

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 8**

**WEDNESDAY, APRIL 27 2005**

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**1. Meeting of Council**

The Council assembled at 4.00pm pursuant to order.

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

**2. Ministerial Statement - Sitting of the House**

The Leader of the House made a Ministerial Statement with respect to the sitting of the House.

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

**3. Papers**

The following Papers were laid on the Table by -

**Leader of the House**

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## **Minister for Fisheries**

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## **4. Local Government (Financial Management) Amendment Regulations 2005 - Disallowance**

Hon Christine Sharp: To move on the next day of sitting -

That the Local Government (Financial Management) Amendment Regulations 2005 published in the *Gazette* on January 7 2005 and tabled in the Legislative Council on April 5 2005 under the *Local Government Act 1995*, be and are hereby disallowed.

## **5. Uranium Mining and the use of Scandium**

Hon John Fischer: To move on the next day of sitting -

That due to the rapidly changing circumstances and the imperative to use environmentally friendly energy where possible, especially for base load electricity generation, this House -

- (a) consider as a matter of urgency the Government's ban on Uranium mining especially in circumstances such as the Gun Barrel Basin deposit that contains Nickel, Cobalt, Gold, Sulphur, Oil, rare earths, and the world's largest known supply of Scandium;

- (b) notes that Scandium in its own right will make an enormous contribution to the protection of the environment and it would seem to be environmentally irresponsible not to do everything possible to expedite the development of this resource; and
- (c) calls upon the Government to convene a public discussion process under the chairmanship of the local member and Minister for Regional Development, Hon John Bowler MLA, to consider all aspects of joining the world in the development of the nuclear cycle.

## **6. Labour Relations Regulatory Framework**

Motion No. 1 having been called.

Debate resumed on the amendment of Hon Ray Halligan as follows -

After the last line of the motion to insert the following -

Even though the content of the Federal legislation is excellent and contains measures that it would be advisable for the Western Australian Parliament to enact. However, in view of the disastrous approach by the Gallop Government to workplace relations, the House is thankful for the existence of the Commonwealth Industrial Relations system for without it the Western Australian economy, especially the resources area would be in a disastrous situation,

to the motion of Hon Louise Pratt as follows -

That this House calls on the Federal Government to acknowledge the right of the State of Western Australia to maintain our State based labour relations regulatory framework, including -

- (a) the right of Western Australia to enact and enforce its own statutes dealing with industrial relations for the betterment of Western Australian workers, employers and the general community;
- (b) the historical role and scope of the Western Australian Industrial Relations Commission; and
- (c) labour relations policies which offer an alternative from Commonwealth regimes.

Debate ensued.

## **7. Questions Without Notice**

Questions without notice were taken.

## **8. Personal Statement - One Vote One Value**

Hon Peter Foss, by leave, made a personal statement in response to the Ministerial Statement of the Leader of the House on the sitting of the House and the One Vote One Value legislation.

## **9. Labour Relations Regulatory Framework**

Debate resumed on the amendment of Hon Ray Halligan to the motion of Hon Louise Pratt (cf item 6 above).

*Interruption of Debate* [SO 195]

**10. Address-In-Reply**

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

Debate resumed.

*Extension of Time* - Leave granted to Hon Peter Foss to extend his speaking time.

On the motion of Hon Bruce Donaldson the debate was adjourned to the next sitting.

**11. Temporary Sitings**

The Order of the Day having been read -

Debate resumed on the amendments of Hon Norman Moore, as follows -

In line 2 - After "2005," - To insert "the question on a motion under SO 129 that would permit".

In line 2 - To delete the words "the Leader of the House may -".

In lines 3 and 5 - To delete the word "require".

In line 7 - After "Minister" - To insert "is to be resolved without amendment or debate",  
to the motion of the Leader of the House as follows -

In the period that ends with the adjournment of the House on the sitting day immediately preceding May 22 2005, the Leader of the House may -

(a) require the House to sit beyond 10.00pm on any Tuesday or Wednesday or 5.00pm on any Thursday; and

(b) require the House to meet on any Friday at a specified time,

for the sole purpose in either case of dealing with Government business specified by the Leader of the House or a Minister.

Amendments - put and passed.

On the question, That the motion, as amended, be agreed to.

Question - put.

The House divided.

**Ayes (17)**

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Kevin Leahy

Hon Lynn MacLaren  
Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljana Ravlich  
Hon Christine Sharp  
Hon Ken Travers  
Hon Giz Watson  
Hon Ed Dermer (*Teller*)

**Noes (14)**

Hon George Cash  
Hon Murray Criddle  
Hon Paddy Embry  
Hon John Fischer  
Hon Peter Foss  
Hon Ray Halligan  
Hon Barry House

Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O'Brien  
Hon Barbara Scott  
Hon Bill Stretch  
Hon Derrick Tomlinson  
Hon Bruce Donaldson (*Teller*)

Motion, as amended, agreed to.

**12. Sitting beyond 10.00pm**

The Leader of the House moved, without notice -

That the House sit past 10.00pm.

Question - put.

The House divided.

**Ayes (17)**

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Kevin Leahy

Hon Lynn MacLaren  
 Hon Dee Margetts  
 Hon Louise Pratt  
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 Hon Barbara Scott  
 Hon Bill Stretch  
 Hon Derrick Tomlinson  
 Hon Bruce Donaldson (*Teller*)

Question thus passed.

**13. Amendment to Standing Order 61(a) - Sitting Times**

Order of the Day No. 18 having been read.

The Leader of the House pursuant to notice, moved -

Standing Order 61(a) is repealed and the following is substituted -

“

**61. Days and times of meeting**

- (a) Unless otherwise ordered, the Council is to meet in any week for the despatch of business on Tuesday at 2.30pm, Wednesday at 12 noon and Thursday at 11.00am.

”.

Debate ensued.

Hon Norman Moore moved -

To insert after the last line -

“

- (2) This order lapses on the expiration of May 21 2005.

”.

Debate ensued.

Amendment - put and passed.

The Minister for Education and Training moved to amend the motion as amended -

To delete the words “12 noon” and “11.00am” and insert instead in both places -  
“ 10.00am ”.

Debate ensued.

Amendment - put and passed.

Hon Simon O’Brien moved to amend the motion as amended -

To delete the words “2.30pm” and insert instead -  
“ 3.30pm ”.

Debate ensued.

Amendment - put and passed.

On the question, That the motion, as amended, be agreed to.

Question - put.

The House divided.

#### Ayes (17)

Hon Kim Chance  
Hon Robin Chapple  
Hon Kate Doust  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford  
Hon Graham Giffard  
Hon Nick Griffiths  
Hon Kevin Leahy

Hon Lynn MacLaren  
Hon Dee Margetts  
Hon Louise Pratt  
Hon Ljiljana Ravlich  
Hon Christine Sharp  
Hon Ken Travers  
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Hon Ed Dermer (*Teller*)

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Hon Ray Halligan  
Hon Barry House

Hon Robyn McSweeney  
Hon Norman Moore  
Hon Simon O’Brien  
Hon Barbara Scott  
Hon Bill Stretch  
Hon Derrick Tomlinson  
Hon Bruce Donaldson (*Teller*)

Motion, as amended, agreed to.

#### 14. One Vote One Value Bill 2005

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

Debate resumed.

Hon Peter Foss moved -

That the debate be adjourned until the next sitting.

Question - 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 Barry House

Hon Robyn McSweeney  
 Hon Norman Moore  
 Hon Simon O'Brien  
 Hon Barbara Scott  
 Hon Bill Stretch  
 Hon Derrick Tomlinson  
 Hon Bruce Donaldson (*Teller*)

**Noes (17)**

Hon Kim Chance  
 Hon Robin Chapple  
 Hon Kate Doust  
 Hon Sue Ellery  
 Hon Adele Farina  
 Hon Jon Ford  
 Hon Graham Giffard  
 Hon Nick Griffiths  
 Hon Kevin Leahy

Hon Lynn MacLaren  
 Hon Dee Margetts  
 Hon Louise Pratt  
 Hon Ljiljanna Ravlich  
 Hon Christine Sharp  
 Hon Ken Travers  
 Hon Giz Watson  
 Hon Ed Dermer (*Teller*)

Question thus negatived.

Debate resumed.

*Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.  
 A quorum being formed, the debate continued.

*Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.  
 A quorum being formed, the debate continued.

*Want of Quorum*

There not being a quorum present, the Deputy President gave instructions for the ringing of the Bells.  
 A quorum being formed, the debate continued.

*The House having continued to sit until 12 midnight*

Thursday, April 28 2005

Debate continued.

On the motion of Hon George Cash the debate was adjourned to the next sitting.

**15. Adjournment**

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

Question - put and passed.

The House adjourned at 12.05am until Thursday, April 28 2005 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