

**LEGISLATIVE COUNCIL**

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**MINUTES OF PROCEEDINGS**

**No. 4**

**TUESDAY, APRIL 5 2005**

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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. Death of Pope John Paul II and deaths of nine Australian Defence Force personnel in Indonesia - Motion of Condolence**

The President made the following Statement -

Members, we reflect today on the nine Australian Defence Force personnel who lost their lives while assisting the earthquake victims in Indonesia, and on the passing of Pope John Paul II. Both these losses have been recognised by the flying of flags at half-mast this week. I ask Members to stand briefly in silent tribute.

The motion supported by several Members including the President and was carried in silence, Members standing in their places.

**3. Ministerial Statement - Review of the *Rail Safety Act 1998***

The Parliamentary Secretary to the Minister for Planning and Infrastructure made a Ministerial Statement with respect to the Review of the *Rail Safety Act 1998*.

The Parliamentary Secretary to the Minister for Planning and Infrastructure tabled the Review of *Rail Safety Act 1998* (18 October 2004) (Tabled paper 223)

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

**4. Papers**

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**5. Oaths, Affidavits and Statutory Declarations Bill 2005**

The Leader of the House: To move on the next day of sitting -

That a Bill for “An Act about oaths, affidavits and statutory declarations and for related purposes” be introduced and read a first time.

**6. Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2005**

The Leader of the House: To move on the next day of sitting -

That a Bill for “An Act to repeal the *Declarations and Attestations Act 1913* and various adopted Imperial Acts and amend various Acts, as a consequence of the enactment of the *Oaths, Affidavits and Statutory Declarations Act 2005*, and for related purposes” be introduced and read a first time.

**7. Matter of Urgency - Truck ban on Leach Highway and South Street**

The President read the following letter -

Dear Mr President

At today’s sitting it is my intention to move under SO 72 that the Legislative Council consider, as a matter of urgency whether the Gallop Government has sought to deceive the public by its “truck ban on Leach Highway and South Street” announcements of February 2005.

Yours sincerely

Hon Simon O’Brien  
Member for South Metropolitan Region

Four members having risen in support.

Hon Simon O’Brien moved the motion.

Debate ensued.

Motion lapsed.

**8. Address-In-Reply**

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

**9. Questions Without Notice**

Questions without notice were taken.

**10. Address-In-Reply**

Debate resumed on the Address-in-Reply (cf item 8 above).

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

**11. Human Reproductive Technology Act - Repeal of Section 53ZV(1)**

The Order of the Day having been read for the adjourned debate on the motion of Hon Paddy Embry, as follows -

That pursuant to section 53ZV(2) of the *Human Reproductive Technology Act 1991*, section 53ZV(1) of the Act is repealed and that the Legislative Council invites the Legislative Assembly to pass a similar resolution.

Debate ensued.

Question - put.

The House divided.

**Ayes (5)**

Hon Kate Doust  
Hon Paddy Embry  
Hon Simon O'Brien

Hon Barbara Scott  
Hon Ed Dermer (*Teller*)

**Noes (20)**

Hon Alan Cadby  
Hon George Cash  
Hon Kim Chance  
Hon Robin Chapple  
Hon Sue Ellery  
Hon Adele Farina  
Hon Jon Ford  
Hon Peter Foss  
Hon Ray Halligan  
Hon Kevin Leahy

Hon Lynn MacLaren  
Hon Robyn McSweeney  
Hon Dee Margetts  
Hon Norman Moore  
Hon Louise Pratt  
Hon Ljiljana Ravlich  
Hon Christine Sharp  
Hon Bill Stretch  
Hon Giz Watson  
Hon Bruce Donaldson (*Teller*)

Question thus negatived.

**12. Adjournment**

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

Debate ensued.

Question - put and passed.

The House adjourned at 8.56pm until Wednesday, April 6 2005 at 4.00pm.

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

Attendance: Present all Members except Hon Murray Criddle and Hon John Fischer.

Member granted leave: Hon Derrick Tomlinson.

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

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