

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 22

TUESDAY, NOVEMBER 5 2002

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### 1. Meeting of Council

The Council assembled at 3.30pm pursuant to order.

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

### 2. Messages from His Excellency the Governor - Assent to Bills

The President reported the receipt of Messages from His Excellency the Governor assenting to the following Bills -

<b>October 25 2002 - Message No. 17</b>	<b>Act No.</b>
Bulk Handling Amendment Bill 2002	29 of 2002
Grain Marketing Bill 2002	30 of 2002
<b>October 28 2002 - Message No. 18</b>	<b>Act No.</b>
Plant Pests and Diseases (Eradication Funds) Amendment Bill 2002	31 of 2002

### 3. Ministerial Statement - State Government Assistance Package for Drought Affected Farm Businesses

The Minister for Agriculture, Forestry and Fisheries made a Ministerial Statement with respect to the State Government Assistance Package for Drought Affected Farm Businesses.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

### 4. Ministerial Statement - Revised Government Financial Strategy Statement

The Leader of the House on behalf of the Minister for Racing and Gaming made a Ministerial Statement with respect to the Revised Government Financial Strategy Statement.

Ordered - That consideration of the Ministerial Statement be made an Order of the Day for the next sitting.

### 5. Papers

The following Papers were laid on the Table by -

#### Leader of the House

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Physiotherapists Act 1950 (Physiotherapists Amendment Regulations 2002 G.G. 22/10/2002) .....	418
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**6. Order of Business - Animal Welfare Bill 2001**

Hon Norman Moore: To move on the next day of sitting -

That the Order of the Day for the *Animal Welfare Bill 2001* be made the first Order of the Day for Tuesday, November 12 2002.

**7. Extension of Sitting Hours**

The Leader of the House moved, without notice -

That from Wednesday, November 6 2002 for the remainder of the Session the House continue to sit until 11.00pm on Tuesday and Wednesday and 6.00pm on Thursday and that the House commence its sittings on Tuesday at 3.00pm, Wednesday at 3.30pm and Thursday at 10.00am.

Debate ensued.

Hon Norman Moore moved -

That the word "Session" be deleted and substitute -  
" year ".

Debate ensued.

Amendment - put and passed.

Question - That the motion, as amended, be agreed to - put and passed.

## 8. Select Committee into the Fremantle Eastern Bypass - Establishment

Motion No. 5 having been called.

Debate resumed on the amendment of Hon Norman Moore as follows -

That the words "That a Select Committee of five Members is appointed, any three of whom constitute a quorum" be deleted and the following words be substituted -

" That the Standing Committee on Public Administration and Finance be required ",  
to the motion of Hon Simon O'Brien as follows -

- (1) That a Select Committee of five Members is appointed, any three of whom constitute a quorum, to inquire and report on the history of that part of the Metropolitan Region Scheme known as the Fremantle Eastern Bypass and related road infrastructure including -
  - (a) initial inclusion of the bypass in the Metropolitan Region Scheme;
  - (b) subsequent modifications to the Metropolitan Region Scheme in respect of the bypass;
  - (c) the decision making process and advice given to Government by relevant Government agencies including agencies responsible for Main Roads, Planning, Transport and Environment;
  - (d) directions given by Government to agencies with responsibility for decision making; and
  - (e) other matters pertaining to the history and possible future of the Fremantle Eastern Bypass that the Committee may consider useful to bring to the attention of the House.
- (2) The Committee have power to send for persons, papers and records and to travel from place to place.
- (3) Standing Orders 322, 323, 330 and 331 apply to the proceedings of the Committee and any contrary or inconsistent provision of Chapter XXIII is modified accordingly.
- (4) The Committee may present interim reports without a requirement for leave is to report finally not later than November 30 2002.

Amendment - put.

The House divided.

### Ayes (14)

Hon George Cash  
Hon Murray Criddle  
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 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 Graham Giffard  
 Hon Dee Margetts

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

Amendment thus negatived.

## **9. Statement by President - Answer to Question with Reference to a Legislative Assembly Hansard Report**

The President made the following Statement -

Since the last sitting of this House, I have considered question without notice 289 and the answer to the same. Hon Norman Moore asked -

“I refer the Minister to the views of Dr Gallop in 1997 on the legislation to give the President of the Legislative Council a deliberative vote, when he said that any such proposal was a cynical attempt to subvert the will of the people.

- (1) How does the Minister reconcile this complete about-face by the Labor Party on this issue when there has been no effort by the Government to ascertain that the will of the people has changed since 1997?
- (2) Why did the Labor Party’s view of the proposal represent a subversion of the will of the people in 1997 but does not do so in 2002?”

Hon Nick Griffiths, being the Minister present on Thursday, October 24, replied -

“I thank the Member for some notice of this question. The Minister has provided the following answer -

- (1-2) I refer the Member to Premier Gallop’s answer in *Hansard* dated October 17 2002 to parliamentary question No. 215.”

I draw Members’ attention to Standing Order No. 94, which is taken to apply to references to any proceedings in another place. Not only is it discourteous to this House to answer a question in terms of a Legislative Assembly *Hansard* reference, but it is also out of order.

## **10. Questions Without Notice**

Questions without notice were taken.

The Leader of the House tabled documents in relation to a list of women and the positions to which they have been appointed to Government Boards or Advisory Bodies since February 2001 in response to question on notice No. 218 asked by Hon Barbara Scott. (Tabled paper 424).

The Minister for Housing and Works tabled documents in relation to a copy of a Report titled ‘Options for the Development of a Western Australian Electricity Market, - A Report for Western Power (February 1998) by London Economics in response to question on notice No. 204 asked by Hon George Cash. (Tabled paper 425).

The Parliamentary Secretary to the Minister for State Development tabled documents in relation to a list of companies that received loan assistance and subsidy programs through the Department of Industry and Technology Development Schemes for the last four financial years in response to question on notice No. 156 asked by Hon Jim Scott. (Tabled paper 426).

# **11. Select Committee into the Fremantle Eastern Bypass - Establishment**

Debate resumed on the motion of Hon Simon O'Brien (cf item 8 above).

Question - put.

The House divided.

## **Ayes (14)**

Hon Alan Cadby  
Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan

Hon Frank Hough  
Hon Barry House  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
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 Graham Giffard  
Hon Dee Margetts

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

Question thus negatived.

# **12. Address-In-Reply**

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

Debate resumed.

Hon Bruce Donaldson moved -

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.

”.

On the motion of Hon Norman Moore the debate was adjourned to the next sitting.

# **13. Railway (Jandakot to Perth) 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 Hon Simon O'Brien as follows -

That the Order of the Day for the second reading of the Bill be discharged and the Bill be  
referred to the Standing Committee on Public Administration and Finance.

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

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

The President reported the receipt of Message No. 23 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

**15. Emergency Services Levy Bill 2002**

The President reported the receipt of Message No. 24 from the Legislative Assembly forwarding the Bill for concurrence.

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

Question - put and passed.

Bill read a first time.

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

**16. Adjournment**

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

Debate ensued.

Hon John Fischer, by leave, tabled a copy of a letter from the Shire of Cue addressed to Hon John Fischer concerning escalating crime in Cue. (Tabled paper 427).

Question - put and passed.

The House adjourned at 10.22pm until Wednesday, November 6 2002 at 3.30pm.

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

Attendance: Present all Members except Hon Nick Griffiths, Hon Louise Pratt and Hon Bill Stretch.

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

**HON JOHN COWDELL**  
President of the Legislative Council