

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 10

TUESDAY, SEPTEMBER 12 2000

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

The President, Hon George Cash, took the Chair and read prayers.

### 2. Petitions

Hon Bob Thomas presented a petition, by delivery to the Clerk [SO 130], from 154 residents of Western Australia requesting that a full satellite unit be established at the Government's Community Dialysis Unit in Albany. (Table paper 223).

Hon Bob Thomas presented a petition from 428 residents of Western Australia requesting action to ban the practise of aerial spraying of intensive monoculture tree farming. (Table paper 224).

Hon Giz Watson presented a petition from 65 residents of Western Australia requesting the establishment of a renewable energy powered "ecotourist discovery centre" within Guilderton Regional Park. (Table paper 225).

### 3. Papers

The following Papers were laid on the Table by -

#### **Leader of the House**

*Annual Reports - 1999-2000 -*

Lotteries Commission (Date received 11/9/2000)..... 207

*Proposals -*

Land Administration Act 1997 - Submission No.20/2000 - Reclassification of  
Class "A" Reserve 24932..... 208

*Regulations -*

Gas Standards Act 1972 (Gas Supply and System Safety Amendment Regs 2000  
G.G.5/9/2000) ..... 209

Licensed Surveyors Act 1909 (Guidance of Surveyors Amendment Regs 2000 &  
Transfer of Land Act 1893 Amendment Regs 2000 G.G.5/9/2000) ..... 210

#### **Minister for Transport**

*Annual Reports - 1999-2000 -*

State Housing Commission (Date received 11/9/2000)..... 211

*By-laws -*

Water Agencies (Powers) Act 1984 (Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws #2 2000 G.G.1/9/2000) .....	212
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*Local Laws -*

Cemeteries Act 1986 (Shire of Broomehill Local Law 2000 G.G.5/9/2000) .....	213
Dog Act 1976 (Gosnells & Broomehill Local Laws 2000 G.Gs.4 & 5/9/2000) .....	214
Local Government Act 1995 (Port Hedland, Nedlands x 2, Cambridge, Gosnells x 3 & Broomehill x 4 G.Gs.1, 4 & 5/9/2000) .....	215

*Rules -*

Western Australian Trotting Association Act 1946 (Rules of Harness Racing 1999 Notice of Amendment G.G.5/9/2000) .....	216
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**Attorney General***Local Laws -*

Health Act 1911 (Bunbury Eating-Houses Local Laws 2000 & Broomehill Health Local Laws 2000 G.Gs.1 & 5/9/2000) .....	217
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*Regulations -*

Births, Deaths and Marriages Registration Act 1998 (Amendment Regs 2000 G.G.1/9/2000) .....	218
Public Sector Management Act 1994 (Redeployment and Redundancy Amendment Regs 2000 G.G.1/9/2000) .....	219

*Rules -*

Legal Practitioners Act 1893 (Legal Practice Board Amendment Rules 1999 & Legal Practitioners Disciplinary Tribunal Amendment Rules 1999 G.G.1/9/2000) .....	220
Supreme Court Act 1935 (Rule of Court (Sittings and Winter Vacation for 2001) G.G.1/9/2000) .....	221

**Parliamentary Secretary for Education***Statutes -*

Edith Cowan University Act 1984 (Amending Statute #2 2000 G.G.1/9/2000) .....	222
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**4. Matter of Urgency - The Building of New Homes and the Effect of the GST**

The President read the following letter -

At today's sitting it is my intention to move under SO 72 that the House, as its rising, adjourn until 9.00am on December 25 2000 for the purpose of discussing the problems being faced by people building new homes and the GST and, in particular, the actions of certain builders in their attempts to pass on the GST.

Yours sincerely

Hon Ken Travers  
Member for North Metropolitan Region

Four members having risen in support.

Hon Ken Travers then moved, That the House at its rising adjourn until 9.00am on December 25 2000.

Debate ensued.

Motion lapsed.

## **5. State Workplace Agreements**

Motion No. 1 having been called.

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

That this House calls on the Opposition to repudiate demands by the Union Movement and the Federal ALP to scrap State Workplace Agreements and acknowledge that its opposition to State Workplace Agreements since 1993 has been ideologically driven and dictated by the Union Movement.

*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.

## **6. Tabling of Document - Confidential Agreement Between Builder and Home Owners**

Hon Ken Travers, by leave, tabled a confidential agreement between Commodore Homes (WA) Pty Ltd and home owners. (Table paper 226).

## **7. Order of Business**

Ordered - That Orders of the Day Nos 6, 7 and 8, in that order, be taken forthwith. (Leader of the House).

## **8. Address-In-Reply**

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

That the following words be added to the Address-in-Reply -

“ And further, regrets to advise His Excellency that the Court Government is failing to give adequate resources and support to cope with the health and medical needs of the residents of metropolitan and regional Western Australia. ”.

Debate resumed.

## **9. Questions Without Notice**

Questions without notice were asked by Hon Tom Stephens, Hon Nick Griffiths, Hon Giz Watson, Hon Norm Kelly, Hon Muriel Patterson, Hon Ken Travers, Hon John Cowdell, Hon Ed Dermer, Hon Tom Helm, Hon Helen Hodgson, Hon Kim Chance, Hon Bob Thomas and Hon Cheryl Davenport.

The Minister for Tourism tabled documents in relation to a report on the Perth Convention and Exhibition Centre titled “New Century. New Meeting Place. Perth Convention and Exhibition Centre Precinct - Request for Proposal Document” from the Western Australian Tourism Commission in response to a question without notice asked by Hon Tom Stephens. (Tabled paper 227).

## **10. Address-In-Reply**

Debate resumed on the amendment of Hon Kim Chance to the Address-in-Reply (cf item 8 above).

On the motion of Hon Muriel Patterson the debate was adjourned to the next sitting.

## **11. Forest Products Bill 1999**

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

The President left the Chair.

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**In Committee**

(Hon Bill Stretch in the Chair)

Clause 71.

Debate resumed on the amendment of Hon Norm Kelly as follows -

Page 50, line 30 - To delete “as soon as is practicable after” and insert instead -

“ within 6 months of ”,

to which Hon John Cowdell had moved -

To delete “6” and insert “12”.

On the question, that the words to be deleted be deleted.

Question - put.

The Committee divided.

**Ayes (14)**

Hon Kim Chance  
Hon John Cowdell  
Hon Cheryl Davenport  
Hon Ed Dermer  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Tom Helm

Hon Helen Hodgson  
Hon Norm Kelly  
Hon Mark Nevill  
Hon Ljiljana Ravlich  
Hon Tom Stephens  
Hon Giz Watson  
Hon Bob Thomas (*Teller*)

**Noes (13)**

Hon Murray Criddle  
Hon D M Davies  
Hon Bruce Donaldson  
Hon Max Evans  
Hon Peter Foss  
Hon Barry House  
Hon Murray Montgomery

Hon N F Moore  
Hon Murray Nixon  
Hon Barbara Scott  
Hon Greg Smith  
Hon W N Stretch  
Hon Muriel Patterson (*Teller*)

Amendment thus passed.

Hon John Cowdell, by leave, withdrew the amendment standing in his name.

Hon Norm Kelly, by leave, amended his amendment by deleting “6” and inserting instead “12”.

Amendment, as amended, agreed to.

Hon Norm Kelly moved -

Page 51, lines 8 and 9 - To delete “as soon as is practicable after the report is prepared”.

Debate ensued.

Amendment - put and negatived.

Debate ensued.

Clause, as amended, agreed to.

Clause 72 agreed to.

New Clause 62.

Hon John Cowdell moved -

Page 43, after line 11 - To insert the following new clause -

“

**62. Tabling of contracts**

- (1) The Minister must cause any production contracts or road contracts to be laid before each House of Parliament, or dealt with under subsection (2), within 14 days after the contract is signed.

- (2) If Parliament is not sitting, the contract is to be provided to each House in accordance with any rule or order of that House in relation to that matter.
- (3) Any document provided is deemed to have been laid before that House.

”.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (13)**

Hon Kim Chance  
 Hon John Cowdell  
 Hon Cheryl Davenport  
 Hon Ed Dermer  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Tom Helm

Hon Helen Hodgson  
 Hon Norm Kelly  
 Hon Ljiljana Ravlich  
 Hon Tom Stephens  
 Hon Giz Watson  
 Hon Bob Thomas (*Teller*)

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 Hon Peter Foss  
 Hon Barry House  
 Hon Murray Montgomery

Hon N F Moore  
 Hon Mark Nevill  
 Hon Murray Nixon  
 Hon Barbara Scott  
 Hon Greg Smith  
 Hon W N Stretch  
 Hon Muriel Patterson (*Teller*)

New Clause thus negatived.

Schedule 1.

The Attorney General moved -

Page 52, line 27 - To insert after “ineligible” -

“ under section 6(3)(a), (b) or (c) ”.

Debate ensued.

Amendment agreed to.

The Attorney General moved -

Page 53, after line 4 - To insert the following new paragraph -

“

- (b) is ineligible under section 6(3)(d) to hold office as a commissioner;

”.

Amendment agreed to.

Hon John Cowdell moved -

Page 56, lines 20 to 26 - To delete the lines.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (14)**

Hon John Cowdell  
 Hon Cheryl Davenport  
 Hon Ed Dermer  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Tom Helm  
 Hon Helen Hodgson

Hon Norm Kelly  
 Hon Mark Nevill  
 Hon Ljiljanna Ravlich  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
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 Hon Barry House  
 Hon Murray Montgomery

Hon N F Moore  
 Hon Murray Nixon  
 Hon Barbara Scott  
 Hon Greg Smith  
 Hon W N Stretch  
 Hon Muriel Patterson (*Teller*)

Amendment thus passed.

Hon John Cowdell moved -

Page 57, lines 5 to 11 - To delete the lines.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (13)**

Hon John Cowdell  
 Hon Cheryl Davenport  
 Hon Ed Dermer  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Tom Helm  
 Hon Helen Hodgson

Hon Norm Kelly  
 Hon Ljiljanna Ravlich  
 Hon Tom Stephens  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Bob Thomas (*Teller*)

**Noes (14)**

Hon Murray Criddle  
 Hon D M Davies  
 Hon Bruce Donaldson  
 Hon Max Evans  
 Hon Peter Foss  
 Hon Barry House  
 Hon Murray Montgomery

Hon N F Moore  
 Hon Mark Nevill  
 Hon Murray Nixon  
 Hon Barbara Scott  
 Hon Greg Smith  
 Hon W N Stretch  
 Hon Muriel Patterson (*Teller*)

Amendment thus negatived.

The Attorney General moved -

Page 57, after line 11 - To insert the following -

“

**22. Ineligibility provisions not affected**

This Division does not affect the operation of section 6(3)(d) and clause 4(1)(d) and (2)(b).

”.

Amendment agreed to.

Schedule, as amended, agreed to.

Schedule 2 agreed to.

Schedule 3.

The Attorney General moved -

Page 61, after line 5 - To insert the following new clause -

“

**4. *Transfer of Land Act 1893* amended**

Section 4(1) of the *Transfer of Land Act 1893*\* is amended in paragraph (b) of the definition of “**Profit à prendre**” by inserting after “1984” —

“ or Part 7 of the *Forest Products Act 2000* ”.

[\*Reprinted as at 23 July 1999.]

”.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

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The Acting President resumed the Chair.

Bill reported with amendments.

Ordered - That consideration of the Committee’s Report be made an Order of the Day for the next sitting.

**12. Julimar State Forest Proposal - Concurrence of Legislative Assembly Resolution**

The Order of the Day having been read for the consideration of Message No. 4 from the Legislative Assembly.

The Message was as follows -

Mr President

Message No. 4

The Legislative Assembly acquaints the Legislative Council that it has agreed to the following resolution -

“That the proposal to amend the notified management plan purposes for the Julimar State Forest laid on the table of this House on 20 June 2000 by command of His Excellency the Governor be carried out”,

and requests the Legislative Council to agree to a similar resolution.

B K Masters

Acting Speaker

Legislative Assembly Chamber  
Perth, 12 September 2000

The Attorney General moved -

That in reply to Message No. 4 from the Legislative Assembly, this House concurs in the resolution that the proposal to amend the notified management plan purposes for the Julimar State Forest, be carried out.

Debate ensued.

Question - put and passed.

Legislative Assembly acquainted accordingly.

### **13. Order of Business**

Ordered - That Order of the Day No. 10 be taken forthwith. (Leader of the House).

### **14. Mining Amendment Bill 2000**

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

Debate resumed.

*Interruption of Debate* [SO 61(b)].

### **15. Zoological Parks Authority Bill 1999**

The President reported the receipt of Message No. 8 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 Ed Dermer the debate was adjourned to the next sitting.

### **16. Adjournment**

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

Debate ensued.

Hon Giz Watson, by leave, tabled a statement regarding global justice. (Tabled paper 228)

Question - put and passed.

The House adjourned at 10.35pm until Wednesday, September 13 2000 at 4.00pm.

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

Attendance: Present all members except Hon Simon O'Brien, Hon Jim Scott and Hon Christine Sharp.

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

**HON GEORGE CASH**  
President of the Legislative Council