

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 8

WEDNESDAY, SEPTEMBER 11 2002

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. Statement by President - Terrorist Attack in the USA - First Anniversary

The President made the following statement -

Newspapers record the significance of today, September 11. The headline to the editorial in *The Australian* says it all, "A day for empathy and reflection, not revenge".

I ask Members to observe one minute's silence for those who lost their lives on and those who were victims of September 11.

3. Petitions

Hon Barry House presented a petition, by delivery to the Clerk, [SO 130], from one resident of Western Australia requesting the Legislative Council to urge the Government to review the impact of its vehicle stamp duty proposals. (Tabled paper 183).

Hon Sue Ellery presented a petition, by delivery to the Clerk, [SO 130], from one resident of Western Australia requesting an investigation into Western Power's Underground Power Policy. (Tabled paper 184).

4. Paper

The following Paper was laid on the Table by -

Minister for Racing and Gaming

Reports -

Totalisator Agency Board [TAB] - Statement of Corporate Intent (2002-2003) 182

5. North West Shelf Joint Venture Contract

Motion No. 4 having been called.

Debate resumed on the motion of Leader of the House as follows -

That this House congratulates the North West Shelf Joint Venture in winning the \$25 billion contract to sell liquefied natural gas to China but calls for a major revamp of the Federal Government's Commonwealth Grants Commission process due to the inherent way it disadvantages Western Australians in the sharing of benefits from major resource projects between the Commonwealth and this State.

Hon Ed Dermer sought leave of the House for Hon Ken Travers to continue his remarks at the next sitting.

Leave granted.

Debate resumed.

6. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for State Development tabled documents in relation to a list of mills that have sought business exit since the implementation of the Government's Old Growth Forest Policy and the volumes of each grade of karri, marri and jarrah taken and have contracted annually in response to a question without notice asked by Hon Peter Foss. (Tabled paper 185).

Hon Peter Foss sought leave to incorporate the tabled paper into *Hansard*.

Leave granted.

The Minister for Housing and Works tabled documents in relation to a list of Western Power's arguments against implementing commitments given to the House in the Minister for Energy's letter dated May 21 2002 in response to a question without notice asked by Hon George Cash. (Tabled paper 186).

The Minister for Housing and Works tabled documents in relation to a list of weighbridge dockets for waste delivery by Atlas to the Tamala Park Land Fill from the City of Stirling recycling facility on May 14 2002 in response to question on notice No. 7 asked by Hon Jim Scott. (Tabled paper 187).

The Minister for Housing and Works tabled documents in relation to an audit of progress towards closure and rehabilitation of BHP Billiton's Beenup Minesite prepared by Beenup Consultative Group in response to question on notice No. 11 asked by Hon Jim Scott. (Tabled paper 188).

The Minister for Housing and Works tabled documents in relation to the original flora species list of the State Forest area at the Jangardup Heavy Minerals Mine in response to question on notice No. 12 asked by Hon Jim Scott. (Tabled paper 189).

The Minister for Housing and Works tabled documents in relation to a document detailing the constituents of the flocculant used by Cable Sands at Jangardup Mine Site in response to question on notice No. 13 asked by Hon Jim Scott. (Tabled paper 190).

The Minister for Housing and Works tabled documents in relation to a letter from the Department of Environmental Protection assessing the 2001 Annual Environmental Reports for Cable Sands Jangardup Mineral Sand Mine in response to question on notice No. 41 asked by Hon Jim Scott. (Tabled paper 191).

7. North West Shelf Joint Venture Contract

Debate resumed on the motion of Leader of the House (cf item 5 above).

Interruption of Debate [SO 195].

8. Western Australian Meat Marketing Co-operative Limited (Shares) Bill 2002

The Minister for Agriculture, Forestry and Fisheries pursuant to notice, moved -

That a Bill for "An Act to provide for -

- the allotment and issue of shares in Western Australian Meat Marketing Co-operative Limited to the Minister; and

- the transfer of those shares to certain trustees, and for related purposes” be introduced and 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.

9. Address-In-Reply

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

Debate resumed.

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

10. Family Court Amendment Bill 2001

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

Debate ensued.

Question - put.

The House divided.

Ayes (15)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Nick Griffiths
Hon Dee Margetts

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

Noes (12)

Hon George Cash
Hon Murray Criddle
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

In Committee

(Hon Barry House in the Chair)

Clause 1.

Debate ensued.

Question - put.

The Committee divided.

Ayes (15)

Hon Kim Chance
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Nick Griffiths
 Hon Dee Margetts

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

Noes (12)

Hon George Cash
 Hon Murray Criddle
 Hon John Fischer
 Hon Peter Foss
 Hon Ray Halligan
 Hon Frank Hough

Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Bill Stretch
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clauses 2 and 3 agreed to.

Clause 4.

Debate ensued.

Clause agreed to.

Clauses 5 to 28 agreed to.

Clause 29.

Debate ensued.

Question - put.

The Committee divided.

Ayes (15)

Hon Kim Chance
 Hon Robin Chapple
 Hon Kate Doust
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Nick Griffiths
 Hon Dee Margetts

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

Noes (12)

Hon George Cash
 Hon Murray Criddle
 Hon John Fischer
 Hon Peter Foss
 Hon Ray Halligan
 Hon Frank Hough

Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Bill Stretch
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

Clauses 30 to 52 agreed to.

Clause 53.

Debate ensued.

Clause agreed to.

Clauses 54 and 75 agreed to.

Schedule 1, Clause 1.

Debate ensued.

Hon Peter Foss moved -

Page 102, line 12 - To delete the words "one-half of" and insert -

“

share with the husband or wife in the proportion that the time that the person has been in a de facto relationship bears to the time the husband or wife has been married to the intestate

”.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon George Cash
Hon Murray Criddle
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Noes (15)

Hon Kim Chance
Hon Robin Chapple
Hon Kate Doust
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Nick Griffiths
Hon Dee Margetts

Hon Louise Pratt
Hon Ljiljana Ravlich
Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Ed Dermer (*Teller*)

Amendment thus negatived.

Hon Peter Foss moved -

Page 102, lines 17 to 27 - To delete the lines.

Debate ensued.

Amendment - put.

The Committee divided.

Ayes (12)

Hon George Cash
 Hon Murray Criddle
 Hon John Fischer
 Hon Peter Foss
 Hon Ray Halligan
 Hon Frank Hough

Hon Barry House
 Hon Robyn McSweeney
 Hon Norman Moore
 Hon Bill Stretch
 Hon Derrick Tomlinson
 Hon Bruce Donaldson (*Teller*)

Noes (15)

Hon Kim Chance
 Hon Robin Chapple
 Hon Ed Dermer
 Hon Sue Ellery
 Hon Adele Farina
 Hon Jon Ford
 Hon Nick Griffiths
 Hon Dee Margetts

Hon Louise Pratt
 Hon Ljiljanna Ravlich
 Hon Jim Scott
 Hon Christine Sharp
 Hon Tom Stephens
 Hon Giz Watson
 Hon Kate Doust (*Teller*)

Amendment thus negatived.

The Minister for Racing and Gaming moved -

Page 103, line 21 - To insert after "of" -

" surviving ".

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 103, line 22 - To delete "to".

Amendment - put and passed.

The Minister for Racing and Gaming moved -

Page 104, line 1 to page 105, line 16 - To delete the lines.

Debate ensued.

Amendment - put and passed.

Schedule 1, Clauses 1 and 2, as amended, agreed to.

Schedule 1, Clause 3, agreed to.

Long Title.

The Minister for Racing and Gaming moved -

Page 1 - To delete "**and the Interpretation Act 1984**".

Amendment - put and passed.

Long Title, as amended, agreed to.

The Deputy President resumed the Chair.

Bill reported with 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.

Debate ensued.

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 (15)

Hon Kim Chance
Hon Robin Chapple
Hon Ed Dermer
Hon Sue Ellery
Hon Adele Farina
Hon Jon Ford
Hon Nick Griffiths
Hon Dee Margetts

Hon Louise Pratt
Hon Ljiljanna Ravlich
Hon Jim Scott
Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Kate Doust (*Teller*)

Noes (12)

Hon George Cash
Hon Murray Criddle
Hon John Fischer
Hon Peter Foss
Hon Ray Halligan
Hon Frank Hough

Hon Barry House
Hon Robyn McSweeney
Hon Norman Moore
Hon Bill Stretch
Hon Derrick Tomlinson
Hon Bruce Donaldson (*Teller*)

Question thus passed.

Bill read a third time.

11. Adjournment

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

Debate ensued.

Question - put and passed.

The House adjourned at 10.16pm until Thursday, September 12 2002 at 11.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Alan Cadby, Hon Paddy Embry, Hon Graham Giffard, Hon Barbara Scott and Hon Ken Travers.

L B MARQUET
Clerk of the Legislative Council

HON JOHN COWDELL
President of the Legislative Council