities associated with the nuclear fuel chain, and for related purposes” be introduced and read a first time.

**18. Indigenous People of Western Australia - Apologies for Past Policies**

Hon Tom Stephens: To move on the next day of sitting -

That this House apologises to the Indigenous people of Western Australia on behalf of all the people of this State for the past policies under which Indigenous children were removed from their families, and this House expresses deep regret at the hurt and distress that these policies have caused.

### **19. Matter of Urgency - South West Metropolitan Railway**

The President read the following letter -

In accordance with Standing Order No. 72 I will move a motion that the Council at its rising, adjourn to December 1 2001 for the purpose of discussing the following matter of urgency -

That the Government assures the people of Western Australia, and Rockingham in particular, that it will as part of the South West Metropolitan Railway -

- (1) Fully fund the rail link into the Rockingham City Centre.
- (2) Determine, in consultation with the City of Rockingham, the most appropriate exit from the city centres.
- (3) Cancel all plans for a by-pass route, direct to Mandurah or any additional link which may impinge upon the Lake Cooloongup area, the Rockingham Golf Course and/or create a barrier between residents and these areas.

Yours sincerely

Hon Barbara Scott  
Member for South Metropolitan Region

Four Members having risen in support.

Hon Barbara Scott then moved, That the House at its rising adjourn until December 1 2001.

Debate ensued.

*Interruption of Debate* - One hour having elapsed after the time fixed for the meeting of the House, the President announced that leave of the House would be necessary to enable the debate to continue.

Leave denied.

### **20. Address-In-Reply**

The Order of the Day having been read for the adjourned debate on the Address-in-Reply.

Debate resumed.

### **21. Questions Without Notice**

Questions without notice were asked by Hon Norman Moore, Hon Barry House, Hon George Cash, Hon Murray Criddle, Hon Peter Foss, Hon Giz Watson, Hon Barbara Scott, Hon Christine Sharp, Hon Derrick Tomlinson, Hon Jim Scott, Hon Ray Halligan and Hon Bruce Donaldson.

### **22. Address-In-Reply**

Debate resumed on the Address-in-Reply (cf item 20 above).

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

### **23. Treasurer's Advance Authorisation Bill 2001**

The President reported the receipt of Message No. 1 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Leader of the House moved, That the Bill be now read a second time.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

**24. Adjournment**

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

Question - put and passed.

The House adjourned at 9.25pm until Wednesday, May 23 2001 at 4.00pm.

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

Attendance: Present all Members.

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

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