

# LEGISLATIVE COUNCIL

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## MINUTES OF PROCEEDINGS

No. 25

TUESDAY, NOVEMBER 12 2002

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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. Petition**

Hon Derrick Tomlinson presented a petition from 454 residents of Western Australia opposing the ban on the docking of tails of certain breeds of dogs. (Tabled paper 448).

**3. Ministerial Statement - Animal Welfare Bill 2001**

The Minister for Local Government and Regional Development made a Ministerial Statement with respect to the regulations for tail docking of dogs under the *Animal Welfare Bill 2001*.

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

**4. Ministerial Statement - Metropolitan Region Scheme No. 1055/33 - Fremantle Eastern Bypass**

The Parliamentary Secretary to the Minister for Planning and Infrastructure made a Ministerial Statement with respect to the Metropolitan Region Scheme No. 1055/33 - Fremantle Eastern Bypass.

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 -

**President**

*Auditor General's Papers -*

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**Minister for Housing and Works**

*Annual Reports -*

Marine Parks and Reserves Scientific Advisory Committee (2001-2002)  
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Local Government Act 1995 (Shire of Merredin Repeal Local Law 2002 G.G. 05/11/2002) ..... 444

**Minister for Racing and Gaming***Annual Reports -*

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*Regulations -*

Construction Industry Portable Paid Long Service Leave Act 1985 (Construction Industry  
Portable Paid Long Service Leave Amendment Regulations (No. 2) 2002 G.G. 05/11/2002) ..... 446

**Parliamentary Secretary to the Minister for Health***Orders -*

Poisons Act 1964 (Poisons (Appendix A Amendment) Order 2002 G.G. 08/11/2002) ..... 447

**6. Railway (Jandakot to Perth) Bill 2002 - Contingent Notice of Motion - Referral to the Standing Committee on Public Administration and Finance**

Hon Peter Foss: To move on the next day of sitting -

That upon Order of the Day No. 72 the *Railway (Jandakot to Perth) Bill 2002* being called on, I shall move that Motion No. 9, *Perth Urban Rail Development - Tabling of Questions and Referral to Standing Committee on Public Administration and Finance* be dealt with prior to considering Order of the Day No. 72 and that it continue to be dealt with in priority to that Order of the Day whenever that Order of the Day is called on until disposed of.

*Point of Order*

Minister for Housing and Works raised the following Point of Order -

As I understand it, that would be a contingency motion. I understand that a long time ago the Chair of this House asked for, and secured, an agreement whereby contingency motions would not be deployed in this House until they were further considered and a decision reached by the Standing Orders Committee. In the time in which I was Leader of the Opposition, I complied with the request of the Chair, which I would have thought is a request that still stands. I seek the President's early ruling on whether a contingency motion provision has now suddenly been provided for through some mechanism that at least I am unaware of.

*President's Ruling*

The President ruled as follows -

I will give consideration to the Point of Order that has been raised prior to the issue coming up. It is a notice of motion at the moment, and I will give consideration to that Point of Order.

**7. Australian Involvement in Military Action in Iraq**

Motion No. 6 having been called.

Debate resumed on the motion of Hon Dee Margetts as follows -

That this House notes -

- (1) The recent comments from the Prime Minister and Minister for Foreign Affairs regarding Australia's possible support for US military action in Iraq.
- (2) That these comments were made in the absence of any United Nations resolution or processes.
- (3) The threat to the livelihood of Western Australian agricultural producers and exporters in light of the Prime Minister's indication that any request for Australian assistance would be considered against the "national interest test".

- (4) The statements from Labour Leader Simon Crean that Mr Howard's and Mr Downer's statements are out of step with other international opinion.
- (5) The likely impact on the civilian population, particularly women and children.

Therefore, the Legislative Council informs the Federal Government that it does not support Australian involvement in military action in Iraq without UN backing.

Debate ensued.

*Interruption of Debate* [SO 195].

## **8. Order of Business - Point of Order**

The Leader of the House raised the following Point of Order -

In relation to the Order of Business before the House. Honourable Members will note that I have asked that the Order of Business on the Business Program be structured to make Order of the Day No. 1 the Address-in-Reply and Order of Day No. 2 the *Animal Welfare Bill 2001*. I did that for convenience because I could not think of any other way to do it. I remind Honourable Members that on November 7 last, the House considered a motion that the Order of the Day for the *Animal Welfare Bill 2001* be made the first Order of the Day for today and subsequently during that day the House in its wisdom made a decision by an absolute majority to support that motion. My difficulty, Mr President, is that we are constrained by the Standing Orders of the House which place the Address-in-Reply as the first Order of the Day. It seems that having made the determination that the Order of the Day in respect of another Order of the Day, specifically No. 36, be made the first Order of the Day, we are in a difficult situation because the Standing Orders prohibit the effect of the motion which was carried by an absolute majority on Thursday. It seems that the motion is a nullity. Mr President, I ask for your view on this matter. It is essentially a moot point because the Government seeks to achieve nothing out of this because clearly it wants to deal with the *Animal Welfare Bill*. It seems that we either deal with it first or not at all in respect of the manner in which we proceed through the business today.

*President's Ruling*

The President ruled as follows -

The advice of the Leader of the House is correct. A motion was passed last week that the *Animal Welfare Bill 2001* be considered as the first item today, Tuesday. However, that becomes the first item after the Address-in-Reply. The Standing Orders provide that the Address-in-Reply has precedence. A motion would have been required to suspend the operation of the Standing Orders for that purpose, so that in this regard the Standing Orders have precedence over the Orders of the House. This means that the Order of the House is implemented and the *Animal Welfare Bill* is the first item after what is required in the Standing Orders. It is in the correct order that it appears on the Notice Paper and we will proceed to the Address-in-Reply.

## **9. Parliamentary Secretary to the Minister for Planning and Infrastructure - Personal Explanation - Metropolitan Region Scheme No. 1055/33 - Fremantle Eastern Bypass**

The Parliamentary Secretary to the Minister for Planning and Infrastructure, by leave, made a personal explanation [SO 85] correcting his Ministerial Statement on the Metropolitan Region Scheme No. 1055/33 - Fremantle Eastern Bypass.

## 10. Address-In-Reply

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

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.

”.

to the motion of Hon Sue Ellery as follows -

That the following address be presented to His Excellency -

To His Excellency, Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Debate resumed.

On the motion of Hon Robyn McSweeney the debate was adjourned to the next sitting.

## 11. Questions Without Notice

Questions without notice were taken.

The Parliamentary Secretary to the Minister for State Development tabled documents in relation to a copy of determination from the Environmental Protection Authority to the Minister for State Development in relation to the interim joint proponents of the proposed Ord River Irrigation Area Stage 2, Kununurra in response to a question without notice asked by Hon Robin Chapple. (Tabled paper 449).

The Leader of the House in accordance with Standing Order No 138(d), provided a response to questions on notice Nos 168, 169, 170, 171, 172 and 173 asked by Hon Norman Moore.

The Leader of the House tabled documents in relation to the indicative and actual sawlog volumes for jarrah and karri from nominated coupes and compartments logged so far in 2002 in response to question on notice No. 130 asked by Hon Christine Sharp. (Tabled paper 450).

The Minister for Housing and Works in accordance with Standing Order No 138(d), provided a response to questions on notice Nos 174, 175 and 176 asked by Hon Norman Moore.

The Minister for Racing and Gaming in accordance with Standing Order No 138(d), provided a response to questions on notice Nos 177, 178, 180 and 182 asked by Hon Norman Moore.

The Parliamentary Secretary representing the Minister for State Development in accordance with Standing Order No 138(d), provided a response to questions on notice Nos 188, 189 and 190 asked by Hon Norman Moore.

The Parliamentary Secretary representing the Minister for Planning and Infrastructure in accordance with Standing Order No 138(d), provided a response to questions on notice Nos 186 and 199 asked by Hon Norman Moore.

## 12. Animal Welfare Bill 2001

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

The President left the Chair.

**In Committee**  
(Hon George Cash in the Chair)

Clause 19.

Debate resumed.

Clause agreed to.

Clauses 20 to 22 agreed to.

Clause 23.

Debate ensued.

Clause agreed to.

Clause 24.

Debate ensued.

Clause agreed to.

Clause 25 agreed to.

Clause 26.

Debate ensued.

Clause agreed to.

Clause 27.

Debate ensued.

Clause agreed to.

Clauses 28 to 32 agreed to.

Clause 33.

Debate ensued.

Clause agreed to.

Clauses 34 to 37 agreed to.

Clause 38.

Debate ensued.

Clause agreed to.

Clause 39 agreed to.

Clause 40.

Debate ensued.

Clause agreed to.

Clauses 41 to 43 agreed to.

Clause 44.

Debate ensued.

Clause agreed to.

Clause 45 agreed to.

Clause 46.

Debate ensued.

Clause agreed to.

Clause 47 agreed to.

Clause 48.

Debate ensued.

Clause agreed to.

Clauses 49 and 50 agreed to

Clause 51.

Debate ensued.

Clause agreed to.

Clauses 52 to 85 agreed to.

Clause 86.

Debate ensued.

Clause agreed to.

Clauses 87 to 89 agreed to.

Clause 90.

Debate ensued.

Clause agreed to.

Clauses 91 to 93 agreed to.

Clause 94.

Debate ensued.

Clause agreed to.

Clause 95 agreed to.

Clause 96.

Debate ensued.

Clause agreed to.

Clauses 97 and 98 agreed to.

Title agreed to.

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The Deputy President resumed the Chair.

Bill reported without amendment.

Report adopted.

The Minister for Local Government and Regional Development 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.

Bill read a third time and passed.

### **13. Insurance Commission of Western Australia Amendment 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 Leader of the House the debate was adjourned to the next sitting.

### **14. Civil Liability 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 Leader of the House the debate was adjourned to the next sitting.

**15. 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)].

**16. Adjournment**

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

Question - put and passed.

The House adjourned at 11.01pm until Wednesday, November 13 2002 at 3.30pm.

**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