

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 89

TUESDAY, JUNE 18 2002

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon John Cowdell, took the Chair and read prayers.

2. Statement by President - Afternoon Tea Break

The President made the following Statement -

Given the revised sitting times for this week and next week, the afternoon tea break will be observed on Tuesday and Wednesday as well as Thursday.

3. Message from His Excellency the Governor - Assent to Bills

The President reported the receipt of a Message from His Excellency the Governor assenting to the following Bills -

June 4 2002 - Message No. 4	Act No.
Motor Vehicle Dealers Amendment Bill 2001	4 of 2002
Road Safety Council Bill 2002	5 of 2002
Criminal Investigation (Identifying People) Bill 2002	6 of 2002

4. Petitions

Hon Barry House presented a petition from 1300 residents of Western Australia requesting the Government to review the impact of its vehicle Stamp Duty proposals on sales, loss of employment opportunities and the adverse impact of these factors on the Western Australian economy. (Table paper 1488).

Hon Robin Chapple presented a petition from 186 residents of Western Australia requesting that the Legislative Council consider the cultural and ecological importance of the region known as Murujuga, the Burrup Peninsula and surrounding rock art province in the Pilbara region of Western Australia. (Table paper 1489).

Hon Giz Watson presented a petition from 397 residents of Western Australia requesting that the lower part of the Heathcote site be reserved for public use and access in perpetuity. (Table paper 1490).

5. Papers

The following Papers were laid on the Table by -

President

Reports -

Inspector of Custodial Services - Report of an Announced Inspection of Broome Regional Prison June 2001 (Report No. 6) (Date Received 23/4/2002)	1460
Inspector of Custodial Services - Report of an Announced Inspection of Metropolitan Court Custody Centres November 2001 (Report No. 7) (Date Received 13/5/2002)...	1461

Leader of the House

Management Plans -

Fish Resources Management Act 1994 (West Coast Demersal Gillnet and Demersal Longline Fishery (Interim) Management Plan Amendment 2002 G.G. 24/05/02)	1462
Fish Resources Management Act 1994 (South West Trawl Fishery Management Plan Amendment 2002 G.G. 4/06/02 and South West Trawl Fishery Management Plan Amendment (No. 2) 2002 G.G. 4/06/02)	1463

Annual Reports - Extension of Time - 2000-2001 -

Department of Environmental Protection and the Office of Water Regulation extension of time to report to 31/8/2002	1464
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Local Laws -

Local Government Act 1995 (Shire of Greenough Signs Local Law G.G. 6/06/02, Shire of Greenough Local Law Relating to Prevention and Abatement of Sand Drift G.G. 6/06/02, Shire of Greenough Local Law Relating to Trading in Public Places G.G. 6/06/02, Shire of Greenough Local Law Relating to Stallholders and the Stalls they Operate G.G. 6/06/02, Shire of Greenough Local Law Relating to the Filling of Land G.G. 6/06/02, Shire of Greenough Local Law Relating to Fencing G.G. 6/06/02, Shire of Greenough By-law Relating to the Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish and Vehicle Bodies From Land G.G. 6/06/02, Shire of Greenough - Local Law Relating to the Repeal of Local Laws G.G. 6/06/02 & Shire of Boddington - Local Law Relating to Standing Orders G.G. 7/06/02).....	1465
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Minister for Racing and Gaming

Annual Reports - 2000-2001 -

Anzac Day Trust (Year ending December 31 2001) (Date Received 12/6/2002).....	1466
C. Y. O'Connor College of TAFE (Year Ending 31 December 2001) (Date Received 29/5/2002)	1467
Midland College of TAFE (Year Ending 31 December 2001) (Date Received 29/5/2002)	1468
South East College of TAFE (Year Ending 31 December 2001) (Date Received 6/6/2002)	1469

Regulations -

Consumer Credit (Western Australia) Act 1996 (Consumer Credit (Western Australia) Amendment Regulations 2002 G.G. 21/05/02)	1470
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations (No. 3) 2002 G.G. 21/05/02)	1471
Occupational Safety and Health Act 1984 (Occupational Safety and Health Amendment Regulations 2002 G.G. 7/06/02 & Occupational Safety and Health Amendment Regulations (No. 4) 2002 G.G. 7/06/02)	1472

State Trading Concerns Act 1916 (State Trading Concerns (Authorisation) Amendment Regulations (No. 2) 2002 G.G. 7/06/02).....	1473
Water Corporation Act 1995 (Water Corporation (Act Amendment) Regulations 2002 G.G. 24/05/02)	1474
Workers' Compensation and Rehabilitation Act 1981 (Workers' Compensation and Rehabilitation (Scales of Fees) Amendment Regulations 2002 G.G. 21/05/02)	1475

Rules -

Settlement Agents Act 1981 (Settlement Agents' Code of Conduct Amendment Rules 2002 G.G. 31/05/02)	1476
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Parliamentary Secretary to the Minister for Health

Codes -

Human Tissue and Transplant Act 1982 (Non-Coronial Post-Mortem Examinations Code of Practice 2002 G.G. 7/06/02)	1477
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Local Laws -

Health Act 1911 (Shire of Trayning Health Local Laws 2002 G.G. 21/05/02).....	1478
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Regulations -

Health Act 1911 (Health (Public Buildings) Amendment Regulations 2002 G.G. 7/06/02)	1479
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Rules -

Chiropractors Act 1964 (Chiropractors Registration Board Amendment Rules 2002 G.G. 21/05/02)....	1480
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Parliamentary Secretary to the Minister for Planning and Infrastructure

Annual Reports - 2001-2002 -

University of Western Australia (Year ending December 31 2001) (Date Received 24/5/2002)	1481
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Ministerial Approvals -

East Perth Redevelopment Act 1991 - Awarding the tender to Works Infrastructure for the Stage 2B Works, being the upgrade of Newcastle Street between Fitzgerald Street and William Street, Northbridge.....	1482
East Perth Redevelopment Act 1991 - The sale of land to Canningvale Market Fishball Manufacturer Pty Ltd, Choon Swee Chai, Angelis Widjaja, Erinhill Holdings Pty Ltd, Indo Raya Holdings Pty Ltd and Janet Paula Zambotti	1483
Western Australian Land Authority Act 1992 - Joondalup Business Park South - Lot 621 Eddystone Avenue and sale of Lot 381 Pensacola Terrace, Clarkson.....	1484

Proposals -

Land Administration Act 1997 - Submission No. 10/2002 - Cancellation of Class 'B' Reserve 4872 'Claremont Teachers College'	1485
Land Administration Act 1997 - Submission No. 13/2002 - The granting of easements in relation to Class 'A' Reserve 32559	1486

Statutes -

Curtin University of Technology Act 1966 (Curtin University of Technology Statute No. 11 - Library Statute G.G. 24/05/02, Curtin University of Technology Statute No. 21 - Academic Senate G.G. 24/05/02, Curtin University of Technology Amending Statute No. 9 G.G. 24/05/02, Curtin University of Technology Amending Statute No. 10 G.G. 24/05/02 & Curtin University of Technology Statute No. 24 - Curtin University of Technology, Sarawak Campus, Malaysia G.G. 24/05/02)	1487
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Standing Committee on Legislation - Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001 - Extension of Reporting Time

Hon Jon Ford presented a Report of the Standing Committee on Legislation in relation to the *Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001* seeking an extension of time from June 27 2002 to August 22 2002. (Table paper 1491).

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

Question - put and passed.

6. Matter of Urgency - Future Development of the Burrup Peninsular

The President read the following letter -

Dear Mr President

On Tuesday, June 18 2002, I would like to put up the following Urgency Motion in the Legislative Council under SO 72 that the Council consider, as a matter of urgency the future development on the Burrup Peninsular.

Yours sincerely

Hon John Fischer

Member for Mining and Pastoral Region

Four members having risen in support.

Hon John Fischer moved the motion.

Debate ensued.

Hon Frank Hough, by leave, tabled several letters regarding the future development on the Burrup Peninsular. (Table paper 1492)

Debate continued.

Motion lapsed.

7. Estimates of Revenue and Expenditure - Consolidated Fund Estimates 2002-2003

The Order of the Day having been read for the adjourned debate on the motion of the Minister for Racing and Gaming, That the Consolidated Fund Estimates 2002-2003 be noted.

Debate resumed.

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

8. Royal Commission (Police) Bill 2002

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

Debate resumed.

9. Questions Without Notice

Questions without notice were asked by Hon Norman Moore, Hon Barry House, Hon Peter Foss, Hon Robin Chapple, Hon Frank Hough, Hon Murray Criddle, Hon George Cash, Hon Dee Margetts, Hon Barbara Scott, Hon Jim Scott, Hon Simon O'Brien, Hon Alan Cadby, Hon Christine Sharp and Hon Giz Watson.

The Leader of the House on behalf of the Minister for Housing and Works tabled documents in relation to a report from Biota Environmental Sciences for CALM on the ecology of Yardie Creek on the North West Cape in response to question on notice No. 621 asked by Hon Robin Chapple. (Tabled paper 1493).

The Leader of the House on behalf of the Minister for Housing and Works tabled documents in relation to the Millennium Organic Chemicals Shallow Groundwater Assessment Reports for the last five years at the Dalyellup Residue Disposal Facility sited south of Bunbury in response to question on notice No. 625 asked by Hon Robin Chapple. (Tabled paper 1494).

The Parliamentary Secretary representing the Minister for State Development tabled documents in relation to a response from Western Mines to the Department of Minerals and Energy concerning an accident at the Kalgoorlie Nickel Shelter in response to question on notice No. 615 asked by Hon Jim Scott. (Tabled paper 1495).

The Parliamentary Secretary representing the Minister for State Development tabled documents in relation to a report by Malcolm Trudgen for the Department of Mineral and Petroleum Resources titled 'A Flora, Vegetation and Floristic Survey of the Burrup Peninsula and Parts of the Dampier Archipelago' in response to question on notice No. 622 asked by Hon Robin Chapple. (Tabled paper 1496).

The Parliamentary Secretary representing the Minister for Planning and Infrastructure tabled documents in relation to results of a survey from Main Roads on traffic volumes on Douglas Street in Carnarvon in response to question on notice No. 608 asked by Hon Robin Chapple. (Tabled paper 1497).

10. Royal Commission (Police) Bill 2002

Debate resumed on the second reading of this Bill (cf item 9 above).

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

11. Order of Business

Ordered - That Order of the Day No. 171, *Labour Relations Reform Bill 2002* be taken forthwith. (Leader of the House).

12. Labour Relations Reform Bill 2002

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

The Deputy President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 33 agreed to.

Clause 34.

Debate ensued.

Clause agreed to.

Clause 35.

Debate ensued.

Clause agreed to.

Clauses 36 and 37 agreed to.

Clause 38.

Debate ensued.

Clause agreed to.

Clause 39.

Debate ensued.

Clause agreed to.

Clause 40.

Debate ensued.

Clause agreed to.

Clauses 41 and 42 agreed to.

Clause 43.

Debate ensued.

Clause agreed to.

Clauses 44 to 46 agreed to.

Clause 47.

Debate ensued.

Clause agreed to.

Clause 48 agreed to.

Clause 49.

Debate ensued.

Clause agreed to.

Clauses 50 to 55 agreed to.

Clause 56.

The Minister for Racing and Gaming moved

That further consideration of the Clause be postponed until after consideration of postponed Clause 31.

Question - put and passed.

Clause 57.

Debate ensued.

Clause agreed to.

Clause 58.

Debate ensued.

Clause agreed to.

Clauses 59 to 74 agreed to.

Clause 75.

Hon Dee Margetts moved -

Page 103, lines 14 to 19 - To delete the lines.

Debate ensued.

Hon Dee Margetts, by leave, withdrew the amendment standing in her name.

Debate continued.

Clause agreed to.

Clauses 76 and 77 agreed to.

Clause 78.

Debate ensued.

Clause agreed to.

Clauses 79 to 92 agreed to.

Clause 93.

Debate ensued.

Clause agreed to.

Clauses 94 and 96 agreed to.

Clause 97.

Debate ensued.

Clause agreed to.

Clauses 98 to 100 agreed to.

Clause 101.

Debate ensued.

Clause agreed to.

Clauses 102 to 110 agreed to.

Clause 111.

Hon Ray Halligan moved -

Page 118, line 7 - To delete the line.

Debate ensued.

Amendment - put and negatived.

Clause agreed to.

Clause 112 agreed to.

The Minister for Racing and Gaming moved, That progress be reported and leave asked to sit again at a later stage of this day's sitting.

Question - put and passed.

The President resumed the Chair.

The Chairman reported, That the Committee had considered the Bill, made progress, and asked leave to sit again at a later stage of this day's sitting.

Ordered - That the Committee have leave to sit again at a later stage of this day's sitting.

The Minister for Racing and Gaming moved, without notice -

That Standing Orders be suspended so far as will enable me to move the following Instruction without notice -

That the Committee of the Whole House on the *Labour Relations Reform Bill 2002* -

- (a) is to determine the question for the insertion of Clause 4 in the form in which it stood at the time of its deletion by the Committee on Wednesday, May 22 2002;
- (b) is not to consider any amendment to Clause 4 where the question to make the amendment has already been finally disposed of; and
- (c) may consider any amendment to Clause 4 that is not subject to paragraph (b).

Debate ensued.

The motion requiring the concurrence of an absolute majority.

Question - put.

The President having counted the House, and there being an absolute majority present, and no dissentient voice, declared the motion carried with the concurrence of an absolute majority.

The Minister for Racing and Gaming then moved -

That the Committee of the Whole House on the *Labour Relations Reform Bill 2002* -

- (a) is to determine the question for the insertion of Clause 4 in the form in which it stood at the time of its deletion by the Committee on Wednesday, May 22 2002;
- (b) is not to consider any amendment to Clause 4 where the question to make the amendment has already been finally disposed of; and
- (c) may consider any amendment to Clause 4 that is not subject to paragraph (b).

Question - put and passed.

The President left the Chair.

In Committee

(Hon George Cash in the Chair)

Clause 4.

The Chairman of Committees left the Chair at 8.55pm

The Chairman of Committees resumed the Chair at 9.23pm

Debate resumed.

Clause agreed to.

Clauses 5 to 18 agreed to.

Clause 19.

Debate ensued.

Clause agreed to.

Clause 20 agreed to.

Clause 21.

Debate ensued.

Clause agreed to.

Clause 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clauses 25 to 27 agreed to.

Postponed Clause 31.

Section 4H.

Debate ensued.

Section 4H agreed to.

Clause 31 agreed to.

Postponed Clause 56.

Debate ensued.

Clause agreed to.

Clause 113.

Hon Ray Halligan moved -

Page 120, line 5 - To insert after "fair" -

" minimum safety net of ".

Amendment - put.

The Committee divided.

Ayes (14)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon N F Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon W N Stretch
Hon Bruce Donaldson (*Teller*)

Noes (15)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard
Hon Nick Griffiths
Hon Dee Margetts

Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Dee Margetts moved -

Page 120, line 6 - To insert after "employment" -

" underpinned by a system of awards ".

Debate ensued.

Amendment - put and negatived.

Hon Ray Halligan moved -

Page 120, after line 6 - To insert -

"

(2) After section 6(ca) the following paragraph is inserted —

"

(cb) to support enterprise bargaining;

".

".

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon N F Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon W N Stretch
Hon Bruce Donaldson (*Teller*)

Noes (15)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Graham Giffard
Hon Nick Griffiths
Hon Dee Margetts

Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Christine Sharp
Hon Tom Stephens
Hon Ken Travers
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Debate resumed.

Clause agreed to.

Clause 114.

Hon Ray Halligan moved -

Page 121, lines 26 to 32 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (14)

Hon Alan Cadby
Hon George Cash
Hon Murray Criddle
Hon Paddy Embry
Hon John Fischer
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon N F Moore
Hon Simon O'Brien
Hon Barbara Scott
Hon W N Stretch
Hon Bruce Donaldson (*Teller*)

Noes (15)

Hon Kim Chance
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Graham Giffard
 Hon Nick Griffiths
 Hon Dee Margetts

Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Christine Sharp
 Hon Tom Stephens
 Hon Ken Travers
 Hon Giz Watson
 Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Interruption of Debate [SO 61(c)].

13. Stamp Amendment (Budget) Bill 2002

The President reported the receipt of Message No. 100 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of 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 Leader of the House, on behalf of the Minister for Racing and Gaming moved, That the Bill be now read a second time.

The Leader of the House tabled an Explanatory Memorandum relating to the Bill. (Tabled paper 1498).

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

14. Treasurer's Advance Authorisation Bill 2002

The President reported the receipt of Message No. 108 from the Legislative Assembly forwarding the Bill for concurrence.

The Leader of the House, on behalf of 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 Leader of the House, on behalf of the Minister for Racing and Gaming 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.

15. Adjournment

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

Debate ensued.

Hon John Fischer, by leave, tabled an affidavit of Michael James Murphy. (Tabled paper 1499)

Question - put and passed.

The House adjourned at 11.31pm until Wednesday, June 19 2002 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Derrick Tomlinson.

L B MARQUET

Clerk of the Legislative Council

HON JOHN COWDELL

President of the Legislative Council