

WESTERN AUSTRALIA

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 53

TUESDAY, APRIL 8 2003

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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. Petitions

Hon Robin Chapple presented a petition, by delivery to the Clerk, [SO 130], from 319 residents of Western Australia to consider the cultural and ecological importance of the region and seek permanent protection of this province and divert industrial development to the alternative location of Maitland Industrial Estate. (Tabled paper 943).

Hon Dee Margetts presented a petition from 481 residents of Western Australia opposing the proposal to establish a Uranium Mining Industry in Western Australia. (Tabled paper 944).

Hon Dee Margetts presented a petition from 1 406 residents of Western Australia requesting an investigation into 35 000 tonnes of radioactive ore remaining uncovered at Yeelirrie and to rehabilitate and make the contaminated area safe. (Tabled paper 945).

Hon Dee Margetts presented a petition from 3 791 residents of Western Australia requesting the passage of the *Nuclear Activities (Prohibition) Bill 2002*. (Tabled paper 946).

### 3. Papers

The following Papers were laid on the Table by -

#### Leader of the House

##### *Regulations -*

Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry  
Authority Amendment Regulations 2003 G.G. 04/04/2003)..... 928

#### Minister for Housing and Works

##### *Regulations -*

Animal Welfare Act 2002 (Animal Welfare (General) Regulations 2003 G.G. 04/04/2003) ..... 929  
Dog Act 1976 (Dog (Restricted Breeds) Amendment Regulations 2003 G.G. 04/04/2003) ..... 930  
Local Government (Miscellaneous Provisions) Act 1960 (Building Amendment Regulations  
2003 G.G. 04/04/2003) ..... 931

**Minister for Racing and Gaming***Regulations -*

Hairdressers Registration Act 1946 (Hairdressers Registration Amendment Regulations 2003  
G.G. 04/04/2003)..... 932

Weights and Measures Act 1915 (Weights and Measures Amendment Regulations 2003  
G.G. 01/04/2003)..... 933

*Reports -*

Report on Ministerial Delegation to New Zealand (25-29 October 2002)..... 934

**Parliamentary Secretary to the Minister for State Development***Annual Reports -*

Minerals and Energy Research Institute of Western Australia [MERIWA] (2001-  
2002) (Date received 08/04/03)..... 935

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

Ashburton Health Service (2001-2002) (Date received 04/04/2003)..... 936

Dundas Health Service (2001-2002) (Date received 08/04/2003) ..... 937

Esperance Health Service (2001-2002) (Date received 08/04/2003) ..... 938

Nickol Bay Hospital Board (2001-2002) (Date received 04/04/2003)..... 939

Ravensthorpe Health Service (2001-2002) (Date received 08/04/2003)..... 940

Roebourne District Hospital Board (2001-2002) (Date received 04/04/2003) ..... 941

Wickham District Hospital Board (2001-2002) (Date received 04/04/2003) ..... 942

**4. Prisons Amendment Bill 2002**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

The President left the Chair.

**In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 5 agreed to.

Clause 6.

Hon Peter Foss moved -

That consideration of Clause 6 be postponed until after consideration of Clause 8.

Question - put and passed.

Clause 7.

Debate ensued.

Clause agreed to.

Clause 8.

Debate ensued.

Minister for Racing and Gaming moved -

Page 4, line 19 - To insert after "visitor" -

" as a condition of entry ".

Amendment - put and passed.

Question - That the Clause, as amended, be agreed to.

Debate ensued.

Question - put.

The Committee divided.

#### Ayes (26)

Hon Alan Cadby  
Hon George Cash  
Hon Kim Chance  
Hon Murray Criddle  
Hon Bruce Donaldson  
Hon Kate Doust  
Hon Paddy Embry  
Hon Adele Farina  
Hon John Fischer  
Hon Jon Ford  
Hon Peter Foss  
Hon Graham Giffard  
Hon Nick Griffiths

Hon Ray Halligan  
Hon Frank Hough  
Hon Barry House  
Hon Robyn McSweeney  
Hon Norman Moore  
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*)

#### Noes (5)

Hon Dee Margetts  
Hon Jim Scott  
Hon Christine Sharp

Hon Giz Watson  
Hon Robin Chapple (*Teller*)

Question thus passed.

Clause, as amended, agreed to.

Postponed Clause 6.

Debate ensued.

Question - put.

The Committee divided.

**Ayes (26)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Murray Criddle  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Paddy Embry  
 Hon Adele Farina  
 Hon John Fischer  
 Hon Jon Ford  
 Hon Peter Foss  
 Hon Graham Giffard  
 Hon Nick Griffiths

Hon Ray Halligan  
 Hon Frank Hough  
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 Hon Norman Moore  
 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*)

**Noes (5)**

Hon Dee Margetts  
 Hon Jim Scott  
 Hon Christine Sharp

Hon Giz Watson  
 Hon Robin Chapple (*Teller*)

Question thus passed.

Clause agreed to.

Title agreed to.

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The President resumed the Chair.

Bill reported with amendment.

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.

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 and passed.

Bill read a third time and passed.

**5. Questions Without Notice**

Questions without notice were taken.

The Minister for Housing and Works tabled documents in relation to Waters and Rivers Commission advice relating to the Yarragadee Aquifer in response to a question without notice asked by Hon Norman Moore. (Tabled paper 947).

The Minister for Housing and Works tabled documents in relation to Gngangara Water Mound: details of threatened and priority flora that occur on or near the Gngangara Mound in response to a question without notice asked by Hon Dee Margetts. (Tabled paper 948).

The Minister Agriculture, Forestry and Fisheries in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future to questions on notice Nos 494, 495, 501, 503, 504, 505 and 506 asked by Hon George Cash.

The Minister for Housing and Works tabled documents in relation to Burrup and Maitland Industrial Estates Agreement - Implementation Deed in response to a question without notice asked by Hon Norman Moore. (Tabled paper 949).

The Minister for Housing and Works in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future to questions on notice Nos 496, 497, 498, 507, 508 and 509 asked by Hon George Cash.

The Minister for Racing and Gaming in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future to questions on notice Nos 499, 500, 510, 511, 512, 513, 514 and 515 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for State Development in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future questions on notice Nos 520, 521, and 522 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for Health in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future to questions on notice Nos 523, 524, 525 and 526 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), advised that the answers would be provided in the near future to questions on notice Nos 516, 517, 518 and 519 asked by Hon George Cash.

The Parliamentary Secretary to the Minister for Planning and Infrastructure tabled documents in relation to Metropolitan Region Scheme (MRS) amendments concluded 1993 - 2000 (using the provisions of Section 33) in response to question on notice No. 377 asked by Hon Jim Scott. (Tabled paper 950).

## **6. Order of Business**

Ordered - That Order of the Day No. 40 be taken before Order of the Day No. 139. (Leader of the House).

## **7. Coroners Amendment Bill 2001**

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

The President left the Chair.

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### **In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 15 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

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

The Deputy 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 and passed.

Bill read a third time and passed.

**8. Acts Amendment (Equality of Status) Bill 2002**

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

Debate resumed.

The Minister for Racing and Gaming moved, That the Bill be read a second time.

Question - put.

The House divided.

**Ayes (28)**

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Robin Chapple  
 Hon Murray Criddle  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Peter Foss  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Ray Halligan  
 Hon Barry House

Hon Robyn McSweeney  
 Hon Dee Margetts  
 Hon Norman Moore  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Barbara Scott  
 Hon Jim Scott  
 Hon Christine Sharp  
 Hon Tom Stephens  
 Hon Bill Stretch  
 Hon Derrick Tomlinson  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

**Noes (3)**

Hon Paddy Embry  
 Hon John Fischer

Hon Frank Hough (*Teller*)

Question thus passed.

Bill read a second time.

The Deputy President left the Chair.

**In Committee**

(Hon George Cash in the Chair)

Clause 1.

Debate ensued.

Clause agreed to.

Clauses 2 to 14 agreed to.

Clause 15.

The Minister for Racing and Gaming moved -

Page 6, after line 18 - To insert -

“

(2) After section 37(8) the following subsection is inserted —

“

(8a) If the amount referred to in subsection (2) and the additional amount referred to in subsection (5) are payable to more than one person then those amounts are to be apportioned between those persons in accordance with the regulations.

”

”

Debate ensued.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 16 to 52 agreed to.

Clause 53 agreed to.

Clauses 54 to 62 agreed to.

Clause 63.

The Minister for Racing and Gaming moved -

Page 29, lines 9 and 10 - To delete “in both places where it occurs”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 64 to 98 agreed to.

Clause 99.

Debate ensued.

Question - put and negatived.

Clause 100 - put and negatived.

New Clauses 99 and 100.

The Minister for Racing and Gaming moved -

Page 47, lines 2 to 31 - To insert the following new Clauses -

“

**99. Land Tax Assessment Act 2002 amended**

The amendments in this Part are to the *Land Tax Assessment Act 2002*.

[\* *Act No.52 of 2002.*]

**100. Section 21 amended**

Section 21(1) is amended as follows:

(a) by deleting “or” at the end of paragraph (a);

- (b) by deleting the full stop at the end of paragraph (b) and inserting instead —

“

; or

- (c) by persons who have lived in a de facto relationship with each other for at least 2 years, whether or not they still live on that basis, at least one of whom uses it as his or her primary residence.

”.

”.

Debate ensued.

New Clauses - put and passed.

Heading - Part 34.

The Minister for Racing and Gaming moved -

Page 47, line 1 - To delete “1976” and insert instead -

“ 2002 ”.

Amendment - put and passed.

Heading, as amended, agreed to.

Clauses 101 to 113 agreed to.

Clause 114.

Debate ensued.

Clause agreed to.

Clauses 115 to 189 agreed to.

Clause 190.

The Minister for Racing and Gaming moved -

Page 85, lines 12 and 13 - To delete the lines and insert instead -

“ by deleting paragraphs (e) and (f) and inserting instead — ”.

Amendment - put and passed.

Clause, as amended, agreed to.

Clauses 191 to 216 agreed to.

New Clause 50.

Page 24, after line 6 - To insert the following new Clause -

“

**50. Section 5 amended and validation**

- (1) Section 5 is amended by deleting the definition of “de facto relationship”.

- (2) In subsection (3) —

“**relevant action**” means anything done under the *Family Court Act 1997* —

- (a) after the commencement of the *Family Court Amendment Act 2002*; but
- (b) before the commencement of this section.



- (3) It is declared that by force of this section —
- (a) any relevant action is and has always been as valid and effective as it would have been; and
  - (b) the rights and liabilities of all persons are and have always been the same as they would have been,

if subsection (1) had come into operation on the day on which the *Family Court Amendment Act 2002* came into operation.

”.

New Clause - put and passed.

Title agreed to.

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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.

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.

The Minister for Racing and Gaming moved, That the Bill be read a third time.

Question - put.

The House divided.

#### Ayes (26)

Hon Alan Cadby  
 Hon George Cash  
 Hon Kim Chance  
 Hon Robin Chapple  
 Hon Bruce Donaldson  
 Hon Kate Doust  
 Hon Adele Farina  
 Hon Jon Ford  
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 Hon Barbara Scott  
 Hon Jim Scott  
 Hon Christine Sharp  
 Hon Tom Stephens  
 Hon Bill Stretch  
 Hon Derrick Tomlinson  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

#### Noes (3)

Hon Paddy Embry  
 Hon John Fischer

Hon Frank Hough (*Teller*)

Question thus passed.

Bill read a third time and passed.

### 9. Law Reform (Contributory Negligence and Tortfeasors' Contribution) Amendment Bill 2001

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

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

#### **10. Order of Business**

Ordered - That Order of the Day No. 43 be taken before Order of the Day No. 126. (Leader of the House).

#### **11. Boxing Control Amendment Bill 2001**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

The Parliamentary Secretary to the Minister for Planning and Infrastructure moved, That the Bill be now read a third time.

Question - put and passed.

Bill read a third time and passed.

#### **12. Reserves (Dampier to Bunbury Natural Gas Pipeline Corridor) Bill 2002**

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 the Leader of the House the debate was adjourned to the next sitting.

#### **13. Trustees of Western Australia Limited (Transfer of Business) Bill 2002**

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

Debate resumed.

Question - put and passed.

Bill read a second time.

Leave was granted to proceed forthwith to the third reading of the Bill.

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

Question - put and passed.

Bill read a third time and passed.

#### **14. Adjournment**

Pursuant to Sessional Order 2(2) the House adjourned at 9.43pm until Wednesday, April 9 2003 at 10.00am.

**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