

WESTERN AUSTRALIA

LEGISLATIVE ASSEMBLY

VOTES AND PROCEEDINGS

No. 15

FOURTH SESSION OF THE THIRTY-FIFTH PARLIAMENT

THURSDAY, 21 SEPTEMBER 2000

1. Meeting of Assembly

The Assembly met at 9.00 a.m. pursuant to adjournment.

The Deputy Speaker took the Chair.

Prayers were read.

2. Petitions

Mr MacLean presented a petition from 311 persons requesting that action be taken to preserve and protect Quinns Beach coastline from further erosion (P. 30).

Ms MacTiernan presented a petition from 844 persons requesting that the proposed extensions to the Channel Ten television tower at Lot 100 (255) Welshpool Road, Lesmurdie, be rejected (P. 31).

Ms MacTiernan presented a petition from 728 persons requesting that the stage 4 section of Roe Highway between Welshpool Road and the Kenwick Link be completed before 31 December 2002; that traffic is then discouraged from entering from or exiting William Street, Beckenham via Roe Highway; and that immediate measures, including the installation of permanent Multinova speed cameras, are taken to ensure compliance with the speed limit along William Street, Beckenham (P. 32).

3. Papers

The following papers were presented and ordered to lie upon the Table of the House -

Annual Reports - 1999-2000

Water Corporation (253).

Ministerial Approvals

Country Housing Authority Act - Ministerial approval for contracts under section 28 and 42 of the Act with Far End Plantation of Carnarvon (254).

Reports

Report by the Director General of Transport on the construction of a new railway line between Narngulu and Geraldton Port, May 2000 (255).

4. Grievances

The Deputy Speaker called for grievances which were then made.

5. Personal Explanation - Answers to Questions on Notice Nos 190 and 191 of 9 August 2000

The Minister for Services made a personal explanation.

6. Conservation and Land Management Amendment Bill 1999 (No. 77)

The Order of the Day for the further consideration in detail of Legislative Council message No. 3, on the motion moved by the Minister for the Environment, That amendment Nos 1 to 25 be agreed to, was read.

Debate resumed.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

7. Animal Welfare Bill 1999 (No. 79)

The Order of the Day for the consideration in detail of the Bill was read.

CONSIDERATION IN DETAIL

Clauses 1 to 3 agreed to.

Clause 4.

Mr McGowan moved,

Page 3, lines 1 to 4 - To delete the lines.

Question put and negatived.

Clause agreed to.

Clause 5 agreed to.

Clause 6.

Distinguished Visitors

The Deputy Speaker noted the presence in the Speaker's Gallery of a delegation of members of the Legislative Assembly of Sarawak, and welcomed them to the House.

Mr McGowan moved,

Page 6, line 14 - To delete the line and substitute the following -

“ Penalty: \$50 000 and imprisonment for five years. ”.

Question put and negatived.

Mr McGowan moved,

Page 6, line 18 – To delete the line and substitute the following -

“ Penalty: \$50 000 and imprisonment for five years. ”.

Question put and negatived.

Clause agreed to.

Clause 7.

Mr McGowan moved,

Page 6, lines 21 and 22 - To delete “carry on a business of supplying” and substitute the following -

“ supply ”.

Question put and negatived.

Mr McGowan moved,

Page 6, line 24 – To delete the line and substitute the following -

“ Penalty: \$50 000 and imprisonment for five years. ”.

Question put and negatived.

Clause agreed to.

Clause 8 agreed to.

Clause 9.

Mr McGowan moved,

Page 7, line 14 – To insert after “licence to” the following -

“ supply or ”.

Question put and negatived.

Clause agreed to.

Clause 10 agreed to.

Clause 11.

Mr McGowan moved,

Page 9, line 13 – To insert after “involved in the” the following -

“ supply, use or ”.

Question put and negatived.

Clause agreed to.

Clause 12 agreed to.

Clause 13.

Mr McGowan moved,

Page 10, line 5 – To delete the line and substitute the following -

“ Penalty: \$20 000 and imprisonment for one year. ”.

Question put and negatived.

Clause agreed to.

Clause 14.

Mr McGowan moved,

Page 10, line 12 – To delete “\$1 000” and substitute the following -

“ \$2 000 ”.

Question put and negatived.

Mr McGowan moved,

Page 10, line 20 – To delete “\$1 000” and substitute the following -

“ \$2 000 ”.

Page 11, line 3 – To delete “\$1 000” and substitute the following -
 “ \$2 000 ”.

Page 11, line 8 – To delete “\$1 000” and substitute the following -
 “ \$2 000 ”.

Question put and negatived.

Clause agreed to.

Clauses 15 and 16 agreed to.

Clause 17.

Mr McGowan moved,

Page 13, line 4 – To delete “\$1 000” and substitute the following -
 “ \$2 000 ”.

Question put and negatived.

Clause agreed to.

Clause 18 agreed to.

Clause 19.

Mr McGowan moved,

Page 15, lines 4 and 5 – To delete the lines and substitute the following -
 “

Penalty: Minimum – \$2 000

Maximum – \$50 000 and imprisonment for five years.

”.

Debate interrupted by the Chair and adjourned until a later stage of the sitting.

8. Members' Statements

The Acting Speaker called for members' statements which were then made.

9. Questions

Questions without notice were taken.

Papers

The following papers were presented and ordered to lie upon the Table of the House -

By the Premier -

Deloitte Touche Tohmatsu Media Release - Perth Convention and Exhibition Centre (257).

Letter dated 15 September 2000 from the Commonwealth Bank to the Director, Multiplex Constructions Pty Ltd regarding the Perth Convention and Exhibition Centre (258).

Questions on notice 761 to 769 were asked.

Questions on notice 196, 263, 318, 319, 324, 380, 407, 547, 549 to 554, 666, 689 and 739 were answered.

Details of contracts awarded by Midland Redevelopment Authority as at 20 September 2000 were tabled in connection with Question on Notice No. 689 (256).

10. Suspension of Standing Orders

Ms McHale, without notice, moved, That so much of Standing Orders be suspended as is necessary to enable the following motion to be considered forthwith -

That this House condemns the actions of the Minister for Health in that he -

- (a) failed to inform Parliament and the community of the reporting date for the Inquiry into King Edward Memorial Hospital following Cabinet endorsement of the revised deadline until forced by the questioning of the Opposition;
- (b) has further deepened and prolonged the crisis of confidence facing our State Women's hospital; and
- (c) put political expediency ahead of the interests of women and their babies.

Debate ensued.

Mr Tubby moved, That the question be now put.

The Assembly divided.

Ayes (23)

Mr Barnett	Mr House	Mr Prince
Mr Bloffwitch	Mr Johnson	Mr Shave
Mr Board	Mr Kierath	Mr Sweetman
Mr Court	Mr MacLean	Mr Trenorden
Mr Cowan	Mr Masters	Dr Turnbull
Mr Day	Mr Omodei	Mr Wiese
Dr Hames	Mr Osborne	Mr Tubby (<i>Teller</i>)
Mrs Hodson-Thomas	Mrs Parker	

Noes (15)

Mr Brown	Mr Grill	Mr Pental
Mr Carpenter	Mr Kobelke	Mr Riebeling
Dr Constable	Ms MacTiernan	Mr Ripper
Dr Edwards	Mr McGinty	Mrs Roberts
Dr Gallop	Ms McHale	Mr McGowan (<i>Teller</i>)

Question thus passed.

On the question, That the motion be agreed to,

The Assembly divided.

Ayes (13)

Mr Brown	Mr Kobelke	Mr Ripper
Mr Carpenter	Ms MacTiernan	Mrs Roberts
Dr Edwards	Mr McGinty	Mr McGowan (<i>Teller</i>)
Dr Gallop	Ms McHale	
Mr Grill	Mr Riebeling	

Noes (25)

Mr Barnett	Mr House	Mr Prince
Mr Bloffwitch	Mr Johnson	Mr Shave
Mr Board	Mr Kierath	Mr Sweetman
Dr Constable	Mr MacLean	Mr Trenorden
Mr Court	Mr Masters	Dr Turnbull
Mr Cowan	Mr Omodei	Mr Wiese
Mr Day	Mr Osborne	Mr Tubby (<i>Teller</i>)
Dr Hames	Mrs Parker	
Mrs Hodson-Thomas	Mr Pental	

Question thus negatived.

11. Matter of Privilege - Answer by the Premier to a Question without Notice

Mr Kobelke rose on a matter of privilege and stated that the Premier had misled the Assembly when answering a question without notice.

The Acting Speaker (Mr Baker) determined that the matters did not strike at the issue of privilege.

12. Mining Amendment Bill 2000 (LC No. 149)

Message No. 7 dated 20 September 2000 from the Legislative Council was reported forwarding for concurrence a Bill entitled a Bill for "An Act to amend the *Mining Act 1978*."

The Minister for Resources Development moved, That the Bill be read a first time.

Question put and passed.

The Minister for Resources Development presented an explanatory memorandum and Bill read a first time.

Ordered, That the second reading of the Bill be made an Order of the Day for the next sitting of the Assembly.

13. Electoral Amendment Bill 2000 (No. 134)

Message No. 9 dated 20 September 2000 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Electoral Amendment Bill 2000* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Electoral Amendment Bill 2000

No. 1

Clause 30, page 23, after line 12 - To insert the following new subclause -

“

- (5) The regulations may provide that if by virtue of section 51B information relating to a person is not shown on a roll, that person's name may be omitted when the Electoral Commissioner makes rolls or information on rolls available under this section.

”.

No. 2

Clause 34, page 25, line 26 - To delete "send to" and insert instead -

“ give ”.

No. 3

Clause 34, page 25, line 28 - To delete "facsimile" and insert instead -

“ copy ”.

No. 4

Clause 34, page 26, after line 2 - To insert the following subclause -

“

- (6) The reference in subsection (5)(b)(ii) to a copy of the nomination paper includes a reference to a copy generated by way of transmission by facsimile or other electronic means under section 210(2).

”.

No. 14

Clause 70, page 62, after line 9 - To insert the following new subclause -

“
 (2) Communications under this Act between officers may be transmitted by electronic means in any case.

”.

No. 15

Clause 73, page 63, lines 28 and 29 - To delete “at which there is a copy of the roll” and insert instead -

“ that is appointed under section 100 ”.

No. 16

New Clause 30, page 22, after line 1 - To insert the following new clause -

“

30. Section 22 amended

Section 22(2) is amended by deleting “or supplied under section 112” and inserting instead —

“

, made available under section 25, provided under section 25A or supplied under section 112 or when information on or derived from rolls is made available under section 25 or provided under section 25A

”.

”.

Leave was granted to consider Legislative Council message No. 9 in detail forthwith.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 1 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 2 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 3 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 4 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 5 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 6 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 7 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 8 be agreed to. Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment Nos 9 to 13 be agreed to.

Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 14 be agreed to.

Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 15 be agreed to.

Question put and passed.

The Minister for Parliamentary and Electoral Affairs moved, That amendment No. 16 be agreed to.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

14. Legal Contribution Trust Amendment Bill 2000 (No. 137)

Message No. 8 dated 20 September 2000 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Legal Contribution Trust Amendment Bill 2000* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Legal Contribution Trust Amendment Bill 2000

No. 1

Clause 4, page 3, line 22 - To insert after "to" -

" any ".

No. 2

Clause 4, page 3, lines 22 and 23 - To delete "centres or their peak organisations" and insert instead -

" centre ".

No. 3

Clause 4, page 3, line 24 - To insert after "the" -

" provision by that centre of ".

No. 4

Clause 4, page 3, line 26 - To delete "provided by such bodies".

No. 5

Clause 4, page 3, line 26 - To insert after "education" -

"

; or

- (v) to any prescribed peak organisation, to be substantially applied to funding the provision by that organisation of representation, coordination or support services to advance the purposes of community legal centres,

".

No. 6

Clause 4, page 5, line 2 - To delete "and" and insert instead -

" or ".

No. 7

Clause 4, page 5, line 3 - To delete "for" and insert instead -

" to advance the purposes of ".

Leave was granted to consider Legislative Council message No. 9 in detail forthwith.

The Minister for Police moved, That amendment Nos 1 to 7 be agreed to.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

15. Variation to the Order of Business

Ordered, That Government Business Order of the Day No. 36 be next considered.

16. Road Traffic Amendment Bill 1999 (No. 40)

The Order of the Day for the consideration in detail of Legislative Council message No. 6 was read.

The message was as follows -

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Road Traffic Amendment Bill 1999* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

Schedule indicating the amendments made by the Legislative Council in the Road Traffic Amendment Bill 1999

No. 1

Clause 12, page 8, line 10 - To insert before "owner" -

" the ".

No. 2

Clause 12, page 8, line 13 - To insert before "responsible" -

" a ".

No. 3

Clause 20, page 15, line 3 - To delete "Act" and insert instead -

" Part ".

No. 4

Clause 20, page 15, line 7 - To delete "40 PU" and insert instead -

" Imprisonment for 2 years ".

No. 5

Clause 20, page 15, line 10 - To delete "Act" and insert instead -

" Part ".

No. 6

Clause 20, page 15, line 12 - To delete "Act" and insert instead -

" Part ".

No. 7

Clause 20, page 15, line 18 - To delete "40 PU" and insert instead -

" Imprisonment for 2 years ".

No. 8

Clause 65, page 50, line 4 - To delete "Act".

No. 9

New Clause 22, page 17, after line 9 - To insert the following new clause -

“

22. Section 44 amended

Section 44(3) is amended as follows —

(a) by inserting before “endorsed” —

“ to be taken to be ”;

(b) by deleting paragraph (b) and inserting instead the following paragraph —

“

(b) a prescribed notation is endorsed on the licence to show that the licence is subject to conditions or limitations set out in a notice under paragraph (a).

”.

”.

No. 10

New Clause 28, page 20, after line 9 - To insert the following new clause -

“

28. Section 51 amended

Section 51(5) is repealed and the following subsection is inserted instead —

“

(5) Subsection (5a) applies to a person who does not hold a driver’s licence under this Act and who, under this Act, could not be issued with a driver’s licence except on probation.

”.

”.

The Deputy Premier moved, That amendment Nos 1 to 10 be agreed to.

Question put and passed.

Ordered, That the Legislative Council be acquainted accordingly.

17. Special Adjournment

The Leader of the House moved, That the House at its rising adjourn until Tuesday, 10 October 2000 at 2.00 p.m.

Debate ensued.

Question put and passed.

18. Parliamentary Superannuation Legislation Amendment Bill 1999 (No. 81)

Message No. 10 dated 21 September 2000 from the Legislative Council was reported as follows -

The Legislative Council acquaints the Legislative Assembly in reply to Message No. 12 from the Legislative Assembly that it does not insist on its amendments Nos 1 to 4 in the *Parliamentary Superannuation Legislation Amendment Bill 1999*.

19. Adjournment

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

Question put and passed.

The Assembly adjourned accordingly, at 4.57 p.m. until Tuesday, 10 October 2000 at 2.00 p.m.

Members present during any part of the day's proceedings - All the members except Mr Ainsworth, Ms Anwyl, Mr Barron-Sullivan, Mr Cunningham, Mrs Holmes, Mr McNee, Mr Marlborough, Mr Minson, Mr Nicholls, Mr Strickland, Mr Thomas, Mrs van de Klashorst and Ms Warnock.

PETER J. McHUGH

Clerk of the Legislative Assembly

GEORGE J. STRICKLAND

Speaker of the Legislative Assembly