

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 31

TUESDAY, DECEMBER 3 2002

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**1. Meeting of Council**

The Council assembled at 3.00pm pursuant to order.

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

**2. Petition**

Hon Giz Watson presented a petition from 2 020 residents of Western Australia requesting preservation for public use, access and enjoyment in perpetuity the entire place known as Sunset on the Swan River foreshore at Dalkeith. (Tabled paper 569).

**3. Papers**

The following Papers were laid on the Table by -

**Leader of the House**

*Annual Reports -*

Great Southern Development Commission (2001-2002) (Date received 03/12/2002) ..... 545

Meat Industry Authority, Western Australian (2001-2002) (Date received 28/11/2002) ..... 546

Mid West Development Commission (2001-2002) (Date received 28/11/2002)..... 547

*Orders -*

Fish Resources Management Act 1994 (Rock Lobster Pot Specifications (Revocation) Order  
2002 G.G. 29/11/2002) ..... 548

*Regulations -*

Fish Resources Management Act 1994 (Fish Resources Management Amendment Regulations  
(No. 9) 2002 G.G. 29/11/2002, Fish Resources Management Amendment Regulations (No. 10)  
2002 G.G. 29/11/2002, Fish Resources Management Amendment Regulations (No. 11) 2002  
G.G. 29/11/2002 & Fish Resources Management Amendment Regulations (No. 13) 2002  
G.G. 29/11/2002)..... 549

**Minister for Housing and Works**

*By-laws -*

Water Boards Act 1904 (Bunbury Water Board By-Laws G.G. 29/11/2002)..... 550

*Local Laws -*

Local Government Act 1995 (Shire of West Arthur Standing Orders Local Law 2002 G.G. 29/11/2002).....	551
---	-----

*Orders -*

Conservation and Land Management Act 1984 (Conservation and Land Management (Reservation of State Forest) Order (No. 1) 2002 G.G. 29/11/2002) .....	552
--	-----

**Minister for Racing and Gaming***Annual Reports -*

Construction Industry Long Service Leave Payments Board (2001-2002) (Date received 03/12/2002) .....	553
Land Valuers Licensing Board (2001-2002) (Date received 03/12/2002) .....	554
Legal Costs Committee (2001-2002) (Date received 03/12/2002) .....	555
Motor Vehicle Dealers Licensing Board (2001-2002) (Date received 03/12/2002) .....	556

*Financial Statements -*

Legal Contribution Trust for the six months ended 30 June 2002 .....	557
--	-----

*Regulations -*

Family Court Act 1997 (Family Court Amendment Regulations 2002 G.G. 29/11/2002).....	558
Vocational Education and Training Act 1996 (Vocational Education and Training Amendment Regulations (No. 3) 2002 G.G. 29/11/2002).....	559

*Rules -*

Family Court Act 1997 (Family Court Amendment Rules 2002 G.G. 29/11/2002) .....	560
---	-----

**Parliamentary Secretary to the Minister for Health***Annual Reports -*

Quadriplegic Centre Board (2001-2002) (Date received 03/12/2002) .....	561
--	-----

*Rules -*

Chiropractors Act 1964 (Chiropractors Registration Board Amendment Rules (No. 2) 2002 G.G. 29/11/2002).....	562
Dental Act 1939 (Dental Board Amendment Rules 2002 G.G. 29/11/2002).....	563

**Parliamentary Secretary to the Minister for Planning and Infrastructure***Annual Reports -*

Curriculum Council of Western Australia (2001-2002) (Date received 02/12/2002) .....	564
Planning and Infrastructure, Department of (2001-2002) (Date received 02/12/2002) .....	565
Transport, Department of (2001-2002) (Date received 02/12/2002) .....	566

*Regulations -*

Transport Co-ordination Act 1966 (Perth (Passenger) Transport Amendment Regulations 2002 G.G. 26/11/2002).....	567
---	-----

*Reports -*

Fremantle Port Authority - Statement of Corporate Intent (2002-2003) .....	568
--	-----

#### 4. Australian Involvement in Military Action in Iraq

Motion No. 6 having been called.

Debate resumed on the motion of Hon Dee Margetts as follows -

That this House notes -

- (1) The recent comments from the Prime Minister and Minister for Foreign Affairs regarding Australia's possible support for US military action in Iraq.
- (2) That these comments were made in the absence of any United Nations resolution or processes.
- (3) The threat to the livelihood of Western Australian agricultural producers and exporters in light of the Prime Minister's indication that any request for Australian assistance would be considered against the "national interest test".
- (4) The statements from Labour Leader Simon Crean that Mr Howard's and Mr Downer's statements are out of step with other international opinion.
- (5) The likely impact on the civilian population, particularly women and children.

Therefore, the Legislative Council informs the Federal Government that it does not support Australian involvement in military action in Iraq without UN backing.

Debate resumed.

*Interruption of Debate* [SO 195].

#### 5. Child Support (Adoption of Laws) Amendment Bill 2001

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 35

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Child Support (Adoption of Laws) Amendment Bill 2001*.

Hon Fred Riebeling  
Speaker

Legislative Assembly Chamber  
Perth, 28 November 2002

#### 6. Address-In-Reply

The Order of the Day having been read for the adjourned debate on the amendment of Hon Bruce Donaldson as follows -

That the following words be added to the end of the motion -

“

but regret to inform your Excellency that the Government is failing in its administration of the State of Western Australia.

”.

to the motion of Hon Sue Ellery as follows -

That the following address be presented to His Excellency -

To His Excellency, Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Debate resumed.

On the motion of Hon Christine Sharp the debate was adjourned to the next sitting.

## **7. Conservation and Land Management Amendment 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 6.

Debate resumed of amendments moved by the Hon Christine Sharp as follows -

Page 2, line 23 - To insert before (2b) -

“ subsections (2a), ”.

Page 2, line 25 - To delete “and” and insert instead -

“ subsection ”.

Page 2, after line 25 - To insert -

“

(2) Section 60(2a) is repealed.

”.

### *Chairman of Committees's Ruling*

The Chairman of Committee ruled as follows -

At the conclusion of the debate last Thursday, the Minister for Housing and Works invited me to consider whether the amendments moved by Hon Christine Sharp were within the scope and purpose of the Bill. I have had the opportunity to consider the amendments and they are clearly within the scope and purpose of the Bill. The amendments moved do no more than delete the reference to the Minister for Fisheries, which is in addition to the Minister for Housing and Works' proposed deletion of the reference to the Minister for Forestry and the Minister for Water Resources. The amendments do not stray outside the scope and purpose of the Bill.

Debate resumed.

## **8. Questions Without Notice**

Questions without notice were taken.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that he would provide a response in the near future to question on notice No. 240 asked by Hon Simon O'Brien.

The Minister for Housing and Works tabled documents in relation to an additional references in - 'A review of stream and river logging buffers to ensure their adequacy in protecting our waterways from salinity, degradation and turbidity', in response to a question on notice No. 250 asked by Hon Christine Sharp. (Tabled paper 570).

## 9. Conservation and Land Management Amendment Bill 2002

The President left the Chair.

### In Committee

(Hon George Cash in the Chair)

Clause 6.

Debate resumed of amendments moved by the Hon Christine Sharp as follows -

Page 2, line 23 - To insert before (2b) -

“ subsections (2a), ”.

Page 2, line 25 - To delete “and” and insert instead -

“ subsection ”.

Page 2, after line 25 - To insert -

“

(2) Section 60(2a) is repealed.

”.

Question - That the word to be deleted be deleted - put.

The Committee divided.

### Ayes (4)

Hon Dee Margetts  
Hon Christine Sharp

Hon Giz Watson  
Hon Robin Chapple (*Teller*)

### Noes (25)

Hon Alan Cadby  
Hon George Cash  
Hon Kim Chance  
Hon Bruce Donaldson  
Hon Kate Doust  
Hon Sue Ellery  
Hon Paddy Embry  
Hon Adele Farina  
Hon John Fischer  
Hon Peter Foss  
Hon Graham Giffard  
Hon Ray Halligan  
Hon Frank Hough

Hon Barry House  
Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Louise Pratt  
Hon Ljiljanna Ravlich  
Hon Barbara Scott  
Hon Tom Stephens  
Hon Bill Stretch  
Hon Derrick Tomlinson  
Hon Ken Travers  
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

On the question, That the words to be inserted be inserted - put and negatived.

On the question, That the Clause be agreed to - put.

The Committee divided.

**Ayes (14)**

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard  
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*)

**Noes (13)**

Hon George Cash  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House

Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Bill Stretch  
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Title agreed to.

\_\_\_\_\_

The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Housing and Works moved, That the Bill be now read a third time.

Debate ensued.

The Deputy President having reported that the Deputy 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 (14)**

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Graham Giffard  
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*)

**Noes (13)**

Hon George Cash  
 Hon Paddy Embry  
 Hon John Fischer  
 Hon Peter Foss  
 Hon Ray Halligan  
 Hon Frank Hough  
 Hon Barry House

Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon Bill Stretch  
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a third time.

**10. Cognate Debate - Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001**

The Minister for Housing and Works sought leave of the House to debate Order of the Day No. 29, *Taxation Administration Bill 2001*, Order of the Day No. 30, *Taxation Administration (Consequential Provisions) Bill 2001* and Order of the Day No. 31, *Taxation Administration (Consequential Provisions) (Taxing) Bill 2001* cognately [SO 228].

Leave granted.

**11. Taxation Administration Bill 2001, Taxation Administration (Consequential Provisions) Bill 2001 and Taxation Administration (Consequential Provisions) (Taxing) Bill 2001**

The Order of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

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

**12. Stamp Amendment Bill 2001**

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

Debate resumed.

On the motion of Minister for Housing and Works the debate was adjourned to the next sitting.

**13. Cognate Debate - Pay-roll Tax Assessment Bill 2001 and Pay-roll Tax Bill 2001**

The Minister for Housing and Works sought leave of the House to debate Order of the Day No. 27, *Pay-roll Tax Assessment Bill 2001* and Order of the Day No. 28, *Pay-roll Tax Bill 2001* cognately [SO 228].

Leave granted.

**14. Pay-roll Tax Assessment Bill 2001 and Pay-roll Tax Bill 2001**

The Order of the Day having been read for the adjourned debate on the second reading of these Bills.

Debate resumed.

On the motion of Minister for Housing and Works the debate was adjourned to the next sitting.

**15. Cognate Debate - Debits Tax Bill 2001 and Debits Tax Assessment Bill 2001**

The Minister for Housing and Works sought leave of the House to debate Order of the Day No. 32, *Debits Tax Bill 2001* and Order of the Day No. 33, *Debits Tax Assessment Bill 2001* cognately [SO 228].

Leave granted.

**16. Debits Tax Bill 2001 and Debits Tax Assessment Bill 2001**

The Order of the Day having been read for the adjourned debate on the second reading of these Bills.  
Debate resumed.

On the motion of Minister for Housing and Works the debate was adjourned to the next sitting.

**17. Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Bill 2002**

The following Message from the Legislative Assembly was reported -

Mr President

Message No. 37

The Legislative Assembly acquaints the Legislative Council that it has agreed to the amendments made by the Legislative Council in the *Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Bill 2002*.

Hon Fred Riebeling  
Speaker

Legislative Assembly Chamber  
Perth, 3 December 2002

**18. Adoption Amendment Bill (No. 2) 2002**

The President reported the receipt of Message No. 32 from the Legislative Assembly forwarding the Bill for concurrence.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, That the Bill be now read a first time.

Question - put and passed.

Bill read a first time.

The Parliamentary Secretary to the Minister for Community Development, Women's Interests, Seniors and Youth moved, That the Bill be now read a second time.

Debate stands adjourned.

**19. Sentencing Legislation Amendment and Repeal Bill 2002**

The President reported the receipt of Message No. 34 from the Legislative Assembly forwarding the Bill for concurrence.

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

The Minister for Housing and Works, sought leave to have the second reading speech incorporated into *Hansard*.

Leave denied.

Debate stands adjourned.

**20. Adjournment**

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

Debate ensued.



Hon Jim Scott, by leave, tabled a speech by Tim Winton against the resort proposal for Ningaloo Reef. (Tabled paper 571).

*The House having continued to sit until 12 midnight*

Wednesday, December 4 2002

Debate continued.

Question - put and passed.

The House adjourned at 12.03am until Wednesday, December 4 2002 at 3.30pm.

**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